



UNITED STATES DEPARTMENT OF EDUCATION
OFFICE OF SPECIAL EDUCATION AND REHABILITATIVE SERVICES

APR 26, 2017

Honorable MaryEllen Elia
Commissioner
New York State Education Department
89 Washington Avenue
Albany, NY 12234

Dear Commissioner Elia:

The purpose of this letter is to provide you a summary of the results of the monitoring and support activities conducted by the Office of Special Education Programs (OSEP) during a September 28- 30, 2016 visit to the New York State Education Department (NYSED). In 2016, OSEP began providing differentiated monitoring and support (DMS) to States as part of its Results Driven Accountability (RDA) framework. Under RDA, OSEP made a shift from monitoring based solely on compliance to monitoring and support focused on both compliance and improving results for students with disabilities. OSEP differentiates its approach for each State based on the State's unique strengths, progress, challenges, and needs.

With the DMS process, OSEP conducts an organizational assessment (OA) of risk factors to identify States' progress in meeting performance standards and complying with the requirements of Part B of the Individuals with Disabilities Education Act (IDEA) and its implementing regulations, the Education Department General Administrative Regulations and the Uniform Administrative Requirements, Cost Principles, and Audit Requirements for Federal Awards. OSEP uses the information from the OA and an Engagement Decision Tree to make designations of universal, targeted, or intensive monitoring and support for the fiscal year. The 2016 DMS areas were: 1) Results; 2) Compliance; 3) Dispute Resolution (FFY 2015 Special Focus Area); and 4) Fiscal.

On April 26, 2016, OSEP sent Ms. Patricia Geary, NYSED's former director of special education, the DMS notice for New York, which provided a designation of universal, targeted, or intensive engagement in each of the four 2016 DMS areas. The information in the notice was based on FFY 2013 data in the four areas, along with information about the factors contributing to elevated needs, the support your State has accessed, your State's capacity to improve results and compliance, and additional contextual information. We have attached a copy of the DMS notice for your convenience (Enclosure A.)

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The Department of Education's mission is to promote student achievement and preparation for global competitiveness by fostering educational excellence and ensuring equal access.

Attached is a summary of the results of the specific areas that were the subject of OSEP's monitoring and support activities (Enclosure B.) If OSEP identified findings of noncompliance with IDEA requirements, you will find specific information, within the attachments for each DMS area, regarding the corrective actions the State must take to address the noncompliance. If you have any questions, please contact Leticia Braga, your OSEP State Lead, at 202-245-6793.

Sincerely,

/s/

Ruth E. Ryder
Acting Director
Office of Special Education Programs

Enclosures:

Enclosure A

Enclosure B

cc: State Director of Special Education