



THE STATE EDUCATION DEPARTMENT / THE UNIVERSITY OF THE STATE OF NEW YORK / ALBANY, NY 12234

TO: P-12 Education Committee

FROM: John B. King, Jr.

SUBJECT: Results for Students with Disabilities and Strategies to Improve Performance

DATE: June 10, 2011

AUTHORIZATION(S):

SUMMARY

Issue for Discussion

Results for students with disabilities and strategies to improve performance.

Reason for Consideration

For information.

Proposed Handling

This report will come before the P-12 Education Committee in June 2011 for discussion.

Background Information

The 2009-10 school year is the fifth year of the State's six-year State Performance Plan (SPP) as required by the Individuals with Disabilities Education Act (IDEA) to measure the State's progress on 20 compliance and performance indicators relating to students with disabilities. A summary of that report was provided to the Regents at the time of the latest submission to the federal Office of Special Education Programs (OSEP) in February 2011.

The current report presents results on some of the key outcome measures for students with disabilities from the 2009-10 school year. The 2009-10 results for students on Grades 3-8 English language arts (ELA) and math State assessments were released in July 2010. The 2006 total cohort outcomes and types of diplomas achieved by all students were released in June 2011. This report provides some additional disaggregated data for the students with disabilities subgroup.

Based on our analysis of the outcome data and as required by IDEA, school districts are identified by the P-12: Office of Special Education as meeting requirements, needing assistance, needing intervention, and “at risk” of needing assistance or intervention. Identification is based on data in the areas of graduation, dropout rates, State assessments and certain compliance issues most related to results for students with disabilities. The P-12: Office of Special Education then directs intervention in these districts through its regional technical assistance network and dissemination of best practices.

RESULTS

Classification Rate

For the first time in six years, the classification rate for students with disabilities dropped slightly from 13.2 percent to 13.1 percent of total enrollment in public and nonpublic schools. This drop reflects a reduction of almost 10,000 students in the total number of identified students with disabilities in New York State (NYS), including 5,000 fewer students with disabilities in New York City (NYC). Over the last six years, the numbers in NYC had grown by 25,000 while the total in the rest of the State had dropped by 30,000. This occurred while the total school-age population in NYS fell by approximately 300,000. The reverse trend in NYC over the last several years for students with disabilities is most likely a result of improved record keeping through the individual student record system, the retention of more students in high school beyond a fourth year, as well as some increase in referrals for special education.

Least Restrictive Environment

NYS has continued to meet its SPP targets for placement of students in less restrictive settings with increased access to nondisabled peers. The number of regions placing more than 6.9 percent of students in separate settings has dropped from 16 regions in 1996-97 to two regions in 2010-11. However, particularly as a result of placement patterns in NYC and several of the Big 4 Cities, NYS remains significantly more segregated than the rest of the country with 22.9 percent versus 14.9 percent nationally participating in general education less than 40 percent of the day and 6.4 percent versus 2.9 percent placed in separate settings with no access to nondisabled peers. This result reflects our continued reliance on private school placements and separate public schools, especially in NYC and certain BOCES regions.

Performance on State Assessments

Under New York's accountability system, there were 672 school districts that were required to make Adequate Yearly Progress (AYP) in one or more grades and subjects in which they had a sufficient number of students with disabilities. Only 30.8 percent of these districts made AYP in 2009-10, down from 82.7 percent of the required districts in 2008-09. This large decrease in the number of districts making AYP is due to more stringent accountability rules used to determine AYP under No Child Left Behind (NCLB).

There is a large gap in the percentage of school districts that make AYP, for the students with disabilities subgroup, between the various need/resource capacity categories of school districts. For example, 64 percent of low need districts made AYP compared to only 11 percent of urban-suburban high need districts and none of the large four cities or NYC's geographic districts.

Regents Examination Results

The number of students with disabilities taking and passing the Regents examination in English continued to increase in 2009-10. In 2009-10, 26,678 students with disabilities took the ELA Regents examination, compared to 24,815 in the 2008-09 school year. In 2009-10, 47 percent of students with disabilities who were tested on the ELA Regents examination passed with a score of 55 or higher, while 39 percent passed with a score of 65 or higher. In 2010, approximately 3,000 more students with disabilities passed the ELA Regents at a score of 55 or higher than in 2009 with 2,500 of those representing an increase in those passing with a score of 65 or higher. These changes reflect the expanding access of students with disabilities to Regents level content area courses and correlate with an increasing number of students with disabilities earning Regents diplomas.

However, many students with disabilities (36.4 percent) still have not taken the ELA Regents exam within four years of entering high school. In addition, many students have continued to rely on the Regents Competency Tests (RCT), although only 51 percent of those taking the Reading RCT assessment in 2010 passed the test. The 2010-11 cohort is the last cohort that will have the option of using the RCTs in order to earn a local diploma. It is important to note that the RCT assessments are not aligned with NYS' current learning standards nor those that are being adopted through the Common Core Standards.

Exiting Data: Graduation and Dropouts Results

The total cohort of students with disabilities has increased annually since 2002. The 2006 total cohort was 32,696, which represented a 22.5 percent increase over the 2002 total cohort of 26,678. This may be another artifact of better record keeping given the new individual student record system.

Even with an increase in the number of students with disabilities in the total cohort, the four-year graduation rate of students with disabilities as of June 2010 improved slightly, from 44.0 percent for the 2005 total cohort to 44.1 percent for the 2006 total

cohort. An additional 754 students graduated after the summer months, raising the graduation rate for the 2006 cohort to 46.4 percent. The graduation rate was higher in August 2010 compared to June 2010 in every Need/Resource Capacity category of school districts, with the greatest percentage point increase in NYC from 27.9 to 30.7 percent.

There is a significant range of graduation rates for the 2006 total cohort as of August 2010 by Need/Resource Category of school districts. The rate of 27.0 percent in the large four cities is close to one-third of the 76.6 percent in low need school districts, while the dropout rate in the large four cities (33.7 percent) is ten times the rate in low need districts (3.3 percent).

There is some significant progress to be noted. The number of students with disabilities graduating annually from high school, regardless of which cohort they belong to, has increased from 7,699 in the 1996-97 school year to 17,297 in the 2009-10 school year. This is a 125 percent increase, probably resulting to some extent from the greatly improved individual student record system versus a dramatic change in actual enrollment or classification rate. In addition, since the 1995-96 school year, when 526 students with disabilities earned a Regents diploma, there has been a trend of significantly increasing numbers each year. In 2009-10, 8,269 students with disabilities earned a Regents diploma. Despite this, a much larger percentage of students with disabilities continue to meet the graduation requirements to earn a local diploma rather than a Regents diploma. In the 2006 total cohort as of August 2010, 48.6 percent of students with disabilities earned a local diploma compared to 13.8 percent of all students while only 6.7 percent of students with disabilities earned a Regents Diploma with Advanced Designation compared to 40.7 percent of all students.

Finally, a greater percentage of students with disabilities in high-need districts earn an individualized education program (IEP) diploma compared to students with disabilities in low-need districts. For example, 17.7 percent of students with disabilities in the 2006 total cohort as of August 2010 in rural high-need districts earned an IEP diploma compared to 4.2 percent of students with disabilities in low-need districts. The widespread concern with the overuse of IEP diplomas has been discussed with the Regents and has resulted in this month's presentation to the Regents on an alternate credential.

DEPARTMENT STRATEGIES TO IMPROVE RESULTS

Despite the progress being made, it is evident that far more must be done to ensure that students with disabilities are receiving the education needed to make them college and career ready when they leave high school. The P-12: Office of Special Education has made the improvement of outcomes for students with disabilities its highest priority and is targeting significant resources to increasing the knowledge and expertise of district and school based personnel. The Department's key initiatives to improve performance results for students with disabilities include, but are not limited to, the following.

Focused Monitoring Review Process

The P-12: Office of Special Education, Special Education Quality Assurance (SEQA) Regional Offices use a focused review monitoring process to purposefully select priority areas for monitoring for compliance in a school district's policies, procedures and practices in those areas most likely to lead the district to improved results and educational benefit for students with disabilities. Monitoring priorities for 2011-12 include, but are not limited to, quality IEP development; timeliness of individual evaluations and provision of special education services; transition planning; and the provision of IEP recommended special education programs and services for students with disabilities.

Identification of Low Performing School Districts for Students with Disabilities

Under the State's IDEA accountability requirements, each year the State must identify whether a school district "Meets Requirements," "Needs Assistance," "Needs Intervention" or "Needs Substantial Intervention." The criteria the State used in prior years for such determinations were based primarily on the results of students with disabilities in the areas of ELA performance, graduation rates and dropout rates. Most school districts were identified based on high dropout and low graduation rates for this subgroup.

- During the 2010-11 school year, the P-12: Office of Special Education identified 95 school districts as "Needs Assistance" or "Needs Intervention" (32 in NYC and 63 in the rest of the State). Below are numbers of school districts identified and reasons for identification. These numbers total more than 95 because some school districts are identified for multiple issues.
 - 56 were determined to need assistance or intervention based on low graduation rates for students with disabilities;
 - 75 were identified for high dropout rates for students with disabilities;
 - 3 were identified for not making AYP for two or more consecutive years for students with disabilities;
 - 3 were identified based on noncompliance with completing timely evaluations of children for special education services;
 - 2 were identified based on noncompliance with implementing the requirements related to the transition of children from the Department of Health's Early Intervention program to preschool special education and services to children by their third birthday; and
 - 7 were identified based on noncompliance with implementing transition requirements for students aged 15 and older.

- Each identified school district received technical assistance support to improve results through the State’s Regional Special Education Technical Assistance Support Centers (RSE-TASC). This support, provided throughout the school year, focused on assisting districts to improve their instructional practices related to literacy instruction, behavioral supports and/or the quality of the special education specially-designed instruction provided to the students with disabilities.
- P-12: Office of Special Education SEQA staff analyzed, identified and worked with these districts to resolve issues relating to a district’s policies, procedures and practices in areas most related to the reasons a district was identified as “Needs Assistance” or “Needs Intervention.”
- Over the past two years, 39 school districts that were identified as “Needs Assistance” or “Needs Intervention” that were provided technical assistance through P-12: Office of Special Education networks and support and/or interventions from the SEQA Regional Offices improved to the extent that they no longer met the criteria for these determinations.
- Beginning in the 2011-12 school year, the P-12: Offices of Special Education and Accountability will align their identification of school districts and resulting actions. This strategy will be beneficial to school districts and the State by:
 - providing greater clarity for school districts on the criteria used when they are identified for the results of students with disabilities;
 - enhancing the diagnostic reviews of schools/districts where the low performance results are for the subgroup of students with disabilities, building on the knowledge and expertise of the P-12: Office of Special Education and its technical assistance providers; and
 - providing no-cost embedded professional development technical assistance support through the State’s RSE-TASC to identified schools/districts to implement school improvement plans for the subgroup of students with disabilities.

Goals and Strategies to Improve Results for Students with Disabilities

In conjunction with the State’s reform efforts for all students, the P-12: Office of Special Education has established a focused plan to address key instructional and related issues that lead to poor results for students with disabilities. For the 2011-12 school year, the P-12: Office of Special Education will implement the following specific activities related to these key areas:

1. IEPs for students with disabilities.

- Require all school districts to use the State IEP form beginning with all IEPs to be in effect for the 2011-12 school year and thereafter.
- Continue regional training on quality IEP development through the State's Regional Special Education Training Specialists.
- Provide ongoing technical assistance to special education administrators on the requirements and implementation of quality IEPs through the P-12: Office of Special Education SEQA Regional Offices.
- Provide continuously available comprehensive on-line training on the State's IEP form, a guidance manual on quality IEP development, examples of completed IEPs and periodically updated question and answer documents.
- Guide school teams through a review of IEPs to assess educational benefit provided to students with disabilities (SEQA Regional Offices and technical assistance providers).

2. Transition planning and services for students with disabilities ages 15 and older.

- Continue to monitor and ensure correction of noncompliance annually for compliance with quality transition planning, including conducting on-site reviews of IEPs as necessary by the SEQA Regional Offices.
- Provide regional and school district technical assistance through the State's RSE-TASC Transition Specialists.
- Develop and deliver information sessions for parents on transition planning through collaboration between the State's Special Education Parent Centers and RSE-TASC Regional Special Education Training Specialists.
- Provide a redesigned web-based technical assistance tool and information through the State's Transition Technical Assistance Center (Cornell University).
- Identify schools with effective practices in instructional programs for transition-age students with disabilities and support, through grants, a mentor relationship with low performing schools (S³TAIR Project). See <http://www.s3tairproject.org/validated-practices/area/special-education>.

3. The timelines of initial individual evaluations and eligibility determinations of students with disabilities.

- Ensure the development and implementation of corrective action plans by districts that fail to provide timely evaluations and eligibility determinations.
- Through Early Childhood Direction Centers, provide technical assistance to school districts and approved preschool programs.

4. The quality of behavioral supports at the school-wide, classroom, small group and individualized levels.

- Positive Behavioral Interventions and Supports (PBIS)
 - Conduct regional information sessions on PBIS through the State PBIS Technical Assistance Center.

- Develop a State website for information on PBIS for all school districts through the State PBIS Technical Assistance Center.
- Deliver PBIS technical assistance support to school districts, particularly those identified with high suspension rates for students with disabilities, through the RSE-TASC Behavior Specialists.
- Continue to update and publicly post *Quality Indicator Review and Resource Guides for Behavioral Supports and Interventions*. This guide is used to assess the quality of a school district's instructional programs and practices in the areas of positive behavioral supports; determine priority need areas for school improvement; and prescribe and plan activities to change practices and improve outcomes for students with disabilities. It addresses the following areas: School-wide Positive Behavioral Systems; Classroom Management; Targeted Small Group Behavioral Interventions; and Intensive Individualized Behavioral Interventions. See <http://www.p12.nysed.gov/specialed/techassist/behaviorQI-310.htm#schoolwide>.
- Continue specialized Behavior Support Project with the Institute of Behavioral Research (IBR) for NYC students presenting the most challenging behaviors.
- Continue to identify schools with effective practices for behavioral supports in programs for students with disabilities and support, through grants, a mentor relationship with low performing schools. (S³TAIR Project). See <http://www.s3tairproject.org/validated-practices/area/positive-behavioral-intervention>.
- Conduct monitoring reviews and follow-up on the correction of noncompliance for districts with data showing disproportionate rates in the long-term suspension of students with disabilities.

5. Special education services and specially-designed instruction.

- Provide regional training and web-based information on research-based teaching strategies for the instruction of students with disabilities through the RSE-TASC Special Education School Improvement Specialists and Regional Trainers.
- Continue to update and publicly post *Quality Indicator Review and Resource Guides for Special Education Instructional Practices*. This guide is used to assess the quality of a school district's instructional programs and practices in the areas of special education delivery; determine priority need areas for school improvement; and prescribe and plan activities to change practices and improve outcomes for students with disabilities. This guide, in development, currently addresses the following areas: Instructional Environment and Practice; Committee on Special Education (CSE) Process; and IEP Development. See <http://www.p12.nysed.gov/specialed/techassist/specedQI.htm>
- Continue to identify schools with effective practices in specially designed instruction for students with disabilities. See <http://www.s3tairproject.org/validated-practices/area/special-education>.

- Monitor school districts to ensure consistency with the State's continuum of special education programs.
- 6. Literacy instruction, including adolescent literacy instruction through specially- designed instruction.**
- Response to Intervention (Rtl):
 - Continue development of model Rtl programs in 14 schools statewide.
 - Continue regional Rtl sessions and web information through the State Rtl Technical Assistance Center.
 - Implement the joint P-12 (Office of Special Education and Office of Curriculum, Instruction and Field Services) Rtl initiative, including the internal workgroup to address State implementation issues, the Rtl Summer Institute, and other regional trainings with the State Rtl Technical Assistance Center.
 - Apply for a federal grant to expand the State's resources to scale up Rtl Statewide, particularly at the early childhood, elementary and middle school levels.
 - Continue to update and publicly post Quality Indicator Review and Resource Guides for Literacy. This guide is used to assess the quality of a school district's instructional programs and practices in the areas of literacy; determine priority need areas for school improvement; and prescribe and plan activities to change practices and improve outcomes for students with disabilities. The guide addresses the following areas: Systemic Support; Early Literacy Instructional Practice; Adolescent Literacy (Middle Level); Adolescent Literacy (High School); and Specially Designed and Intensive Reading for Students with Disabilities. See <http://www.p12.nysed.gov/specialed/techassist/literacyQI-411.htm>.
 - Work with low-performing school districts:
 - Provide embedded professional development to identified low performing school districts on research-based literacy instruction for students with disabilities (RSE-TASC Special Education School Improvement Specialists).
 - Identify schools with effective practices in literacy instruction for students with disabilities and support, through grants, a mentor relationship with low performing schools. (S³TAIR Project)
See <http://www.s3tairproject.org/validated-practices/area/literacy>.
 - Provide regional information to school districts on effective instructional practices for students with disabilities who are English language learners (ELLs).
- 7. Disproportionality by Race/Ethnicity**
- Continue direct technical assistance to school districts identified by their data with disproportionate rates of identification, classification, placement or suspension of students with disabilities by race/ethnicity (New York University's Technical Assistance Center on Disproportionality).

- Provide regional technical assistance on instructional issues for ELL students with disabilities (RSE-TASC Special Education Bilingual Specialists).
 - Conduct monitoring reviews to identify whether a school district has inappropriate policies, procedures and practices leading to data indicating that a school district has disproportionality by race/ethnicity in areas indicated above.
- 8. The use of nonadversarial mechanisms to resolve disputes between parents and districts relating to special education.**
- Provide annual training on special education to mediators from the community dispute resolution centers.
 - Conduct regional information sessions on the use of special education mediation and other alternative dispute mechanisms through collaboration between the New York State Dispute Resolution Association (NYSDRA) and the State's Special Education Parent Centers.
- 9. School District and Regional Leadership**
- Facilitate regularly scheduled (e.g., monthly, quarterly) meetings between the P-12: Office of Special Education SEQA Regional Offices and regional leaders from the BOCES and the Big 4 school districts for discussion and problem-solving of issues impacting results for students with disabilities.
 - Develop and deliver a “Principals Academy” for special education (RSE-TASC Regional Trainers).

Timetable for Implementation

With Regents support, the described activities will proceed.