Improving Special Education Outcomes in New York State

A Report to the Board of Regents
March 11, 2019
Purposes of the Individuals with Disabilities Education Act (IDEA)

- To ensure that all children with disabilities have available to them a free appropriate public education
- To assess, and ensure the effectiveness of, efforts to educate children with disabilities
- To ensure that the rights of children with disabilities and their parents are protected
- To ensure educators and parents/guardians are provided the necessary tools for support and technical assistance
To assess, and ensure the effectiveness of, efforts to educate children with disabilities

<table>
<thead>
<tr>
<th>State Performance Plan (SPP)</th>
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<tbody>
<tr>
<td>• Required for each State</td>
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<tr>
<td>• Evaluates efforts to implement IDEA and describes how the State will make improvements</td>
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<tr>
<td>• Includes baseline data, measurable and rigorous targets, and improvement activities for the 17 indicators</td>
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<tr>
<td>• Reported to the USDE and published for the public</td>
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<tr>
<th>Annual Performance Report (APR)</th>
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<tr>
<td>• Annual report of the State’s performance in the SPP targets</td>
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<tr>
<td>• Includes data, explanation of progress or slippage, and discussion of improvement activities</td>
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<tr>
<th>Identifications of New York State and School Districts</th>
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<td>• The State and school districts may be identified as Meets Requirements, Needs Assistance, Needs Intervention, or Needs Substantial Intervention in implementing the requirements of IDEA.</td>
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New York is identified under IDEA as a State in Need of Assistance

Differentiated Monitoring and Support (DMS) is required for the following areas:

- Longstanding Noncompliance
- Timely Initial Individual Evaluations
- Timeliness of Due Process Hearings
- Graduation Rate
- Dropout Rate
- Participation in State Assessments

Based on data reported in the federal fiscal year (FFY) 2016 SPP/APR
New York State 2016-17 Performance in Meeting SPP Targets

- Indicator 1: Graduation Rates (X)
- Indicator 2: Drop Out Rates (✓)
- Indicator 3: Assessments (X)
- Indicator 4: Suspension/Expulsion (X)
- Indicator 5: Least Restrictive Environment – School Age (X)
- Indicator 6: Least Restrictive Environment – Preschool (X)
- Indicator 7: Preschool Outcomes (X)
- Indicator 8: Parental Involvement (X)
- Indicator 9: Disproportionality in Special Education by Race/Ethnicity (X)
- Indicator 10: Disproportionality in Classification/Placement by Race/Ethnicity (X)
- Indicator 11: Child Find (✓)
- Indicator 12: Early Childhood Transition (X)
- Indicator 13: Secondary Transition (X)
- Indicator 14: Post-School Outcomes (✓)
- Indicator 15: Hearing Requests Resolved by Resolution Sessions (X)
- Indicator 16: Mediation Agreements (X)
- Indicator 17: State Systemic Improvement Plan (✓)
New York State 2017-18 Preliminary* Performance in Meeting SPP Targets

- **Indicator 1:** Graduation Rates
- **Indicator 2:** Drop Out Rates
- **Indicator 3:** Assessments
- **Indicator 4:** Suspension/Expulsion
- **Indicator 5:** Least Restrictive Environment – School Age
- **Indicator 6:** Least Restrictive Environment – Preschool
- **Indicator 7:** Preschool Outcomes
- **Indicator 8:** Parental Involvement
- **Indicator 9:** Disproportionality in Special Education by Race/Ethnicity
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- **Indicator 14:** Post-School Outcomes
- **Indicator 15:** Hearing Requests Resolved by Resolution Sessions
- **Indicator 16:** Mediation Agreements
- **Indicator 17:** State Systemic Improvement Plan

*Data is within the federal Office of Special Education Program’s clarification period and not final until June 2019
The Special Education target areas align to the multiple measures of success to advance equity through the Every Student Succeeds Act (ESSA)
School Age Outcome Indicators

- Graduation and Drop-Out Rates
- Participation and Proficiency in State assessments
- Post-school employment or enrollment in postsecondary school

Preschool Outcome Indicators

- Positive social-emotional skills
- Acquisition and use of knowledge and skills
- Use of appropriate behaviors to meet their need

Performance Outcomes

NYSED Collaborative Approaches to Comprehensive Improvements

- ESSA Strategies to Advance Equity
- Board of Regents Early Childhood Workgroup’s Blue Ribbon Committee recommendations to ensure that all children in New York State have an even start
- My Brother’s Keeper New York State initiatives to improve outcomes for boys and young men of color
- Office of Bilingual Education and World Languages and Office of Special Education efforts to support students who are English Language Learners/Multilingual Learners and who also have an Individualized Education Program (IEP).

Graduation Rate of General Education Students, Students with Disabilities, ELLs/MLLs, and ELLs/MLLs Students with Disabilities June 2013 Cohort vs. June 2014 Cohort

Source: NYS Office of Information Reporting (IRS) 2019
Disproportionality is the disproportionate representation of racial and ethnic groups in special education.

<table>
<thead>
<tr>
<th>Identify the Root of the Problem</th>
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<tr>
<td>Lack of effective pre-referral instruction and intervention services?</td>
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<td>Bias in the assessment process?</td>
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<td>Educator inexperience?</td>
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<th>School-wide Approaches and Pre-referral Interventions</th>
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<td>Are there equitable opportunities for all students to receive supportive interventions that enable them to be successful in the general education environment?</td>
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<th>Evaluation and Monitoring</th>
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<td>Are policies implemented in a consistent manner for all students and that students of different racial or ethnic groups are not treated differently in any schools of the district?</td>
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evidence-based services and supports are used to foster the cognitive, communication, physical, behavioral and social-emotional development of students with disabilities

individualized accommodations, supports and specially-designed instruction are provided to students with disabilities to participate and progress in regular education classes and activities

special education and general education teachers intentionally plan teaching lessons to promote the participation and progress of students with disabilities in learning and social activities

students with disabilities are held to high expectations for achievement

instruction and configuration of classrooms and activities include both students with and without disabilities

Least Restrictive Environment (LRE)

New York State ranks 44th in the Nation for LRE

58.5% of school-age students with disabilities are served inside a general education class 80% or more of the day

43.6% of preschool students with disabilities attend, and receive the majority of their special education and related services in, an early childhood program with typically developing peers
**Pre-Employment Transition Services (Pre-ETS)**

8% unemployment rate for persons with disabilities in 2018 (more than twice the rate of people without disabilities)

32% of working-age people with disabilities were employed compared to 72.7% of people without disabilities

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<th>Services</th>
<th>Details</th>
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<td>Job exploration counseling</td>
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<td>Work-based learning experiences</td>
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<tr>
<td>Counseling on postsecondary options</td>
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<tr>
<td>Workplace readiness training</td>
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<tr>
<td>Instruction in self-advocacy, which may include peer mentoring</td>
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**Who Can Receive Pre-ETS?**

A student with a disability age 14 – 21 who is enrolled in a:

- Secondary education program;
- Non-traditional or alternative secondary education program, including home schooling;
- Other recognized educational programs, such as those offered through the juvenile justice system; or
- Postsecondary education program.

A student can be eligible or potentially eligible for VR services to receive Pre-ETS.

8% unemployment rate for persons with disabilities in 2018 (more than twice the rate of people without disabilities)

32% of working-age people with disabilities were employed compared to 72.7% of people without disabilities.
2018-19 New York State School District IDEA Annual Determinations (44 Districts)

Needs Assistance

**Performance:** based on the Every Student Succeeds Act (ESSA) accountability status determinations for the performance of students with disabilities

**Compliance:** District has findings of noncompliance that remain uncorrected between 12 and 24 months

27 Districts Needs Assistance

Needs Intervention

**Performance:** based on the ESSA accountability status determinations for the performance of students with disabilities

**Compliance:** District has findings of noncompliance that remain uncorrected for more than 24 months

District has been identified as a Needs Assistance or Needs Intervention district under IDEA for more than five consecutive years

17 Districts Needs Intervention
NYSED will implement coordinated interventions and supports in the 44 districts identified as not meeting the requirements of IDEA. At a minimum, the following will occur in these districts:

<table>
<thead>
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<th>Districts</th>
<th>Description</th>
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<tr>
<td><strong>11 Districts</strong></td>
<td>- Identified for compliance only will have compliance assurance plans, professional development plans, and technical assistance supports</td>
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<tr>
<td><strong>30 Districts</strong></td>
<td>- Identified for performance only will have embedded professional development plans</td>
</tr>
<tr>
<td><strong>3 Districts</strong></td>
<td>- Identified for performance and compliance will have compliance assurance plans and embedded professional development plans</td>
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Blueprint for Improved Results for Students with Disabilities

Guidelines developed in consultation with the Commissioner’s Advisory Panel for Special Education and presented to the Board of Regents in October of 2015

- Students engage in **self-advocacy** and are involved in determining their own educational goals and plan.

- Parents, and other family members, are **engaged as meaningful partners** in the special education process and the education of their child.

- Teachers design, provide, and assess the effectiveness of **specially designed instruction** to provide students with disabilities with access to participate and progress in the general education curriculum.

- Teachers provide **research-based instructional teaching and learning strategies** and supports for students with disabilities.

- Schools provide **multi-tiered systems of behavioral and academic support**.

- Schools provide **high quality inclusive programs and activities**.

- Schools provide appropriate instruction for students with disabilities in **career development and opportunities to participate in work-based learning**.

The role of the Blueprint in the work moving forward was included in the June 2017 presentation to the BOR. An update to the Blueprint is currently under development to incorporate principles of the culturally responsive and sustaining education framework.
State Systemic Improvement Plan (SSIP) Required by USDE

Multi-year, achievable plan that is designed to increase the capacity of school districts to implement, scale up, and sustain evidence-based practices.

- NYSED’s SSIP Progress is reported annually to USDE and the public.
- Progress Evaluated through a State Identified Measurable Result (SiMR) grades 3-5 ELA State Assessment.
- Improving literacy outcomes for students classified as students with learning disabilities.
Office of Special Education Internal Restructuring: Merging Efforts and Aligning Priorities

- Monitoring
- Professional Development
- Program Implementation
Working to improve special education outcomes in New York State...

so that every child receives what he/she needs to be successful
Thank You