



Our Students. Their Moment.

Promoting Inclusion of Students with Disabilities

New York State Board of Regents
November 2015





Key Principles

BLUEPRINT FOR IMPROVED RESULTS FOR STUDENTS WITH DISABILITIES

- 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.*

Least restrictive environment (LRE)

LRE means that placement of students with disabilities in special classes, separate schools or other removal from the regular educational environment occurs only when the nature or severity of the disability is such that even with the use of supplementary aids and services, education cannot be satisfactorily achieved.

LRE

The placement of an individual student with a disability in the least restrictive environment shall:

- provide the special education needed by the student;
- provide for education of the student to the maximum extent appropriate to the needs of the student with other students who do not have disabilities; and
- be as close as possible to the student's home.

Discussion

- The research-based benefits to inclusion of students with disabilities in general education classrooms and activities.
- The rights of students with disabilities under federal and State law and regulation relating to LRE.
- Board of Regents policies and goals on LRE.
- A historical review of Department initiatives to address LRE.
- Current status of New York State data results on LRE.
- A proposed policy to increase the percentages of students with disabilities in LRE placements.

Research

Research has consistently demonstrated that the inclusion of students with disabilities in general education classrooms results in favorable outcomes.

Positive outcomes have been shown for both students with high incidence disabilities (learning disabilities and other “mild” disabilities) and those with low incidence disabilities (intellectual, multiple, and ‘severe’ disabilities).”*

* Maryland Coalition for Inclusive Education

Individuals with Disabilities Education Improvement Act of 2004

“Disability is a natural part of the human experience and in no way diminishes the right of individuals to participate in or contribute to society. Improving educational results for children with disabilities is an essential element of our national policy of ensuring equality of opportunity, full participation, independent living, and economic self-sufficiency for individuals with disabilities. Almost 30 years of research and experience has demonstrated that the education of children with disabilities can be made more effective by having high expectations for such children and ensuring their access to the general education curriculum in the regular classroom, to the maximum extent possible.”

Olmstead

- 1999, the United States Supreme Court held in *Olmstead v. L.C.* that unjustified segregation of persons with disabilities constitutes discrimination in violation of Title II of the Americans with Disabilities Act.
- The Court held that public entities must provide services to those with disabilities in the **most integrated setting appropriate.**

2015 Federal Policy on Inclusion of Young Children with Disabilities

- U.S. Department of Education joint policy statement on inclusion of children with disabilities in early childhood programs.
- *“Though this policy statement focuses on including young children with disabilities in early childhood programs, it is our shared vision that all people be meaningfully included in all facets of society throughout the life course. This begins in early childhood programs and continues into schools, places of employment, and the broader community. Inclusion in early childhood programs can set a trajectory for inclusion across the life course, making it critical that we include individuals with disabilities in all facets of society from birth.”*

Board of Regents Policy and Goals

- 1996, the Board of Regents established policy goals to further support reform of the State's preschool special education program
- 1998, the Board of Regents issued a LRE Implementation Policy Paper in which the Board established the principles and assumptions associated with an educational structure that can respond more effectively to the diverse needs of students and their families.

Historical Review of Department Initiatives to Promote LRE

Changes to State laws and regulation

- Expansion of the continuum of special education services to support students in general education classes
- Required LRE documentation in IEPs
- Business plan requirement for preschool providers to provide services in natural settings
- Moratorium on expansion of separate preschool programs
- Interagency planning for children at risk of residential placement (Chapter 600)
- Billy's law – reduce out of state placements
- Space Planning Requirements

Historical Review of Department Initiatives to Promote LRE

**Data
reporting,
monitoring
and State
guidance**

- LRE as a Key Performance Indicator
- Annual public reporting State and school district LRE data
- Required actions (monitoring and use of IDEA funds) for districts with disproportionality by race/ethnicity in LRE data
- Longitudinal study of preschool special education
- Review of all public school capital projects for restructuring of new instructional space

Historical Review of Department Initiatives to Promote LRE

Interagency and Other Collaborations

- Memorandum of Understanding with Head Start
- “Pyramids” State Team for preschool systems of social-emotional and behavioral support
- Preventing residential placements
- Task Force on Quality Inclusive Schooling
- ACCES VR – Transition Referral, Planning and Services Policy

Historical Review of Department Initiatives to Promote LRE

Professional Development and Incentivizing Change

- Systems Change Project
- Collaborations with Higher Education
- State conferences and regional LRE Forums
- Preschool LRE Forums
- Grants to develop and implement integrated educational programs for preschool children with disabilities
- Positive Behavioral Interventions and Supports (PBIS)

Background Data

New York State's Students with
Disabilities

Students with Disabilities in NYS

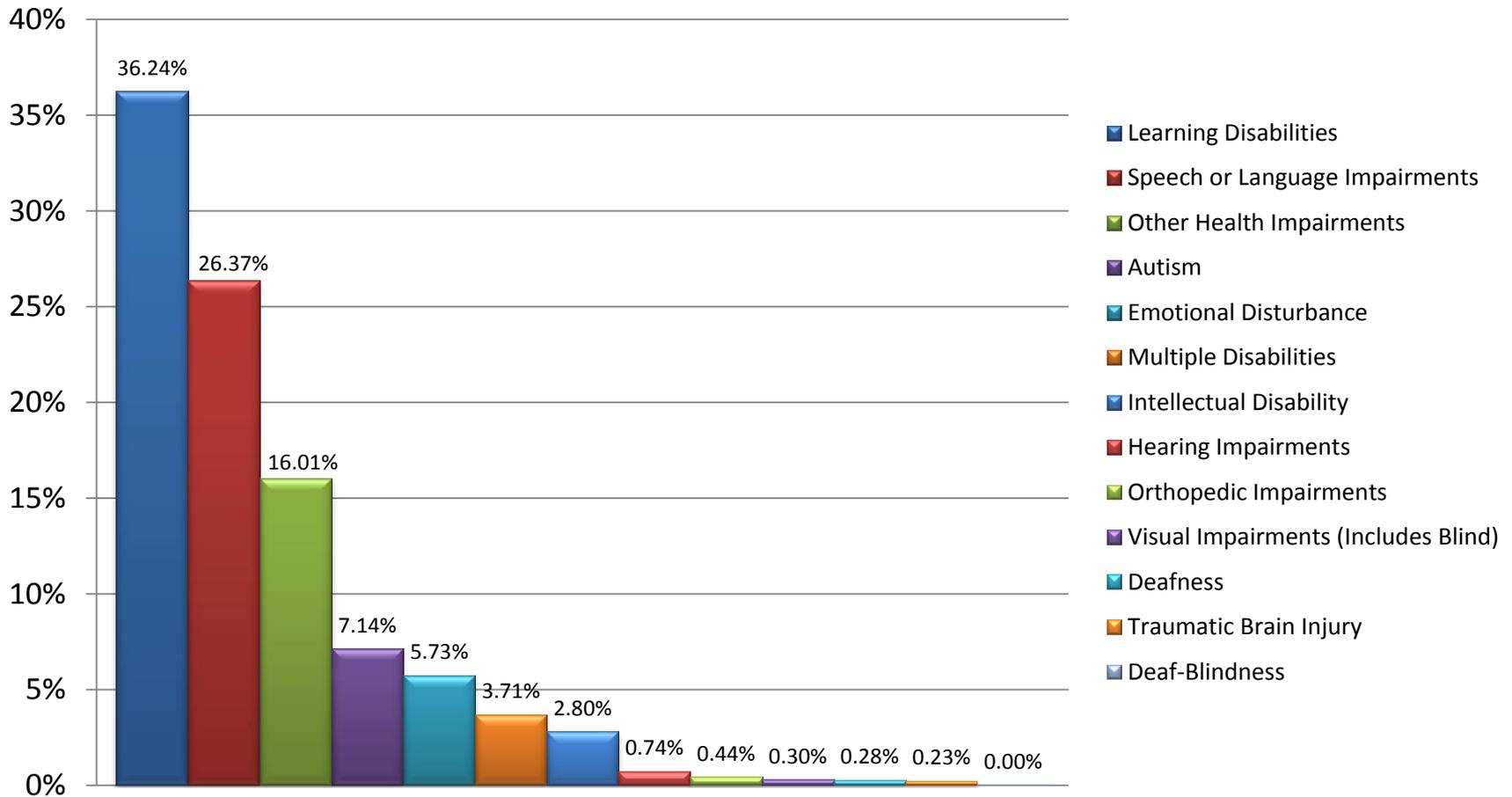
Preschool

- 80,440 students, ages 3-5, are identified as preschoolers with a disability

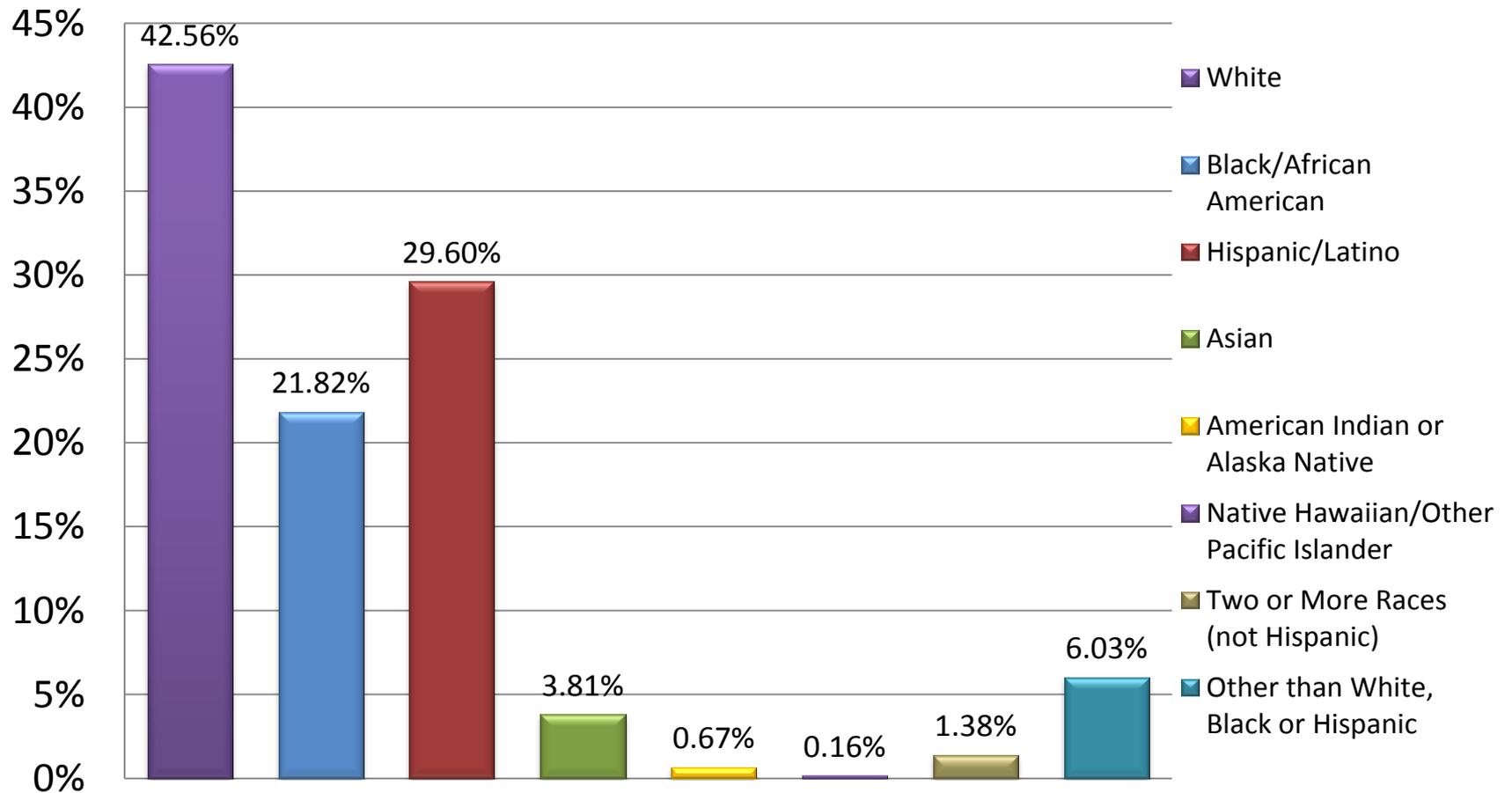
Ages 6-21

- 420,938 students, ages 6-21, are identified as having a disability
- There are 13 disability categories.
- The classification rate statewide is 14.37%

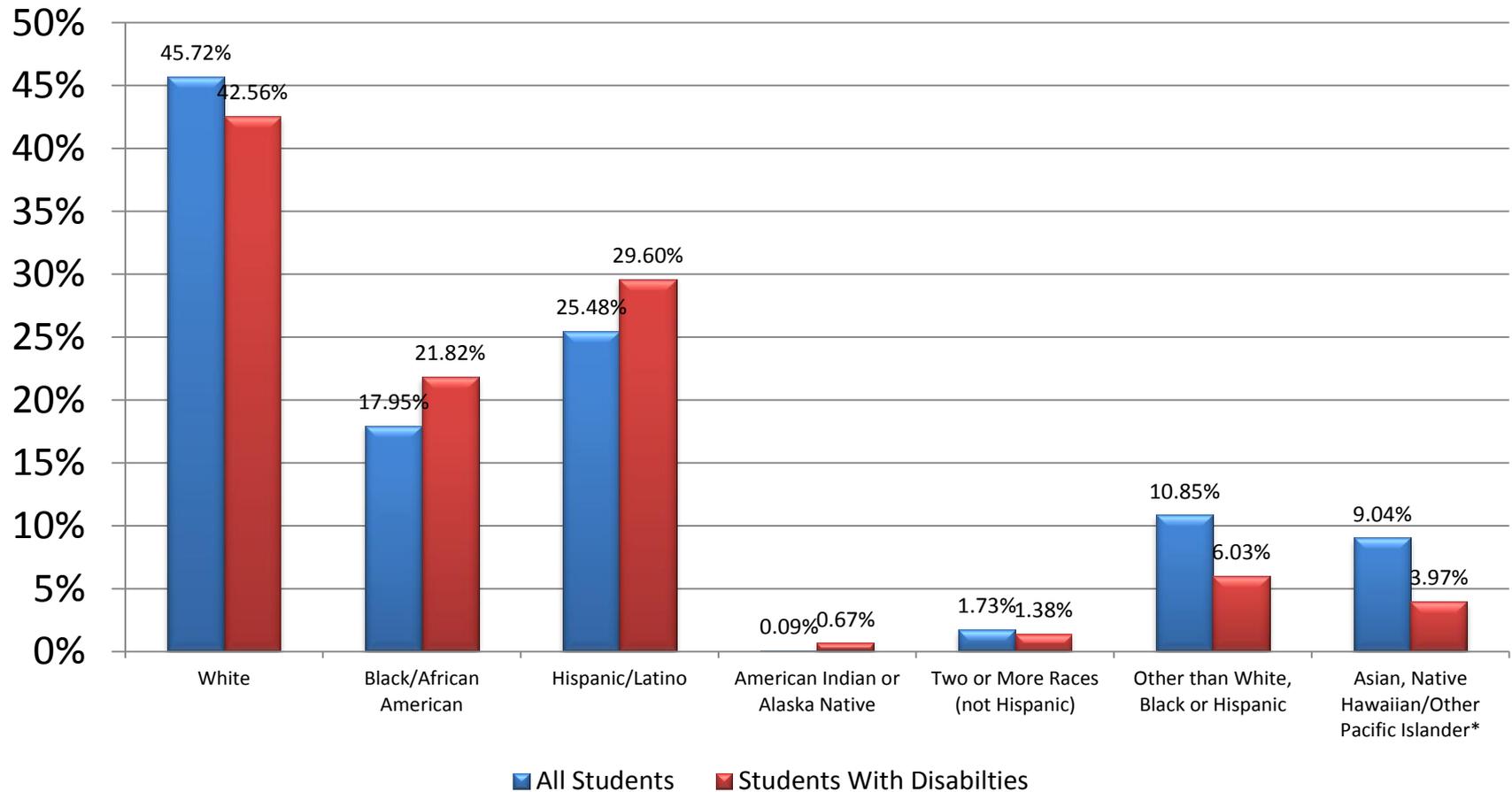
Percent of Students by Disability Category 2014-15



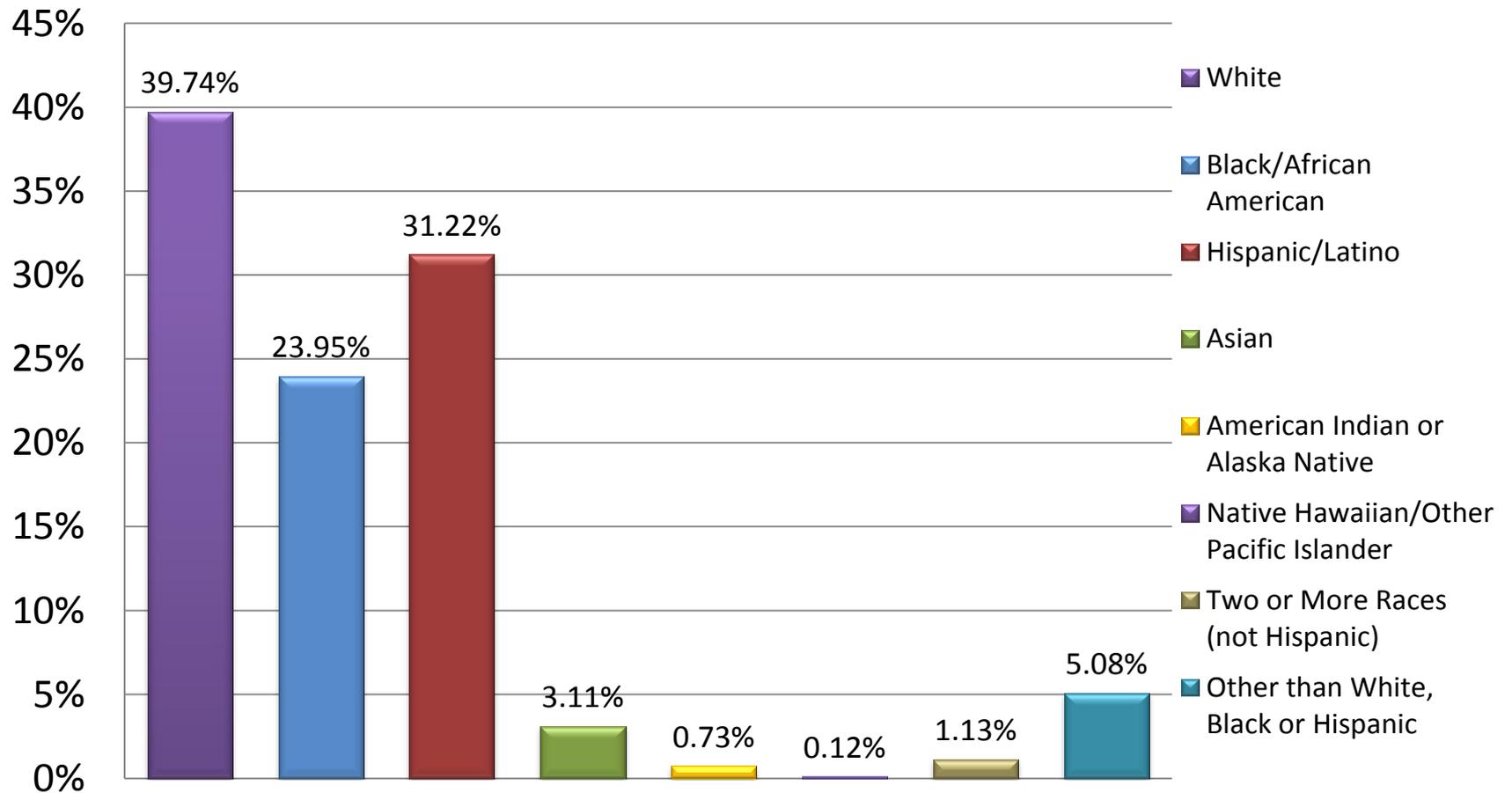
2014-15 Percent of Students with a Disability by Race Ethnicity



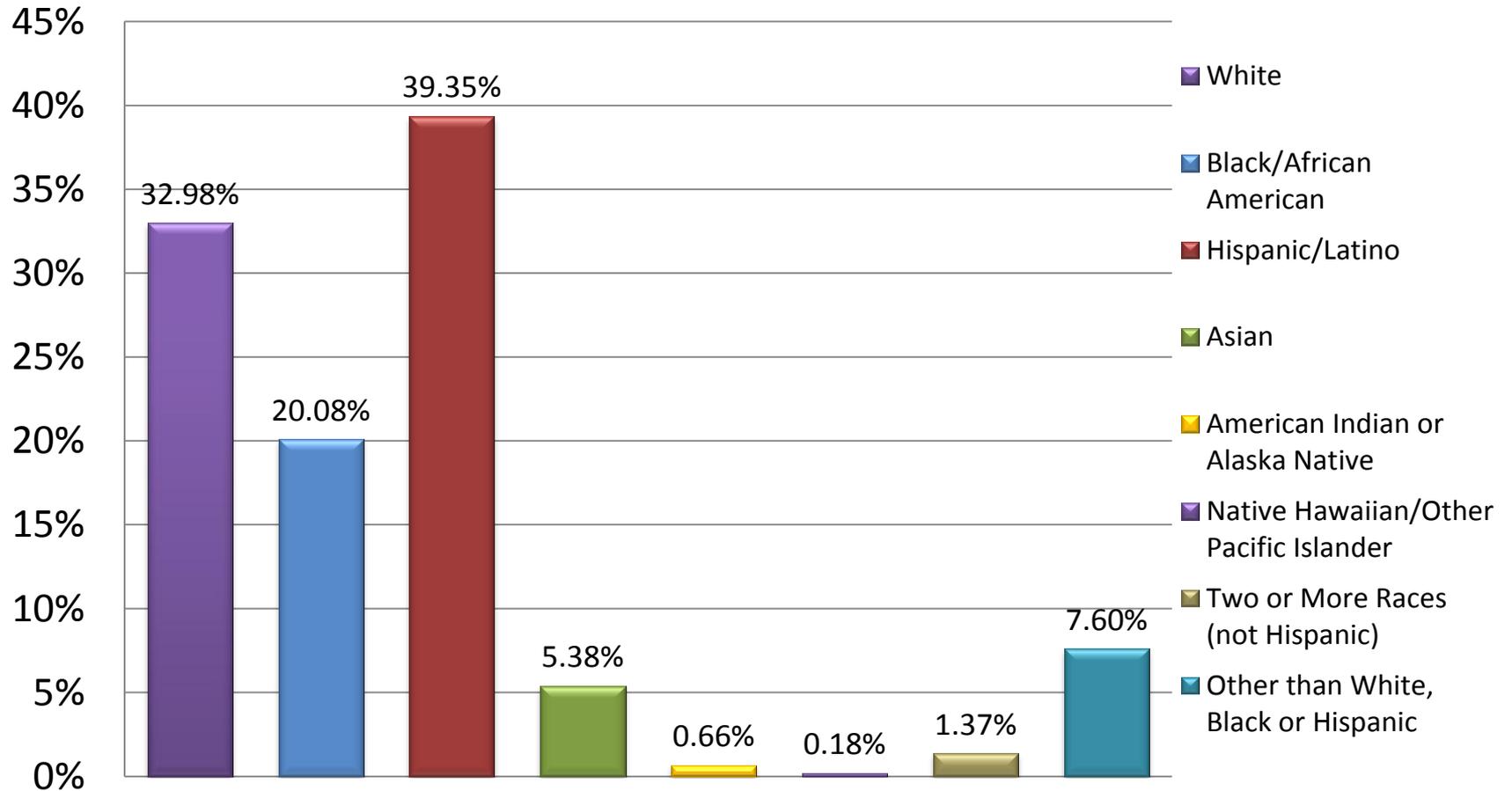
Percent of All Students for each Race/Ethnicity and Percent of Students with Disabilities for each Race/Ethnicity



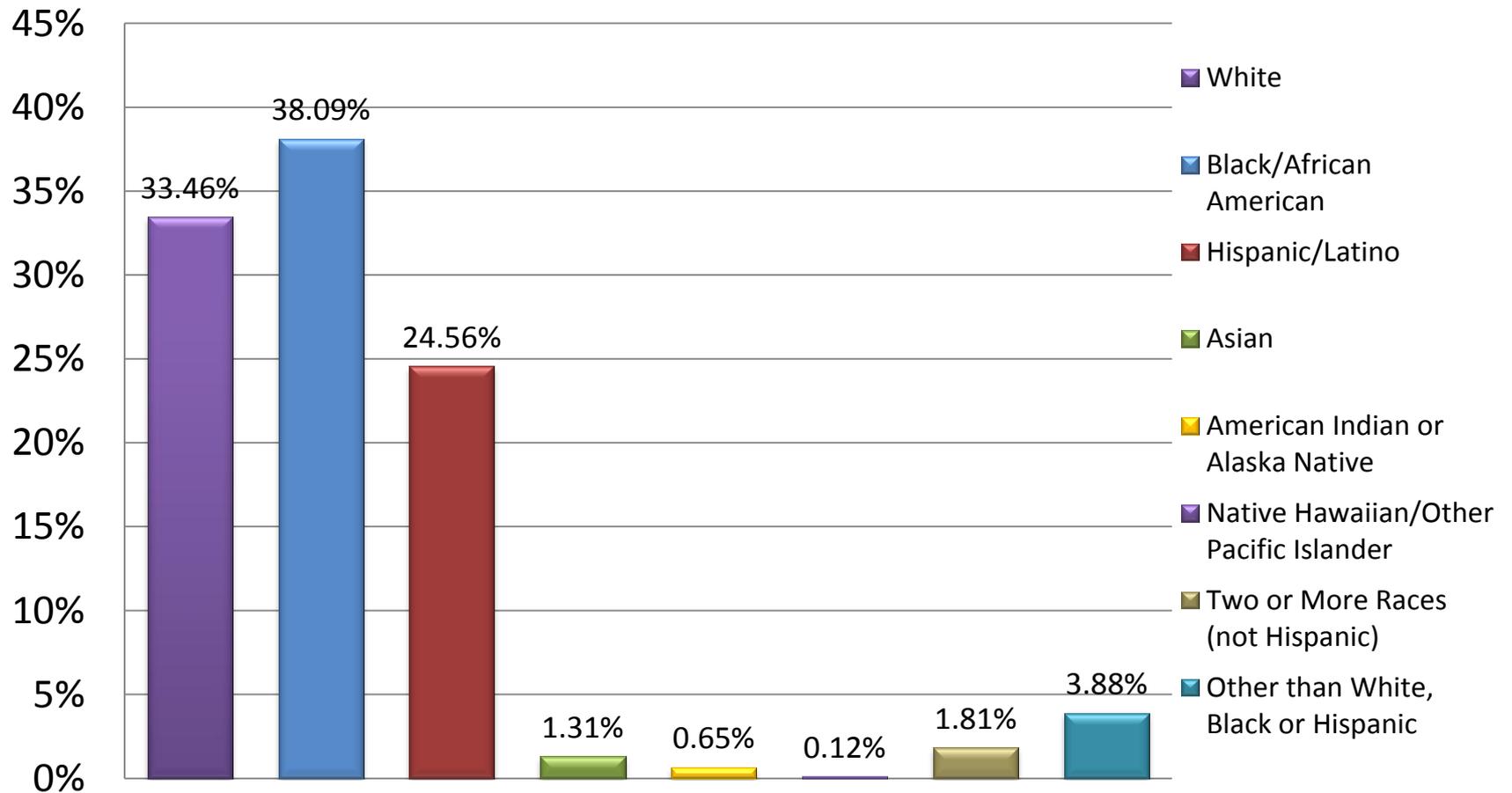
2014-15 Percent of Students with a Learning Disability by Race Ethnicity



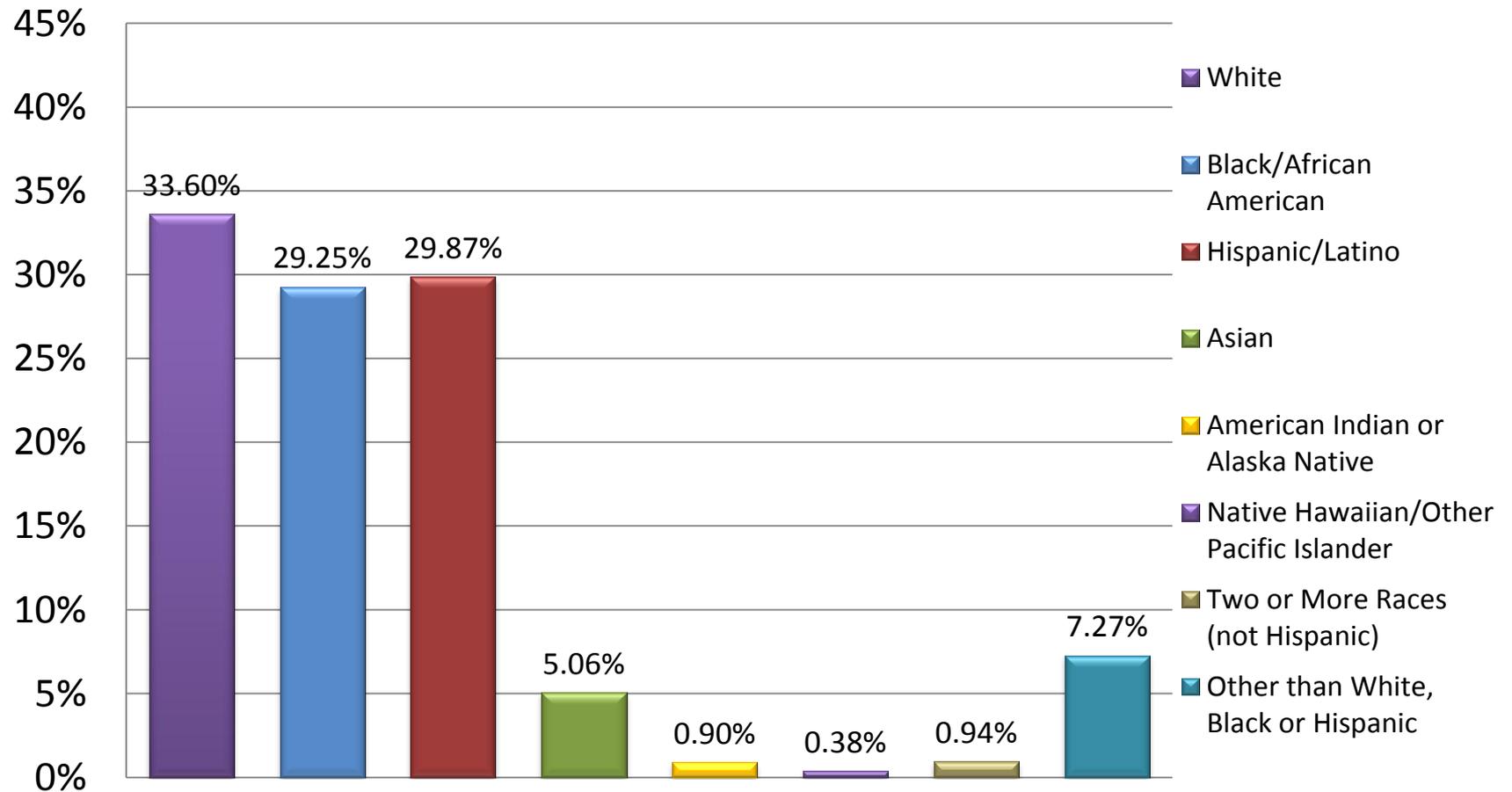
2014-15 Percent of Students with Speech/Language Impairment by Race Ethnicity



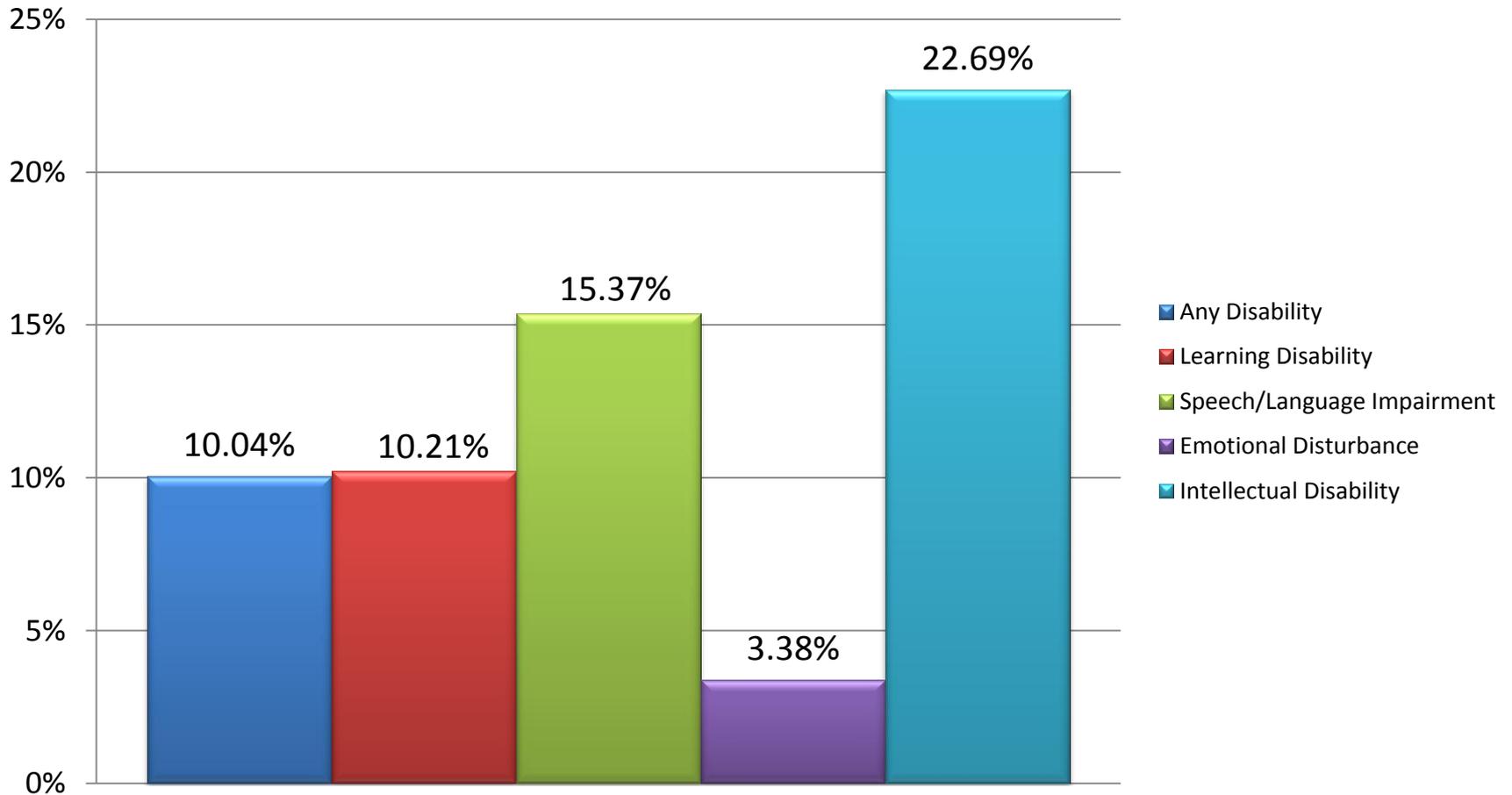
2014-15 Percent of Students with Emotional Disturbance by Race Ethnicity



2014-15 Percent of Students with an Intellectual Disability by Race Ethnicity



2014-15 Percent of English Language Learner (ELL) Status Students by Disability Category



Least Restrictive Environment Data

LRE Data Results

Preschool

- Statewide and regional
- Disaggregated by race/ethnicity, gender

School Age

- Statewide, regional and by school district
- Disaggregated by disability category, age, gender and race/ethnicity

Federal Comparisons

Preschool Students with Disabilities in Regular Early Childhood Settings

In 2014-15:

42.3% of preschool students with disabilities received the majority of their special education services in a regular early childhood setting

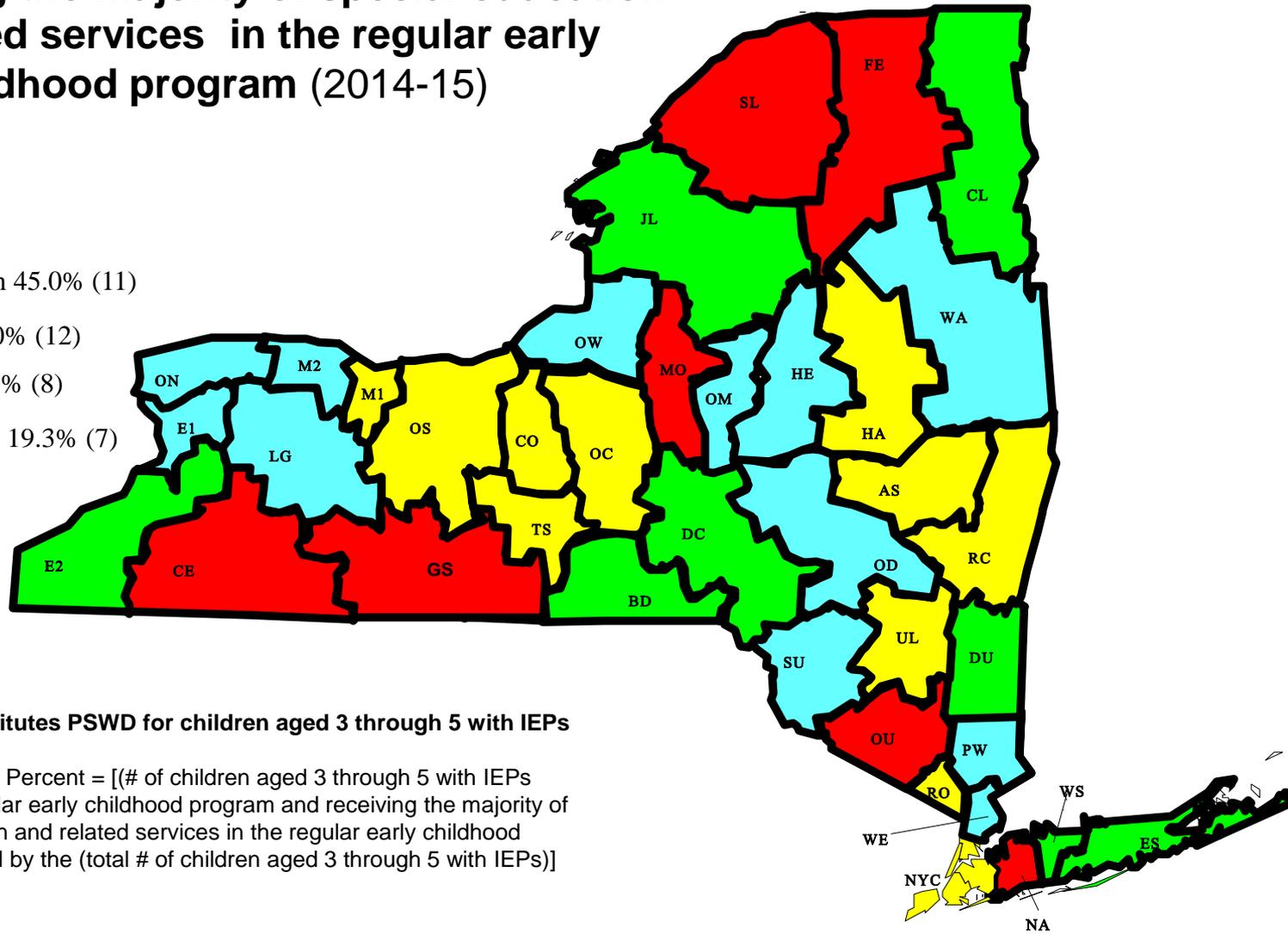


Percent of Preschool Students with Disabilities (PSWD)

attending a regular early childhood program and receiving the majority of special education and related services in the regular early childhood program (2014-15)

Measurement A – PSWD Only

- More than 45.0% (11)
- 32.2 -45.0% (12)
- 19.3-32.1% (8)
- Less than 19.3% (7)



This map substitutes PSWD for children aged 3 through 5 with IEPs

Measurement A: Percent = [(# of children aged 3 through 5 with IEPs attending a regular early childhood program and receiving the majority of special education and related services in the regular early childhood program) divided by the (total # of children aged 3 through 5 with IEPs)] times 100.

Preschool Students with Disabilities in Separate School Settings

In 2014-15:

31.4% of preschool students with disabilities were placed in a separate class, separate school or residential school

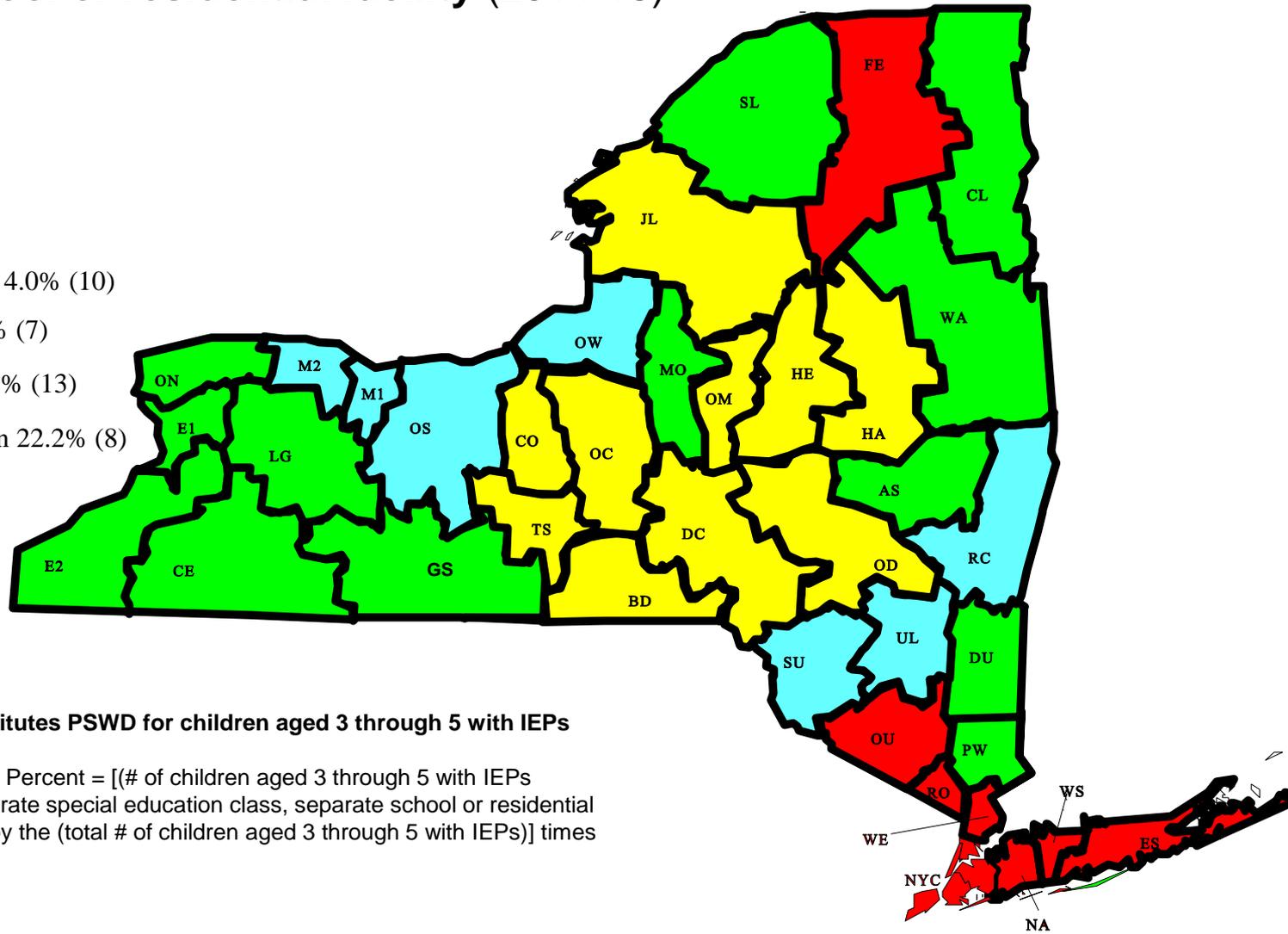


Percent of Preschool Students with Disabilities (PSWD)

attending a separate special education class,
separate school or residential facility (2014-15)

Measurement B – PSWD Only

- Less than 4.0% (10)
- 4.0 -13.1% (7)
- 13.1-22.2% (13)
- More than 22.2% (8)



This map substitutes PSWD for children aged 3 through 5 with IEPs

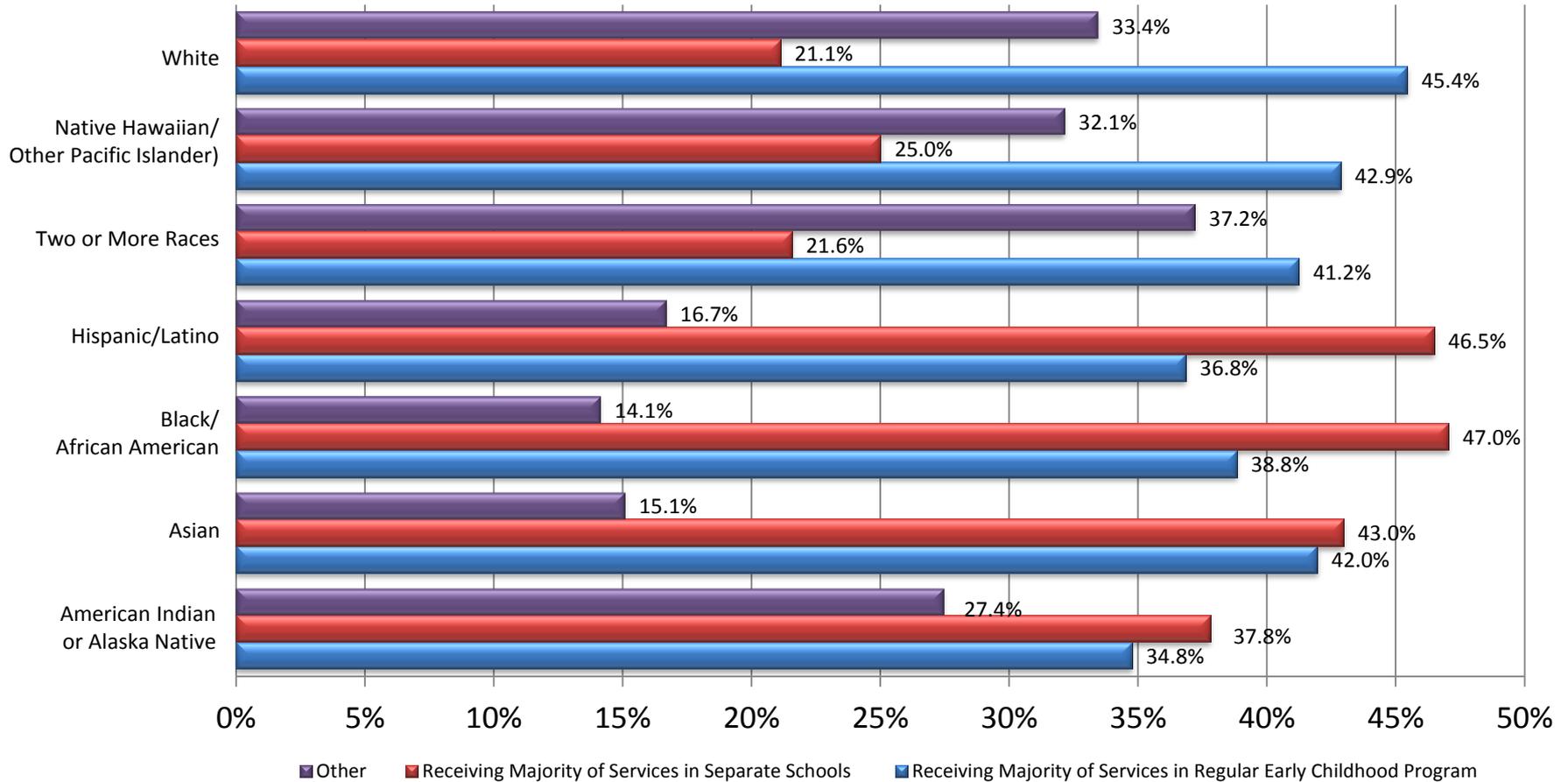
Measurement B: Percent = [(# of children aged 3 through 5 with IEPs attending a separate special education class, separate school or residential facility) divided by the (total # of children aged 3 through 5 with IEPs)] times 100.

Action to Address Regional Disparities in Preschool LRE Data

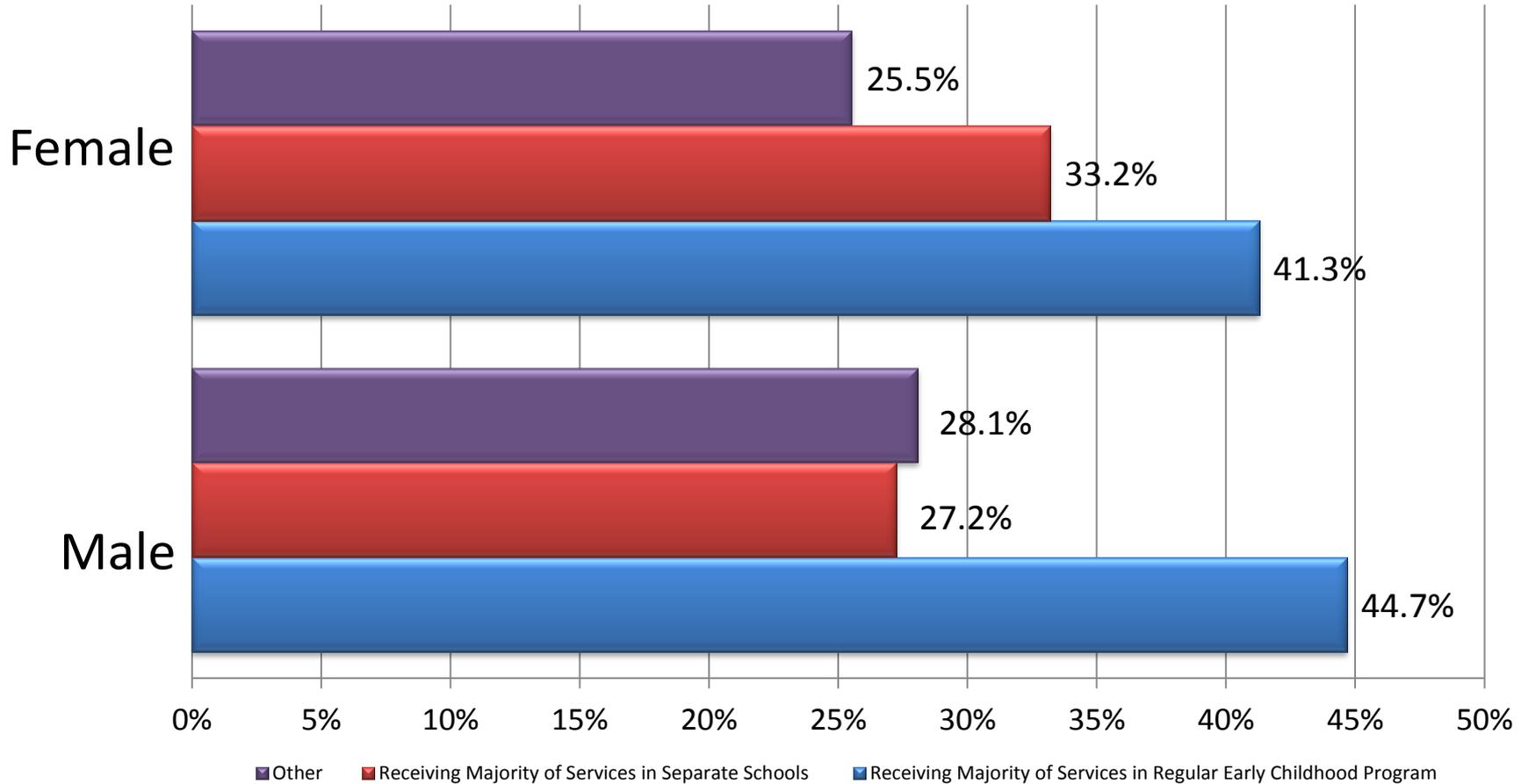
In each “red” region, the Office of Special Education is conducting a meeting (**Preschool LRE Forum**) with preschool providers, school districts, municipalities, regular early childhood providers, parents and others to:

- Review data
 - Discuss probable root causes
- Develop actions to improve results
 - Follow-up meetings

2014-15 Percent of Preschool Students by Race/Ethnicity in Least Restrictive Environment (LRE) Settings



2014-15 Percent of Preschool Students by Gender in Least Restrictive Environment (LRE) Settings



School Age LRE Data

Ages 6-21

2014-15 Least Restrictive Environment (LRE) Ages 6-21

For students with disabilities, ages 6-21, statewide data shows that:

- **57.8%** are served inside regular classrooms 80 percent or more of the school day;
- **11.7%** are served inside regular classrooms for between 40 and 79 percent of the school day;
- **19.8%** are served inside regular classrooms for less than 40 percent of the school day; and
- **6.1%** are served in separate schools, residential placements or homebound or hospital placements.

When comparing LRE Percentages to other states, New York ranks:

38th for Time Inside the Classroom 80% or more.

- New York's rate is 58.16%

49th for Time Inside Regular Classroom Less than 40%.

- New York's rate is 21.47%

43rd for Separate Settings Outside of regular school facilities.

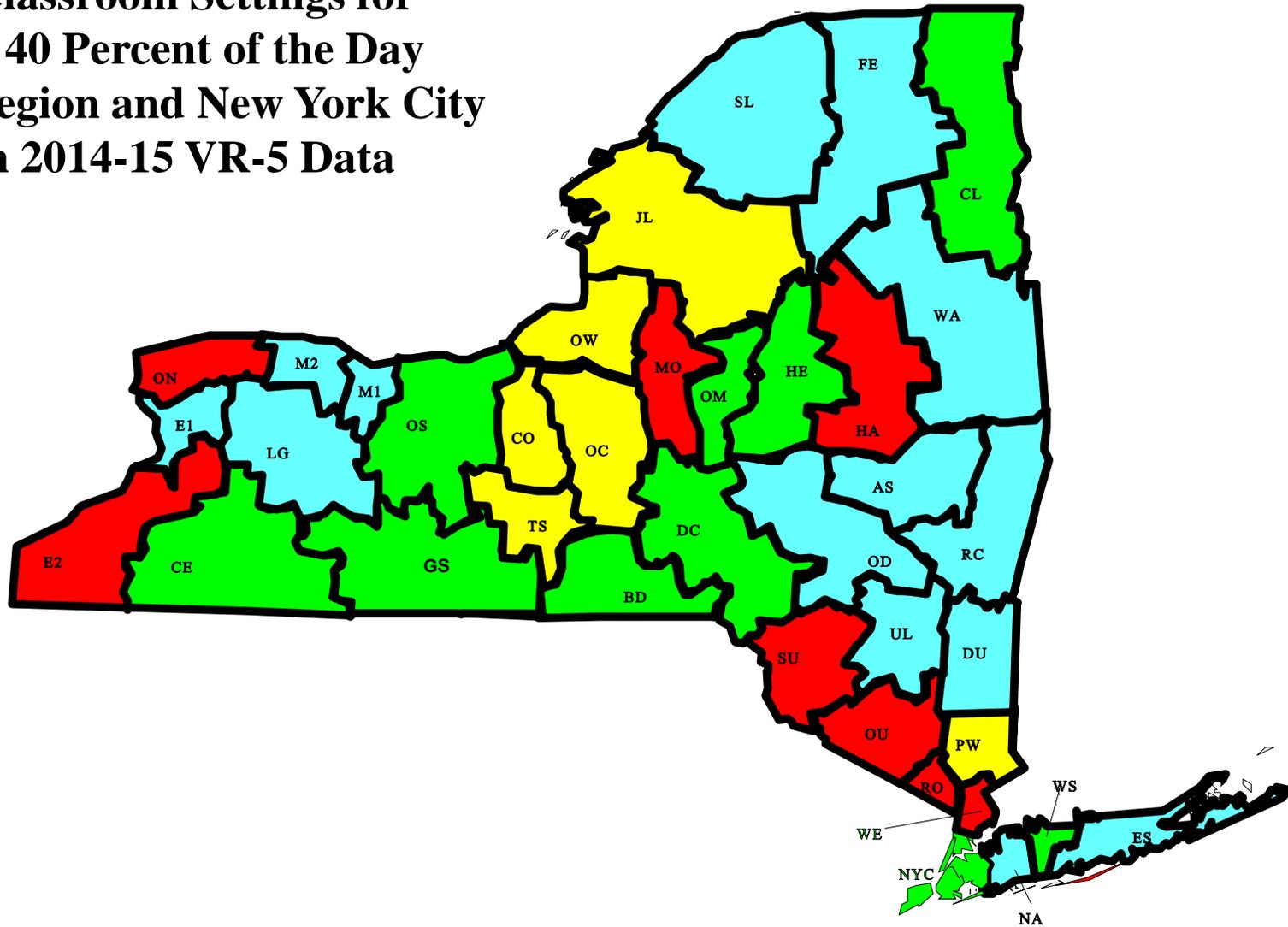
- New York's rate is 5.98%

49th overall based on the average of these three LRE rankings

- the average rank for New York was 43rd

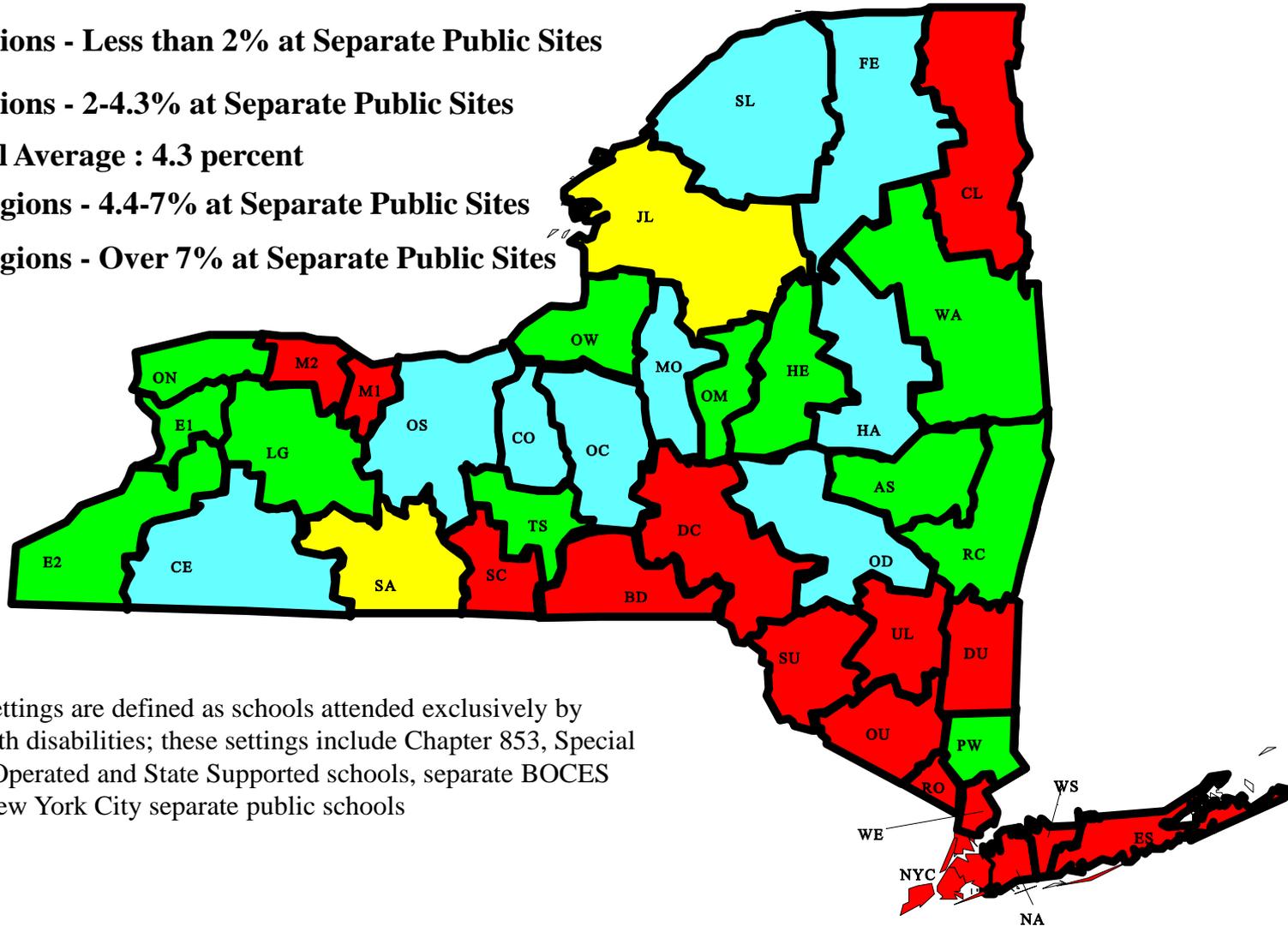
Students with Disabilities (Ages 6-21) in Regular Classroom Settings for Less Than 40 Percent of the Day By BOCES Region and New York City Based on 2014-15 VR-5 Data

- Less than 13.7 (6)
- 13.7-18.6% (14)
- 18.7-23.6% (10)
- More than 23.6% (8)



1996-97 Public and Private Special Education Placements at Separate Sites for Each BOCES Region and New York City

- 2 Regions - Less than 2% at Separate Public Sites
- 9 Regions - 2-4.3% at Separate Public Sites
- National Average : 4.3 percent**
- 12 Regions - 4.4-7% at Separate Public Sites
- 16 Regions - Over 7% at Separate Public Sites

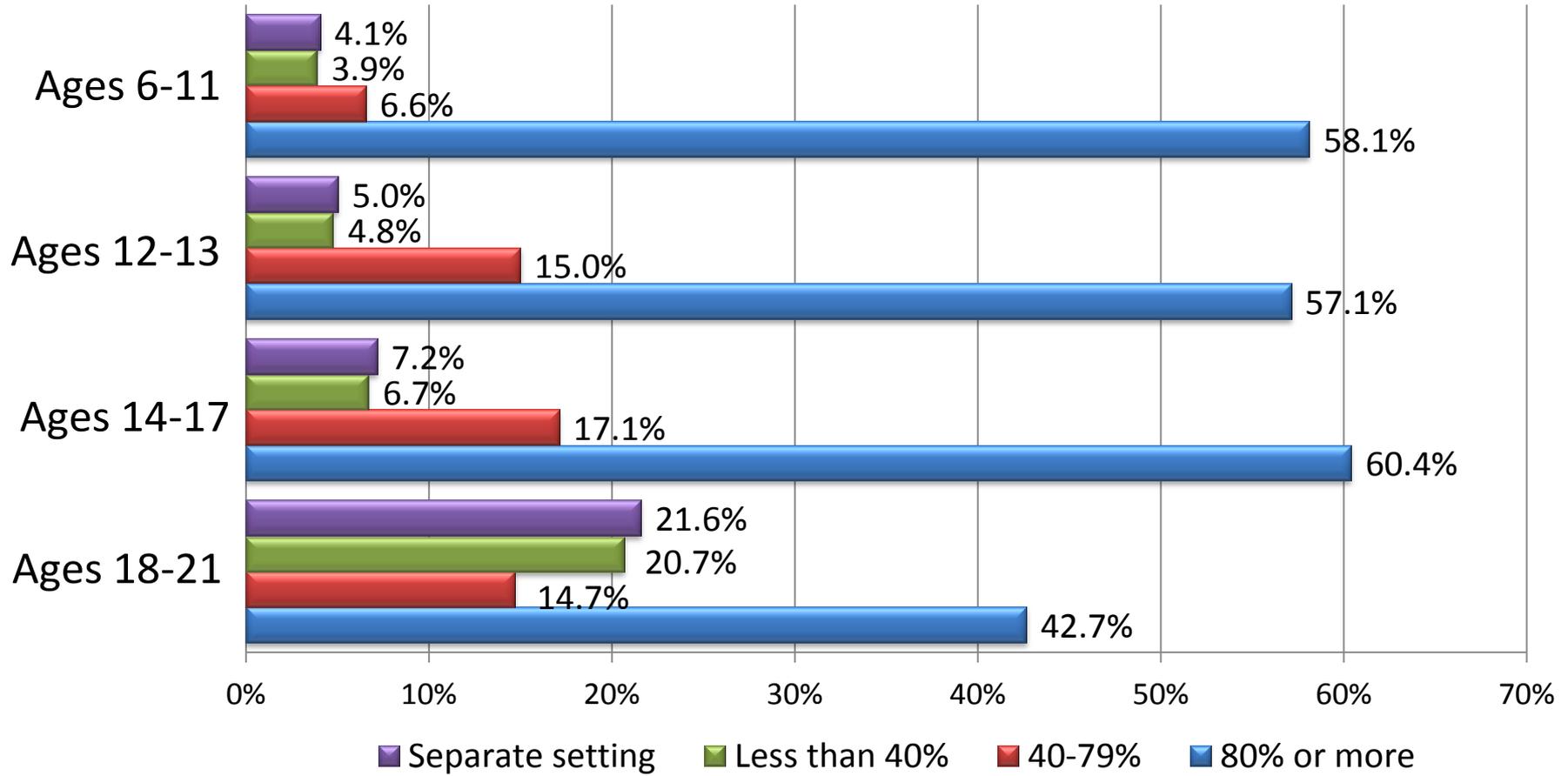


Separate Settings are defined as schools attended exclusively by students with disabilities; these settings include Chapter 853, Special Act, State Operated and State Supported schools, separate BOCES sites and New York City separate public schools

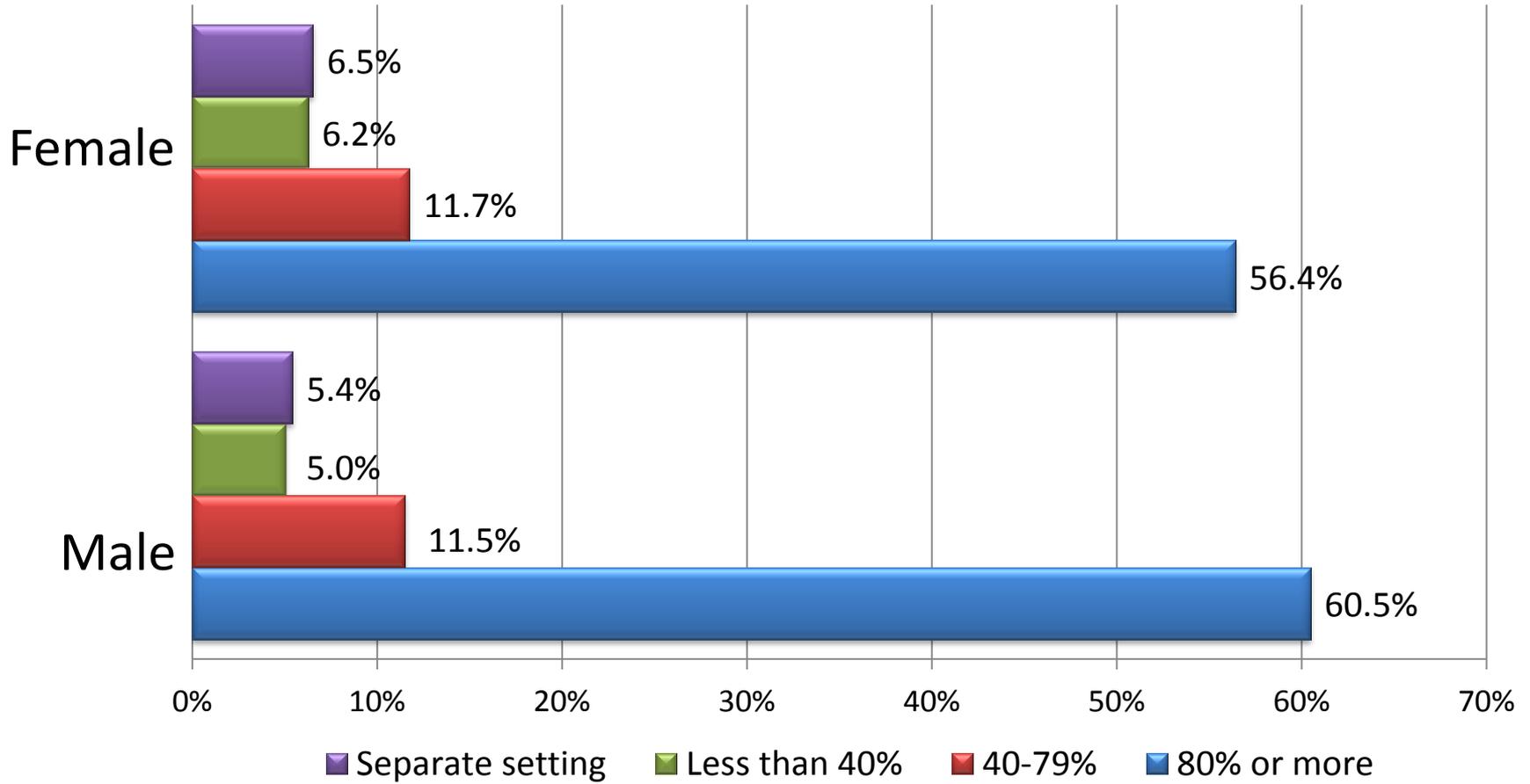
2014-15 Percent of Students by Disability Category by Least Restrictive Environment (LRE)

Disability Category	80% or more	40-79%	Less than 40%	Separate setting
Learning Disabilities	69.1%	13.7%	11.9%	0.9%
Speech or Language Impairments	65.7%	7.8%	18.4%	1.2%
Emotional Disturbance	31.1%	11.0%	30.3%	25.1%
Other Health Impairments	64.0%	13.1%	14.9%	3.0%
Autism	25.4%	9.2%	43.9%	20.3%
Deaf-Blindness	16.7%	5.6%	27.8%	38.9%
Deafness	20.4%	6.1%	11.3%	57.2%
Hearing Impairments	70.5%	8.3%	11.1%	2.2%
Intellectual Disability	6.0%	15.8%	56.1%	21.6%
Multiple Disabilities	8.2%	13.9%	45.4%	31.6%
Orthopedic Impairments	64.0%	7.0%	11.1%	9.3%
Traumatic Brain Injury	39.4%	21.1%	23.9%	12.6%
Visual Impairments (Includes Blind)	57.1%	8.9%	9.3%	19.8%

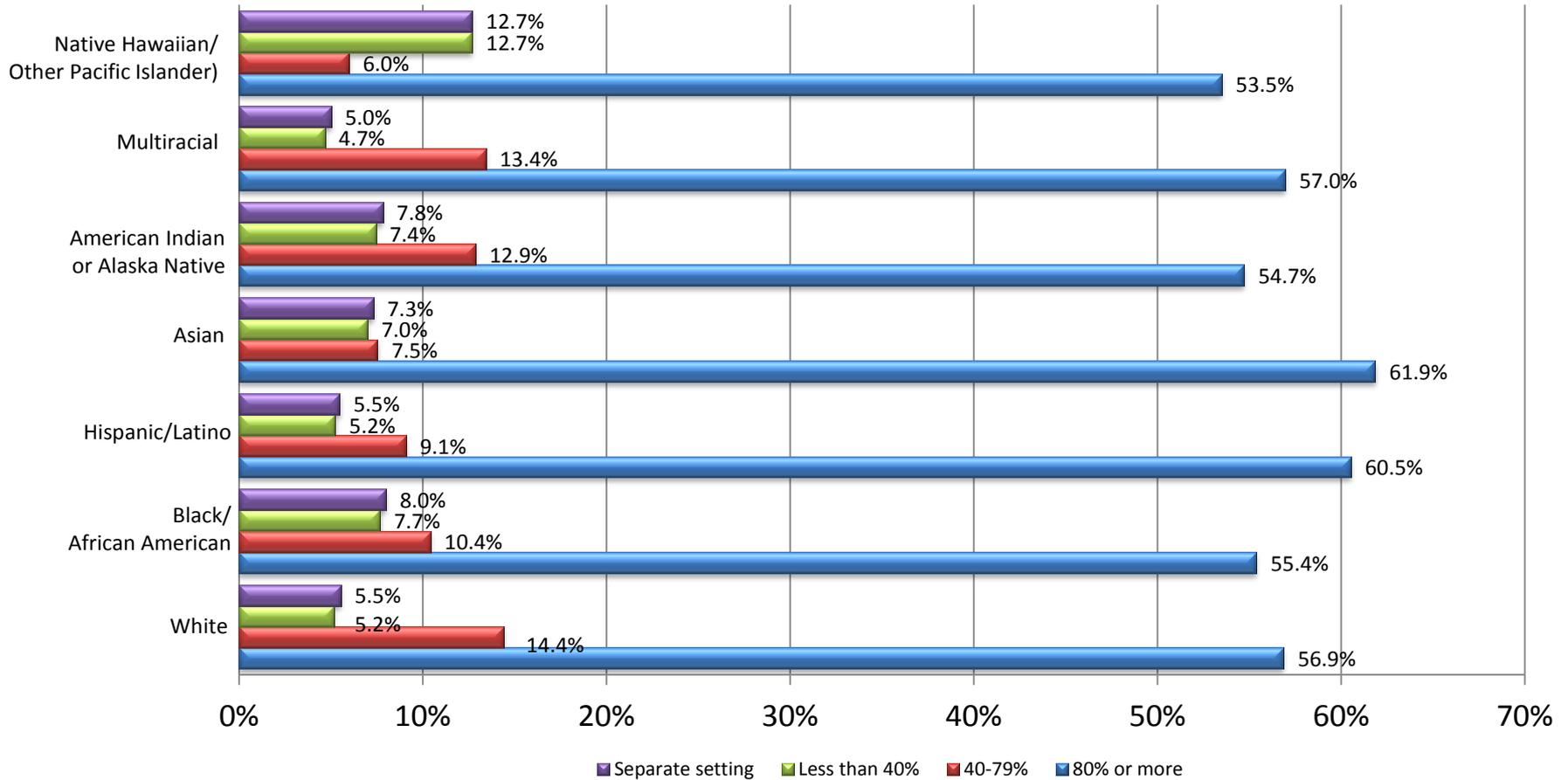
2014-15 Percent of Students by Age Range in Least Restrictive Environment (LRE) Settings



2014-15 Percent of Students by Gender in Least Restrictive Environment (LRE) Settings



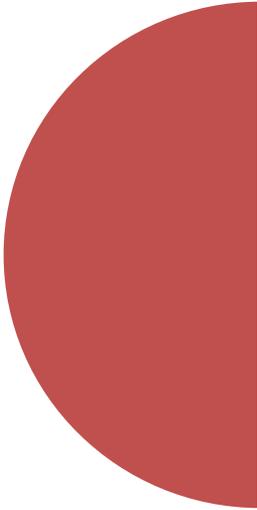
2014-15 Percent of Students by Race/Ethnicity in Least Restrictive Environment (LRE) Settings



Individual District Data

Attachment 2 of Regents Item

Yellow =	At Least 65% of Students are Inside Regular Classroom 80% or more of time
	Less Than 13.7% of Students are Inside Regular Classroom less than 40% or more of time
	Less Than 2% of Students are In Separate Settings Outside of Regular School Facilities
Blue =	56.8-64.9% of Students are Inside Regular Classroom 80% or more of time
	13.7-18.6% of Students are Inside Regular Classroom less than 40% or more of time
	2.0-4.3% of Students are In Separate Settings Outside of Regular School Facilities
Green =	48.7-56.7% of Students are Inside Regular Classroom 80% or more of time
	18.7-23.6% of Students are Inside Regular Classroom less than 40% or more of time
	4.4-6.9% of Students are In Separate Settings Outside of Regular School Facilities
Red =	Less than 48.7% of Students are Inside Regular Classroom 80% or more of time
	More than 23.6% of Students are Inside Regular Classroom less than 40% or more of time
	More than 6.9% of Students are In Separate Settings Outside of Regular School Facilities



Policy Recommendation



To ensure all school districts provide high quality inclusive programs

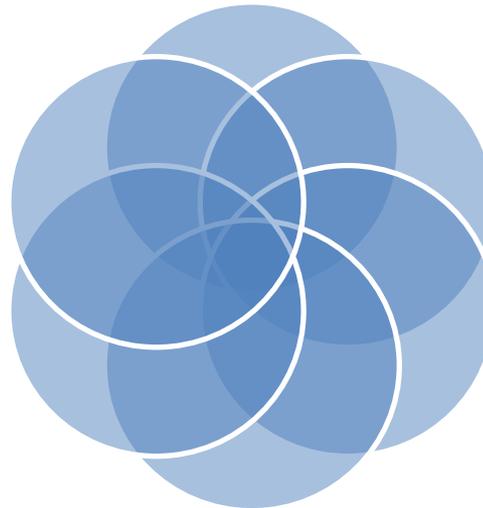
To target districts with disparate LRE data and require certain actions.

Policy must promote systemic change at the district, school and classroom levels to ensure that:

School practices demonstrate intentional planning, teamwork and team planning time, interactive and hands-on ways of exploring subject content, a truly flexible curriculum, and commitment.

There is a focus on communication, interaction, and relationship building as well as on curriculum modifications and accommodations.

The community, through the board of education, guides the planning and the vision.



Teachers recognize individual differences and implement learning strategies for all.

There is consistent terminology and understanding as to the elements of a high quality inclusive school

School leadership provides staff with the time, resources, training and vision necessary to implement inclusive practices.

Defining High Quality Inclusion

High
quality
inclusive
settings
would be
defined to
mean that:

- instruction and configuration of classrooms and activities include both students with and without disabilities;
- students with disabilities are held to high expectations for achievement;
- 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;
- individualized accommodations, supports and specially-designed instruction are provided to students with disabilities to participate and progress in regular education classes and activities; and
- evidence-based services and supports are used to foster the cognitive, communication, physical, behavioral and social-emotional development of students with disabilities.

This proposed definition is consistent with the definition/components of high quality inclusion as provided in the **U.S. Department of Education policy statement on Inclusion of Children with Disabilities in Early Childhood Programs**

<http://www2.ed.gov/policy/speced/guid/earlylearning/joint-statement-full-text.pdf>.

Each school district would be required to:

Annually review, and report to the board of education at a public meeting on, the extent to which students with disabilities participate in inclusive settings as well as the quality of inclusive programs, services and extracurricular activities for students with disabilities within the schools of the district; and

Develop and implement, as appropriate, a plan to enhance inclusive opportunities, through such means as resource allocation, professional development, partnering with families, and ensuring access to assistive technology and specialized supports for students to participate in inclusive programs and activities.

Targeted Districts and Required Actions: Preschool

- In school districts with data showing:
 1. A **low percentage** of students receiving the majority of their special education programs and services **in a regular early childhood program;** and/or
 2. A **high percentage** of preschool students placed **in special classes or separate schools**

Plan and Reporting

Plan:

- ensures that Committees on Preschool Special Education are knowledgeable about the research on the benefits of inclusion; and
- understand their responsibilities to recommend special education programs and services in the least restrictive environment.

Report:

- Annually to the Commissioner
- Publicly post

Targeted Districts and Required Actions: School Age

- In school districts with data showing
 1. A **high** percentage of students with disabilities placed in **special classes** for 40 percent or more of the school day; and/or
 2. A **high** percentage of students in **separate schools** and/or
 3. A **low** percentage of students participating in **regular education classes** for 80 percent or more of the school day.

Plan and Reporting

Plan

- Data analysis
- Five year projection/ benchmarks
- Steps/actions the district will take

Report

- To Board
- Commissioner
- Public

Next Steps

- **Stakeholder discussion**
- **Present summary of public comment to the Board of Regents**
- **Develop proposed regulations for discussion**