



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

TO: P-12 Education Committee

FROM: Angelica Infante-Green *A. Infante - Green*

SUBJECT: Update on Next Steps: Policy relating to the Placement of Students with Disabilities in the Least Restrictive Environment

DATE: February 16, 2016

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SUMMARY

Issue for Discussion

Update on Department actions to ensure that students with disabilities are in high quality inclusive settings to the maximum extent appropriate.

Reason(s) for Consideration

Update to November 2015 Board of Regents discussion on this topic.

Proposed Handling

This item will come before the P-12 Education Committee for discussion at the February Regents meeting.

Background Information

At the November 2015 meeting, the Board of Regents reviewed research, data and a proposed policy relating to the placement of students with disabilities in the least restrictive environment. Upon review of improvements the State has made in Least Restrictive Environment (LRE) practices over the past two decades and analysis of the State's current statewide, regional and individual school district data, the Board

supported that the Department focus on this issue and obtain stakeholder input on the proposed policy to improve the State's LRE results.

In December 2015, Department staff released a field advisory on LRE¹ providing the State, regional and individual school district data results, proposed next steps, and resources for technical assistance. School districts were advised to take certain immediate actions, including actions to:

- ensure that each student with a disability has access to the full continuum of special education programs and services, as required by federal and State law and regulation;
- ensure that the Committees on Preschool Special Education (CPSE) and Committees on Special Education (CSE), including parents, understand their responsibilities for LRE determinations and that each annual review include consideration of special education services and supplementary supports and services that would support the student to receive education services in the student's regular school and in age appropriate general education classrooms;
- assess and address the extent to which each of their schools provides a high-quality inclusive setting; and
- review, discuss and develop plans to address their LRE data, by district and schools and disaggregated by disability category, race/ethnicity, gender and age for both preschool and school age students with disabilities.

In January, Department staff met with District Superintendents to discuss the memorandum. At their request, District Superintendents were provided data from school districts in their respective regions. Staff also provided information and training materials to the Regional Special Education Technical Assistance Centers to be used to engage the field in further regional and local dialogue on the action steps and proposed policy to improve LRE results.

Next Steps

- Department staff is seeking public comment on the proposed policy and will engage stakeholders in regional forum discussions.
- An "LRE Self-Review" document is in development to guide schools and communities in the review and analysis of their data; provide suggested areas of focus for improving students with disabilities' access to high quality inclusive settings; and ensure CPSEs and CSEs appropriately consider placement of students with disabilities in the LRE.

¹ <http://www.p12.nysed.gov/specialed/publications/2015-memos/least-restrictive-environment-district-responsibilities.html>

- The Department is continuing to engage stakeholders in regional forum discussions where the data shows the highest rates of separate class/school placements for preschool students with disabilities.
- It is anticipated that proposed policy would be presented to the Board of Regents in the fall 2016.