



New York State  
EDUCATION DEPARTMENT  
Knowledge > Skill > Opportunity

# Office of Special Education

Presented to the Long Island Association of Special Education Administrators, Inc.

September 13, 2018



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EDUCATION DEPARTMENT  
Knowledge > Skill > Opportunity

## 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**.



## Office of Special Education Programs (OSEP): 2018-19 Updates

- New York is identified as a State in Need of Assistance under the Individuals with Disabilities Education Act (IDEA).
- OSEP issued Differentiated Monitoring and Support (DMS) notifications.

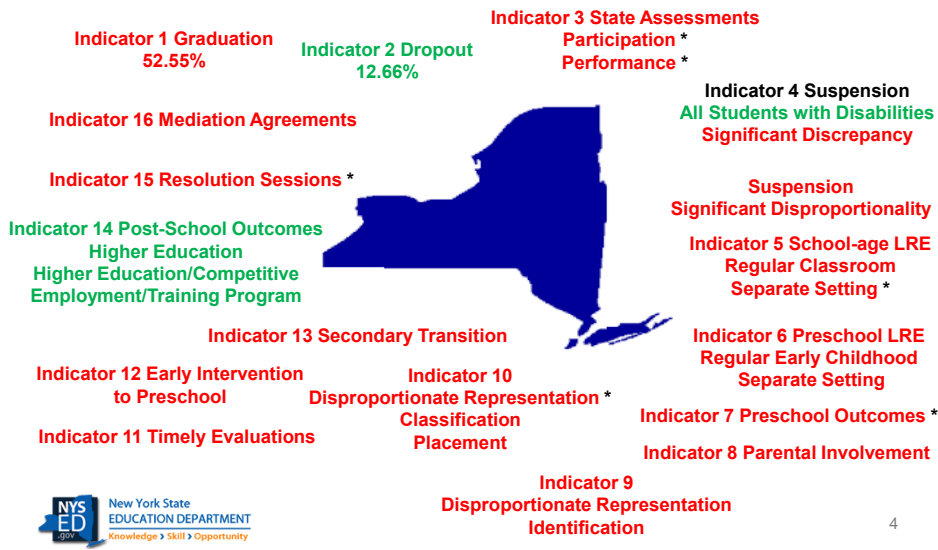
New York is identified in the following areas:

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



## Summary of State Performance Plan Outcomes 2016-17

GREEN = State met the SPP Indicator target    RED = State did not meet the SPP Indicator target    \* = State had Slippage in the SPP Indicator



## Priority Improvement Areas

- Performance Outcomes  
(Graduation, Dropout, and State Assessments)
- Disproportionality  
(Identification, Placement and Suspension)
- Least Restrictive Environment
- Transition Planning and Services

## 2016-17 Least Restrictive Environment (LRE) Ages 6-21

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

- **58.26%** are served inside regular classrooms 80 percent or more of the school day;
- **19.56%** are served inside regular classrooms for less than 40 percent of the school day; and
- **6.04%** are served in separate schools, residential placements or homebound or hospital placements.

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

- 40th for Time Inside the Classroom 80% or more.  
New York's rate was 57.98% in 2015-16
- 49th for Time Inside the Classroom Less than 40%.  
New York's rate was 19.82% in 2015-16
- 43rd for Separate Settings Outside of regular school facilities  
New York's rate was 5.44% in 2015-16
- 44th overall based on the average of these three LRE rankings

## Individuals with Disabilities Education Act (IDEA)

### 2017-18 Annual IDEA Determinations (44 Districts)

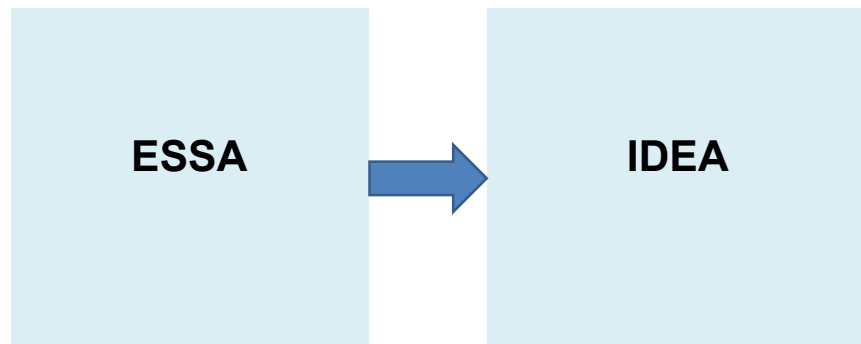
19 Needs Intervention / 25 Needs Assistance

33 Identified for Performance

7 Identified for Compliance

4 Identified for both Performance and Compliance

## District Accountability: Subgroup Performance



## Regional Planning Process

- Deployment of resources to effectively and efficiently monitor and support districts/programs
- Decisions based on annual IDEA Determinations and status under the SPP Indicators
- Big 5 City – Special Education Strategic Action Plans
- Review data and develop regional recommendations:
  - ✓ Identify Coordinated Intervention Districts
  - ✓ Identify Focused Intervention Districts
  - ✓ Identify Proactive Support Districts

## State Performance Plan (SPP): Indicator 17

### State Systemic Improvement Plan (SSIP)

## SSIP: Update

- Multi-year, achievable plan
- Developed in consultation with stakeholders
- Designed to increase capacity of school districts to:
  - implement, scale up, and sustain evidence-based practices to improve outcomes for students with disabilities
- 5 Years - 3 Phases - Final Report Due April 1, 2020
- Feedback from OSEP on Phases 1, 2 and 3
- Phase 3-Year 2 Submitted – April 1, 2018

## State Identified Measurable Result

*“For students classified as students with learning disabilities in SSIP pilot schools (grades 3-5), increase the percent of students scoring at proficiency levels 2 and above on the Grades 3-5 English Language Arts State Assessments”*



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## SSIP Pilot Districts/Schools

Region	District	School(s)
Long Island	Riverhead Central School District	Pulaski Street Elementary School (Gr. 5)
		Riley Avenue Elementary School
	Wyandanch Union Free School District	Martin Luther King Elementary School
		Milton L Olive Middle School (Gr. 5)
Lower Hudson	Carmel Central School District	Kent Elementary School
		George Fisher Middle School
	Haverstraw/Stony Pt. Central School District	James A. Farley Elementary School
	Peekskill City School District	Hillcrest Elementary School
		Oakside Elementary School
	Nondistrict School	Green Chimneys
NYC	BRONX	Longwood Academy for Discovery
	QUEENS	PS 092 Harry T. Stewart Sr.
	BROOKLYN	PS 97 The Highlawn School
	MANHATTAN	PS 133 Fred R Moore
	STATEN ISLAND	PS 22 Graniteville



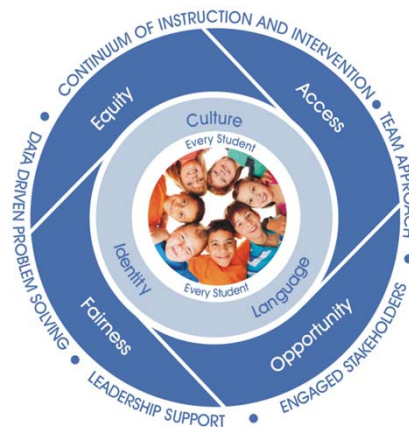
## Multi-tiered Systems of Support (MTSS): RtI and PBIS

Framework for:

- Instructional delivery
- Interventions that are matched to student need
- Data-driven decision-making
- Continuous examination and improvement process

## Principles of MTSS

- Unwavering Focus on Student Growth
- Cultural Responsiveness & Equity
- Engaged Stakeholders
- Whole Child/Whole School Approach
- Proactive Problem-Solving
- Full Access for Every Student





# Policy Updates

## Waiver: Off-grade Testing for Students with Disabilities: **Update**

### Waiver request:

Allow selected group of students with disabilities who have significant cognitive and intellectual disabilities that preclude their meaningful participation in chronological grade-level instruction to take grades 3-8 assessments up to two levels below their grade-level.

### Justification:

- Consistent with ESSA provisions allowing off-grade testing through computer adaptive tests
- Waiver request consistent with NYS Education Law 305(48)

**Not Approved**

## Superintendent Determination Option

- **Changes**
  - Permits students with disabilities, on or after December 12, 2017, to meet ELA and/or Math Regents eligibility condition(s) by earning the CDOS Commencement Credential
  - Issued Guidance  
<http://www.p12.nysed.gov/specialed/publications/superintendent-determination-option-august-2018.html>

## Superintendent Determination Option

School Year	Number of Districts/Schools that submitted forms	Forms submitted	Local Diplomas denied through Superintendent Determination (SD) Option*	Local Diplomas awarded through SD Option
2015-16	129	425	7	418
2016-17	143	318	3	315
2017-18**	253	851	TBD	844

\* All local diplomas denied as of July 16, 2018 were the result of the student not meeting the minimum eligibility requirements

\*\* Totals as of September 11, 2018. Forms were due by August 31

## Proposed Regulations to Conform to Legislative Changes

- Chapter 422 of the Laws of 2017
- Chapter 428 of the Laws of 2017
- Chapter 429 of the Laws of 2017
- Chapter 32 of the Laws of 2018

## Chapter 32 of the Laws of 2018

- Signed into law April 18, 2018
- Repeals Chapter 401 of the Laws of 2017 “Zachary’s Law”
- Requires districts to establish policy and adopt procedures to allow participation in graduation ceremony of student’s high school graduating class and all related activities if student has been awarded:
  - skills and achievement commencement credential; or
  - career development and occupational studies commencement credential, but has not earned a regents or local diploma.
- Requires annual written notice to all students and their parents about district’s policy and procedures
- Nothing compels students to participate in graduation ceremony

## Chapter 216 of the Laws of 2017

- **Issued Guidance to field by August 20, 2018:**
  - Unique educational needs of students with dyslexia, dysgraphia and dyscalculia; and
  - Clarify that school districts may reference or use the terms dyslexia, dysgraphia and dyscalculia in evaluations, eligibility determinations, or in developing an individualized education program (IEP)
  - <http://www.p12.nysed.gov/specialed/publications/guidance-on-chapter-216-of-the-laws-of-2017.html>
- **Stakeholder engagement to inform development of guidance**
  - Two meetings with stakeholders
  - Survey to field: <http://www.mievaluation.com/SLD-Surveys.html>

## Teacher Certification

## Section 80-4.3

### Background:

There has been a continuous shortage of teachers who hold Students with Disabilities Generalist certificate titles in New York State. The Department has been considering ways to increase the number of qualified certificate holders in this area and has worked with the field to address these shortages.

Extension certificates for current holders of Students with Disabilities Generalist certificates,

## Section 80-4.3 (continued)

Current Certification	Teaching Experience Requirement	Teachers Choose One of the Following Requirements		Proposed Extension
		CTLE	College Course	
Birth – Grade 2	Minimum of 3 years teaching experience at 1 <sup>st</sup> and/or 2 <sup>nd</sup> grade levels.	Minimum of 45 hours of acceptable CTLE focused on elementary level education.	Minimum of 3 semester hours of pedagogical coursework focused on elementary level education.	Grades 3-4
Grades 1-6	Minimum of 3 years teaching experience at 1 <sup>st</sup> and/or 2 <sup>nd</sup> grade levels.	Minimum of 45 hours of acceptable CTLE focused on early childhood education.	Minimum of 3 semester hours of pedagogical coursework focused on early childhood education.	PK-K
	Minimum of 3 years teaching experience at 5 <sup>th</sup> and/or 6 <sup>th</sup> grade levels.	Minimum of 45 hours of acceptable CTLE focused on middle level education.	Minimum of 3 semester hours of pedagogical coursework focused on middle level education.	Grades 7-8
Grades 7-12	Minimum of 3 years teaching experience at 7 <sup>th</sup> and/or 8 <sup>th</sup> grade levels.	Minimum of 45 hours of acceptable CTLE focused on middle level education.	Minimum of 3 semester hours of pedagogical coursework focused on middle level education.	Grades 5-6

## Section 80-4.3 (continued)

Following the 60-day public comment period, several comments were made on the proposed amendment. In response to those comments and other comments we received from the field, the Department made the following revisions to the proposed amendment:

- Allowing a candidate to submit satisfactory evidence of at least three years of teaching experience in public school districts of this State, State-supported or State-operated schools, private schools established under 853 of the Laws of 1976 or BOCES in either of the two grade levels closest to the grade level extension while holding a valid certificate to be considered for an extension.
- A new grades 10-12 extension for teachers holding a Student with Disabilities Generalist certificate in grades 5-9. To earn this extension for Grades 10-12, candidates must have a minimum of three years teaching experience at 8<sup>th</sup> and/or 9<sup>th</sup> grade levels, complete at least 45 hours of acceptable CTLE or three semester hours of pedagogical coursework focused on adolescent level education, and at least 15 hours of acceptable CTLE or three semester hours in English Language Arts.

## Subpart 80-3 and Section 80-4.3 of the Commissioner's Regulations

Background:

The Every Student Succeeds Act (ESSA) eliminated the No Child Left Behind (NCLB) Act of 2001 requirement that teachers be "Highly Qualified" in the area of their teaching assignment in order for local educational agencies (LEA) to receive certain federal aid. However, the Department is still required to ensure that educators in LEAs receiving federal funding fulfill state certification requirements.

Previously allowed to teach in another content area by school districts using the High, Objective, Uniform State Standard of Evaluation" (HOUSSE)

## Subpart 80-3 and Section 80-4.3 Statement of Continued Eligibility (SOCE)

### Option 1:

The statement of continued eligibility (SOCE) would be available in the areas of biology, chemistry, earth science, ELA, mathematics, physics, and social studies. **Teachers who hold a students with disabilities generalist certificate in grades 7-12, have been assigned to teach a special class, and have at least three years of satisfactory full-time teaching experience in grades 7-12 on or before July 1, 2019, during which time they were considered Highly Qualified by a school district in one or more subject areas through the HOU SSE rubric, would be certified in those subject area(s) through the SOCE.** To receive the SOCE in one or more subject areas, teachers must complete the required teaching experience prior to July 1, 2019.

## Subpart 80-3 and Section 80-4.3 Limited Extensions

### Option 2:

The limited extension would be available for **teachers who hold a student with disabilities generalist certificate in grades 7-12 who have been assigned to teach a special class, but do not qualify for the SOCE. The limited extension would enable these teachers to become certified for a limited time in one or more specific subject areas** while they complete the additional coursework (up to 18 semester hours) required for certification in the subject areas of biology, chemistry, earth science, ELA, mathematics, physics, and social studies.

## Subpart 80-3 and Section 80-4.3 Limited Extensions (continued)

- having at least two years of satisfactory full-time teaching experience with students with disabilities in grades 7-12 during which time they hold a valid Initial or Professional certificate in the classroom teaching service in students with disabilities generalist (grades 7-12) and who were previously considered Highly Qualified by a district in the subject area using the HOUSSSE rubric for NCLB purposes prior to July 1, 2019;
- passing the New York State Teacher Certification Examination Content Specialty Test in the subject area;
- passing an industry accepted exam in the subject area;
- completing at least 9 semester hours of coursework in the subject area, including any coursework completed during a teacher preparation program; or
- completing at least 45 hours of acceptable Continuing Teacher and Leader Education (CTLE) in the subject area and either: 1) having at least two years of satisfactory fulltime teaching experience with students with disabilities in grades 7-12 in the subject area, or 2) being mentored for at least one year by a teacher in the school or school district who holds a professional or permanent certificate in the subject area.

## New York State 2017-18 Enacted Budget Directives

Current Initiatives in response to the 2017-18 Enacted Budget:

- Chapter 59 of the laws of 2017
  - Required an alternative funding methodology for the Special Class in an Integrated Setting (SCIS) program. NYSED is seeking to promote and expand inclusion opportunities for preschool students with disabilities.
  - In addition to the Office of Special Education, the Office of Early Learning, Rate Setting Unit, and Office of State Aid are contributing.
- Chapter 54 of the laws of 2017
  - Provided funding for a Special Education data solution. NYSED is using the funding to build a blueprint for a student services & provider management system.
  - In addition to the Office of Special Education, the Rate Setting/STAC Unit, Office of Audit Services, and Office of Information Technology Services are contributing.



## Special Class in an Integrated Setting (SCIS) Funding

- To promote and expand preschool inclusion opportunities, NYSED has recommended the following:
  - Regents Early Childhood Workgroup's Blue Ribbon Committee: create a single reimbursement structure for preschool inclusion classrooms where all students are enrolled and funded under a single reimbursement structure; \$6 million for pilot programs was requested.
  - Develop new program models/staffing requirements to better reflect a variety of Early Childhood settings and student needs.
  - Students enrolled in SCIS programs should also be “dually enrolled” and “dually funded” in the State Administered Prekindergarten programs to offer the same opportunities afforded to resident students.
  - Authorize school districts to serve SCIS students in district-operated State Administered Prekindergarten programs without separate NYSED approval.
- NYSED will continue to pursue these recommendations for 2019-20 through budget/legislation requests, changes to regulations, and guidance.

## Special Education Provider Data System

- NYSED is responsible for determining capacity for approved special education providers (e.g. preschool special education programs, school-age private providers and Special Act School District).
- NYSED relies on historic data, from several conflicting sources, paper processes, and manual input. We are not able to identify service availability or respond to special education capacity needs using comprehensive or timely information.
- With funding provided in the NYS budget, NYSED is developing a student services and provider information system which will enable NYSED to:
  - Provide parents, school districts, counties, state agencies and other stakeholders with relevant special education program and services information using a single, accessible source;
  - Help determine where targeted fiscal investments may be needed;
  - Improve NYSED processing timelines for program approval;
  - Better inform school district & BOCES program decisions. School districts will have more information to perform IDEA responsibilities.
- A 2019-20 budget recommendation will be made for Board of Regents consideration.

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# Questions and Answers



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