

Elmira City School District Special Education District Plan  
April 2019



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## **Regulations Governing the District Plan -8 NYCRR 200.2**

District Plans. In accordance with Part 200.2 (c) the Regulations of the Commissioner of Education, the district plan for students with disabilities is to provide the following:

1. A description of the nature and scope of special education programs and services.
2. Identification of number and age span of students to be served.
3. Methods to help the school district evaluate the progress towards stated objectives.
4. A description of current and future space needs for special education programs.
5. A description of the method by which instructional materials will be made available in usable alternative formats to students with disabilities.
6. Board of Education policies and practices associated with programs and space needs.
7. A budget to support the proposed delivery of special education programs.
8. Date when the plan was adopted by the Board of Education.

### **Statement of Assurances**

The Board of Education of the Elmira City School District, as part of a long standing commitment in education for all students, supports the provision of special education and related services for students with disabilities, offered in the least restrictive placement appropriate to meet the need of its students under the auspices of the Committee on Special Education and the Committee on Preschool Special Education.

In support of State and Federal laws pertaining to students with disabilities, the Board of Education supports the full continuum of services for students in the district enable to meet, within the district, the needs of the majority of its classified students.

These programs and services are designed:

- To afford each student with the appropriate level of support necessary to meet the New York State Common Core Standards.
- To provide each student with the special educational services necessary to enable the student to meet his/her annual goals.
- To afford each identified student with the opportunity to participate to the greatest extent appropriate in all programs and activities offered by the District.
- To give each identified student genuine opportunities to develop those skills and make those connections necessary to meet post-secondary goals.

By action of the Board of Education in a regularly scheduled meeting held on April 10, 2019, the Board adopted its district plan as set forth below.

### **Description of Special Education Programs**

The following description of special education services represents program from the least restrictive environment to the most restrictive. Federal and State regulations, as well as best practices, require that students are educated in the Least Restrictive Environment (LRE) that will meet their individual needs. The LRE is determined by the Committee of Special Education. Refer to BOE policy 7616 and SED Least Restrictive Environment Field Advisory.

Current educational research data has shown that students who are taught in an integrated setting demonstrate better academic progress than students taught in segregated settings. While all LRE decisions are based on individual needs, the Elmira City School District is committed to including as many students with disabilities as possible in the general educational settings to the greatest degree possible, where they have maximum exposure to grade level curriculum, content specialized teachers and an opportunity for enhanced social development. To this end, and based upon on-going meetings with our staff and administrators we continue to dedicate many resources toward providing inclusive educational opportunities for our students with disabilities in the integrated co-teaching and consultant teacher services district wide.

### **Continuum of Services for Preschool students with Disabilities**

The following are a listing of the preschool programs and services that are available for preschool students with disabilities. These programs and services are funded by the County but administered by the District Committee on Preschool Special Education. Services are provided in the UPK setting, private daycare setting, home and in some cases in preschool classes.

**Itinerant Services:** are special education or related services that focus on the nature of the child's disability. Itinerant Services may be provided at the home or in a pre-school setting.

**Related Services:** Pre-school students with disabilities may have itinerant speech, occupational or physical therapies or counseling depending on their individual needs. These services are provided at the convenience of the parent, in the home, daycare or preschool setting.

**Special Education Itinerant Teacher:** A special education itinerant teacher (SEIT) provides instruction in pre-academic skills and/or social skills to a preschool child with a disability in either the home or in a pre-school setting.

**Center Based Services:** Center based special education pre-school programs may be a half day or full day program. They address the overall developmental needs of the child and may or may not be coupled with related services, depending on the student’s needs. The class size and staffing may vary depending on student needs.

**Special Class in a Segregated Setting:** Special classes in segregated settings do not include non-disabled peers in the same class as the pre-school student with a disability. The placement is generally recommended when a student has multiple and/or high needs for special instruction and intense services. There are very few pre-school classes in segregated settings.

**Special Class in an Integrated Setting:** A special class program in an integrated setting includes both disabled and non-disabled students in the same classroom. The placement is generally recommended when a student has fewer needs or less severe delays and also when it is felt that they will benefit from the modeling and interaction with non-disabled peers for social skills and language development.

**Preschool Students by program:**

Preschool Students by Program ( March 2019)		
Nature of Services	Number of Students	Ages
Related Services Only	104	3-5
SEIS Only	3	5
SEIS & Related Service	19	3-5
Special Class	26	4-5
Total	152	

**Continuum of Services Available to School Aged Students with Disabilities**

The following are a listing of the Elmira City School District’s programs and services that are currently available to meet the academic, social, physical and management needs of students with disabilities.

**Related Services:** This is the lowest level of special education services on the least restrictive environment continuum. Related services are developmental, corrective and other supportive services that are required to assist the student with a disability. There follows a summary of available related services:

- Speech/Language services
- Occupational/Physical therapy contracted through Arnot Health
- Counseling provided in coordination with Chemung County Family Services as an outreach program for both students with and without disabilities. School Social Workers employed by ECSD provide IEP counseling.
- Teacher of the hearing impaired (THI) contracted through GST BOCES
- Teacher of the visually impaired
- CVI consultation: outside contract
- Orientation and Mobility Services contract through A.V.R.E
- Applied Behavioral Analysis/Behavioral Management Specialist: outside contact
- Music therapy: outside contract

**Primary Related Services in District by Grade table**

**Primary Related Services by Grade (March 2019)**

Grade	Speech	OT	PT	Counseling	TOD	Orientation/Mobility
K	52	3		1		
1	38	4			1	
2	22	3	1		1	
3	6	1	1	1	1	
4	5	1		1	1	
5	3					
6	4					
7	1					
8	1			1		
9	1			2	1	
10					2	
11						1
Total	133	12	2	6	7	1

**Consultant Teacher Services:** The district provides direct and/or indirect Consultant Teacher services to students with disabilities in general education classes K-12. Consultant teacher services direct and/or indirect means specially designed individualized or group instruction provided by a certified special education teacher to a student with a disability to aid such student to benefit from the student's general education classes.

Special education consultant teachers collaborate with general education teachers to plan instructional accommodations, modifications and specially designed instruction for students in the general education setting. One way in which consultant teachers and general education teachers collaborate is through meaningful and flexible grouping of students depending on the activity and learning outcomes.

Instructional accommodations are changes in how a student accessed information and demonstration of learning and does not substantially change the instructional level, content or performance criteria. Accommodations may include changes in presentation or format of instruction and/or response format and procedures, instructional strategies and time/scheduling, environmental considerations, equipment and physical setting.

Modifications are changes in what a student is expected to learn to provide opportunities to participate meaningfully and productively with other students in the classroom and school learning experiences. Modifications may include changes in instructional level, content and performance criteria.

**Integrated Co-teaching:** This program provides a special education teacher to co-teach with the general education teacher. In Elmira City School District this service is provided mostly at the secondary level. A variety of co-teaching models can be utilized in this service delivery including team teaching, parallel teaching, station teaching and supportive teaching. The co-teaching model pairs a content specialist (the general education teacher) with an access specialist (special education teacher) to ensure that students with disabilities can be successful in the general education classroom. There may be no more than 12 students with IEPs in any general education co-taught section or greater than 50% of the total class enrollment. Upon request, the State Education Department may grant a variance for one additional student.

**Resource Room Program:** This program is for students with disabilities who are in need of specialized supplementary instruction in a small group setting for a specific subject area, such as English Language Arts or Math.

- No more than five students may be placed in a resource room at any one time
- Students are assigned to a resource room for not less than three hours a week and not more than 50% of their school day. The minimum time is if this is the only special education service the student receives.
- A teacher assigned to teach resource room full time might have a caseload of 20 students. If the teacher is assigned to provide resource support and other special education classes, the caseload is prorated based on time in each assignment area
- Students are assigned to resource room based on their similarity of individual needs according to levels of academic achievement, learning characteristics, social and physical development and management needs.
- A resource program supports general education through small group review, reinforcement of skills, remediation of learning deficits, pre-teaching new

concepts and supplemental reading or math instruction. It is not intended as a setting to complete homework.

- Resource room is considered a removal from general education and must adhere to the 36-month age span for the student grouping.

**Special Class Programs:** The district provide special class programs taught by a special education teacher outside of the general education classes. The chronological age range within the special education classes for students less than 16 years of age may not exceed 36 months, unless the district applies for and is granted a variance from NYSED. The district provides the following types of special class programs:

#### **Special Class- 12:1:1 ratio**

- The district operates 12:1:1 classes throughout the district. A 12:1:1 class consists of 12 students, a certified special education teacher and a paraprofessional.
- At the elementary level the district currently operated four 12:1:1 classes (grades K-2, grades 3-6). At the higher level the district operates four 12:1:1 classes (grades 10-12)
- Students in the 12:1:1 classes receive instruction in an alternative leaning environment where they receive small group instruction in Reading, Math, Social Studies, Science and English Language Arts. These students generally have severe discrepancies between the academic levels and actual grade level that would prevent them from benefitting in the general educational classroom setting, even with supplementary aides and services.
- Students may spend all or part of their day in the 12:1:1 class, depending on the nature and severity of the academic, social and management needs. The majority students in this program participate in general education classes for Music, P.E., Technology, Home and Careers and Health.
- The curriculum in the 12:1:1 special class parallels that of the general education program and include extensive modifications to the methodology that cannot be accomplished satisfactorily in a general education setting. Most students in this program participate in all district and state assessments with appropriate accommodations.
- Students in the high school special class earn units of credit towards a Regents diploma, however it may take more than the traditional four years to complete the necessary course requirements for credits in a self-contained program.
- Students may also receive the Career Development and Occupational Studies (CDOS) credential in addition to a NYS diploma or in lieu of a diploma. The CDOS standards are a progression of standards for career development, integrated learning and universal foundation skills. The NYS CDOS Commencement Credential requires documentation that the student has demonstrated knowledge and skills at the commencement level of the CDOS learning standards.

#### **Special Class- 8:1:1 ratio**

- This district operates 8:1:1 classes throughout the district. A 8:1:1 class consists of 8 students, a certified special education teacher and a paraprofessional.
- At the elementary level the district currently operated 3 8:1:1 classes, one at the primary level and two at the intermediate level.

- Students in the 8:1:1 classes receive instruction in an alternative learning environment where they receive small group instruction in Reading, Math, Social Studies, Science and/or English Language Arts. These students generally have severe discrepancies between the academic levels and actual grade level or behaviors that would prevent them from benefitting in the general educational classroom setting, even with supplementary aides and services.
- Students may spend all or part of their day in the 8:1:1 class, depending on the nature and severity of the academic, social and management needs. The majority students in this program participate in general education classes for Music, P.E., Technology, Home and Careers and Health. Students in the 8:1:1 generally receive related services such as speech or counseling that is provided in a push in model into the classroom setting when appropriate.
- Most students in this program participate in all district and state assessments with appropriate accommodations.

### **Greater Southern Tier BOCES:**

If we cannot meet a student's need(s) via one of our district programs, GST BOCES programs are sought for meeting student's needs with an appropriate program. By combining student population across multiple school districts, BOCES provides our district with the capacity to provide students with a program more closely tailored to the student's educational, physical, social and management needs. The district typically utilizes BOCES classes only for students with significant needs. Programs are supervised by the GST BOCES administrators and monitored by our district CSE office.

Career Technology Education and Career Service Education classes are available through GST BOCES for all students, including students with disabilities.

### **Privately Operated Programs:**

A student is placed in such a program when no public program is appropriate or available to meet that student's particular need(s). The program is supervised by the administration of that facility and is monitored by our district's CSE office.

### **State Operated Schools:**

Such schools are administered by the State Education Department to meet the needs of severely impaired students through a variety of programs. A student gains entrance to such schools either through recommendation of the CSE or through a Commissioner's appointment following an independent parent/guardian application.

## Data Tables Program by Grade

<b>Program by Grade (March 2019)</b>								
<b>Grade</b>	<b>Consultant</b>	<b>Integrated</b>	<b>Resource</b>	<b>Special Class 12:1:1</b>	<b>Special Class 8:1:1</b>	<b>Special Class BOCES 8:1:1</b>	<b>Special Class BOCES 6:1:1</b>	<b>Special Class BOCES 15:1</b>
K	7		3	2	2	1	2	
1	11			9	3			
2	22		3	7	3		4	
3	30		8	6	1	4	2	
4	47		3	10	3		1	
5	54		8	3	4		3	
6	60			3	4	1	2	
7	1	61	4			2	4	
8	5	56	1		1	5		1
9	2	32	3	1		5	2	2
10	6	39		14		4	2	1
11	11	36	1	13		11		
12	16	34	1	13		7	3	5
UG7-12		4		1	1		10	4
UGK-6				4			1	
<b>Total</b>	<b>272</b>	<b>262</b>	<b>35</b>	<b>86</b>	<b>22</b>	<b>40</b>	<b>36</b>	<b>13</b>

## Data Table Program by Disabilities

<b>Program by Disability March 2019</b>											
	<b>AU</b>	<b>DF</b>	<b>ED</b>	<b>HH</b>	<b>ID</b>	<b>LD</b>	<b>MD</b>	<b>HI</b>	<b>SI</b>	<b>BI</b>	<b>Total</b>
<b>CT</b>	20	1	12	2	8	131		90	6	2	272
<b>ICT</b>	29		8	1	22	126		75		1	262
<b>RR</b>	15		2		2	10	1	4		1	35
<b>SC 12:1:1</b>	11	3	3		48	2	5	12	2		86
<b>SC 8:1:1</b>	15	1	23		3	1	2	17			62
<b>SC 6:1:1</b>	14		10		1	1	3	7			36
<b>SC 15:1</b>					10		2	1			13
<b>Total</b>	<b>104</b>	<b>5</b>	<b>58</b>	<b>3</b>	<b>94</b>	<b>271</b>	<b>13</b>	<b>206</b>	<b>8</b>	<b>4</b>	<b>766</b>

Autism: AU, Deaf: DF, Emotional Disturbance: ED, Hard of Hearing: HH, Intellectually Delayed: ID, Learning Disabled: LD, Multiply Disabled: MD, Other Health Impaired: HI, Speech Impaired: SI, Blind: BL.

## **Key to Disabilities**

There are 13 categories of special education as defined by the Individuals with Disabilities Education Act (IDEA). In order to qualify for special education, the IEP team must determine that a child has one of the following:

- Autism
- Blindness
- Deafness
- Emotional Disturbance
- Hearing Impairment
- Intellectual Disability
- Multiple Disabilities
- Orthopedic Impairment
- Other Health Impaired
- Specific Learning Disability
- Speech or Language Impairment
- Traumatic Brain Injury
- Visual Impairment

### **Methods to Evaluate Progress**

Elmira City Schools utilize student performance on Statewide ELA and Math assessments, NWEA, literacy testing, report cards, and Regents Exams to measure student progress toward graduation. New York State Special Education Performance Plan Indicator data also assists in providing feedback regarding student achievement and graduation rates.

Curriculum based measures also are used to measure a student's progress toward meeting their goals. Data is also collected in regards to progress towards IEP goal masteries. For some students, the New York State Alternative Assessments provides information regarding progress towards meeting their individual educational goals. Additionally, data collection for the Skills and Achievement Credential and the Career and Occupational Studies (CDOS) credential will provide information regarding student progress.

### **Allocation of Space for Special Education Programs and Services**

The Board of Education recognizes it's recognizes its responsibility to allocate adequate and appropriate space for special education, programs and services that are provided by the District or by BOCES. The Board affirms a commitment to serve students with disabilities in settings with non-disabled peers.

Therefore, administrators will monitor the number of students with disabilities and the services required for those students and will anticipate future needs in order to identify current and future space needs. Planning for special education programs and services will maximize integration of general and special education programs.

The Superintendent with consultation with the Supervisor of Special Education will consider special education space needs as part of the annual budget cycle and during all long range facilities planning.

### **Alternative Format Procedures**

In accordance with Chapter 377 of the Laws of 2001 and amendments to Section 200.2 of the Regulations of the Commissioner, the District has implemented procedures to ensure that every student with a disability who needs his or her instructional materials available in an alternative format will receive those materials at the same time that they are available to non-disabled students.

- Alternative format is defined to mean any medium or format for presentation of instructional or assessment materials, other than traditional print materials, that are needed as an accommodation for a student with a disability enrolled in the school district. It would include, but not be limited to Braille, large print, open and closed caption, audio or electronic file.

- The need for alternative format materials will be determined by the Committee on Special Education and specified in the student's IEP or by the Section 504 Team and is specified in the student's Accommodation Plan.
- The CSE or Section 504 Team will identify a case manager who will collaborate with school personnel, the building administration and/or the CSE chairperson to obtain alternative format materials, including state assessments.
- Material in alternative formats will be ordered or produced with sufficient lead time to ensure that they will be available at the same time as regular format materials are providing to other students.
- The District will give preference in the purchase of instructional materials to those vendors who agree to provide such materials in alternative formats.

### **Special Education Budget**

A budget to support the proposed delivery of special education programs will be developed annually, based on the number of special education students and their individual needs. The budget will include the funding necessary to support in-house programs, as well as, GST BOCES special education programs and private placements. An additional sum of money is added to the special education budget each year in the anticipation of new special education students moving into the district, as well as an amount for unexpected additional needs of current students that might arise. The budget is prepared annually and reviewed by the Supervisor of Special Education, the Director of Educational Services, the Business Office, Superintendent and the Board of Education.

### **Special Education Staffing**

Special Education assignments are adjusted each year after the CSE annual review process. The Supervisor of Special Education confers with the building principals, Director of Administrative Services, Director of Educational Services and the Superintendent to determine appropriate scheduling and staffing within input from various service providers.

## Board of Education Policies

The Board of Education policies referring to Special Education can be found in the Policy Manual. Numbers and titles are listed here:

### Policy Number

7610	Special Education District Plan
7611	Children with Disabilities
7612	Grouping by Similarity of Needs
7613	The Role of the Board in in Implementing a Student's IEP
7614	Preschool Special Education Program
7615	Use of Time Out Rooms
7616	Least Restrictive Environment
7617	Pre-referral Intervention Strategies
7618	Declassification of Students with Disabilities
7620	Students with Disabilities Participating in School District Programs
7621	Section 504 of the Rehabilitation Act of 1973
7631	Appointment and Training of Committee of Special Education
7632	Appointment and Training of Committee of Preschool Special Education
7641	Transportation Services
7642	Extended School Year (July-August) Services and/or Programs
7650	Identification and Register of Children with Disabilities (Child Find)
7660	Parent Involvement for Children with Disabilities
7670	Due Process Complaints; Selection and Board Appointment of Impartial Hearing Officers
7680	Independent Educational Evaluations
7690	Special Education Mediation

## **Appendices**

1. Special Education School District Data Profile- 2017-2018
2. Fiscal Accountability Summary- 2016-2017
3. NYSED Blueprint for Improved Results for Students with Disabilities -11/2015
4. NYSED Field Advisory on Least Restrictive Environment- 12/2015
5. U.S. Department of Education Least Restrictive Environment (LRE) memo- 11/2015

## Appendix 1

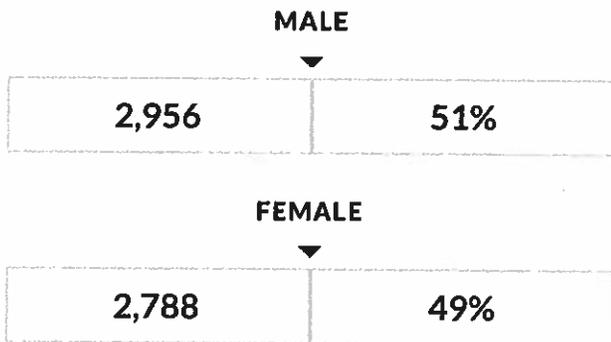
### Special Education School District Data Profile (2017-18)

These enrollment data are collected as part of NYSED's Student Information Repository System (SIRS). These counts are as of "BEDS Day" which is typically the first Wednesday in October. Available are enrollment counts for public and charter school students by various demographics for the 2017 - 18 school year. For nonpublic school enrollment data please see the Non-Public School Enrollment and Staff information on our Information and Reporting Services webpage.

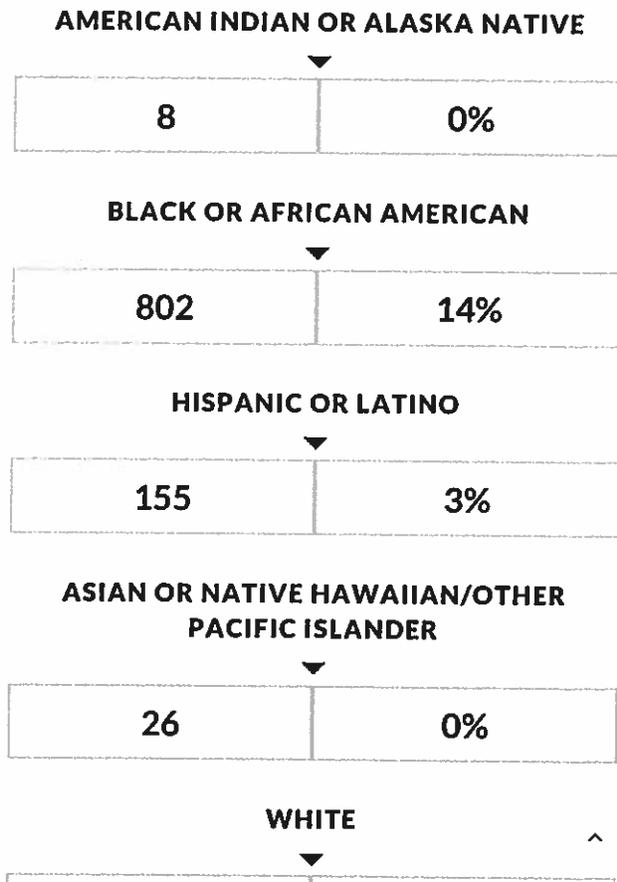
**ELMIRA CITY SCHOOL DISTRICT ENROLLMENT  
(2017 - 18)**

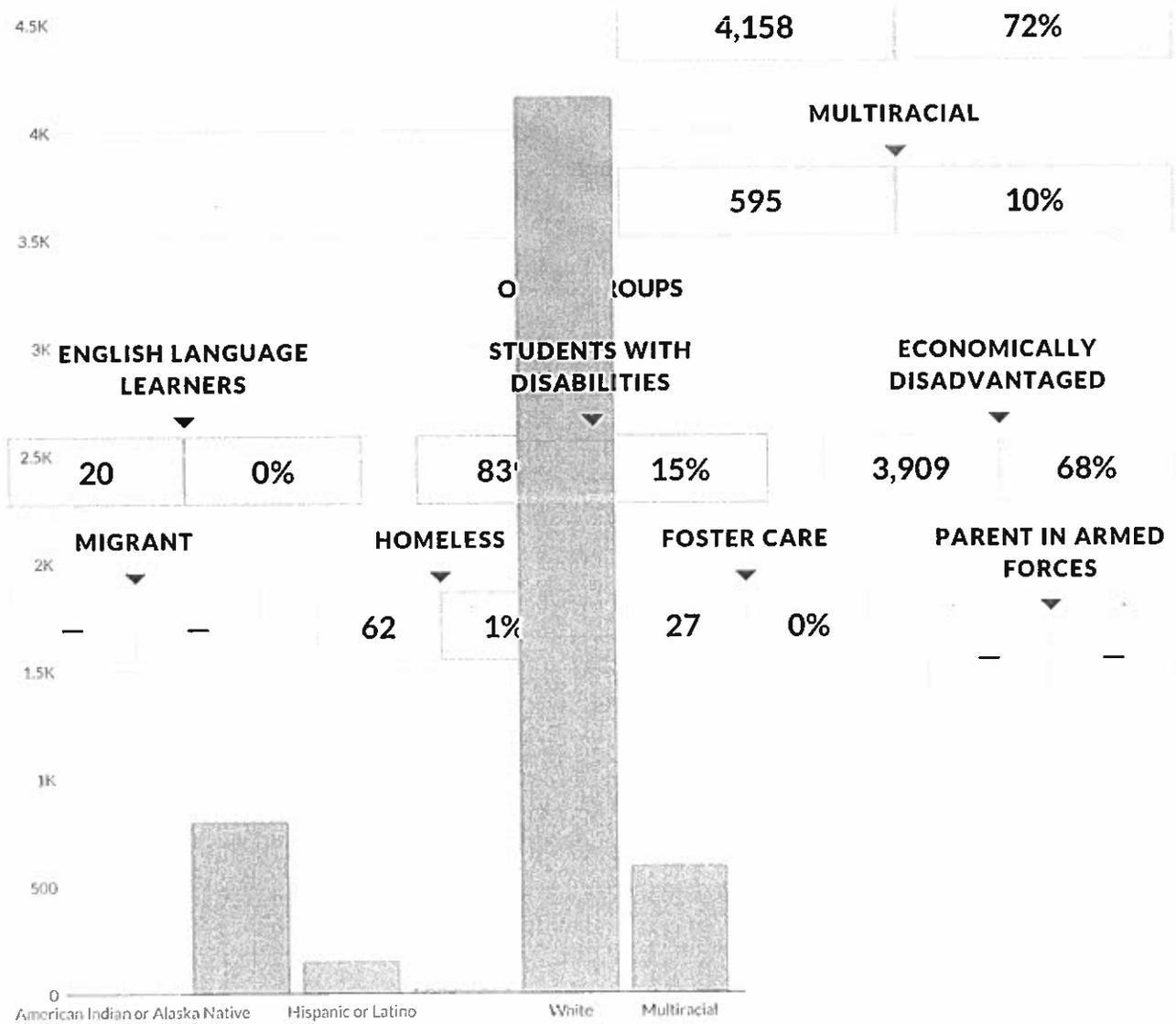
**K-12 Enrollment: 5,744**

**ENROLLMENT BY GENDER**

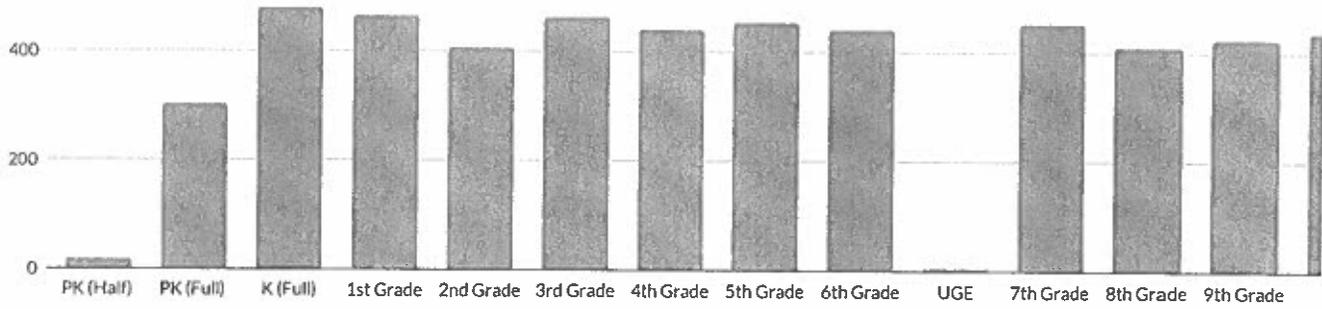


**ENROLLMENT BY ETHNICITY**





**ENROLLMENT BY GRADE**



**PRE-K (HALF DAY)**

19	0%
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**PRE-K (FULL DAY)**

303	5%
-----	----

**K (FULL DAY)**

479	8%
-----	----

**1ST GRADE**

465	8%
-----	----

**2ND GRADE**

407	7%
-----	----

**3RD GRADE**

463	8%
-----	----

**4TH GRADE**

441	7%
-----	----

**5TH GRADE**

454	7%
-----	----

**6TH GRADE**

442	7%
-----	----

**UNGRADED ELEME...**

6	0%
---	----

**7TH GRADE**

453	7%
-----	----

**8TH GRADE**

411	7%
-----	----

**9TH GRADE**

425	7%
-----	----

**10TH GRADE**

438	7%
-----	----

**11TH GRADE**

434	7%
-----	----

**12TH GRADE**

420	7%
-----	----

**UNGRADED SECON...**

6	0%
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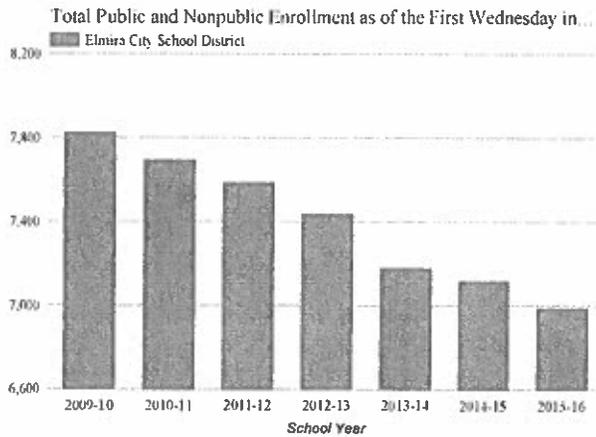
**ELMIRA CITY SCHOOL DISTRICT**

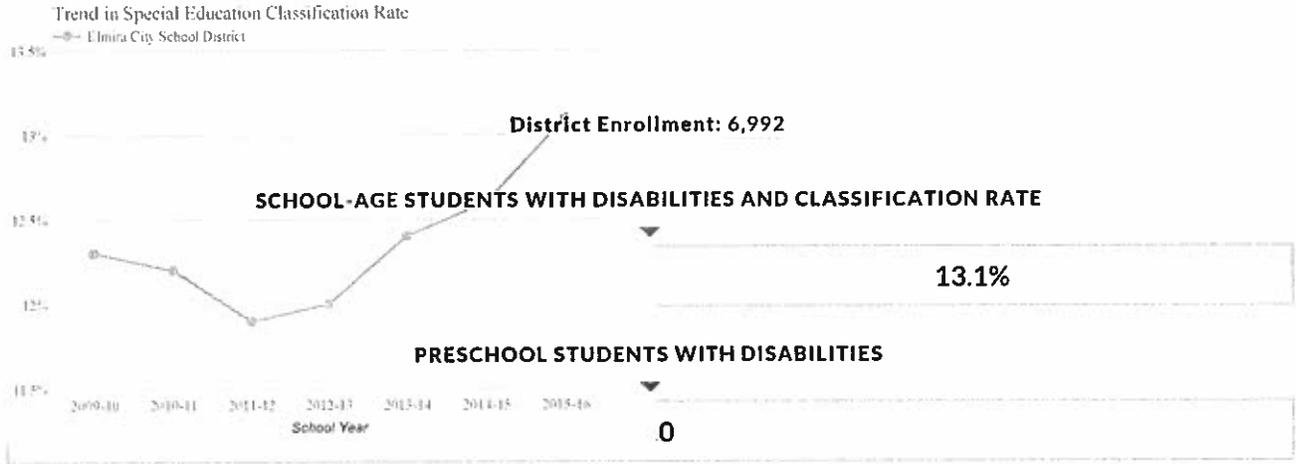
Special Education School District Data Profile 2015-16

- Enrollment & Classification Rate
- Indicator 1: Graduation Rate
- Indicator 2: Drop-Out Rate
- Indicator 3: State Assessments
- Indicator 4A: Suspension Rate
- Indicator 4B: Significant Discrepancy by Race/Ethnicity in Suspension Rate
- Indicator 5: School-Age Least Restrictive Environment (LRE)
- Indicator 6: Preschool Least Restrictive Environment (LRE)
- Indicator 7: Preschool Outcomes
  
- Indicator 8: Parental Involvement
- Indicator 9: Disproportionality - Identification for Special Education
- Indicator 10A: Disproportionality in Specific Disability Categories
- Indicator 10B: Disproportionality in Special Education Placements
- Indicator 11: Timely Evaluations (Child Find)
- Indicator 12: Early Childhood Transition
- Indicator 13: Secondary Transition
- Indicator 14: Post-School Outcomes

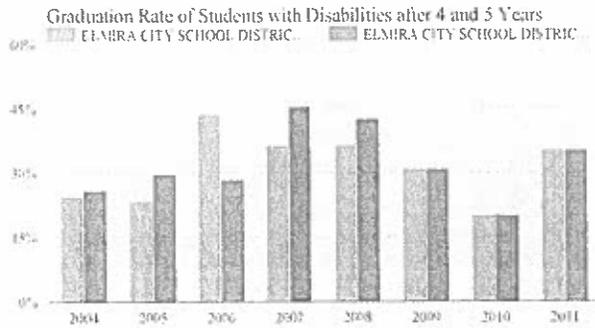
**Elmira City School District  
2015-16**

**Enrollment And Classification Rate**





**Indicator 1: Graduation Rate of Students with Disabilities**



2011 TOTAL COHORT - AUGUST 2015

**Students with Disabilities and Graduation rate**

68

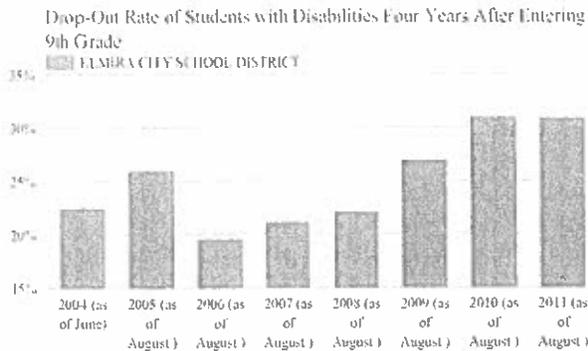
35.3%

State target and does district meet target

55.39% or higher

No, did not meet state target

**Indicator 2: Drop-Out Rate of Students with Disabilities**



2011 TOTAL COHORT 4 YEARS LATER - AUGUST 2015

**Students with Disabilities and Drop-out Rate**

68	30.9%
----	-------

State target and does district meet target

14% or lower	No, did not meet state target
--------------	-------------------------------

**Indicator 3: State Assessments**

**Participation in and Performance on State Assessments**

**GRADE 3-8 ELA**

Students with disabilities and participation rate

770	88%
-----	-----

State target and does district meet target

95%	No, did not meet state target
-----	-------------------------------

**GRADE 3-8 MATH**

Students with disabilities and participation rate

765	83%
-----	-----

State target and does district meet target

95%	No, did not meet state target
-----	-------------------------------

**HIGH SCHOOL ELA**

Students with disabilities and participation rate

121	83%
-----	-----

State target and does district meet target

95%	No, did not meet state target
-----	-------------------------------

**HIGH SCHOOL MATH**

Students with disabilities and participation rate

121	91%
-----	-----

State target and does district meet target

95%	No, did not meet state target
-----	-------------------------------

**Performance on State Assessments**

**GRADE 3-8 ELA**

**Percent at or above level 3**

333

4.4%

State target and does district meet target

16%

No, did not meet state target

**GRADE 3-8 MATH**

**Percent at or above level 3**

315

6.5%

State target and does district meet target

16%

No, did not meet state target

**HIGH SCHOOL ELA**

**Percent at or above level 3**

59

54.8%

State target and does district meet target

63%

No, did not meet state target

**HIGH SCHOOL MATH**

**Percent at or above level 3**

59

55.1%

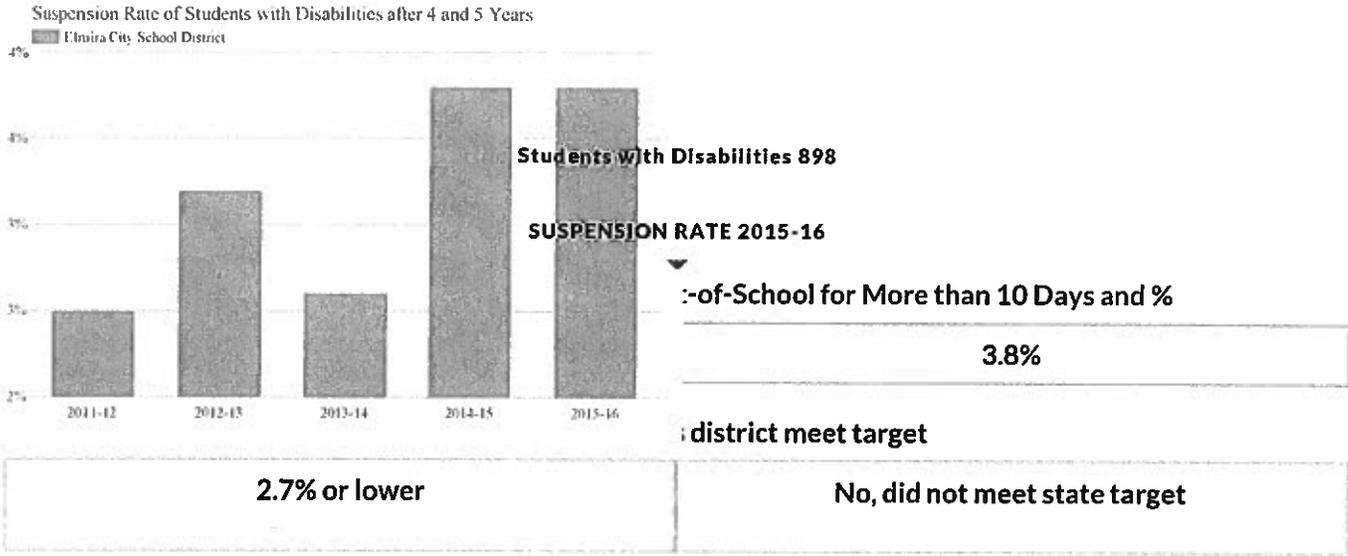
State target and does district meet target

64.5%

No, did not meet state target

Participation in and performance on rate is suppressed if less than 40 students with disabilities are reported as enrolled for participation rate.

**Indicator 4A: Suspension Rate**



**Indicator 4B: Significant Discrepancy by Race/Ethnicity in Suspension Rate**

**SUSPENSION RATE 2015-16**

Did the school district have significant discrepancy?

YES

State target for 2015-16

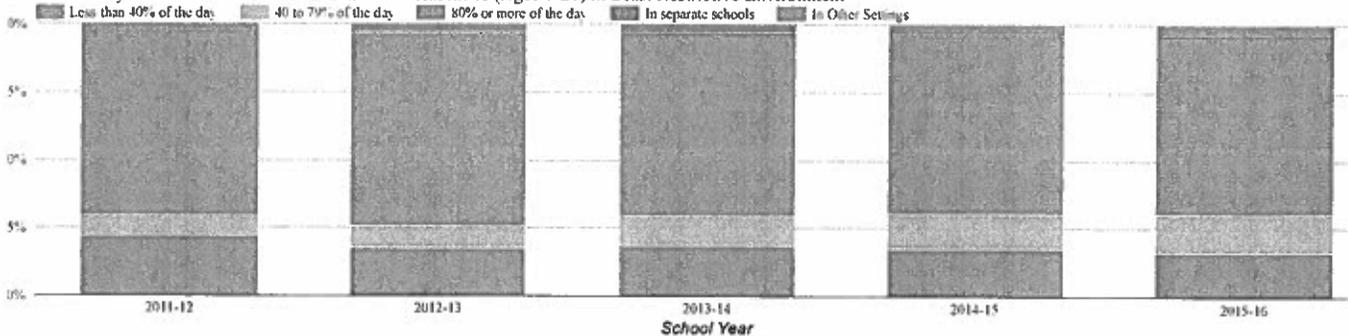
State target and does district meet target

No school districts will have disproportionality that is the result of inappropriate policies, practices and procedures.

Yes, met state target

**Indicator 5: School-age Least Restrictive Environment (LRE)**

Elmira City School District % of Students with Disabilities (Ages 6-21) in Least Restrictive Environment



Total Students with Disabilities ages 6-21: 836

**STUDENTS WITH 80% OR MORE OF THE DAY IN A GENERAL EDUCATION PROGRAM**

64.8%

State target and does district meet target

Greater than or equal to 58.8%

Yes, met state target

**STUDENTS WITH 40 TO 79% OF THE DAY IN A GENERAL EDUCATION PROGRAM**

14.1%

State target and does district meet target

No State Target

Not Applicable

**STUDENTS WITH LESS THAN 40% OF THE DAY IN A GENERAL EDUCATION PROGRAM**

16.5%

State target and does district meet target

Less than or equal to 20.5%

Yes, met state target

**STUDENTS WITH DISABILITIES IN SEPARATE SETTINGS**

0.4%

State target and does district meet target

Less than or equal to 5.8%

Yes, met state target

**STUDENTS WITH DISABILITIES IN OTHER SETTINGS**

4.2%

State target and does district meet target

No State Target

Not Applicable

**Indicator 6: Preschool Least Restrictive Environment (LRE)**

Total Students with Disabilities: 192

**STUDENTS WITH DISABILITIES WITH MEASUREMENT A**

2.6%

State target and does district meet target

43.5% or higher	No, did not meet state target
-----------------	-------------------------------

STUDENTS WITH DISABILITIES WITH MEASUREMENT B



15.1%
-------

State target and does district meet target

21.0% or lower	Yes, met state target
----------------	-----------------------

Indicator 7: Preschool Outcomes

This district is not required to report for Indicator 7 for 2015-16 please see <http://www.p12.nysed.gov/sedcar/data.htm#subschedule> for the school year in which this school district will report data for this indicator.

Indicator 8: Parental Involvement

Number of completed surveys 92

PERCENT OF PARENTS WHO REPORTED THAT SCHOOLS FACILITATED PARENT INVOLVEMENT TO IMPROVE SERVICES AND RESULTS FOR STUDENTS WITH DISABILITIES



97.8%
-------

State target and does district meet target

94% or higher	Yes, met state target
---------------	-----------------------

Indicator 9: Disproportionality - Identification for Special Education

DISPROPORTIONATE REPRESENTATION IN SPECIAL EDUCATION?



No
----

State target and does district meet target

No school districts will have disproportionality that is the result of inappropriate policies, practices and procedures.	Yes, met state target
--	-----------------------

Indicator 10A: Disproportionality in Specific Disability Categories

DISPROPORTIONATE REPRESENTATION IN SPECIFIC DISABILITY CATEGORIES?



No
----

State target and does district meet target

No school districts will have disproportionality that is the result of inappropriate policies, practices and procedures.	Yes, met state target
--	-----------------------

**Indicator 10B: Disproportionality in Special Education Placements**

**DISPROPORTIONATE REPRESENTATION IN PARTICULAR SETTINGS?**

No

**State target and does district meet target**

No school districts will have disproportionality that is the result of inappropriate policies, practices and procedures.

Yes, met state target

**Indicator 11: Timely Evaluations (Child Find)**

This district is not required to report for indicator 11 for 2015-16 please see <http://www.p12.nysed.gov/sedcar/data.htm#subschedule> for the school year in which this school district will report data for this indicator.

**Indicator 12: Early Childhood Transition**

Percent of children with IEPs who transitioned from early intervention services (Part C) to preschool special education services (Part B) and received their preschool special education services by their third birthdays consistent with State law.

This district is not required to report for Indicator 12 for 2015-16 please see <http://www.p12.nysed.gov/sedcar/data.htm#subschedule> for the school year in which this school district will report data for this indicator.

**Indicator 13: Secondary Transition**

This district is not required to report for Indicator 13 for 2015-16 please see <http://www.p12.nysed.gov/sedcar/data.htm#subschedule> for the school year in which this school district will report data for this indicator.

**Indicator 14: Post-School Outcomes**

This district is not required to report for Indicator 14 for 2015-16 please see <http://www.p12.nysed.gov/sedcar/data.htm#subschedule> for the school year in which this school district will report data for this indicator.

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## Appendix 2

### Fiscal Accountability Summary (2016-2017)

# FISCAL ACCOUNTABILITY SUMMARY (2016 - 17)

## INFORMATION ABOUT EXPENDITURE RATIOS (2015 - 16)

(Data are lagged a year.)

Commissioner's Regulations require that certain expenditure ratios for general-education and special-education students be reported and compared with ratios for similar districts and all public schools. The required ratios for this district are reported below.

The numbers used to compute the statistics on this page were collected on the State Aid Form A, the State Aid Form F, the School District Annual Financial Report (ST-3), and from the Student Information Repository System (SIRS).

### THIS SCHOOL DISTRICT

#### GENERAL EDUCATION

#### SPECIAL EDUCATION

##### INSTRUCTIONAL EXPENDITURES

##### INSTRUCTIONAL EXPENDITURES

\$57,291,840

\$18,507,487

##### PUPILS

##### PUPILS

6,171

918

##### EXPENDITURES PER PUPIL

##### EXPENDITURES PER PUPIL

\$9,284

\$20,161

### SIMILAR DISTRICT GROUP

**HIGH NEED/RESOURCE CAPACITY URBAN OR SUBURBAN**

**GENERAL EDUCATION**

**SPECIAL EDUCATION**

**INSTRUCTIONAL EXPENDITURES**

**INSTRUCTIONAL EXPENDITURES**

▼  
\$2,440,985,374

▼  
\$1,050,335,896

**PUPILS**

**PUPILS**

▼  
213,256

▼  
34,037

**EXPENDITURES PER PUPIL**

**EXPENDITURES PER PUPIL**

▼  
\$11,446

▼  
\$30,859

^

**ALL SCHOOL DISTRICTS****GENERAL EDUCATION****SPECIAL EDUCATION****INSTRUCTIONAL EXPENDITURES****INSTRUCTIONAL EXPENDITURES**▼  
**\$33,423,609,457**▼  
**\$14,485,942,729****PUPILS****PUPILS**▼  
**2,649,519**▼  
**460,996****EXPENDITURES PER PUPIL****EXPENDITURES PER PUPIL**▼  
**\$12,615**▼  
**\$31,423**

Instructional Expenditures for General Education are K-12 expenditures for classroom instruction (excluding Special Education) plus a proration of building level administrative and instructional support expenditures. These expenditures include amounts for instruction of students with disabilities in a general-education setting. District expenditures, such as transportation, debt service and district-wide administration are not included.

The pupil count for General Education is K-12 average daily membership plus K-12 pupils for whom the district pays tuition to another school district. This number represents all pupils, including those classified as having disabilities and those not classified, excluding only students with disabilities placed out of district. Pupils resident in the district but attending a charter school are included. For districts in which a county jail is located, this number includes incarcerated youth to whom the district must provide an education program.

Instructional Expenditures for Special Education are K-12 expenditures for students with disabilities (including summer special education expenditures) plus a proration of building-level administrative and instructional support expenditures. District expenditures, such as transportation, debt service and district-wide administration are not included.

The pupil count for Special Education is a count of K-12 students with disabilities for the school year plus students for whom the district receives tuition from another district plus students for whom the district pays tuition to another district. Students attending the State schools at Rome and Batavia, private placements and out-of-state placements are included.

Instructional Expenditures Per Pupil is the simple arithmetic ratio of Instructional Expenditures to Pupils. The total cost of instruction for students with disabilities may include both general- and special-education expenditures. Special-education services provided in the general-education classroom may benefit students not classified as having disabilities.

**TOTAL EXPENDITURES PER PUPIL**

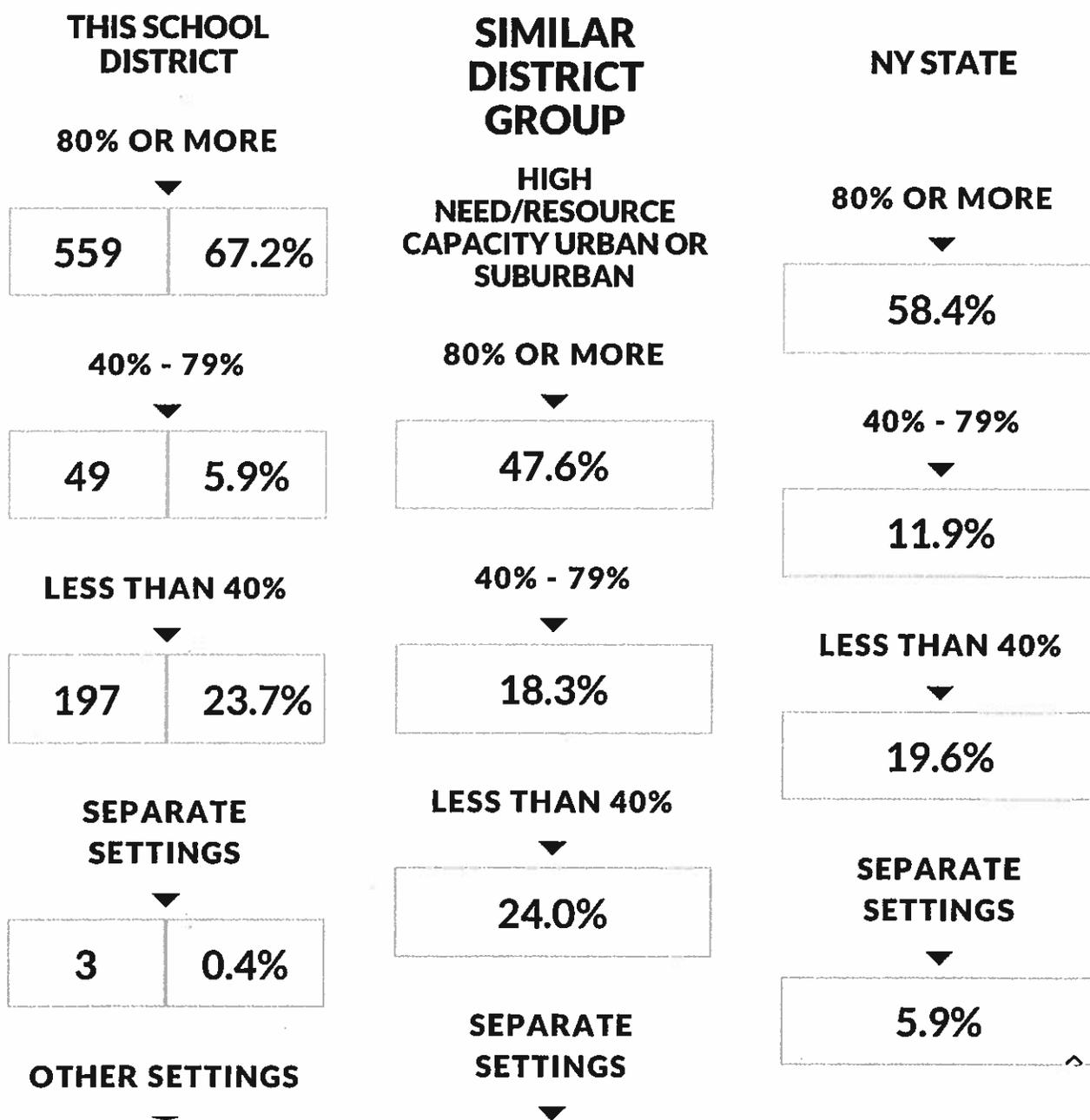
<b>THIS SCHOOL DISTRICT</b>	<b>SIMILAR DISTRICT GROUP</b>	<b>NY STATE</b>
<b>\$19,814</b>	<b>\$21,264</b>	<b>\$23,361</b>

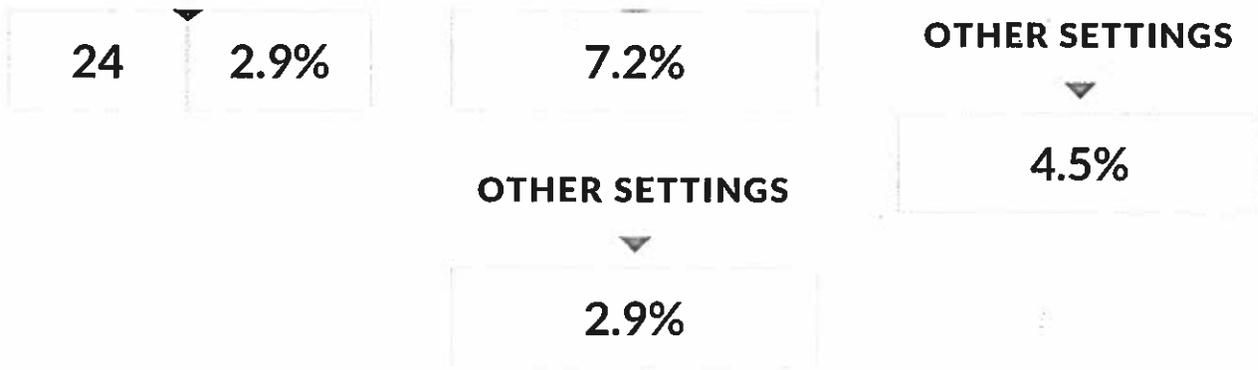
Total Expenditures Per Pupil is the simple arithmetic ratio of Total Expenditures to Pupils. Total Expenditures include district expenditures for classroom instruction, as well as expenditures for transportation, debt service, community service and district-wide administration that are not included in the Instructional Expenditure values for General Education and Special Education. As such, the sum of General Education and Special Education Instructional Expenditures does not equal the Total Expenditures.

## INFORMATION ABOUT STUDENTS WITH DISABILITIES (2016 - 17)

Commissioner's Regulations require reporting students with disabilities by the percent of time they are in general education classrooms and the classification rate of students with disabilities. These data are to be compared with percentages for similar districts and all public schools. The required percentages for this district are reported below.

### STUDENT PLACEMENT (PERCENT OF TIME INSIDE REGULAR CLASSROOM)





The source data for the statistics in this table were reported through the Student Information Repository System (SIRS) and verified in Verification Report 5. The counts are numbers of students reported in the least restrictive environment categories for school-age programs (ages 6-21) on BEDS Day, which is the first Wednesday of the reporting year. The percentages represent the amount of time students with disabilities are in general-education classrooms, regardless of the amount and cost of special-education services they receive. Rounding of percentage values may cause them to sum to a number slightly different from 100%.

**SCHOOL-AGE STUDENTS WITH DISABILITIES CLASSIFICATION RATE**

THIS SCHOOL DISTRICT	SIMILAR DISTRICT GROUP	NY STATE
13.4%	12.9%	14.9%

This rate is a ratio of the count of school-age students with disabilities (ages 4-21) to the total enrollment of all school-age students in the school district, including students who are parentally placed in nonpublic schools located in the school district. The numerator includes all school-age students for whom a district has Committee on Special Education (CSE) responsibility to ensure the provision of special-education services. The denominator includes all school-age students who reside in the district. In the case of parentally placed students in nonpublic schools, it includes the number of students who attend the nonpublic schools located in the school district. Source data are drawn from the SIRS and from the Basic Education Data System (BEDS).

Similar District Groups are identified according to the Need-to-Resource-Capacity Index. More information is available on our NRC capacity categories page.

## Appendix 3

NYSED Blueprint for Improved Results for Students with Disabilities -11/2015



New York State  
EDUCATION DEPARTMENT

Knowledge > Skill > Opportunity



# BLUEPRINT FOR IMPROVED RESULTS FOR STUDENTS WITH DISABILITIES

## Office of Special Education

*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.*

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## **BLUEPRINT FOR IMPROVED RESULTS FOR STUDENTS WITH DISABILITIES**

The mission of the New York State Education Department (NYSED), Office of Special Education, – supported by all offices within NYSED – is to ensure that students with disabilities have opportunities to benefit from high-quality instruction, to reach the same standards as all students, and to leave school prepared to successfully transition to post-school learning, living and working. Through this process, there are essential and fundamental procedural rights and protections afforded by federal and State law both to parents and students with disabilities.

The following principles were selected, in consultation with stakeholders, as a statewide framework of expectations to lay the foundation for improved instruction and results for students with disabilities. References to students with disabilities within this document includes preschool students with disabilities and school-age students with any of the 13 disability categories of autism, blindness, deafness, deaf-blindness, emotional disabilities, hearing impairment, intellectual disability, orthopedic impairments, multiple disabilities, health impairments, speech and language impairment, traumatic brain injury and visual impairment.

While there are many other components or key principles that are important in the education of students with disabilities, this Blueprint focuses on seven research and evidence-based core principles and practices for all students with disabilities. Improving results for students with disabilities requires a renewed focus on these core principles. Underlying these principles are the following essential understandings.

- Communities, boards of education, district and school leaders must provide systemic supports and professional development for teachers to meet the needs of students with disabilities, including appropriate identification and ensuring classrooms have necessary supports, rigorous and relevant learning environments and classroom and school-wide approaches are created to maintain a positive climate.
- School principals and special education administrators are fundamental in their roles as instructional leaders for students with disabilities.
- All teachers are teachers of students with disabilities and every teacher needs to be skilled in how to support and provide differentiated and specially-designed instruction to students with disabilities.
- Students with disabilities must be held to high expectations and given the appropriate supports and services to meet those high expectations.
- Students and parents of students with disabilities need information and support to be meaningfully involved in the special education process.
- Students with disabilities should participate, to the maximum extent possible, in making recommendations for supports and services needed for their academic success and to meet their post-secondary transition goals.

## *Blueprint for Improved Results for Students with Disabilities*

### **Guiding Principles**

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The following principles will be used by the State to review policy, technical assistance and other improvement activities. School districts and schools are encouraged to use these principles to review practice and to identify and act on areas where improvement is needed.

#### **STUDENTS ENGAGE IN SELF-ADVOCACY AND ARE INVOLVED IN DETERMINING THEIR OWN EDUCATIONAL GOALS AND PLANS.**

---

*This is evident when:*

- *Students participate in individualized education program (IEP) meetings.*
- *Students create and monitor their progress towards academic and social goals.*
- *Students engage in career planning and selection of courses of study to prepare them for post-secondary living, working and learning.*

#### **PARENTS, AND OTHER FAMILY MEMBERS, ARE ENGAGED AS MEANINGFUL PARTNERS IN THE SPECIAL EDUCATION PROCESS AND THE EDUCATION OF THEIR CHILD.**

---

*This is evident when:*

- *Parents report that they understand the special education process and their due process rights and actively participate in the development of their child's IEP.*
- *Parents understand what their child is expected to know and be able to do to progress toward the State learning standards.*
- *Parents and educators engage in frequent, respectful and open discussion of the educational needs of the student.*
- *Families are invited into and feel welcome in all school environments.*
- *Parents have the information they need about effective strategies to support their child's learning and support transition from school to post-school activities.*

#### **TEACHERS DESIGN, PROVIDE AND ASSESS THE EFFECTIVENESS OF SPECIALLY-DESIGNED INSTRUCTION TO PROVIDE ACCESS FOR STUDENTS WITH DISABILITIES TO PARTICIPATE AND PROGRESS IN THE GENERAL EDUCATION CURRICULUM.**

---

*This is evident when:*

- *All teachers are responsive to the pedagogical needs of students with disabilities.*
  - *All students receive instruction in curriculum aligned with the State's Learning Standards.*
  - *IEPs are developed in consideration of grade level standards.*
  - *IEPs are implemented and reviewed by educators, families and students to ensure that students are meeting their annual goals.*
  - *Special and general education teachers of students with disabilities engage in intentional collaborative lesson planning to meet the needs of each individual student with a disability.*
  - *Individual student data are used to inform and design instruction for students with disabilities to progress toward grade level standards.*
  - *Students with disabilities receive instructional materials in alternative formats at the same time as other students in the class receive their instructional materials.*
-

---

**TEACHERS PROVIDE RESEARCH-BASED INSTRUCTIONAL TEACHING AND LEARNING STRATEGIES AND SUPPORTS FOR STUDENTS WITH DISABILITIES.**

---

*This is evident when:*

- *All teachers develop lessons that allow multiple entry points and multiple modes of engagement for students with diverse needs.*
- *All teachers are knowledgeable and skilled in providing explicit instruction in academics and social-emotional learning.*
- *Students with disabilities are taught strategies for self-regulated learning across the content areas.*
- *All teachers continually assess students' understanding of lessons to improve and target instruction to student needs.*
- *Students' individualized needs for assistive technology devices and services are considered and accommodated.*

---

**SCHOOLS PROVIDE MULTI-TIERED SYSTEMS OF BEHAVIORAL AND ACADEMIC SUPPORT.**

---

*This is evident when:*

- *Educators collect and analyze student outcome data to plan, organize, deliver and evaluate the effectiveness of school-wide programs and instruction for all students.*
- *Educators disaggregate and analyze outcomes for students with disabilities to improve school-wide programs and interventions.*
- *Educators collect and analyze data to identify individual students in need of additional support.*
- *Evidence-based interventions are provided in a timely manner to students needing more support.*
- *Progress monitoring data are collected and inform decisions about the effectiveness and/or need for modification to those interventions.*

---

**SCHOOLS PROVIDE HIGH-QUALITY INCLUSIVE PROGRAMS AND ACTIVITIES.**

---

*This is evident when:*

- *Educators use the full continuum of services to ensure that students with disabilities are educated in the least restrictive environment.*
  - *The needs of the students are the primary consideration in the configuration of special education programs and services to be provided to students with disabilities.*
  - *District/school leaders allocate human and financial resources to support scheduling and planning time to ensure all students receive rigorous and appropriate instruction throughout the continuum of special education programs and services.*
  - *Students with disabilities in inclusive settings are provided the accommodations and explicit and specially-designed instruction needed to progress in the curriculum.*
-

---

**SCHOOLS PROVIDE APPROPRIATE INSTRUCTION FOR STUDENTS WITH DISABILITIES IN CAREER DEVELOPMENT AND OPPORTUNITIES TO PARTICIPATE IN WORK-BASED LEARNING.**

---

*This is evident when:*

- *Students are provided age-appropriate transition assessments, guidance, courses of study and work-based learning opportunities to meaningfully engage in early and ongoing career planning and exploration.*
  - *Students with disabilities and their families are provided early and clear information on graduation requirements.*
  - *Students with disabilities receive instruction toward the Career Development and Occupational Studies Learning Standards beginning in the early grades.*
  - *Students are provided instruction to develop lifelong learning skills such as self-advocacy, social-emotional skills, higher order thinking, employability skills and consumer and life skills.*
  - *Students and their families actively participate in the transition planning process.*
  - *Schools facilitate timely student and family connections to post-secondary supports and services through ACCES-VR and other State agency programs and services.*
-



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December 2015

## SPECIAL EDUCATION FIELD ADVISORY

**From:** James P. DeLorenzo *James P. DeLorenzo*

**Subject:** School Districts' Responsibilities to Provide Students with Disabilities with Specially-Designed Instruction and Related Services in the Least Restrictive Environment

Students with disabilities have a fundamental right to receive their special education supports in a classroom and setting that, to the maximum extent appropriate, includes students without disabilities. Under federal law, the presumption is that students with disabilities will attend the same schools they would have attended if they did not have disabilities and that removal or restriction from their regular schools and classrooms can only occur for reasons related to the student's disability when the student's individualized education program (IEP) cannot be satisfactorily implemented in that setting, even with the use of supplementary aids and services.

Yet, in New York State (NYS), data shows that far too many students with disabilities are removed from their general education classes and schools, disparate with the data from other states. Over the past two decades, the State has promoted reform in this area through law, regulations, policy, monitoring, partnerships, professional development and technical assistance. While the statewide data shows significant improvements, there continue to be individual school districts where high percentages of students with disabilities are in separate classes or programs and removed from their general education classes.

At their November 2015 meeting, the Board of Regents discussed federal law and policy relating to placements of students in the least restrictive environment (LRE); research findings that support inclusion of students with disabilities; historical initiatives of the New York State Education Department (NYSED) to ensure students with disabilities are in the LRE; data results at the federal, State, regional and school district level relating to LRE, for both preschool and school age students with disabilities; and a proposed policy to improve LRE placements and results for students with disabilities. A copy of the written report to the Board of Regents and supplemental PowerPoint presentation can be accessed at <http://www.regents.nysed.gov/meetings/2015/2015-11/p-12-education>.

The purpose of this memorandum is to seek the immediate attention of parents, school districts and communities to maximize participation of students with disabilities in general education programs and to ensure that students with disabilities are being provided with opportunities to receive high-quality instruction in the LRE. Specifically, the Department recommends that each school district:

1. engage in a district and school data review and analysis relating to LRE;
2. ensure that full continuum of special education programs and services are available for all students with disabilities; and
3. assess and address the extent to which each of their schools provides "high-quality inclusive settings" as defined in this memorandum.

### **Continuum of Special Education Programs and Services**

Federal law requires that each public agency ensure that a continuum of alternative placements is available to meet the needs of students with disabilities for special education and related services. The continuum must include instruction in general education classrooms, special classes, special schools, home instruction and instruction in hospitals and institutions; and must make provision for supplementary services (such as resource room or itinerant instruction) to be provided in conjunction with the student's regular class placement<sup>1</sup>.

*In order for school districts to ensure that their students with disabilities are receiving their special education services in the LRE, the district must first 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.*

### **LRE Federal and State Requirements**

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. The placement of an individual student with a disability in the LRE must:

- (1) provide the special education needed by the student;
- (2) 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
- (3) be as close as possible to the student's home.

The individualized education programs (IEPs) of students with disabilities must be developed in conformity with the LRE requirements as follows:

---

<sup>1</sup> 34 CFR §300.115

- placement must be based on the student's IEP and determined at least annually;
- placement must be as close as possible to the student's home, and unless the student's IEP requires some other arrangement, the student must be educated in the school he or she would have attended if not disabled;
- in selecting the LRE, consideration must be given to any potential harmful effect on the student or on the quality of services that he or she needs; and
- a student with a disability must not be removed from education in age-appropriate regular classrooms solely because of needed modifications in the general education curriculum.

Each student's placement must be determined by the Committee on Preschool Special Education (CPSE) or Committee on Special Education (CSE) at least annually. The placement recommendation should be the last recommendation made at the meeting based on the student's needs, goals, and recommended services and in consideration of the LRE factors identified above.

*Each school district must 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.*

### High-Quality Programs and Services

The LRE Implementation Policy of the Board of Regents established that all students with disabilities must have equal access to a high-quality program based on their individual needs and abilities and designed to enable them to achieve the desired learning results established for all students. This policy applies to the full continuum of placements where students with disabilities may receive their special education supports and services.

*Each school district should assess and address the extent to which each of their schools provides a high-quality inclusive setting<sup>2</sup>. High-quality inclusive setting means:*

<sup>2</sup> 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>.

- ❖ ***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.***

## **New York State LRE Data Results**

### **LRE Placements of Preschool Students with Disabilities**

Statewide data from 2014-15 shows 31.4 percent of NYS' preschool students with disabilities were placed in a separate class, separate school or residential school. When the 2014-15 preschool only data (i.e., removing the 5 year olds from the statistical analysis) is disaggregated by Board of Cooperative Educational Services (BOCES) regions and New York City (NYC), there are significant regional variations.

- NYC placed 46.6 percent of their preschool children in separate schools and settings;
- School districts representing seven BOCES regions placed between 38 and 22 percent of their preschool children in separate schools and settings;
- School districts representing 13 regions placed between 13.1 and 22 percent of preschool students in separate schools and settings;
- School districts representing seven BOCES regions placed between four and 13.1 percent of preschool students in separate schools and settings; and
- School districts representing 10 BOCES regions placed less than four percent of their preschool students in separate schools and settings.

A map showing these regional variations is provided in Attachment 1.

*Each school district should review its LRE data for preschool students. Individual district data can be found at <http://data.nysed.gov/lists.php?type=district> (click on 2013-14 special education data report)*

When 2014-15 preschool (ages 3 and 4) LRE data is further disaggregated by race/ethnicity, data shows disproportionality by race/ethnicity in placements of preschool students with disabilities:

- 36.8 percent of preschool students who are Hispanic/Latino and 38.8 percent of preschool students who are Black/African American receive the majority of their special education services in regular early childhood programs, compared to 45.4 percent of preschool students who are White.
- 46.5 percent of preschool students who are Hispanic/Latino and 47 percent of preschool students who are Black/African American are placed in separate schools compared to 21.1 percent of students who are White.

LRE Placements of School Age Students with Disabilities (ages 6-21)

When compared to 2013-14 national data, NYS serves a lower percentage of its students, ages 6-21, in regular education classes for 80 percent or more of the school day and significantly higher percentages in regular classes for less than 40 percent of the day and in separate schools.

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

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

2014-15 statewide LRE data disaggregated by race/ethnicity shows:

- Comparable percentages of students across all race/ethnic groups are placed in general education classes for 80 percent or more of the school day.
- Disproportionately higher combined rates of separate class and separate setting placements for students who are Black, American Indian or Alaska Native, Native Hawaiian/Other Pacific Islanders and Asian, compared to students who are White, multi-racial or Hispanic/Latino.

Disaggregated by **disability category**, data shows the highest combined rates of placement in separate classes and separate settings for students with emotional disturbance, autism, deafness, intellectual disability, multiple disabilities and deaf-blindness.

2014-15 data disaggregated by **age** shows that the percentages of students placed in separate classes and separate settings increases by age.

- Ages 6-11: 4.1 percent
- Ages 12-13: 5.0 percent
- Ages 14-17: 7.2 percent
- Ages 18-21: 21.6 percent

Analysis of the State's data on LRE shows that there is significant variation in LRE placements by region of the State and by school district. Attachment 2 displays the regional variations in LRE results. Attachment 3 provides a list of all school districts and their LRE data results for school age students.

***Each school district should review, discuss and develop plans to address their data, by district and schools and disaggregated by disability category, race/ethnicity, gender and age.***

***Data on LRE is publicly reported each year at <http://data.nysed.gov/lists.php?type=district> (special education data report)***

### **Proposed Policy and Next Steps**

As noted above, the State has made improvements in LRE practices. However, the data demonstrates that current policy action needs to focus individual school district attention to policies, procedures and instructional practices to ensure that each school district offers high-quality inclusive programs for both preschool and school age students with disabilities. The Board of Regents has discussed new proposed policy that would promote data analysis and planning at the local level. This proposed policy is premised on the principles that systemic change at the district, school and classroom levels will require that:

- The community, through the board of education, guide the planning and the vision.
- There is consistent terminology and understanding as to the elements of a high-quality inclusive school.
- School leadership provide staff with the time, resources, training and vision necessary to implement inclusive practices.
- Teachers recognize individual differences and implement learning strategies for all.
- There is a focus on communication, interaction, and relationship building as well as on curriculum modifications and accommodations to promote high-quality inclusive settings.
- 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.

Under the proposed policy, each school district would be required to annually review and report to their boards of education at a public meeting on the extent to which students with disabilities participate in general education classrooms and programs, as well as the quality of inclusive programs, services and extracurricular activities for students with disabilities within the schools of the district; and to 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. Additional planning and reporting would be required for those school districts whose data shows low percentages of placements in inclusive settings and/or high rates of separate class/separate school placements, as defined by the Commissioner, for preschool and/or school-age students with disabilities. **Attachment 4** provides a summary of the draft proposed policy.

For **next steps**, the Department will seek stakeholder comment on the proposed policy prior to proposing regulations to the Board of Regents. Written comments on the proposed policy can be submitted to [spedpubliccomment@nysed.gov](mailto:spedpubliccomment@nysed.gov) - Attention: Draft LRE Policy. In addition, Department staff will seek comment through other forums and stakeholder groups.

### **Web Resources for Technical Assistance**

#### Lesson Planning Guide

<http://www.p12.nysed.gov/specialed/commoncore/guidance-commoncore-template.htm>

#### Continuum of Services for School Age Students with Disabilities

<http://www.p12.nysed.gov/specialed/publications/policy/schoolagecontinuum.html>

#### Universal Prekindergarten Program: An Ideal Setting for the Integration of Preschool Students with Disabilities

<http://www.p12.nysed.gov/specialed/publications/preschool/upk.htm>

#### LRE Communities of Practice

<http://www.tacomunities.org/community/view/id/1027>

#### Guide to Quality IEP Development

<http://www.p12.nysed.gov/specialed/publications/iepguidance.htm>

### **Professional Development and Technical Assistance**

#### Regional Special Education Technical Assistance Support Centers (RSE-TASC)

<http://www.p12.nysed.gov/specialed/techassist/rsetasc/home.html>

#### Special Education Parent Centers

<http://www.p12.nysed.gov/specialed/techassist/parentcenters.htm>

#### Early Childhood Direction Centers

<http://www.p12.nysed.gov/specialed/techassist/ecdc/home.html>

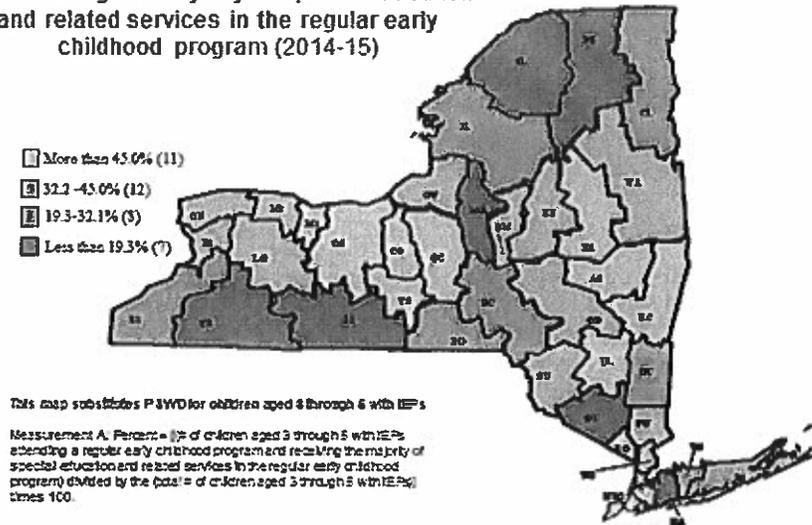
**Special Education Quality Assurance Offices**

<http://www.p12.nysed.gov/specialed/quality/home.html>

Questions regarding this memorandum may be directed to the Office of Special Education's Policy Unit at (518) 473-2878. Comments may be submitted to [spedpubliccomment@nysed.gov](mailto:spedpubliccomment@nysed.gov).

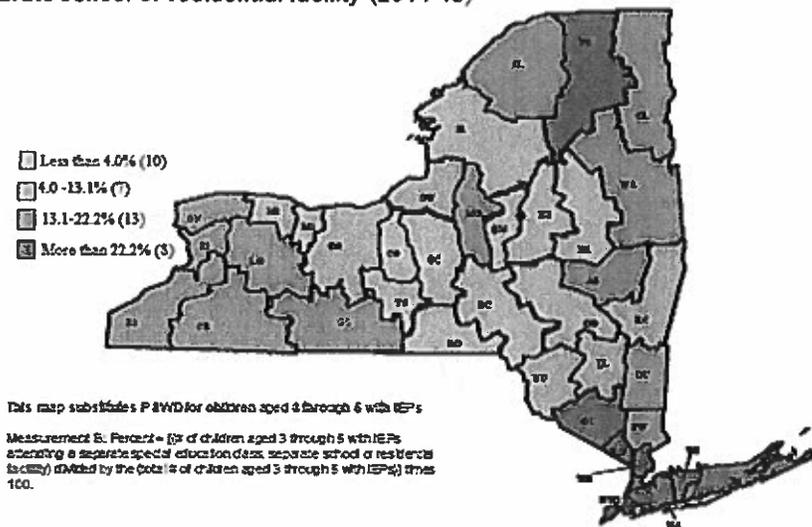
**Attachments**

**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



21  
8/27/12

**Percent of Preschool Students with Disabilities (PSWD) attending a separate special education class, separate school or residential facility (2014-15)** Measurement B – PSWD Only

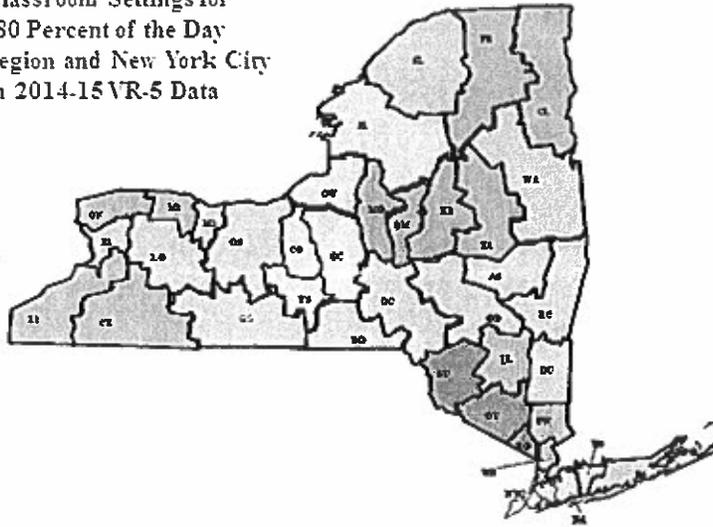


22  
8/27/12

### Regional Data for School Age LRE

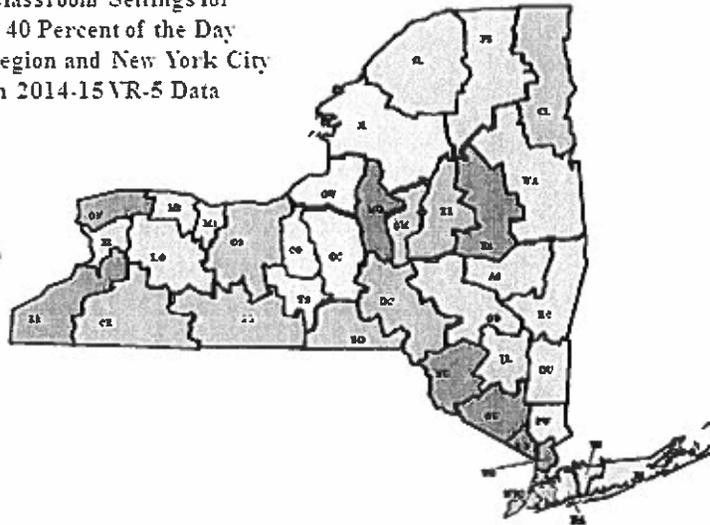
**Students with Disabilities (Ages 6-21) in Regular Classroom Settings for At Least 80 Percent of the Day By BOCES Region and New York City Based on 2014-15 VR-5 Data**

- At least 60.9% (15)
- 56.5-64.9% (15)
- 45.7-56.5% (15)
- Less than 45.7% (13)



**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 11.7% (5)
- 11.7-21.6% (14)
- 21.6-28.6% (10)
- More than 28.6% (5)

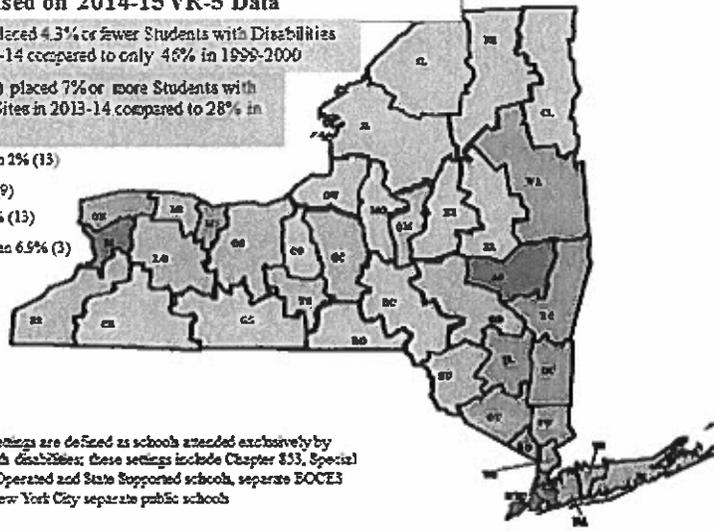


**Students with Disabilities (Ages 6-21) in Separate Settings  
By BOCES Region and New York City  
Based on 2014-15 VR-5 Data**

22 of 38 regions (58%) placed 4.3% or fewer Students with Disabilities in Separate Sites in 2013-14 compared to only 46% in 1999-2000

Only 3 of 38 regions (8%) placed 7% or more Students with Disabilities in Separate Sites in 2013-14 compared to 28% in 1999-2000

- Less than 2% (13)
- 2-4.3% (9)
- 4.4-6.5% (13)
- More than 6.5% (3)



40  
3212

### 2014-15 LRE Data by School District in New York State

The following table presents individual school district data, color coded as follows. School districts are listed in alphabetical order.

Yellow =	<p>At least 65% of students with disabilities are served inside the regular education classroom for 80% or more of the school day</p> <p>Less than 13.7% of students with disabilities are served inside the regular education classroom for less than 40% or more of the school day</p> <p>Less than 2% of students with disabilities are in separate settings (i.e., separate schools, residential placements or homebound/hospital)</p>
Blue =	<p>56.8-64.9% of students with disabilities are served inside the regular education classroom for 80% or more of the school day</p> <p>13.7-18.6% of students with disabilities are served inside the regular education classroom for less than 40% or more of the school day</p> <p>2.0-4.3% of students with disabilities are in separate settings (i.e., separate schools, residential placements or homebound/hospital)</p>
Green =	<p>48.7-56.7% of students with disabilities are served inside the regular education classroom for 80% or more of the school day</p> <p>18.7-23.6% of students with disabilities are served inside the regular education classroom for less than 40% or more of the school day</p> <p>4.4-6.9% of students with disabilities are in separate settings (i.e., separate schools, residential placements or homebound/hospital)</p>
Red =	<p>Less than 48.7% of students with disabilities are served inside the regular education classroom for 80% or more of the school day</p> <p>More than 23.6% of students with disabilities are served inside the regular education classroom for less than 40% or more of the school day</p> <p>More than 6.9% of Students are In Separate Settings (i.e., separate schools, residential placements or homebound/hospital)</p>

Appendix 4

**NYSED Field Advisory on Least Restrictive Environment- 12/2015**

## DRAFT POLICY – November 2015

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The following is a **DRAFT** proposal for Board of Regents' consideration.

1. **All school districts** would be required to take steps to ensure that students with disabilities have access to high-quality inclusive settings.

High-quality inclusive settings would be defined to mean<sup>3</sup> 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.

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 would be required to 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.

2. In school districts with a low percentage of **preschool students with disabilities** receiving the majority of their special education programs and services in a regular early childhood program and/or a high percentage of preschool students placed in special classes or separate schools, as determined by the Commissioner, the district would be required to develop and implement a plan that 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

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<sup>3</sup> 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>.

the least restrictive environment. Such school districts shall annually submit a report to the Commissioner identifying the actions it has taken to provide preschool students with disabilities opportunities to receive special education programs and services in regular early childhood programs. The plan and annual reports shall be publicly posted on the school district's website.

3. In school districts with a high percentage of **school age students with disabilities** placed in special classes for 40 percent or more of the school day and/or in separate schools and/or a low percentage of students participating in regular education classes for 80 percent or more of the school day, as determined by the commissioner, the district would be required to:

- develop and implement a plan to develop high-quality inclusive programs for students with disabilities in the schools of the district to ensure that committees on special education are developing program and placement recommendations in consideration of the student's right to be in the least restrictive environment. The plan would:
  - include a data analysis on the number and percentage of time students with disabilities spend in special classes, regular education classes and separate schools, disaggregated by race/ethnicity, age, and disability categories;
  - provide a five-year projection to increase the number and percentage of students with disabilities in inclusive settings; and
  - describe the steps the district will take to improve the availability of and enhance the quality of inclusive programs available to students with disabilities in the schools of the district.
- Annually, the district would be required to submit a report to the Commissioner, and publicly post the report on the district's website.
- The report would include a data report on the number and percentage of time students with disabilities spend in special classes, regular education classes and separate schools, disaggregated by race/ethnicity, age, and disability categories and actions completed by the district to move to the five year projection.

Comments on the proposed policy can be submitted to [spedpubliccomment@nysed.gov](mailto:spedpubliccomment@nysed.gov). Attention: Draft LRE Policy

Appendix 5

U.S. Department of Education Least Restrictive Environment (LRE) memo- 11/2015



UNITED STATES DEPARTMENT OF EDUCATION  
OFFICE OF SPECIAL EDUCATION AND REHABILITATIVE SERVICES

November 16, 2015

Dear Colleague:

Ensuring that all children, including children with disabilities, are held to rigorous academic standards and high expectations is a shared responsibility for all of us. To help make certain that children with disabilities are held to high expectations and have meaningful access to a State's academic content standards, we write to clarify that an individualized education program (IEP) for an eligible child with a disability under the Individuals with Disabilities Education Act (IDEA) must be aligned with the State's academic content standards for the grade in which the child is enrolled.<sup>1</sup> Research has demonstrated that children with disabilities who struggle in reading and mathematics can successfully learn grade-level content and make significant academic progress when appropriate instruction, services, and supports are provided.<sup>2</sup> Conversely, low expectations can lead to children with disabilities receiving less challenging instruction that reflects below grade-level content standards, and thereby not learning what they need to succeed at the grade in which they are enrolled.

The cornerstone of the IDEA is the entitlement of each eligible child with a disability to a free appropriate public education (FAPE) that emphasizes special education and related services designed to meet the child's unique needs and that prepare the child for further education, employment, and independent living. 20 U.S.C. §1400(d)(1)(A). Under the IDEA, the primary vehicle for providing FAPE is through an appropriately developed IEP that is based on the individual needs of the child. An IEP must take into account a child's present levels of academic achievement and functional performance, and the impact of that child's disability on his or her involvement and progress in the general education curriculum. IEP goals must be aligned with grade-level content standards for all children with disabilities. The State, however, as discussed

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<sup>1</sup> The Department has determined that this document is a "significant guidance document" under the Office of Management and Budget's Final Bulletin for Agency Good Guidance Practices, 72 Fed. Reg. 3432 (Jan. 25, 2007), available at [www.whitehouse.gov/sites/default/files/omb/fedreg/2007/012507\\_good\\_guidance.pdf](http://www.whitehouse.gov/sites/default/files/omb/fedreg/2007/012507_good_guidance.pdf). The purpose of this guidance is to provide State and local educational agencies (LEAs) with information to assist them in meeting their obligations under the IDEA and its implementing regulations in developing IEPs for children with disabilities. This guidance does not impose any requirements beyond those required under applicable law and regulations. It does not create or confer any rights for or on any person. If you are interested in commenting on this guidance or if you have further questions that are not answered here, please e-mail [iepgoals@ed.gov](mailto:iepgoals@ed.gov) or write to us at the following address: U.S. Department of Education, Office of Special Education and Rehabilitative Services, 550 12th Street SW., PCP Room 5139, Washington, DC 20202-2600.

<sup>2</sup> For a discussion of this research see *Improving the Academic Achievement of the Disadvantaged: Assistance to States for the Education of Children With Disabilities*, Final Rule, 80 Fed. Reg. 50773, 50776 (Aug. 21, 2015).

on page five, is permitted to define alternate academic achievement standards for children with the most significant cognitive disabilities.<sup>3</sup>

#### Application of Provisions in the Elementary and Secondary Education Act of 1965 to Children with Disabilities

Since 2001, the Elementary and Secondary Education Act of 1965 (ESEA), as amended by the No Child Left Behind Act of 2001 (NCLB), has required each State to apply the same challenging academic content and achievement standards to all schools and all children in the State, which includes children with disabilities. 20 U.S.C. §6311(b)(1)(B). The U.S. Department of Education (Department), in its regulations implementing Title I of the ESEA, has clarified that these standards are grade-level standards. 34 CFR §200.1(a)-(c). To assist children with disabilities in meeting these grade-level academic content standards, many States have adopted and implemented procedures for developing standards-based IEPs that include IEP goals that reflect the State’s challenging academic content standards that apply to all children in the State.

#### Interpretation of “General Education Curriculum”

Under the IDEA, in order to make FAPE available to each eligible child with a disability, the child’s IEP must be designed to enable the child to be involved in and make progress in the general education curriculum. 20 U.S.C. §1414(d)(1)(A). The term “general education curriculum” is not specifically defined in the IDEA. The Department’s regulations implementing Part B of the IDEA, however, state that the general education curriculum is “the same curriculum as for nondisabled children.” 34 CFR §300.320(a)(1)(i). In addition, the IDEA Part B regulations define the term “specially designed instruction,” the critical element in the definition of “special education,” as “adapting, as appropriate to the needs of an eligible child, the content, methodology, or delivery of instruction to address the unique needs of the child that result from the child’s disability and to ensure access of the child to the general curriculum, *so that the child can meet the educational standards within the jurisdiction of the public agency that apply to all children.*” 34 CFR §300.39(b)(3) (emphasis added). Otherwise, the IDEA regulations do not specifically address the connection between the general education curriculum and a State’s academic content standards.

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<sup>3</sup> In accordance with 34 CFR §200.1(d), for children with the most significant cognitive disabilities who take an alternate assessment, a State may define alternate academic achievement standards provided those standards are aligned with the State’s academic content standards; promote access to the general curriculum; and reflect professional judgment of the highest achievement standards possible. See also 34 CFR §300.160(c)(2)(i).

### Analysis

The Department interprets “the same curriculum as for nondisabled children” to be the curriculum that is based on a State’s academic content standards for the grade in which a child is enrolled. This interpretation, which we think is the most appropriate reading of the applicable regulatory language, will help to ensure that an IEP for a child with a disability, regardless of the nature or severity of the disability, is designed to give the child access to the general education curriculum based on a State’s academic content standards for the grade in which the child is enrolled, and includes instruction and supports that will prepare the child for success in college and careers. This interpretation also appropriately harmonizes the concept in the IDEA regulations of “general education curriculum (i.e., the same curriculum as for nondisabled children),” with the ESEA statutory and regulatory requirement that the same academic content standards must apply to all public schools and children in the State, which includes children with disabilities.

The IDEA statutory and regulatory provisions discussed above, the legislative history of the IDEA, and clarification the Department has provided on the alignment of the IEP with a State’s content standards in the Analysis of Comments and Changes to the 2006 IDEA Part B regulations also support this interpretation. When it last reauthorized the IDEA in 2004, Congress continued to emphasize, consistent with the provisions in the ESEA, the importance of “having high expectations for [children with disabilities] and ensuring their access to the general education curriculum in the regular classroom, to the maximum extent possible.” 20 U.S.C. §1400(c)(5)(A). The Senate Report accompanying the 2004 reauthorization of the IDEA also explained that “[f]or most children with disabilities, many of their IEP goals would likely conform to State and district wide academic content standards and progress indicators consistent with standards based reform within education and the new requirements of NCLB.” S. Rep. No. 108-185, 105th Cong., 1st Sess. 29 (Nov. 3, 2003).

The Analysis of Comments and Changes accompanying the 2006 IDEA Part B regulations also included important discussion that further clarifies the alignment of an IEP with a State’s academic content standards under the ESEA, explaining: “section 300.320(a)(1)(i) clarifies that the general education curriculum means the same curriculum as all other children. Therefore, an IEP that focuses on ensuring that the child is involved in the general education curriculum will necessarily be aligned with the State’s content standards.”<sup>4</sup>

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<sup>4</sup> See Assistance to States for the Education of Children with Disabilities and Preschool Grants for Children with Disabilities, Final Rule, 71 Fed. Reg. 46540, 46662 (Aug. 14, 2006); see also 71 Fed. Reg. 46579.

The Department’s interpretation of the regulatory language “general education curriculum (i.e., the same curriculum as for nondisabled children)” to mean the curriculum that is based on the State’s academic content standards for the grade in which a child is enrolled is reasonable. This interpretation is also necessary to enable IDEA and ESEA requirements to be read together so that children with disabilities receive high-quality instruction that will give them the opportunity to meet the State’s challenging academic achievement standards and prepare them for college, careers and independence. Therefore, in order to make FAPE available to each eligible child with a disability, the special education and related services, supplementary aids and services, and other supports in the child’s IEP must be designed to enable the child to advance appropriately toward attaining his or her annual IEP goals and to be involved in, and make progress in, the general education curriculum based on the State’s academic content standards for the grade in which the child is enrolled.

#### Implementation of the Interpretation

Based on the interpretation of “general education curriculum” set forth in this letter, we expect annual IEP goals to be aligned with State academic content standards for the grade in which a child is enrolled. This alignment, however, must guide but not replace the individualized decision-making required in the IEP process.<sup>5</sup> In fact, the IDEA’s focus on the individual needs of each child with a disability is an essential consideration when IEP Teams are writing annual goals that are aligned with State academic content standards for the grade in which a child is enrolled so that the child can advance appropriately toward attaining those goals during the annual period covered by the IEP. In developing an IEP, the IEP Team must consider how a child’s specific disability impacts his or her ability to advance appropriately toward attaining his or her annual goals that are aligned with applicable State content standards during the period covered by the IEP. For example, the child’s IEP Team may consider the special education instruction that has been provided to the child, the child’s previous rate of academic growth, and whether the child is on track to achieve grade-level proficiency within the year.

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<sup>5</sup> The IEP must include, among other required content: (1) a statement of the child’s present levels of academic achievement and functional performance, including how the child’s disability affects the child’s involvement and progress in the general education curriculum; (2) a statement of measurable annual goals, including academic and functional goals, designed to meet the child’s needs that result from the child’s disability to enable the child to be involved in and make progress in the general education curriculum; and (3) the special education and related services and supplementary aids and services, based on peer-reviewed research to the extent practicable, to be provided to the child, or on behalf of the child, and a statement of the program modifications or supports for school personnel that will be provided to enable the child to advance appropriately toward attaining the annual goals, and to be involved in and make progress in the general education curriculum in accordance with the child’s present levels of performance. 34 CFR §300.320(a).

The Department recognizes that there is a very small number of children with the most significant cognitive disabilities whose performance must be measured against alternate academic achievement standards, as permitted in 34 CFR §200.1(d) and §300.160(c). As explained in prior guidance,<sup>6</sup> alternate academic achievement standards must be aligned with the State’s grade-level content standards. The standards must be clearly related to grade-level content, although they may be restricted in scope or complexity or take the form of introductory or pre-requisite skills. This letter is not intended to limit a State’s ability to continue to measure the achievement of the small number of children with the most significant cognitive disabilities against alternate academic achievement standards, but rather to ensure that annual IEP goals for these children reflect high expectations and are based on the State’s content standards for the grade in which a child is enrolled.

In a case where a child’s present levels of academic performance are significantly below the grade in which the child is enrolled, in order to align the IEP with grade-level content standards, the IEP Team should estimate the growth toward the State academic content standards for the grade in which the child is enrolled that the child is expected to achieve in the year covered by the IEP. In a situation where a child is performing significantly below the level of the grade in which the child is enrolled, an IEP Team should determine annual goals that are ambitious but achievable. In other words, the annual goals need not necessarily result in the child’s reaching grade-level within the year covered by the IEP, but the goals should be sufficiently ambitious to help close the gap. The IEP must also include the specialized instruction to address the unique needs of the child that result from the child’s disability necessary to ensure access of the child to the general curriculum, so that the child can meet the State academic content standards that apply to all children in the State.

### An Example of Implementation

We provide an example of how an IEP Team could apply the interpretation of “general education curriculum” set forth in this letter. For example, after reviewing recent evaluation data for a sixth grade child with a specific learning disability, the IEP Team determines that the child is reading four grade levels below his current grade; however, his listening comprehension is on grade level. The child’s general education teacher and special education teacher also note that when materials are read aloud to the child he is able to understand grade-level content. Based on these present levels of performance and the child’s individual strengths and weaknesses, the IEP

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<sup>6</sup> See U.S. Department of Education Non-regulatory guidance: Alternate achievement standards for students with the most significant cognitive disabilities August 2005) available at: <https://www2.ed.gov/policy/elsec/guid/altguidance.pdf>

Team determines he should receive specialized instruction to improve his reading fluency. Based on the child's rate of growth during the previous school year, the IEP Team estimates that with appropriate specialized instruction the child could achieve an increase of at least 1.5 grade levels in reading fluency. To ensure the child can learn material based on sixth grade content standards (e.g., science and history content), the IEP Team determines the child should receive modifications for all grade-level reading assignments. His reading assignments would be based on sixth grade content but would be shortened to assist with reading fatigue resulting from his disability. In addition, he would be provided with audio text books and electronic versions of longer reading assignments that he can access through synthetic speech. With this specialized instruction and these support services, the IEP would be designed to enable the child to be involved and make progress in the general education curriculum based on the State's sixth grade content standards, while still addressing the child's needs based on the child's present levels of performance.<sup>7</sup> This example is provided to show one possible way that an IEP could be designed to enable a child with a disability who is performing significantly below grade level to receive the specialized instruction and support services the child needs to reach the content standards for the grade in which the child is enrolled during the period covered by the IEP.<sup>8</sup> We caution, though that, because the ways in which a child's disability affects his or her involvement and progress in the general education curriculum are highly individualized and fact-specific, the instruction and supports that might enable one child to achieve at grade-level may not necessarily be appropriate for another child with the same disability.

### Summary

In sum, consistent with the interpretation of "general education curriculum (i.e., the same curriculum as for nondisabled children)" based on the State's academic content standards for the

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<sup>7</sup> For information on developing, reviewing, or revising the IEP for a child with limited English proficiency, see: *Questions and Answers Regarding Inclusion of English Learners with Disabilities in English Language Proficiency Assessments and Title III Annual Measurable Achievement Objectives* available at: <https://www2.ed.gov/policy/speeed/guid/idea/memosdeltrs/q-and-a-on-elp-swd.pdf>.

<sup>8</sup> While the Department does not mandate or endorse specific products or services, we are aware that many States have issued guidance addressing standards-based IEPs. For example see Minnesota Department of Education, *Developing Standards-Based IEP Goals and Objectives A Discussion Guide* available at: [https://education.state.mn.us/mdeprod/ideplg?IdeService=GET\\_FILE&dDocName=050483&RevisionSelectionMethod=latestReleased&Rendition=primary](https://education.state.mn.us/mdeprod/ideplg?IdeService=GET_FILE&dDocName=050483&RevisionSelectionMethod=latestReleased&Rendition=primary). States and LEAs also may consider reviewing the following examples from OSEP-funded projects regarding implementation of standards-based IEPs: *inForum: Standards-Based Individualized Education Program Examples* available at: [www.nasdse.org/portals/0/standards-basediepexamples.pdf](http://www.nasdse.org/portals/0/standards-basediepexamples.pdf). For an example of annual goals aligned with State academic content standards for a child taking the alternate assessment based on alternate academic achievement standards, see: an issue brief provided by the OSEP-funded National Center and State Collaborative (NCSC), *NCSC Brief 5: Standards-based Individualized Education Programs (IEPs) for Children Who Participate in AA-AAS* available at: <http://www.ncsepartners.org/Media/Default/PDFs/Resources/NCSCBrief5.pdf>.

grade in which a child is enrolled set forth in this letter, an IEP Team must ensure that annual IEP goals are aligned with the State academic content standards for the grade in which a child is enrolled. The IEP must also include the specially designed instruction necessary to address the unique needs of the child that result from the child's disability and ensure access of the child to the general education curriculum, so that the child can meet the State academic content standards that apply to all children, as well as the support services and the program modifications or supports for school personnel that will be provided to enable the child to advance appropriately toward attaining the annual goals.

Opportunities for Input

We are interested in receiving comments on this document to inform implementation of this guidance. If you are interested in commenting on this document, please e-mail your comments to [iepgoals@ed.gov](mailto:iepgoals@ed.gov) or write to us at the following address: US Department of Education, 550 12th Street SW, PCP Room 5139, Washington, DC 20202-2600. Note that we are specifically interested in receiving input from the field on examples of models of alignment of IEP goals with State content standards that are working well at the State and local level, and how this guidance could be implemented for children with disabilities who are English learners and children with the most significant cognitive disabilities. We will share appropriate models with you in further communications as they become available. We would also be glad to help answer your questions and help with your technical assistance needs in this important area.

We ask you to share this information with your local school districts to help ensure all children with disabilities are held to high standards and high expectations. Thank you for your continued interest in improving results for children with disabilities.

Sincerely,

/s/

Michael K. Yudin  
Assistant Secretary

/s/

Melody Musgrove  
Director  
Office of Special Education Programs