



State Performance Plan (SPP)/ Annual Performance Report (APR) 2020-2025

Individuals with Disabilities
Education Act (IDEA)



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Indicator 5 – School-Age Least Restrictive Environment

Agenda: School-Age Least Restrictive Environment



- Frequently Used Terms for School-Age Least Restrictive Environment
- Indicator 5 How the Measurement Works
- Indicator 5 Data in New York State (Trends and Comparisons)
- Indicator 5 Improvement Activities
- Indicator 5 Proposed Targets
- Next Steps and Closing



Frequently Used Terms in the Presentation

Term	Description
State Performance Plan or SPP	Evaluates the state’s efforts to implement the requirements and purposes of the IDEA and describes how the state will improve its implementation
Federal Fiscal Year or FFY	Federal Government Fiscal Year (October 1 – September 30)
Indicator 5	SPP Indicator 5 measures School-Age Least Restrictive Environment
Indicator 5A	Indicator 5A measures services inside the regular class 80% or more of the day
Indicator 5B	Indicator 5B measures services the regular class less than 40% of the day
Indicator 5C	Indicator 5C measures services in separate schools, residential facilities, or homebound/hospital placements
Baseline	Data starting point to measure improvement overtime
Targets	Performance Objectives set for SPP Measurements
Annual Performance Report (APR) Reported Data	Data reported to the United States Department of Education Office of Special Education Programs (OSEP) against the state’s targets
Data Equated to New Measurement	Submitted Data recalculated using the components of a new measurement



Least Restrictive Environment (LRE)



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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.



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



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

Indicator 5 – Old Measurement (SPP 2013 – 2019)

School Age Least Restrictive Environment

Percent of children aged 6 through 21 served:

A. Inside the regular class 80% or more of the day;



Improvement = Increase over Baseline

B. Inside the regular class less than 40% of the day;



Improvement = Decrease over Baseline

C. In separate schools, residential facilities, or homebound/hospital placements.



Improvement = Decrease over Baseline

- For subcomponents A & B: Regular class is where students without disabilities also receive their education. The number of students without disabilities should be more than or equal to the number of students with disabilities.
- For subcomponent C: Regular school facility is a school building attended by both students with and without disabilities. Separate Settings are outside of regular school facilities in buildings that are attended by students with disabilities only.

Indicator 5 – New Measurement FFY 2020

School Age Least Restrictive Environment

Percent of children with Individualized Education Programs (IEPs) aged 5 who are enrolled in kindergarten and aged 6 through 21 served:

A. Inside the regular class 80% or more of the day;



Improvement = Increase over Baseline

B. Inside the regular class less than 40% of the day;



Improvement = Decrease over Baseline

C. In separate schools, residential facilities, or homebound/hospital placements.



Improvement = Decrease over Baseline

- For subcomponents A & B: Regular class is where students without disabilities also receive their education. The number of students without disabilities should be more than or equal to the number of students with disabilities.
- For subcomponent C: Regular school facility is a school building attended by both students with and without disabilities. Separate Settings are outside of regular school facilities in buildings that are attended by students with disabilities only.

Data Collection Methodology for Indicator 5

- School-Age LRE data is collected for all children with IEPs who meet the age requirements (children aged 5 who are enrolled in kindergarten and aged 6 through 21).
- Sampling is not allowed.
- Student environment data is reported for each school year annually as a “snapshot” or “point in time” as of the first Wednesday in October (BEDs Day).

Code	LRE Environment Description
SA01	Inside the regular classroom 80% or more of the day.
SA02	Inside the regular classroom 40% to 79% of the day.
SA03	Inside the regular classroom less than 40% of the day.
SA04	Separate School or Residential Facility
SA05	Hospital Inpatient
SA06	Home Instruction – Placed on Home Instruction by the CSE
SA07	Incarcerated
SA08	Parentally placed in a nonpublic school and receiving special education services
SA09	Parentally placed in a nonpublic school and NOT receiving publicly funded special education services
SA10	Home Schooled at parent’s choice



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Facilitator check for understanding on the SPP measurement for Indicator 5 and how the data is used to measure results or outcomes in LRE.





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Indicator 5 – Data Trends and Comparisons



Explanation Indicator 5 FFY Data in the Annual Performance Report (APR)

Data years presented will reflect the data NYSED submits to the federal Office of Special Education Programs (OSEP) in the APR which covers the federal fiscal year (FFY) period

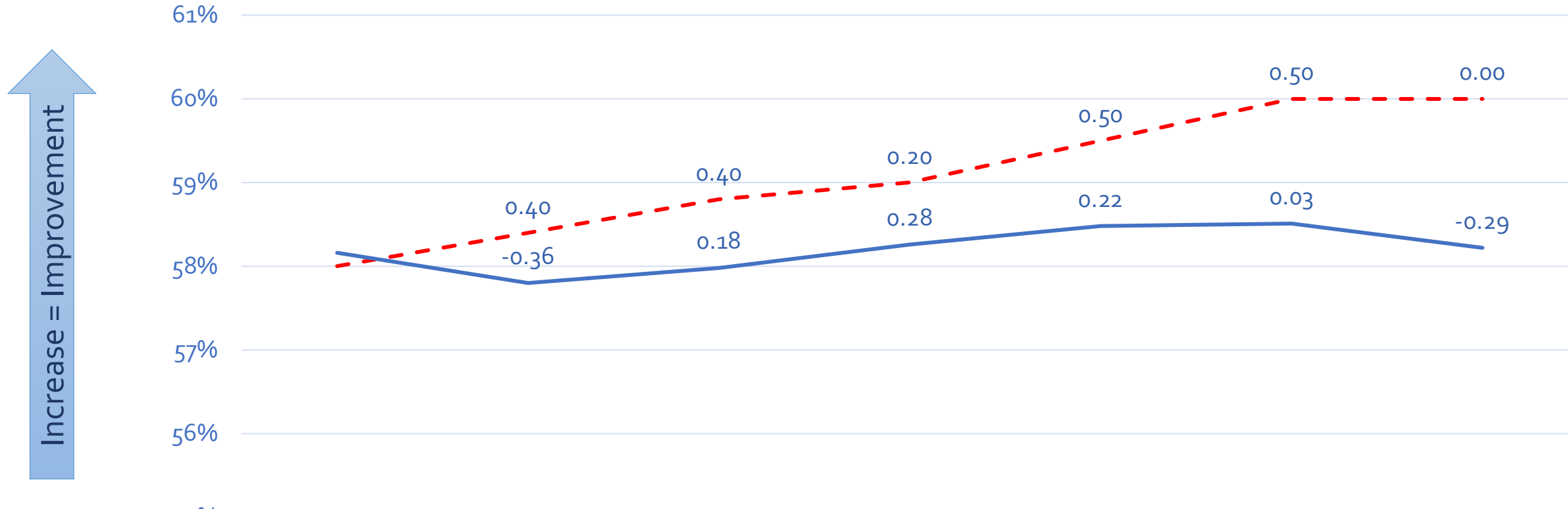
The Indicator 5 data sample is collected on a “point in time” basis

The FFY 2020 APR is submitted to OSEP



The October 2020 LRE Data is included in the FFY 2020 APR

New York State SPP Targets and Actual Reported Indicator 5A: Inside the Regular Class 80% or More

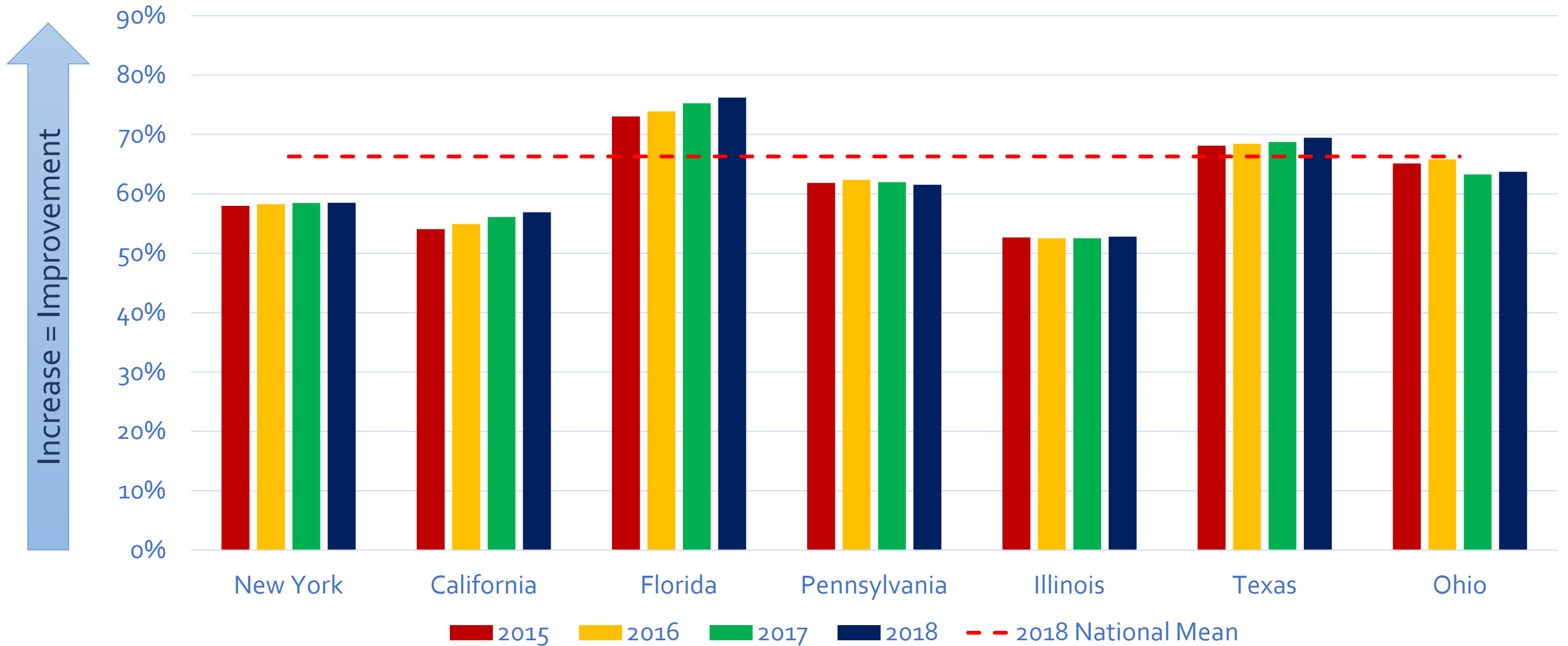


	2013	2014	2015	2016	2017	2018	2019
--- 5A: NYS Target	58.00%	58.40%	58.80%	59.00%	59.50%	60.00%	60.00%
— 5A: NYS Result	58.16%	57.80%	57.98%	58.26%	58.48%	58.51%	58.22%

Difference	+0.16	-0.6	-0.82	-0.74	-1.02	-1.49	-1.79
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State-to-State Result Comparison

Indicator 5A: Inside the Regular Class 80% or More



New York State SPP Targets and Actual Reported Indicator 5B: Inside the Regular Class 40% or Less

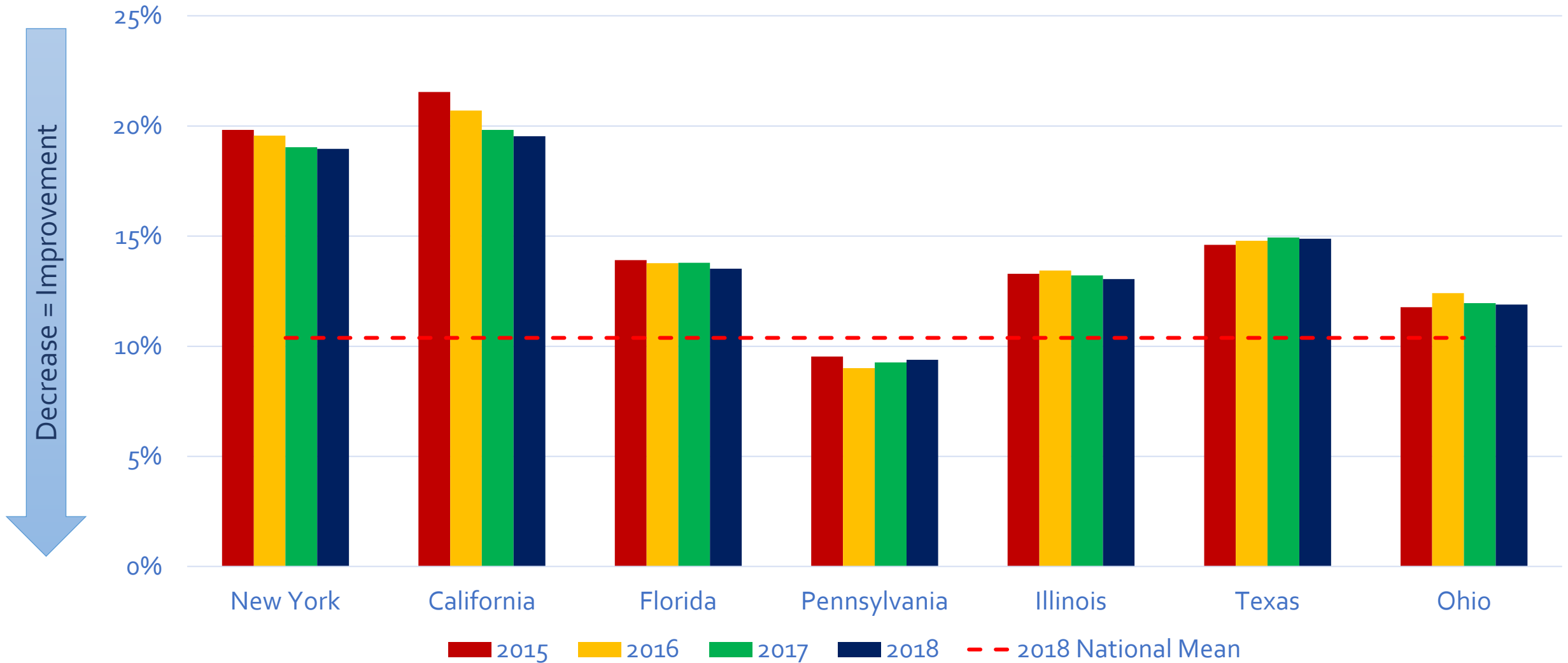


	2013	2014	2015	2016	2017	2018	2019
- - - 5B: NYS Target	21.50%	21.00%	20.50%	20.00%	19.00%	18.00%	18.00%
— 5B: NYS Result	21.47%	19.80%	19.82%	19.56%	19.04%	18.96%	19.01%

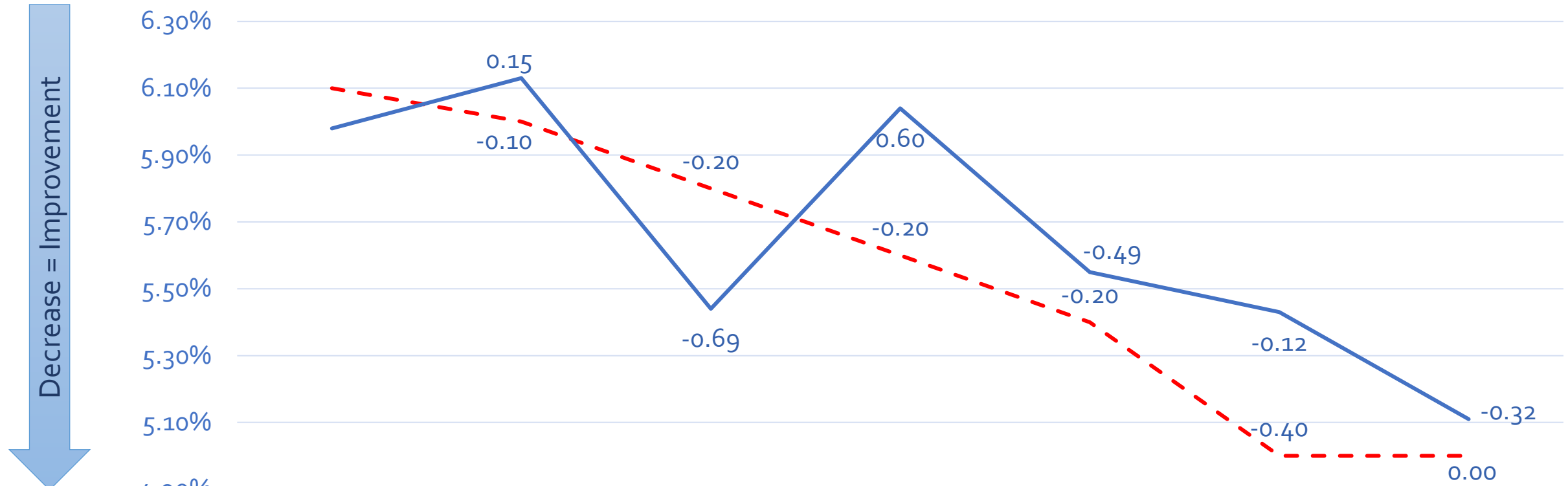
Difference	+0.03	+1.2	+0.68	+0.44	-0.04	-0.96	-1.01
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State-to-State Result Comparison

Indicator 5B: Inside the Regular Class 40% or Less



New York State SPP Targets and Actual Indicator 5C: In Separate Schools, Residential Facilities, or Homebound/Hospital Placements

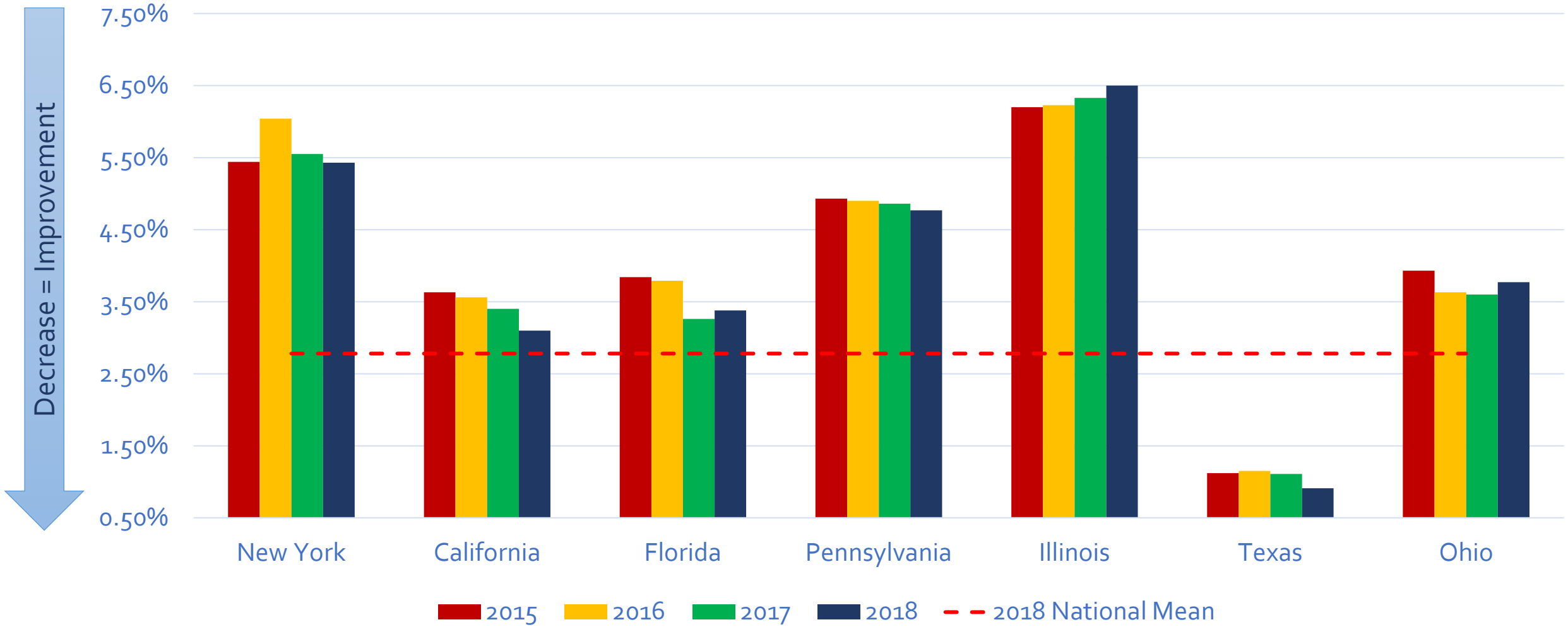


5C: NYS Target	6.10%	6.00%	5.80%	5.60%	5.40%	5.00%	5.00%
5C: NYS Result	5.98%	6.13%	5.44%	6.04%	5.55%	5.43%	5.11%

Difference	+0.12	-0.13	+0.36	-0.44	-0.15	-0.43	-0.11
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State-to-State Result Comparison

Indicator 5C: In Separate Schools, Residential Facilities, or Homebound/Hospital Placements





Data Trends and State/National Comparisons

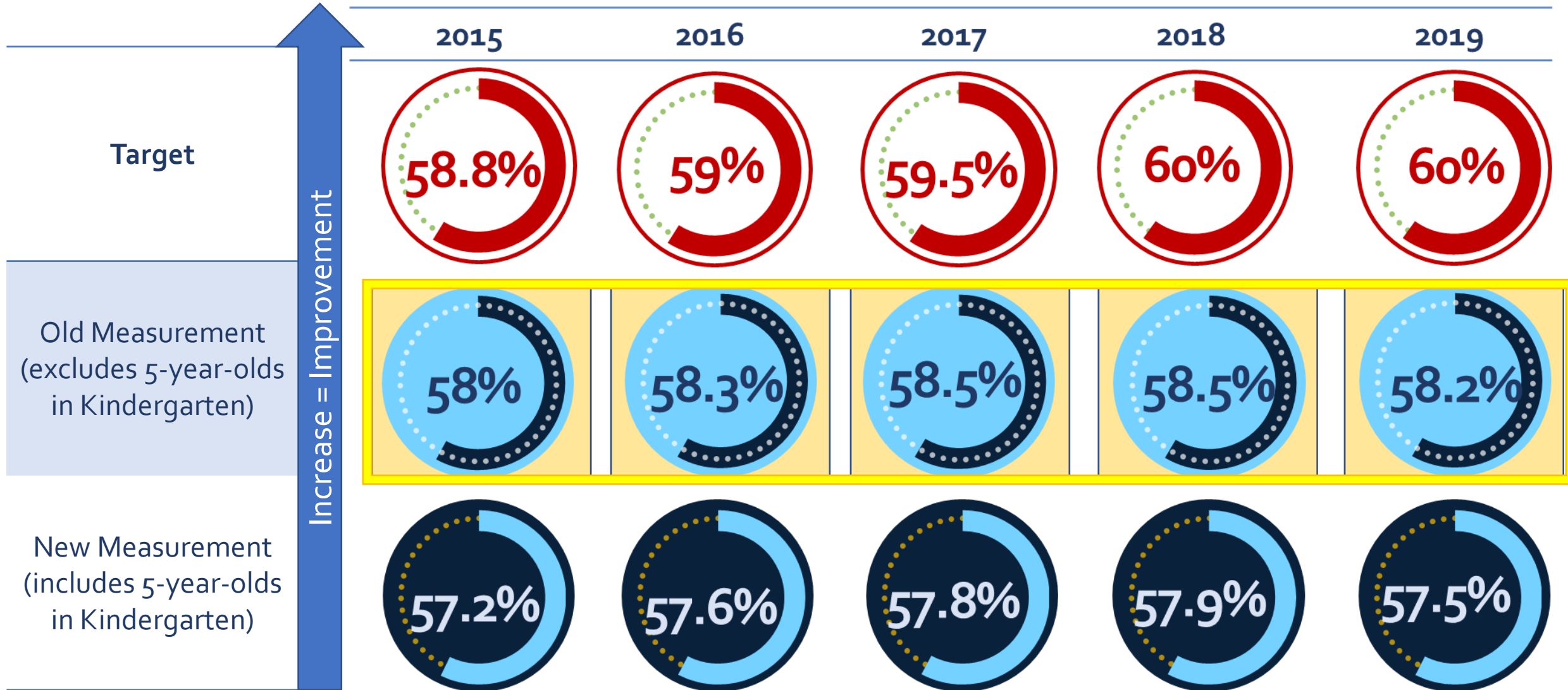
- 1) What did the Indicator 5 SPP data tell us?
- 2) How should we use the data to inform our target-setting and improvement activities?



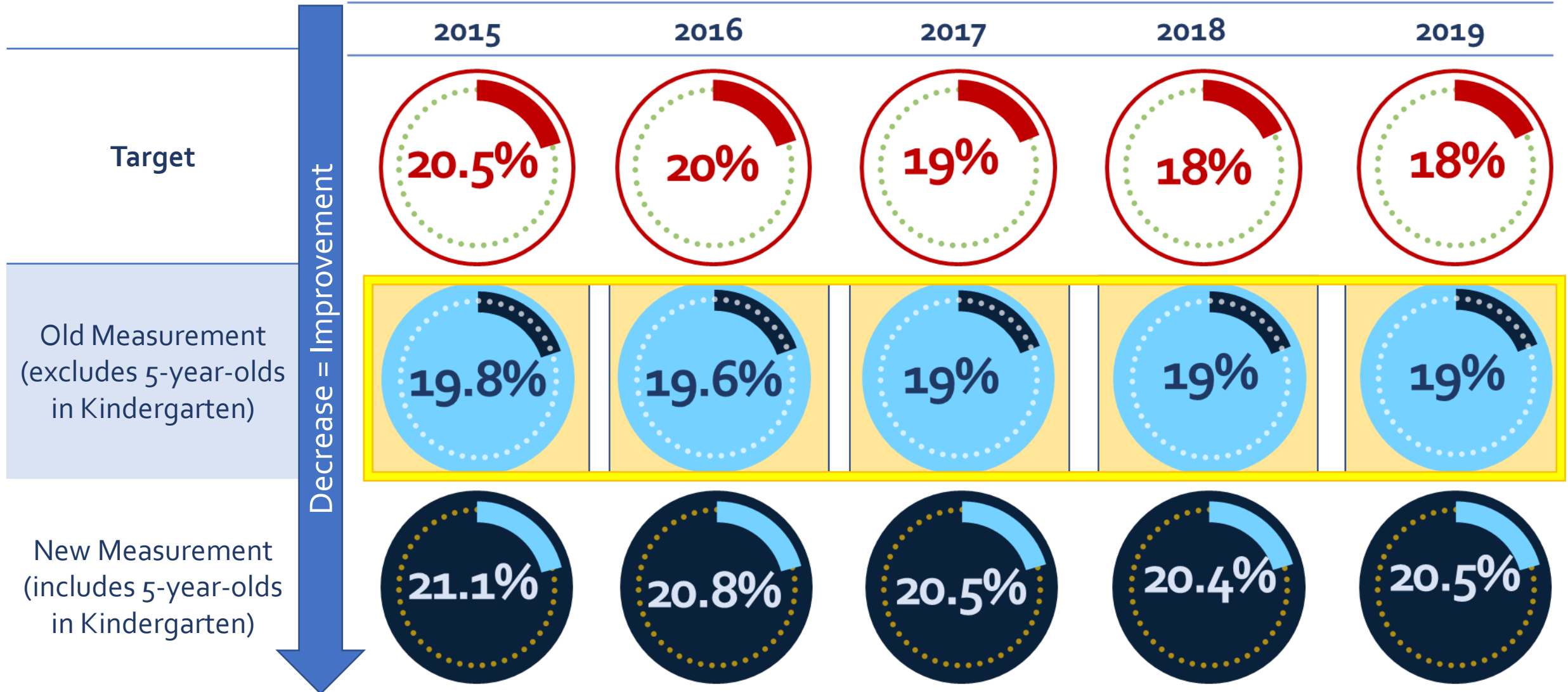
Stakeholder Discussion



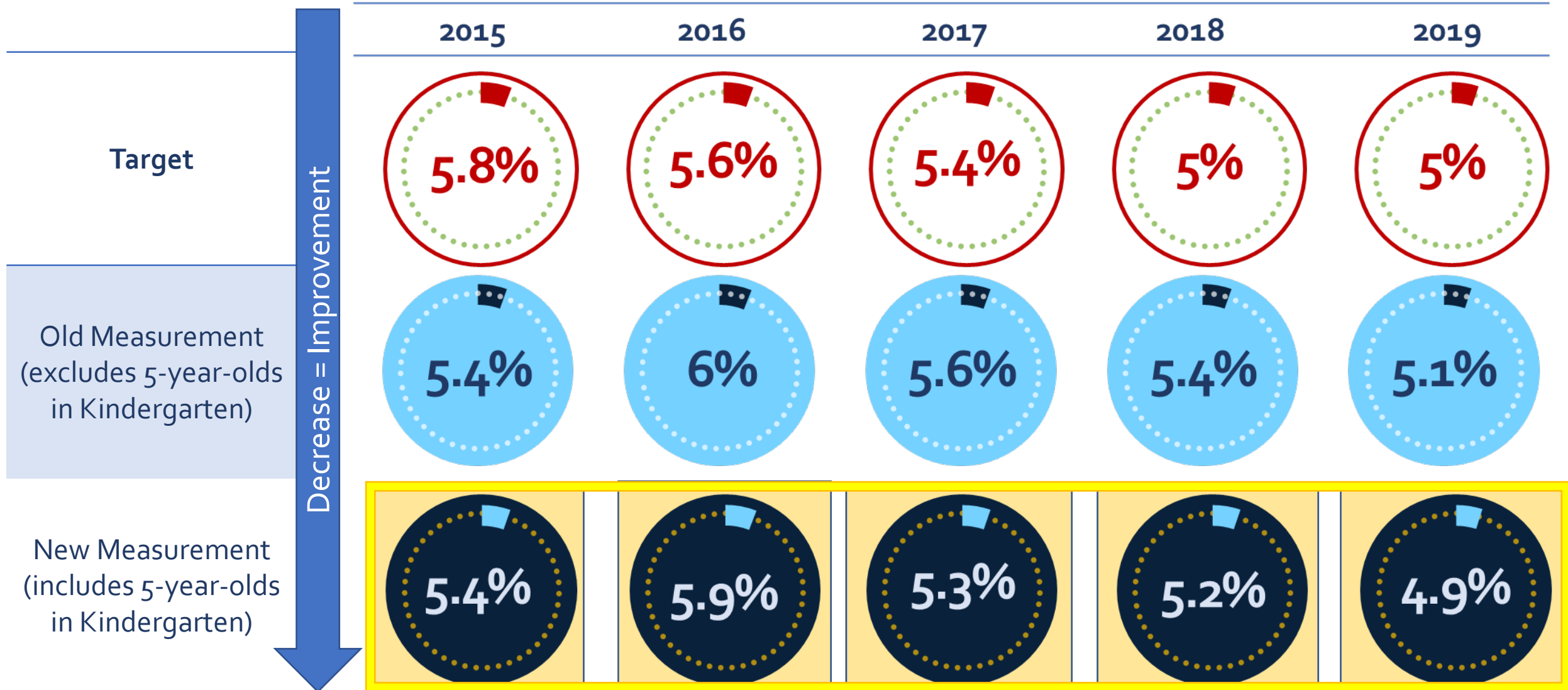
Indicator 5A Inside the Regular Class 80% or More of the Day Old vs New Measurement: Old Performs Better



Indicator 5B Inside the Regular Class 40% or Less of the Day Old vs New Measurement: Old Performs Better



Indicator 5C In Separate Schools: Old vs New Measurement: New Performs Better





Old vs New Measurement

- 1) What did the Indicator 5 SPP data tell us?
- 2) How should we use the data to inform our target-setting and improvement activities?



Stakeholder Discussion





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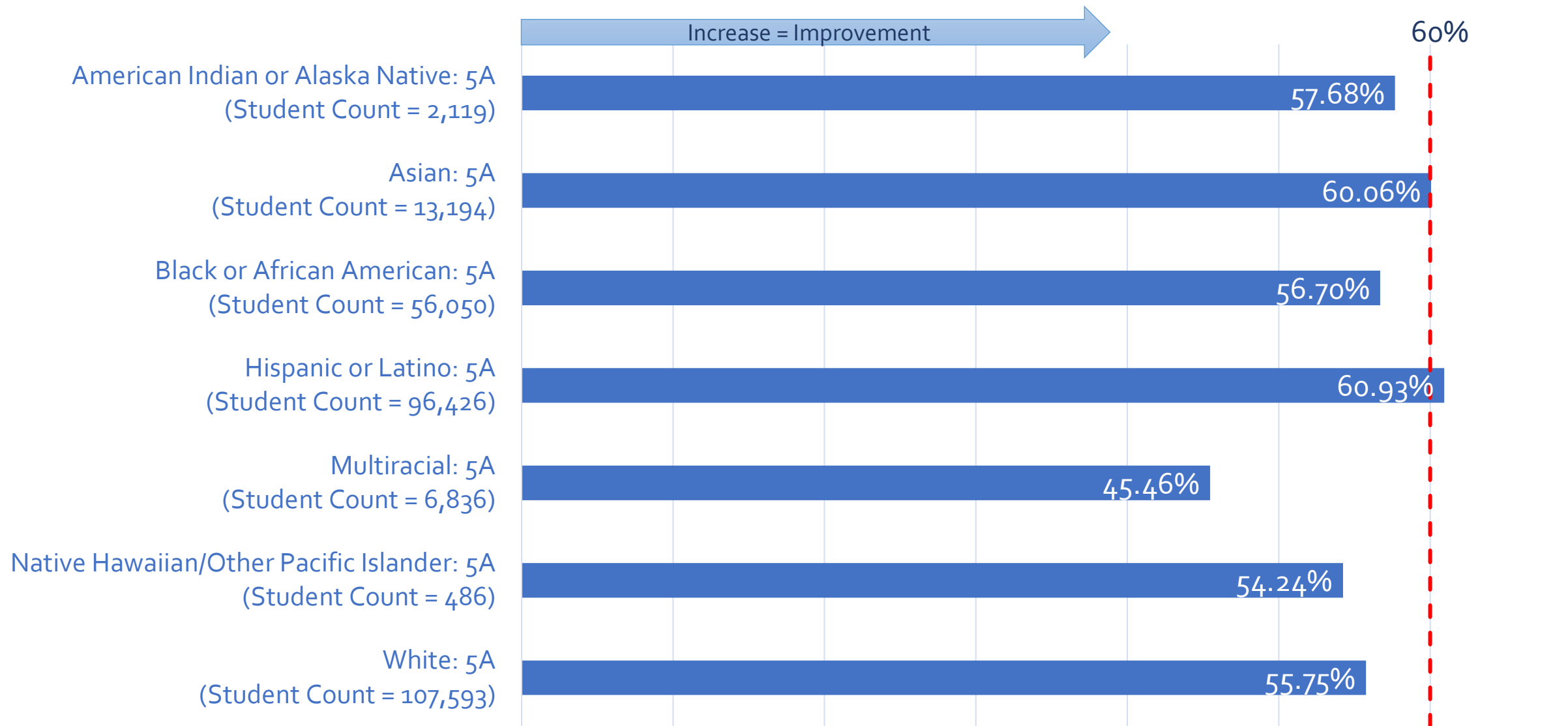


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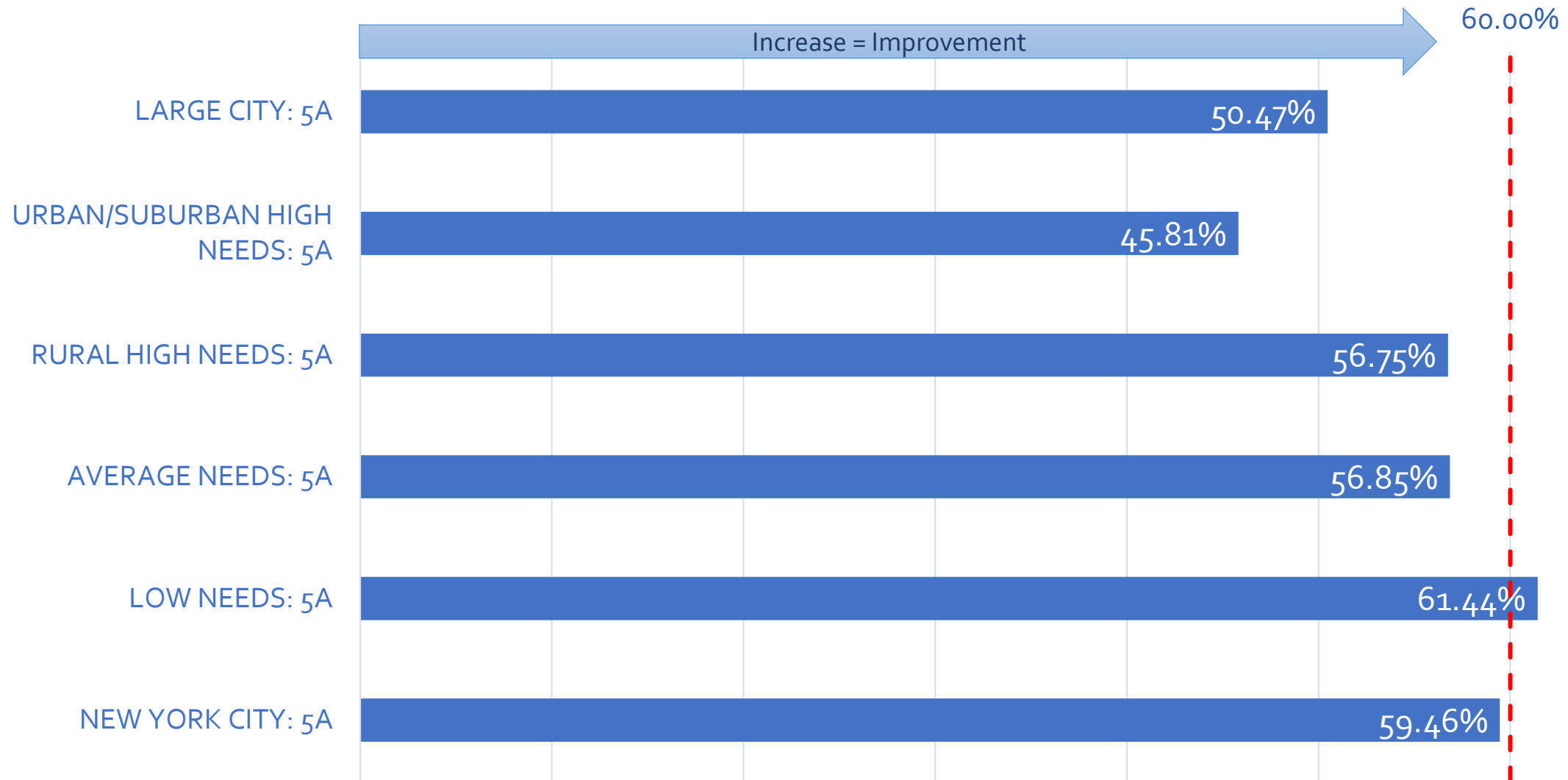


Indicator 5 – Disaggregate Data

Indicator 5A: NYS in a Regular Class 80% or More Student Data by Race and Ethnicity (FFY 2019)

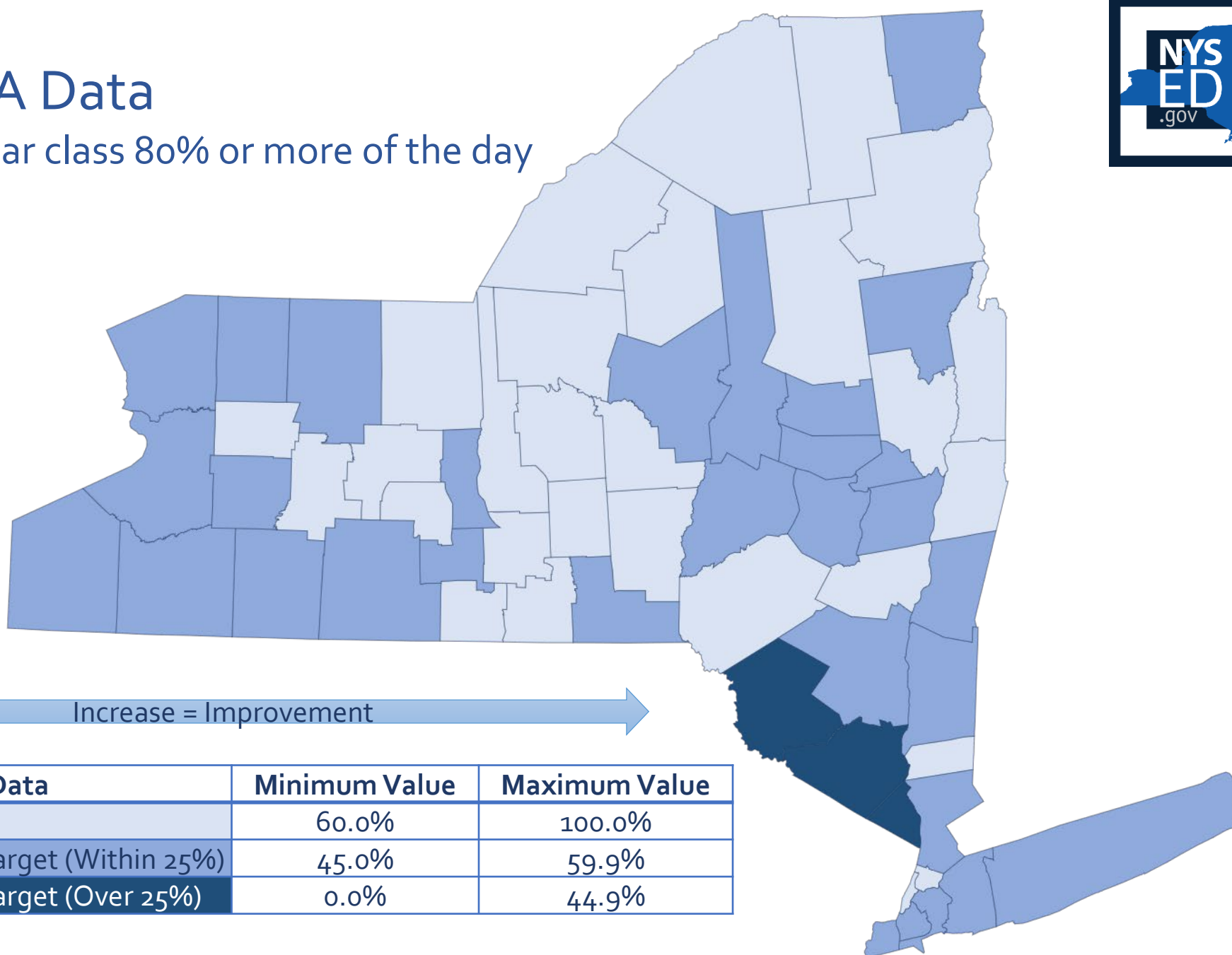


Indicator 5A: NYS in a Regular Class 80% or More Student Data by District Needs/Resource Capacity (FFY 2019)



Regional 5A Data

Inside the regular class 80% or more of the day



County Level Data	Minimum Value	Maximum Value
Met Target	60.0%	100.0%
Did not Meet Target (Within 25%)	45.0%	59.9%
Did not Meet Target (Over 25%)	0.0%	44.9%



Indicator 5A Disaggregate Data

1) What did the Indicator 5A SPP data tell us?

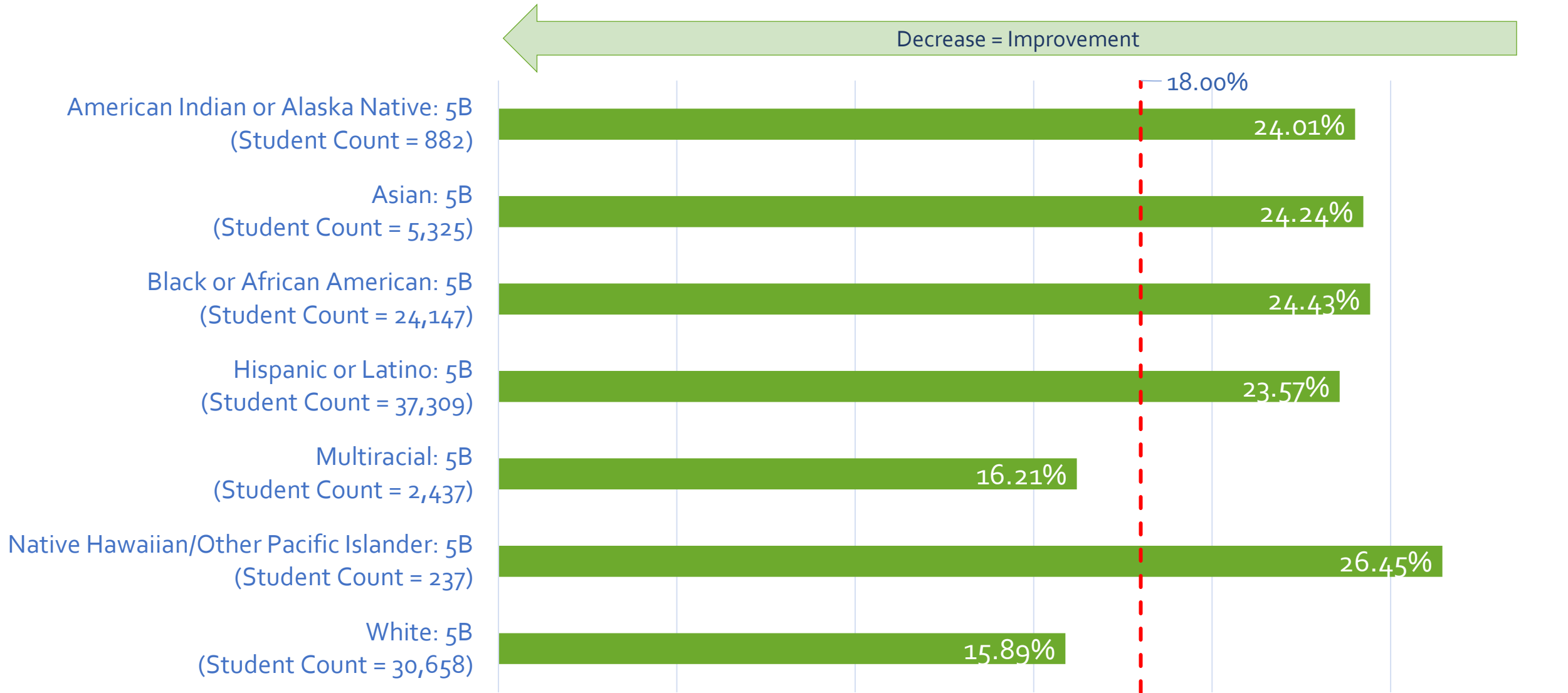
2) How should we use the data to inform our target-setting and improvement activities?



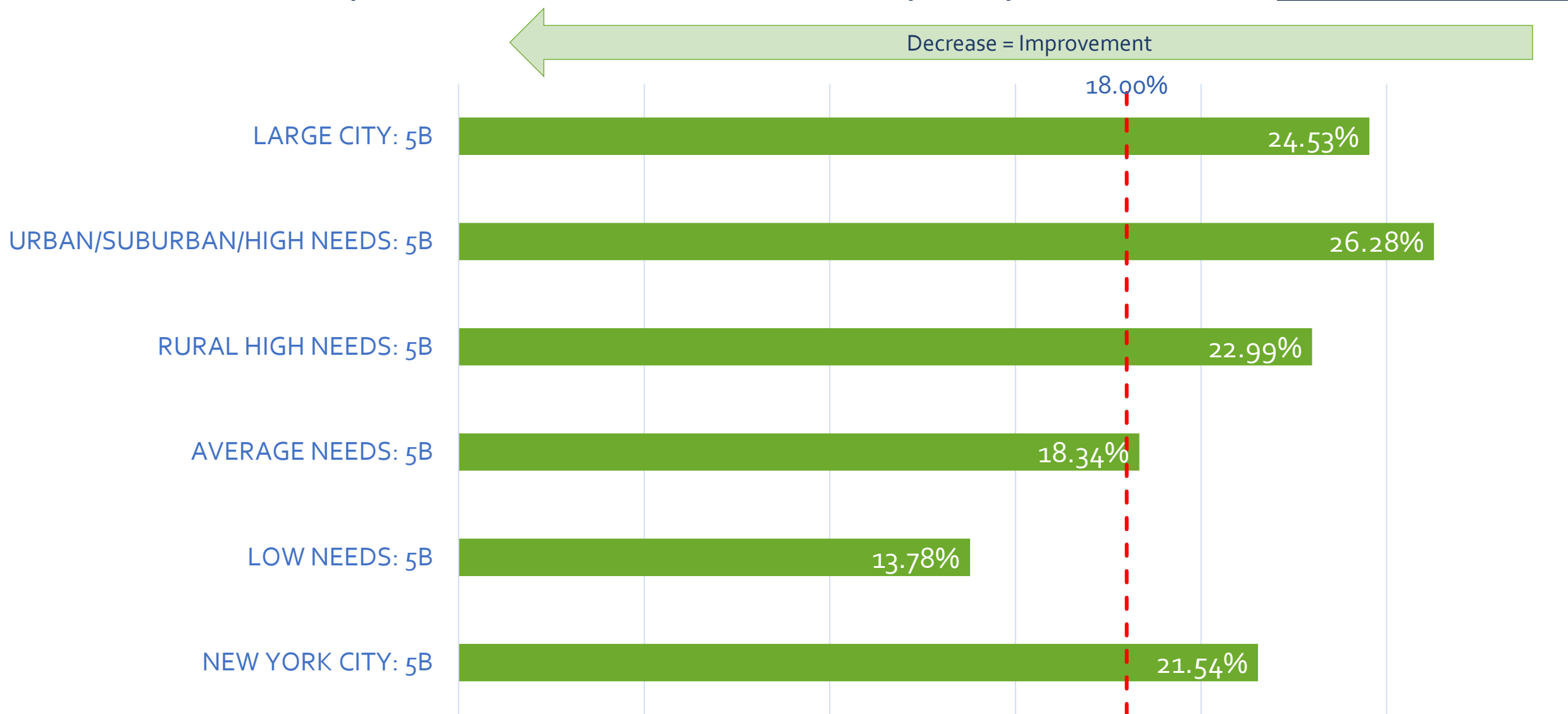
**Stakeholder
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Indicator 5B: NYS in a Regular Class 40% or Less Student Data by Race and Ethnicity (FFY 2019)

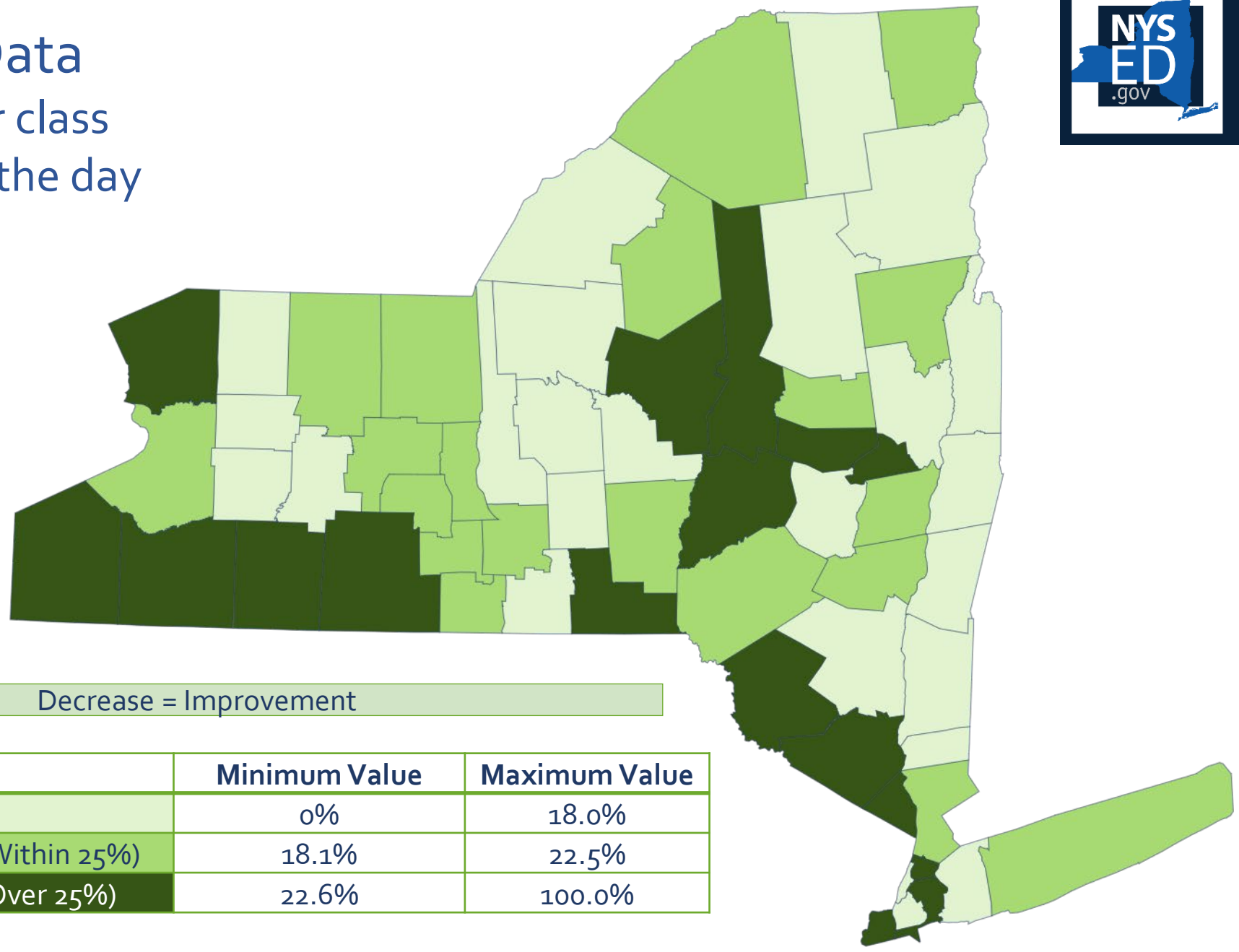


Indicator 5B: NYS in a Regular Class 40% or Less Student Data by District Needs/Resource Capacity (FFY 2019)



Regional 5B Data

Inside the regular class
less than 40% of the day



County Level Data	Minimum Value	Maximum Value
Met Target	0%	18.0%
Did not Meet Target (Within 25%)	18.1%	22.5%
Did not Meet Target (Over 25%)	22.6%	100.0%



Indicator 5B Disaggregate Data

1) What did the Indicator 5B SPP data tell us?

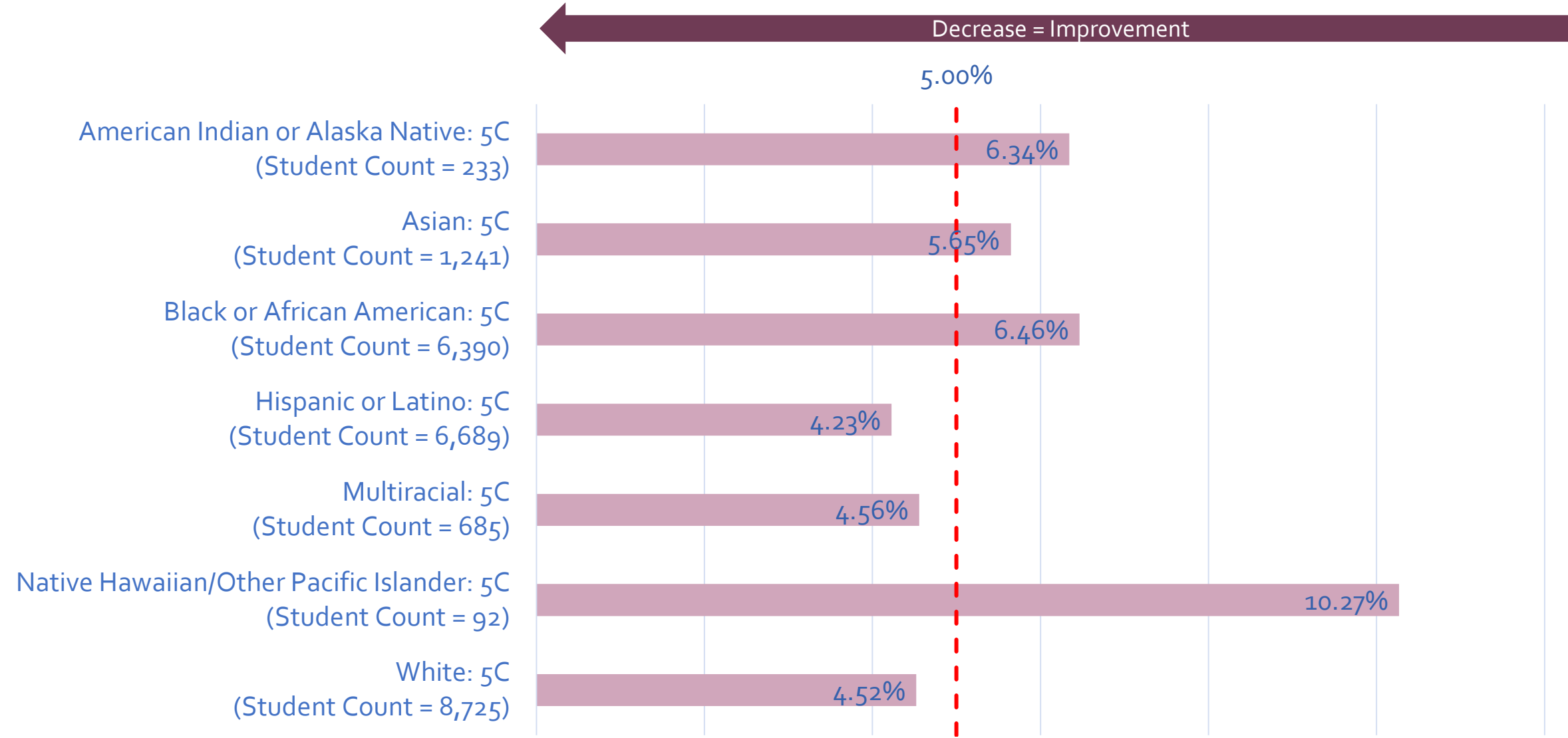
2) How should we use the data to inform our target-setting and improvement activities?



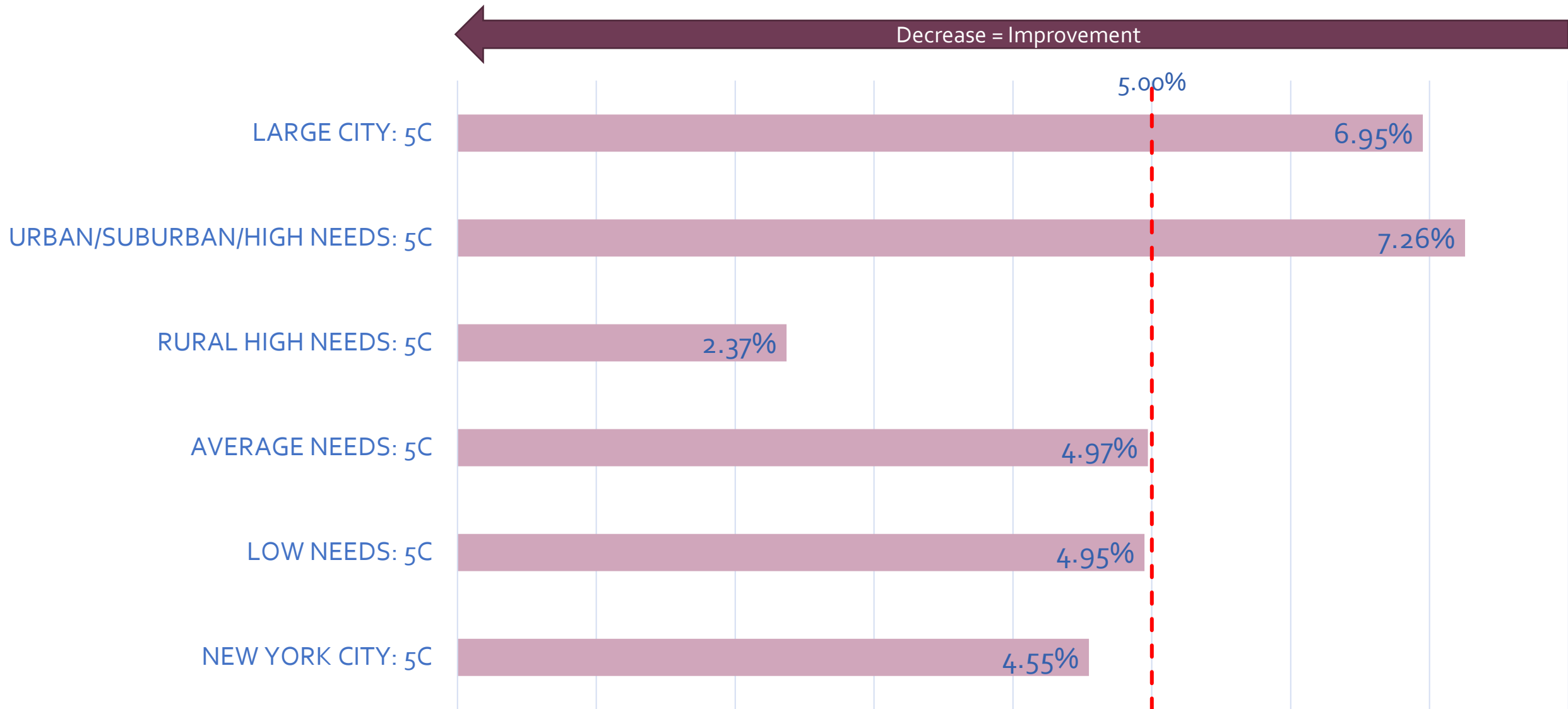
**Stakeholder
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Indicator 5C: NYS Separate Setting Student Data by Race and Ethnicity (FFY 2019)

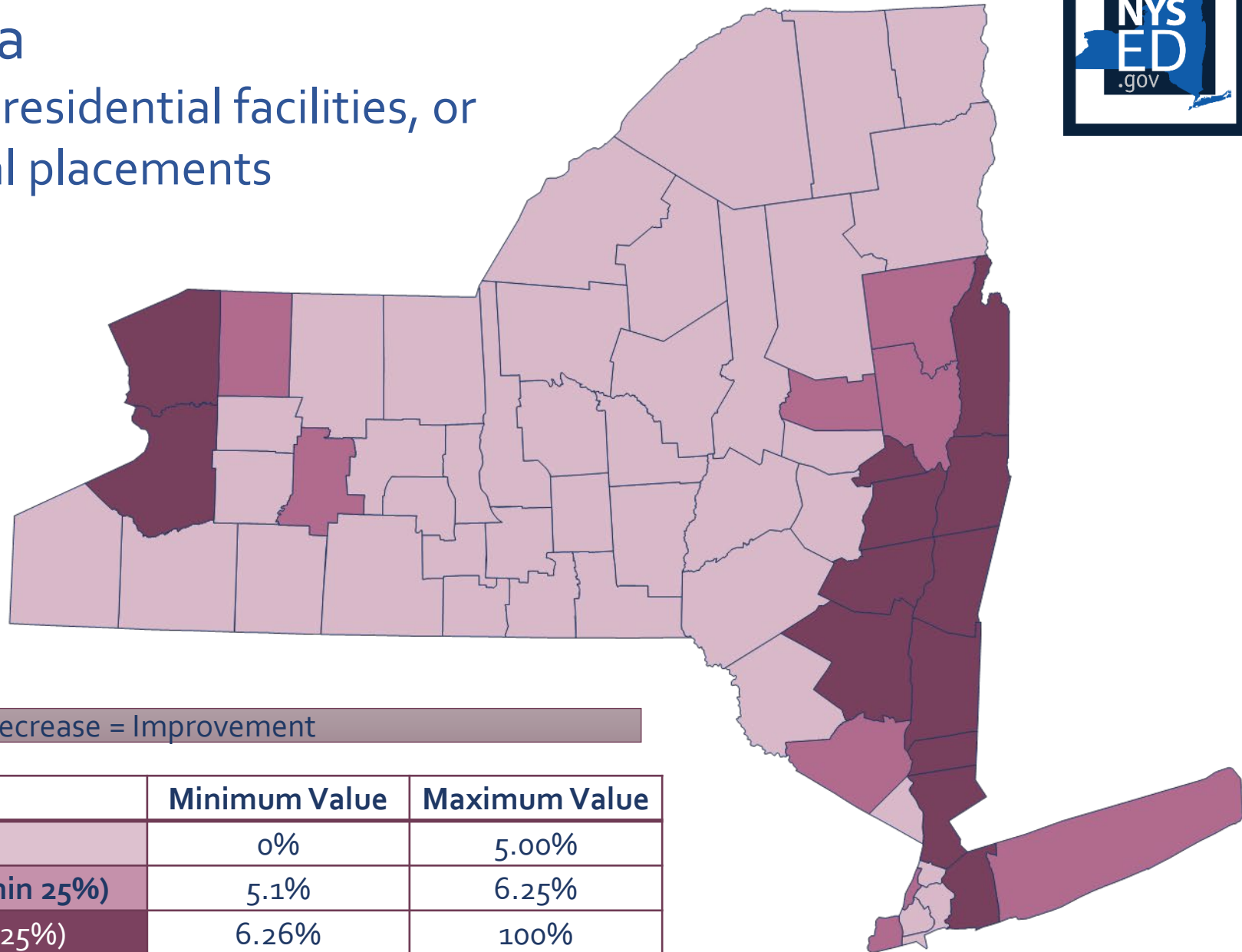


Indicator 5C: NYS Separate Setting Student Data by District Needs/Resource Capacity (FFY 2019)



Regional 5C Data

In separate schools, residential facilities, or homebound/hospital placements



County Level Data	Minimum Value	Maximum Value
Met Target	0%	5.00%
Did Not Meet Target (Within 25%)	5.1%	6.25%
Did Not Meet Target (Over 25%)	6.26%	100%



Indicator 5C Disaggregate Data

1) What did the Indicator 5C SPP data tell us?

2) How should we use the data to inform our target-setting and improvement activities?



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Indicator 5 – Improvement Activities

Focused Intervention LRE Monitoring Review



District Survey

Identifies the special education service options in the district and potential barriers to LRE



Parent Interview

Describes the child's needs and the services received



Student Record Review

Review of the student's IEP and Prior Written Notice (for the notice of placement)



CSE Observation

Observing the IEP meeting and CSE recommendation to provide a free appropriate public education in the LRE



Significant Disproportionality: Placement

IDEA requires state to collect and examine data to determine if significant disproportionality based on race and ethnicity is occurring with respect to identification, placement, and discipline.

In order to identify significant disproportionality in placement, school district's school-age LRE data is evaluated for those students inside a regular class 40 percent or less and also for those students educated in separate schools and residential facilities.

Significant disproportionality in placement generally occurs when students of one racial or ethnic group are more likely to be placed in a more restrictive setting compared to all other students.

To identify significant disproportionality in placement, New York State uses a relative risk ratio of 2.5 or higher or, if there are not enough students in a subgroup to meet the minimum cell size, an alternate risk ratio to compare district data to the State average.

At Risk for Significant Disproportionality

- When a district shows disproportionality for one or two years, they are notified as being At Risk for Significant Disproportionality.

Having Significant Disproportionality

- When a district shows disproportionality in placement for three years in a row for the same race and ethnicity subgroup, the district is identified as having Significant Disproportionality.
 - The district is subject to a monitoring review; and
 - The district is required to reserve 15 percent of its IDEA funds (Sections 611 and 619) to provide Comprehensive Coordinated Early Intervening Services (CCEIS) for students in grades K-12.

Special Education Space Requirements

Section 200.2(g) of the Regulations of the Commissioner of Education requires boards of cooperative educational services (BOCES) district superintendents to determine the adequacy and appropriateness of special education programs facilities space to ensure:

- the allocation of instructional space is sufficient and appropriate to meet current and future special education space needs of all students with disabilities in their BOCES region;
- any change to the allocation of space in the BOCES region is consistent with the needs for placement in the LRE and for the stability and continuity of program placements for participating students with disabilities;
- special education programs and services located in appropriate facilities are relocated only with adequate consideration of the needs of participating students with disabilities; and
- any changes to allocate, lease, renovate or construct space in the BOCES region that include special education programs are structured to ensure that students with disabilities have appropriate access to the general education curriculum.

School District Placement Certifications Required for 10-Month Private Excess Cost Aid (DCERT)



In order to qualify for State Aid reimbursement, the DCERT screen is used by school district personnel to submit information to NYSED for providing “Assurance of Required Certifications for 10-Month Private School Reimbursement”

Placement certification is required for four types of separate school 10-month programs:

Day In-State

Day Out-of-State

Residential In-State

Residential Out-of-State

Placement certification is also required upon:

Change from day to residential or residential to day placement

Change from in-state to out-of-state placement

Change in Committee on Special Education (CSE) school district

Change from preschool to school age

School-Age LRE DCERT Certifications



School District Certification For Placements in a Private Separate School or Special Act School District



The student is of school-age and has a disability or combination of disabilities such that appropriate public facilities for instruction are not available.



The CSE has documentation of its efforts to place the student in a public facility and the outcomes of those efforts, and/or the CSE findings regarding the lack of suitability of each currently available and geographically assessable public placement.



The CSE has documentation of all efforts to enable the student to benefit from instruction in less restrictive settings using support services and supplementary aids and special education services, and/or for those services not used, a statement of reasons why such services were not recommended.



The CSE has detailed evidence of the student's lack of progress in previous less restrictive programs and placements or a statement of reasons that such evidence is not available.




If the CSE recommends a residential program it must assure that documentation is on record that includes a proposed plan and timetable for enabling the student to return to a less restrictive environment or statement of reasons why such a plan is not currently appropriate.

Application Process for Placement in Out-of-State Residential Schools




- School district must annually apply to receive State Reimbursement for student's placed in a New York State approved out-of-state residential school.
- The decision that a student needs an educational placement in a residential school, either in or out of State, must be based on the CSE determination that there is no appropriate nonresidential school available to meet the educational needs of the student.
- State law and regulations require the school district to identify needed support services that may help families maintain children in their own homes and communities, and avoid placement in residential care, for as long as possible.



THE STATE EDUCATION DEPARTMENT / THE UNIVERSITY OF THE STATE OF NEW YORK / ALBANY, NY 12234
OFFICE OF SPECIAL EDUCATION
ASSISTANT COMMISSIONER

March 2021

To: District Superintendents
Superintendents of Public Schools
Public School Administrators
Executive Directors of Approved Private Schools
Directors of Special Education
Chairpersons of Committees on Special Education
Organizations, Parents and Individuals Concerned with Special Education

From: Christopher Suriano 

Subject: Placements of Students with Disabilities in Approved Out-of-State Residential Schools

The purpose of this memorandum is to provide updated policy, procedures, and forms relating to a public school district's responsibility to submit timely and complete applications, as prescribed in section 200.6(j) of the Regulations of the Commissioner of Education (8 NYCRR¹), for approval of New York State reimbursement of tuition costs for placements of students with disabilities in out-of-State approved residential programs. **This memorandum supersedes the March 2020 guidance issued on this topic.**

In accordance with these procedures, the Commissioner or a designee must make a determination of approval of State assistance for instruction of all public school students placed in approved private schools, including out-of-State programs. Approval of the System to Track and Account for Children (STAC) form is necessary to ensure timely State reimbursement of tuition costs to the public school and to provide the necessary authorization to municipalities to pay their portion of maintenance costs for a student's placement in a residential school. Failure to follow the procedures outlined in this memo may result in denial of all or a portion of State reimbursement of tuition costs.

Important policy and procedural information on the following topics is included in this memorandum:

- I. Interagency Services for Students at Risk of Placement or Placed in a Residential School
 - Students at Risk of Residential Placement
 - Transition Services and Adult Service Planning
- II. Initial Applications for Private School Residential Placements
- III. Reapplication Process for Placement of Students in Out-of-State Residential Schools

¹ 8 NYCRR refers to Title 8 of the New York Code of Rules and Regulations



Office of Special Education Educational Partnership Tiered Support & Professional Development



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12 Regional
Partnership Centers

14 School-Age Family
and Community
Engagement Centers

14 Early Childhood
Family and Community
Engagement Centers

Systems Change Work Providing a Variety of Supports to Educational Organizations in New York State

1 Regional Learning

2 Targeted Skills/Support Groups

3 Support Plans



Educational Partnership Resources

Targeted Professional Development Improvement Strategies



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Training relevant to School-Age Least Restrictive Environment include:

- CPSE/CSE Chairperson Training
- Positive Behavioral Intervention and Supports Training (all tiers)
- Identifying and Intensifying Intervention
- Fundamentals of Equity: Exploring Equity and Cultural Responsiveness
- Introduction to the Behavior Pathway
- Using the Behavior Pathway to Identify Interventions
- Specially Designed Instruction/Explicit Direct Instruction
- Disproportionality
- Functional Behavioral Assessment/Behavioral Intervention Plan Training
- Developing Behavior Systems that Work
- Dimensions of Equity in Education

Potential New Improvement Activity #1



Require School Districts to develop and implement a five-year plan for high-quality inclusive programs for students with disabilities

- District inclusion plans would be required for districts whose data shows:
 - (1) 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
 - (2) low percentage of students participating in regular education classes for 80 percent or more of the school day.
- District inclusion plans would describe the district's 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 and ethnicity, age, and disability categories.
- District inclusion plans would provide a five-year projection to increase the number of students with disabilities in inclusive settings and describe the steps the district will take to improve the availability and quality of inclusive programs in the district.

Potential New Improvement Activity #2



Develop a CSE training module for Indicator 5 and placement in the LRE

- Training Modules would be available remotely and/or via webinar and emphasize:
 - reporting Indicator 5 LRE data accurately;
 - connection of Indicator 5 and significant disproportionality placement data on LRE; and
 - LRE decision making tools.
- Identified school districts would be required to participate in the training modules in order to improve Indicator 5 results.



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What activities could be considered, maintained, or strengthened to address improvements in School-Age Least Restrictive Environment?

Stakeholder Discussion





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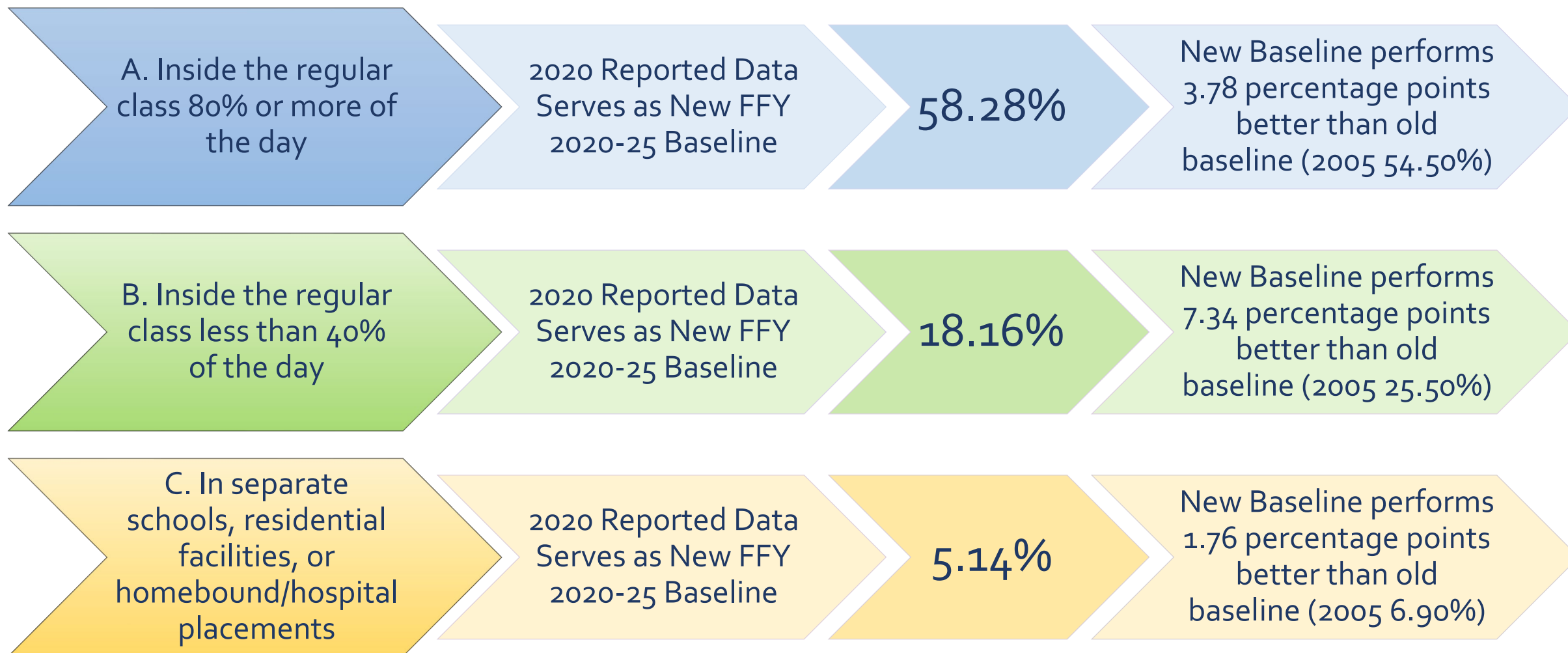
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Indicator 5 – School-Age Least Restrictive Environment Target Setting

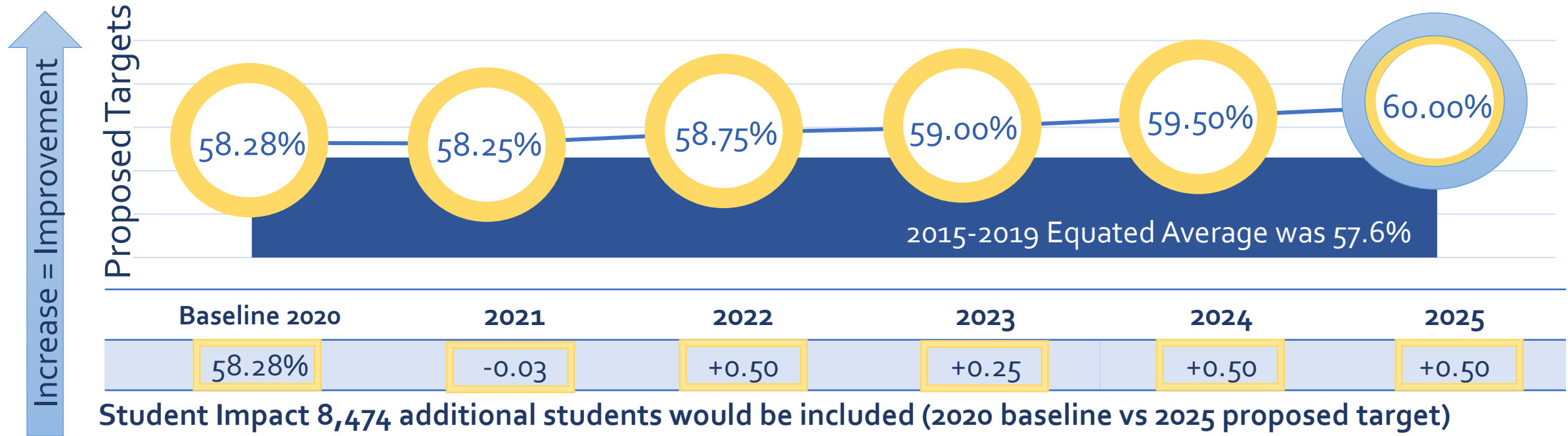


New Baseline for Indicator 5: School-Age LRE



Proposed Targets: Indicator 5A

Percent of children with IEPs aged 5 who are enrolled in kindergarten and aged 6 through 21 served inside the regular class 80% or more of the day



Student Impact 8,474 additional students would be included (2020 baseline vs 2025 proposed target)

Target Setting Methodology

Consideration that 2020 Baseline Outperforms Prior 5-year Average

Improvement Over Baseline & Increase over Average Past Trend Data

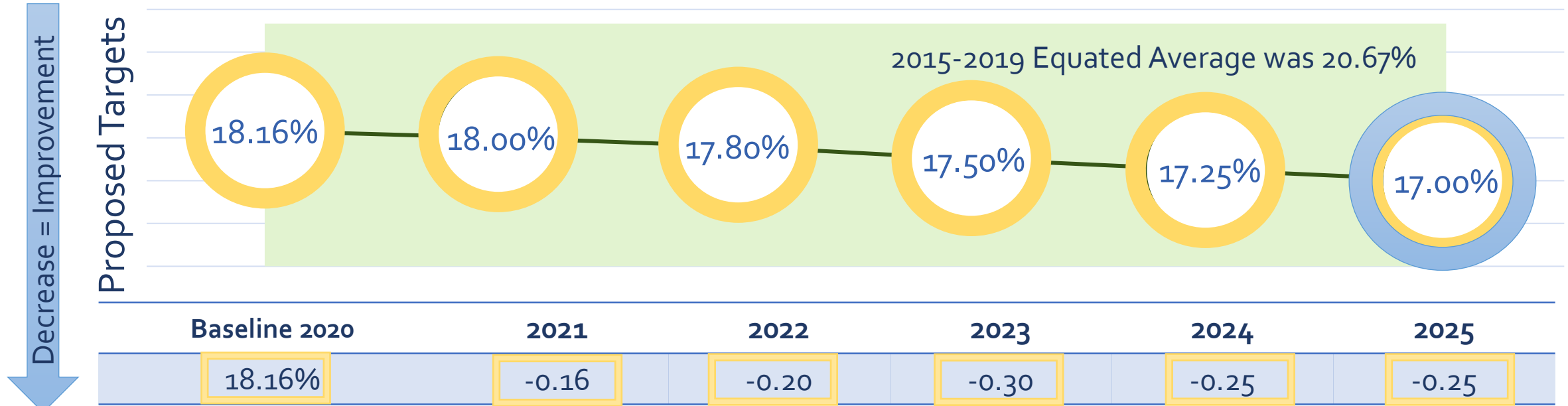
Consideration of Student Impact associated with each Proposed Target



Stakeholder Question: Targets must show improvement over baseline and be rigorous but achievable. Do you feel that the proposed targets are too high, too low, or just right?

Proposed Targets: Indicator 5B

Percent of children with IEPs aged 5 who are enrolled in kindergarten and aged 6 through 21 served inside the regular class less than 40% of the day



Student Impact 5,690 fewer students would be included (2020 baseline vs 2025 proposed target)

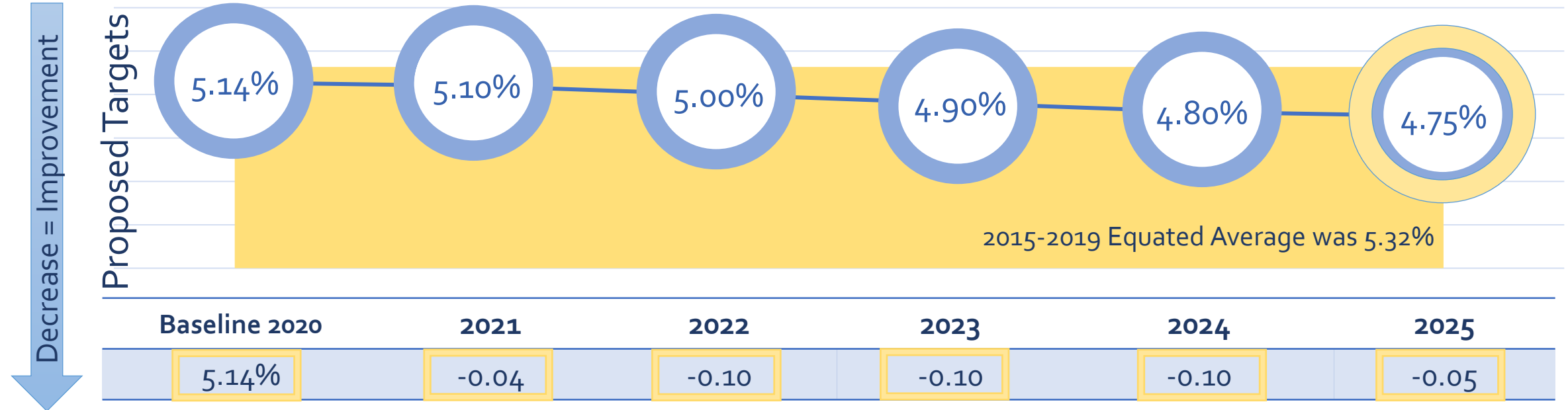
Target Setting Methodology



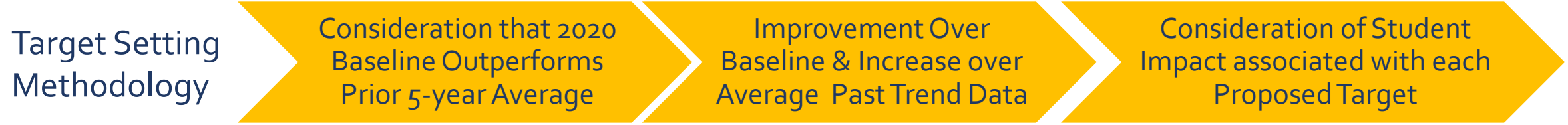
Stakeholder Question: Targets must show improvement over baseline and be rigorous but achievable. Do you feel that the proposed targets are too high, too low, or just right?

Proposed Targets: Indicator 5C

Percent of children with IEPs aged 5 who are enrolled in kindergarten and aged 6 through 21 served in separate schools, residential facilities, or homebound/hospital placements



Student Impact 1,911 fewer students would be excluded (2020 baseline vs 2025 proposed target)

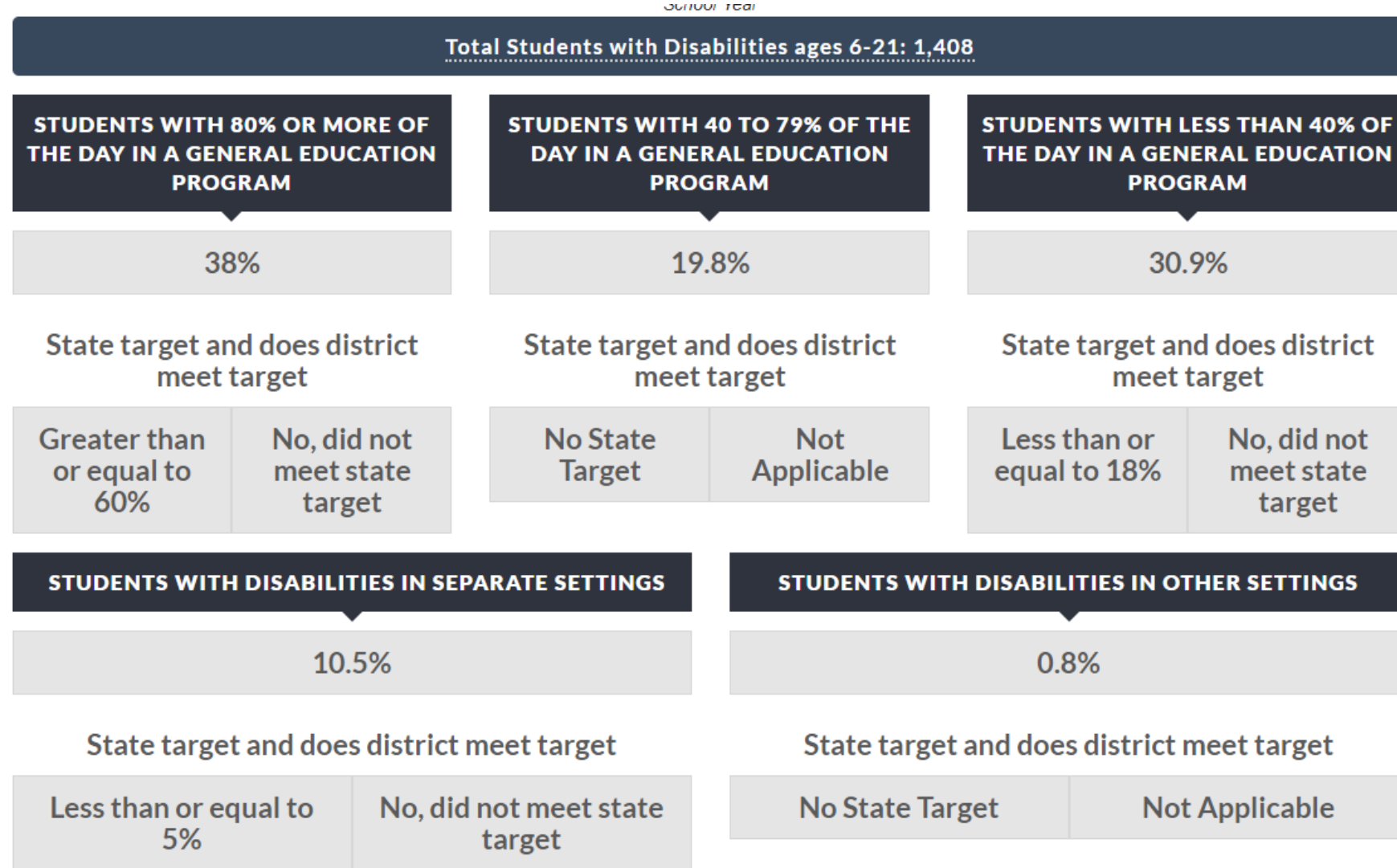


Stakeholder Question: Targets must show improvement over baseline and be rigorous but achievable. Do you feel that the proposed targets are too high, too low, or just right?

New York State School District SPP Data



Additional information on SPP Indicator data may be found in school district "Special Education Data" reports available at data.nysed.gov



Share Your Voice in our Online Survey



Each SPP Indicator has an online survey to collect input on NYS's target-setting and/or improvement activities

The online surveys are intended to collect feedback from interested stakeholders. They are available for those who are not attending a virtual meeting or for those who have additional information to share beyond the virtual meetings

Please visit the [SPP/APR webpage](http://www.nysed.gov/special-education/fffy-2020-2025-spp-apr) to submit your survey
<http://www.nysed.gov/special-education/fffy-2020-2025-spp-apr>

THANK YOU FOR YOUR CONTRIBUTION

Your Voice is Important to
New York State's Efforts to
Improve Outcomes for our
Students with Disabilities

