

Commissioner's Advisory Panel for Special Education Services

February 1-2, 2018

New York State Education Department, Albany, New York

AGENDA ITEM	KEY POINTS DISCUSSION/RECOMMENDATIONS	NEXT STEPS
Welcome and Get Organized	<ul style="list-style-type: none"> ▪ Reviewed dates and times for remaining 2017-2018 CAP meetings: <ul style="list-style-type: none"> ➢ May 17-18, 2018 ➢ Meetings are always scheduled for Thursday (10:30 a.m. – 5:00 p.m.) and Friday (8:30 a.m. – 12:30 p.m.) ➢ Members were asked to place a hold on their calendars for the remaining meeting dates ▪ Reminded members who submit for travel reimbursement to do so within 30 days, so they may be paid timely 	
Approval of November Minutes	A motion was made to accept the November 2017 minutes. Motion approved; Minutes approved.	
Approval and Review of Agenda	Agenda approved.	
Member Introductions	Chairperson introduced and read a short biography about each new member. Existing members introduced themselves.	
Public Comment	<ul style="list-style-type: none"> ▪ Public comment provided by a parent of an elementary school student with a disability regarding challenges in seeking an inclusive environment for her child. Parent referenced three principles from the Blueprint for Improved Results for Students with Disabilities: <ol style="list-style-type: none"> 1) Parents and other family members are engaged in the education of that child, parents and educators work together and are meaningful partners in their child's school - Agree with principle but falls short when parents are not welcomed into the classroom and information is not shared. 2) Teachers design specially designed instruction for students with disabilities - General and special education teachers need to work collaboratively. Responsibility falls on special education teachers. General education teachers are not able to differentiate instruction. Alternate curriculum is not aligned with grade level learning standards. 3) Schools provide a high quality inclusive environment - Parent expressed the following concerns: <ul style="list-style-type: none"> ➢ Pull-outs should be the last resort rather than the first choice. ➢ Students should not have to "earn their way" into general education environment. ➢ Need planning to promote success in the least restrictive environment. ➢ Need supports/accommodations to promote success; engage parents; provide authentic activities; and differentiate instruction. ▪ Recommendations: Recognize outstanding teachers and districts doing good work to promote inclusion; annual event to share best practices in inclusive education; and have inclusion specialist in each district or region to provide support to teachers and serve as resource to parents (possible pilot program). 	
Discussion with Assistant Commissioner	<ul style="list-style-type: none"> ▪ NYSED leadership provided information and responded to member questions about Office of Special Education (OSE) updates and priorities that are impacting students with disabilities. <ul style="list-style-type: none"> ➢ Priority Initiatives: 	

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Discussion with Assistant Commissioner (cont'd)	<ul style="list-style-type: none"> • Learning disabilities: OSE establishing stakeholder group to provide input on learning disabilities guidance document - focus on dyslexia, dysgraphia, and dyscalculia. • Achievement Outcomes, Least Restrictive Environment (LRE), Disproportionality, Secondary Transition • Early Childhood Learning/Preschool Initiatives: Birth to 3rd Grade; Member comment: Unique challenges faced in rural areas of the state: e.g. programs closing and reduced numbers of typically developing peers in programs. NYSED Response: Representatives from rural areas were part of Special in an Integrated Setting (SCIS) work group. • Graduation and Diploma Options: The Board of Regents (BOR) is looking at multiple pathways to graduation. • LRE: NYS is one of the most segregated states in the country (ranked 44th). • State Systemic Improvement Plan (SSIP): Pilot school project providing multi-tiered systems of support (MTSS) (i.e., academic and behavior) focusing on students with learning disabilities in Grades 3-5. Targeted technical assistance provided by NYSED networks and Special Education Quality Assurance staff. Cross office collaboration including Curriculum, Assessment and Bilingual Offices. <ul style="list-style-type: none"> ○ Member comments/questions/recommendations: <ul style="list-style-type: none"> ✓ Lack of ownership of students with disabilities by general education. NYSED response: Strengthening MTSS requires collaboration with general education. OSE funded networks will be providing professional development (PD) to all teachers and administrators. ✓ PD provided by OSE networks is not always seen by general education as being important. Need training on how to successfully support special education students (academic and behavior supports). NYSED response: Changing how training is provided – embedding professional development into priority districts identified under Individuals with Disabilities Education Act (IDEA) or by State Performance Plan indicators. ✓ Dual certification is recommended versus stand-alone general education teacher certification. ✓ Include cultural responsiveness and courses that reflect current educational needs in teacher certification courses. ✓ Scaffolds being developed for Grades 3-8 are necessary to support teachers. Scaffolds also needed for high school level. NYSED response: Office of Curriculum is working on scaffolds. Anticipate posting of Grades 3-5 scaffolds soon. ✓ Inclusive settings involve collaborative team. Planning time is necessary for effective collaboration. NYSED response: MTSS and inclusive programs are a Statewide initiative. Part of MTSS is collaboration and whole classroom approach. Beginning with pilot schools and scaling this up in the future. ✓ Identify schools that have successful inclusion programs. NYSED response: Let OSE know of programs doing this well. Member response: New York City (NYC) selected 10 schools that have effective inclusion programs and are open to other NYC schools to visit. 	

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	<ul style="list-style-type: none"> ✓ Districts awarded grants through My Brothers' Keeper (MBK). Is there any overlap with 10 districts? NYSED response: No but are getting input from office overseeing MBK. ✓ How can we teach these skills to students who are not wired this way? NYSED response: Need to build the tools to help these students (e.g., The Incredible 5 Point Scale). ✓ Pyramid training includes high quality content on establishing these foundational skills early on. ✓ How was NYS selected for collaborative? NYSED response: NYSED applied. ✓ Schools are not prepared to teach these skills; as currently implemented, this has not been effective with students with traumatic experiences. ✓ Students who are not regulated are unable to learn. ✓ Challenging to teach students SEL. Important to have good peer models and discussions with students. "Together Including Every Student" (TIES) program used in Buffalo area districts. ✓ Have not found Positive Behavioral Interventions and Supports to be successful. ✓ Students with social emotional issues are taught about self-awareness. Self-management is tiered process until student learns what is socially acceptable. 	
Information Sharing	Members shared information regarding issues and activities in each of their regions.	
Workforce Innovation and Opportunity Act (WIOA) WIOA (cont'd)	<ul style="list-style-type: none"> ▪ NYSED Manager of Transition and Youth Team in the Adult Career and Continuing Education Services-Vocational Rehabilitation Services (ACCES-VR) Office provided a PowerPoint on the Workforce Innovation and Opportunity Act (WIOA). <ul style="list-style-type: none"> ➤ Signed into law July 2014. Final regulations were issued in August 2016: <ul style="list-style-type: none"> • Strong emphasis on competitive integrated employment (CIE). • Pre-employment transition services - ensure students have opportunities to receive training and other services necessary to achieve CIE. Provided to students who are "eligible" or "potentially eligible." • Payment of sub-minimum wage to youth with disability age 24 or younger is prohibited, except upon completion of certain activities and documentation from VR to enable them to achieve CIE. • Eligibility for services determined under the law. Youth with a disability defined under IV of the Rehabilitation Act as an individual with a disability who is not younger than 14 and not older than 24. • Supported employment designed for the most significantly disabled individuals. <ul style="list-style-type: none"> ○ Member comments/questions/recommendations: <ul style="list-style-type: none"> ✓ What makes a youth with a disability not eligible? NYSED response: Disability must create a barrier to employment. Individual needs to be able to benefit from employment. 	

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SPP/APR (cont'd)	<ul style="list-style-type: none"> • LRE ages 6-21 served inside regular classroom 80% or more of the school day – last year 57.98%, this year 58.26%, target 59.00%, no slippage. • LRE ages 6-21 served inside regular classrooms less than 40% of the school day – last year 19.82%, this year 19.56%, target 20.00%, no slippage. • LRE ages 6-21 served in public or private separate schools, residential placements, or homebound or hospital placements – last year 5.44%, this year 6.04%, target 5.60%, slippage. ➤ Indicator 6: <ul style="list-style-type: none"> • Preschool LRE ages 3-5, students received the majority of their special education and related services in the regular early childhood program – last year 41.94%, this year 43.41%, target 45.00%, no slippage. • Preschool Environments LRE ages 3-5, students attending separate special education class, separate school, or residential facility – last year 23.86%, this year 22.68%, target 20.00%, no slippage. ➤ Indicator 7: Preschool Outcomes - slippage may be due to a significant increase in the percentage of children in sample from NYC. ➤ Indicator 8: Parental Involvement – last year 93.45%, this year 93.36%, target 94.00%, schools facilitate parent involvement, did not meet our target, but no slippage. Data has stayed consistent. <ul style="list-style-type: none"> ○ Member comments/questions/recommendations: <ul style="list-style-type: none"> ✓ Make survey more meaningful. NYSED response: Possible project for Parent Centers. ✓ Survey needs to be clearer. Some questions worded in way that parent cannot respond “no.” Not very personalized. ➤ Indicator 9: Disproportionality in Special Education by Race/Ethnicity – last year .59%, this year .18%, target 0%, no slippage, did not meet target ➤ Indicator 10: Disproportionality in Classification/Placement by Race/Ethnicity - last year .44%, this year .71%, target 0%, slippage, did not meet target ➤ Indicator 11: Timely Evaluations – last year 83.30%, this year 85.10%, target 100%, no slippage, did not meet target. <ul style="list-style-type: none"> ○ Member comments/questions/recommendations: <ul style="list-style-type: none"> ✓ Reimbursement rate for evaluators precludes evaluators from doing preschool evaluations. NYSED response: School districts are now considered approved evaluators. ✓ Bilingual evaluators are difficult to find. ✓ NYC Data management system - NYSED is working closely with NYC Department of Education to address compliance. ➤ Indicator 12 - Early Intervention (EI) to Preschool transition - last year 76.50%, this year 90.23%, target 100%, no slippage, did not meet target. 	

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SPP/APR (cont'd)	<ul style="list-style-type: none"> ○ Member comment: Parents feel they have more choice with EI. EI has different threshold for eligibility. Providers encourage parents to keep children in EI; preschool reimbursement rates are lower. ➤ Indicator 13 – Secondary Transition – last year 76.50%, this year 90.23%, target 100%, no slippage, did not meet target. <ul style="list-style-type: none"> ○ Member comment: How do other states do with this? NYSED response: Many use national checklist to measure compliance. ➤ Indicator 14 - Post-School Outcomes – last year 67.25%, this year 69.43% of youth were enrolled either in higher education or competitively employed within one year of leaving high school, target 68% - NYSED exceeded target. <ul style="list-style-type: none"> ● Member comments/questions/recommendations: <ul style="list-style-type: none"> ○ Would like to see data on students getting services from ACCES-VR. NYSED response: Do not assess this specifically for VR, collect data on students in competitive employment and training programs. ➤ Indicator 15: Resolution Sessions – last year 3.20%, this year 2.83% of hearing requests that went to resolution sessions were resolved through resolution session settlement agreements, target 8.00-9.00%, slippage, did not meet target. <ul style="list-style-type: none"> ○ Member comment: What accounts for little use of resolution sessions? NYSED response: Related to parent tuition requests; may also be related to increased complexity of issues. ➤ Indicator 16: Mediation – last year 83.02%, this year 86.63% of mediation sessions held resulted in mediation agreements, target 88.00 – 92.00%, no slippage, did not meet target. Mediation is not being used in NYS; when used it is very successful. Need to focus on promoting mediation. <ul style="list-style-type: none"> ○ Member comments/questions/recommendations: <ul style="list-style-type: none"> ✓ Has NYSED seen increase in IEP facilitation? NYSED response: Not used very often. Under 50 meetings held. ✓ Are reasons for IEP facilitation not used same as mediation? NYSED response: Reasons may or may not be the same. NYS tends to be very litigious and parties often prefer to go right to a hearing when there are other less adversarial options available. ✓ Parents may not be aware that State, not the district, picks facilitator. ✓ Forums on IEP facilitation should not be held during busiest time of IEP meetings. ✓ Need strong presentations to field on what mediation is and benefits. ✓ Lengthy delays in getting impartial hearing officers (IHOs) is still issue. Reimbursement rate is low and there is a lack of IHOs. NYSED response: Department has tightened monitoring. Recently issued two guidance documents. Have provided significant training to IHOs. NYC has on average 6,000 requests. ✓ If IEP facilitation is not being used in Long Island and NYC, may be time to move on. Instead use resources to train CSE chairs to facilitate better meetings. NYSED response: Components of IEP facilitation are part of holding a good CSE meeting. Could tie this into NYSED CSE Chairperson training. Looking at data to make recommendations. 	

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	<ul style="list-style-type: none"> ✓ Results could be better in other parts of the State. ✓ Members are hearing that IEP facilitation is a positive experience. ✓ Conduct root cause as to why there are so many hearings. Look at data by zip code and borough in NYC. ✓ Establish workgroup to focus on this indicator. NYSED response: Department has workgroup looking at the results but would like member suggestions. ✓ Look at the data based on socioeconomic status. Would be helpful to have topics for why hearings are requested. 	
<p>State Policy</p> <p>State Policy (cont'd)</p>	<ul style="list-style-type: none"> ▪ NYSED staff provided a PowerPoint, "Commissioner's Advisory Panel for Special Education Services, Policy and Preschool Updates" to guide the discussion on special education policy: ▪ Due Process field memorandum ▪ Chapter 216 of the Laws of 2017 - Requires NYSED develop guidance regarding the unique educational needs of students with dyslexia, dysgraphia, and dyscalculia by August 2018. ▪ Updated Guidance on Testing Accommodations for Students with Disabilities. - supersedes guidance issued in 2006. ▪ Amendment of Section 100.5 of the Regulation Relating to the Superintendent Determination Option <ul style="list-style-type: none"> ➢ Member comments/recommendations: <ul style="list-style-type: none"> • When should students apply for Career and Developmental Occupational Studies (CDOS) commencement certificate under exception? NYSED response: Should only be requested when parents are seeking superintendent determination. • Concerned about superintendent determination option will push students out of school. Need to monitor to ensure instruction in special classes is aligned to the learning standards and prepares students for Regents exams. • Develop document with visuals to help parents understand pathways. NYSED response: In process of updating field memorandum. ▪ Chapter 428 of the Laws of 2017 relating to aging out notices for certain students - For students likely to require adult services, requires not later than annual review prior to student's 18th birthday, that a representative of adult service State agencies be invited to CSE meeting to participate in development of adult services recommendation; repeals requirements for boards of education to develop plans and polices for appropriate declassification of students with disabilities. ▪ Culturally Responsive-Sustaining Practices [January BOR Item]. NYSED to develop a set of principles and a framework for culturally responsive education and develop a comprehensive implementation plan including strategies for professional development and parent and family engagement ▪ Preschool Policy Updates: <ul style="list-style-type: none"> ➢ Chapter 429 of the Laws of 2017 - Removes requirements for districts to apply to be approved as a multidisciplinary evaluation program (MDE) for preschool students. ➢ Special Education Integrated Data System (System to Track and Account for Children) and STAC (mechanism for payments to flow to providers and districts) - State funding to establish and maintain an integrated public data system. 	

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	<ul style="list-style-type: none">➤ Special Class in Integrated Setting (SCIS) Methodology Workgroup update:<ul style="list-style-type: none">• NYSED is in the processing of issuing guidance in relation to allowing instructional lunch to be counted as part of the instructional program time for preschool programs.▪ Member Comment: It will be difficult to develop calendar for programs that serve both preschool and school age students. What is advantage of doing this? Instructional lunch should also be allowed for school age. Results Driven Accountability (RDA) and Differentiated Monitoring and Support (DMS):<ul style="list-style-type: none">➤ NYS has been designated as a State "In Need of Assistance".	