

LRE in Annual Performance Plan

Question from the Taskforce:

How did the state come up the criteria for LRE? It seems kind of high. Unrealistic?

Background

In answering the question it is important to first know the genesis of the *Annual Performance Plan* in California.

The Individuals with Disabilities Act (IDEA) Section 616 requires each state to have a State Performance Plan (SPP) that evaluates the state's efforts to implement the requirement and purposes of Part B of IDEA and describes how the state will improve. This SPP is monitored by the US Department of Education, Office of Special Education and Rehabilitative Services. This federal monitoring process consists of data review and onsite visitations.

The *Annual Performance Plan* is one of the data points provided to and reviewed by the federal monitoring team. Indicator 5 of the APP has to do with the Least Restrictive Environment (LRE). In its review of California's SPP, the US Department of Education found that California did not meet requirements for LRE. As a result, targets were set by OSEP and California submitted a plan on how to come into compliance. Below you will see the section of the SPP that addresses LRE. Hopefully, this will assist in understanding why the state has set targets for LRE. The full text of the California State Performance Plan for Special Education can be found at <http://www.cde.gov/sp/se/qa/>

Indicator 5: Percent of children with IEPs, aged 6 through 21, served:

- A. Inside the regular class 80 percent or more of the day;
- B. Inside the regular class less than 40 percent of the day; and
- C. In separate schools, residential facilities, or homebound/hospital placements.
(20 U.S.C. 1416(a)(3)(A))

Measurement:

A. Percent = (number of children with IEPs served inside the regular class 80 percent or more of the day) divided by the (total number of students aged 6 through 21 with IEPs) times 100.

B. Percent = (number of children with IEPs served inside the regular class less than 40 percent of the day) divided by the (total number of students aged 6 through 21 with IEPs) times 100.

C. Percent = (number of children with IEPs served in separate schools, residential facilities, or homebound/hospital placements) divided by the (total number of students aged 6 through 21 with IEPs) times 100.

FFY	Measurable and Rigorous Target
2012 (2012–2013)	5A. Seventy-six percent or more of students with IEPs will be served inside the regular class 80 percent or more of the day; 5B. No more than 9 percent of students with IEPs will be inside the regular class less than 40 percent of the day; and 5C. No more than 3.8 percent of students with IEPs are served in public or private separate schools, residential placements, or homebound or hospital placements.

Actual Target Data for FFY 2012:

California did not meet the targets for 5A, 5B, or 5C.

5A. Percent of children served in the regular classroom 80 percent or more of the day

Percent = $322,454/613,697$ (total enrollment 6 through 21 years) = 52.6 percent

5B. Percent of children inside the regular class less than 40 percent of the day

Percent = $136,032/613,697$ = 22.1 percent

5C. Percent of children served in public or private separate schools, residential placements, homebound, or hospital placements

Percent = $25,028/613,697$ = 4.0 percent

Table 5a depicts the number and percent of students with IEPs, aged 6 through 21, who receive special education and related services in various settings.

**Table 5a
Comparison of Actual Percentages to SPP Targets – State Level**

Indicator	Percent of Students 2012–13	2012–13 Target	Target Met
5A. Served in the regular classroom 80 percent or more of the day	52.6	At least 76 percent	No
5B. Served in the regular classroom less than 40 percent of the day	22.1	No more than 9 percent	No
5C. Served in separate schools or facilities	4.0	No more than 3.8 percent	No

Discussion of Improvement Activities Completed and Explanation of Progress or Slippage, if the State did not meet its target that occurred for FFY 2012 (2012–13):

5A- California did not meet the target of 76 percent of students served in the regular classroom 80 percent or more of the day. In the 2012–13 school year, 52.6 percent of the students with IEPs were served in the regular classroom for 80 percent or more of the day

5B- California did not meet the target of no more than 9 percent of students with IEPs are served in the regular classroom for less than 40 percent of the day. In California schools, 22.1 percent of the students with IEPs were served in the regular classroom for less than 40 percent of the day.

5C- California did not meet the target of no more than 3.8 percent of students with disabilities being served in separate schools and facilities. In California, 4 percent of students were served in separate schools and facilities which was in improvement over FFY 2011.

The CDE continues to emphasize collaborative improvement activities such as the CDE and WestEd’s Least Restrictive Environment Resources Project which develops resources for use by districts and sites to improve services for all students. In addition, projects like WestEd’s School Site Team Collaboration for Inclusive Education training are also making a positive impact on LRE procedures, and practices related to providing services in the LRE and have revised its IEP training modules to more strongly emphasize access to the general curriculum. In 2013–14, the SED will continue providing inclusion and IEP training, which will emphasize IEP team placement decision-making and quality IEP development.

Reasons, with Justifications, to Proposed Targets/Improvement Activities/Timelines/ Resources for FFY 2012 (2012–13):

The following improvement activities were conducted in 2012–13 and will continue:

CONTINUING ACTIVITIES – Indicator 5: LRE		
Activity	Time Line	Resources
Continue implementing the Facilitated Focused Monitoring Project including the “scaling up” of focused monitoring activities that contain targeted technical assistance to LEAs related to LRE and improved academic outcomes.	Ongoing to 2014	SED, LEA staff, and CalSTAT http://www.calstat.org/
Conduct activities related to parent involvement, LRE, RtI ² , and secondary transition. The CDE promotes parental involvement by inviting their membership and participation in ISES and in the CDE trainings. The CDE-supported trainings are posted on the Internet to increase parental access.	Ongoing to 2014	SED staff and State Personnel Development Grant (SPDG), United State Department of Education (USDOE), Office of Special Education Programs (OSEP) federal grant competition http://www.calstat.org/
The CDE partners with Parent Training and Information Centers (PTI), Family Resource Centers (FRC), and Family Empowerment Centers (FEC) to provide training and technical assistance statewide. The CDE also maintains a parent “hot line” to provide parents with information/assistance.	Ongoing to 2014	SED staff and parents http://www.cde.ca.gov/sp/se/qa/caprntorg.asp
Based on the CASEMIS data review of monitoring findings, the SED will determine state technical assistance needs regarding noncompliant findings and correction and provide focused technical assistance to LEAs regarding LRE.	Ongoing to 2014	SED staff
California Department of Education and WestEd, the Least Restrictive Environment Resources Project develops resources for use by districts and sites to improve services for all students.	Ongoing to 2014	SED staff, SELPA directors, and WestEd http://www.wested.org/cs/we/print/docs/we/home.htm http://www.cde.ca.gov/sp/se/sr/
Determine state technical assistance needs regarding noncompliant findings and provide focused technical assistance to LEAs regarding LRE based on the CASEMIS data review of monitoring findings.	Ongoing to 2014	SED LEAs
Use requirements of IDEA of 2004, evidence based research, the SBE adopted policy on LRE and California Common Core content and performance standards to implement grants to specific LEAs scoring at the bottom 25 percentile on LRE targets and achievement targets to provide targeted assistance.	Ongoing to 2014	SED; LEAs; WestEd

to support improved LRE practices and procedures.		
Implement the State Personnel Development Grant (SPDG) that provides training on technical assistance in scientifically-based research and instruction in the areas of reading and literacy that promotes practices that foster special education/general education collaboration.	Ongoing to 2014	SED, SPDG, U.S. Dept. of Education (USDOE), Office of Special Education Programs (OSEP)
Disseminate guidance, training and technical assistance resources and information on LRE through parent networks such as: Parent Training and Information Centers (PTIs), Family Resource Centers (FRCs), and Family Empowerment Centers (FECs), ISES and other networks as well as inclusion on the CDE Website and the LRE Resources Project website.	Ongoing to 2014	SED, U.S. Dept. of Education (USDOE), Office of Special Education Programs (OSEP)
Disseminate training modules on standards-based IEPs to promote and sustain activities that foster special education and general education collaboration in collaboration with the California Comprehensive Center (CCC)	Ongoing to 2014	SED, CCC
Continue to develop and implement resources with WestEd through the Least Restrictive Environment Resources Project for use by districts and sites to improve the FAPE in LRE for all students.	Ongoing to 2014	SED, WestEd

Indicator 6: Percent of children aged 3 through 5 with IEPs attending a:

- a. Regular early childhood program and receiving the majority of special education and related services in the regular early childhood program; and
- b. Separate special education class, separate school or residential facility. (20 U.S.C. 1416(a)(3)(A))

Measurement:

A. Percent = [(# of children aged 3 through 5 with IEPs attending a regular early childhood program and receiving the majority of special education and related services in the regular early childhood program) divided by the (total # of children aged 3 through 5 with IEPs)] times 100.

B. Percent = [(# of children aged 3 through 5 with IEPs attending a separate special education class, separate school or residential facility) divided by the (total # of children aged 3 through 5 with IEPs)] times 100.

FFY	Measurable and Rigorous Target
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2012 (2012–2013)	<p>6A. More than 40.9 percent of the 3 through 5 year olds will be served in settings with typically developing peers.</p> <p>6B. Less than 23 percent of 3 through 5 year olds will be served in a separate special education class, separate school, or residential facility.</p>
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Actual Target Data for FFY 2012

Calculation: **6A** 29,231/75,281 = 38.8 percent
 6B 27,073/75,281 = 35.9 percent

The overall percentage of children aged 3 through 5 years with IEPs attending a regular early childhood program with typically developing peers and receiving the majority of special education and related services in the regular early childhood program is 38.8 percent. The overall percentage of children aged 3 through 5 years with IEPs attending a separate special education class, separate school or residential facility is 35.9 percent.

Discussion of Improvement Activities Completed and Explanation of Progress or Slippage, if the State did not meet its target that occurred for FFY 2012 (2012–13):

The CDE continues to emphasize policies, procedures, and practices related to providing services in the LRE for preschool children and have provided training and resources to emphasize access to the general preschool curriculum. The SED will continue providing inclusion and IEP training, which will emphasize IEP team placement decision-making and quality IEP development.

Reasons, with Justifications, to Proposed Targets/Improvement Activities/Timelines/ Resources for FFY 2012 (2012–13):

The following improvement activities were conducted in 2012–13:

CONTINUING ACTIVITIES – Indicator 6: Preschool LRE		
Activity	Time Line	Resources
Using requirements of IDEA 2004, evidence-based research and the inclusion project with the Supporting Early Education Delivery Systems (SEEDS) Project, provide technical assistance to school staff to support improved practices related to placement of students with disabilities in the LRE and inclusive preschool programs, in conformity with their IEPs.	Ongoing to 2014	SED staff and SEEDS and LEA's http://www.scoe.net/seeds/
Support improved practices on LRE in preschool and improved outcomes for children the Focused Monitoring and Technical Assistance (FMTA) units in partnership with the Supporting Early Education Delivery Systems (SEEDS) Project will implement activities that target technical assistance to SED and LEAs.	SED staff and SEEDS and LEA's	SED staff and SEEDS and LEA's http://www.scoe.net/seeds/

Support improved practices on LRE in preschool and improved outcomes for children, the SED will review and revise CASEMIS fields on preschool LRE collection to align with the SPP/APR Indicator 6 and with the 618 data table.	Ongoing to 2014	SED staff and SEEDS and LEA's http://www.scoe.net/seeds/
Improve data collection/Policies and procedures	Ongoing to 2014	To support improved practices on LRE in preschool and improved outcomes for children, the SED will determine, based on the CASEMIS data review, provide a data analysis and provide training and technical assistance needs to LEAs regarding preschool LRE.

Monitoring Priority: FAPE in the LRE