



# Overview of Special Education



Fred Balcom, Director  
Special Education Division  
November 7, 2012

**CALIFORNIA DEPARTMENT OF EDUCATION**  
Tom Torlakson, State Superintendent of Public Instruction



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# Laws and Regulations

- Individuals with Disabilities Education Act (IDEA)
- IDEA Regulations (34 *Code of Federal Regulations* [CFR] Part 300)
- Part 30 of the California *Education Code* (30 *EC* 56000 et seq.)
- Title 5 of the *California Code of Regulations*
- Case Law



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# Free Appropriate Public Education (FAPE)

## Special education and related services

- Are provided to children and youth with disabilities at public expense, under public supervision and direction, and without charge
- Meet the standards of the State Education Agency (SEA), including the requirements of the IDEA
- Include preschool, elementary school, or secondary school education in the state
- Are provided in keeping with an individualized education program (IEP) that meets the requirements of law



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# Eligibility Categories

- The disabilities listed by IDEA are:
  - Intellectual disability (ID)
  - A hearing impairment, including deafness (HH/DEAF)
  - A speech or language impairment (SLI)
  - A visual impairment, including blindness (VI)
  - Serious emotional disturbance (ED)
  - An orthopedic impairment (OI)
  - Autism (AUT)
  - Traumatic brain injury (TBI)
  - Other health impairment (OHI)
  - A specific learning disability (SLD)
  - Deaf–blindness (DB)
  - Multiple disabilities (MD)



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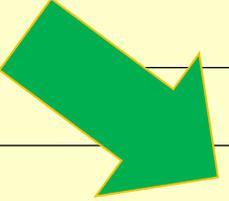
# Individualized Education Program

- An IEP is a written document for a student with a disability
- Two general purposes of the IEP are:
  - To establish measurable annual goals, including, as appropriate, benchmarks or short-term objectives, for the student
  - To state the special education and related services and supplementary aids and services that the public agency will provide to, or on behalf of, the student

# Number and Percentage of Students by Disability from 2000–01 to 2011–12

Disability	2000–01		2011–12		2000–2012
	Number	Percent	Number	Percent	Percent of Change
AUT	14,039	2.2	71,825	10.5	512.0
OHI	21,025	3.2	61,309	8.9	292.0
TBI	1,336	0.2	1,771	0.3	133.0
ED	22,348	3.4	25,984	3.8	116.0
ID	40,717	6.3	43,303	6.3	106.0
HH	6,261	1.0	9,991	1.5	160.0
SLI	165,496	25.4	164,600	24.0	-0.5
OI	14,583	2.2	14,261	2.1	-2.2
DB	198	0.0	160	0.0	-19.1
VI	4,616	0.7	4,327	0.6	
DEAF	4,536	0.7	3,946	0.6	-13.0
SLD	349,038	53.6	278,697	40.6	-20.2
MD	6,526	1.0	5,643	0.8	-8.6
All Categories	650,719		686,352		105.0

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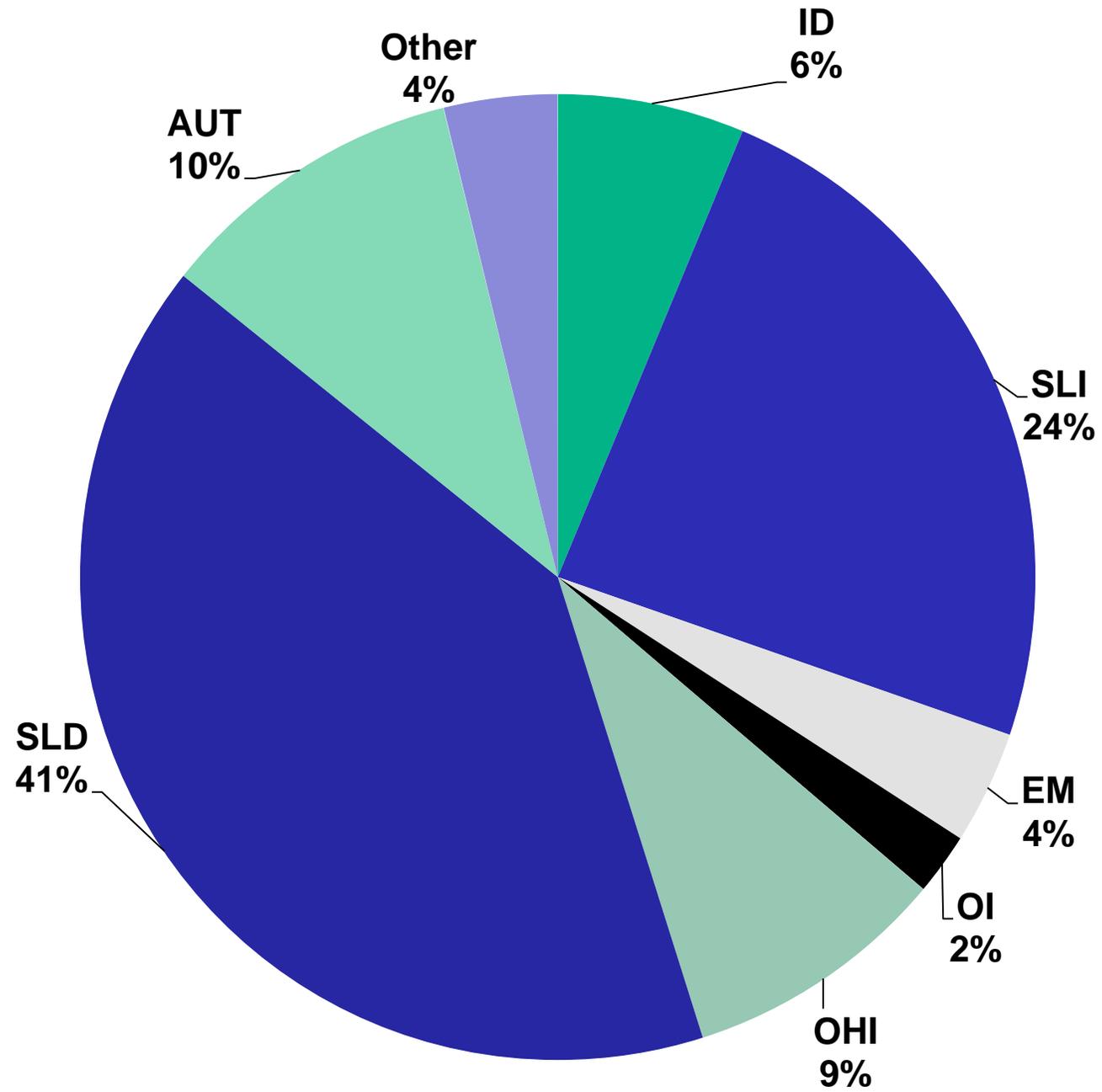
# Special Education Enrollment

## 2000–01 to 2011–12

Year	All K–12 Students	Students Receiving Special Education Services		Total Number of Students Birth Through Age Twenty–two Receiving Special Education Services
	Number	Number	Percent of All Students	
2000–01	6,050,895	609,749	10.1	650,719
2001–02	6,147,375	621,402	10.1	663,220
2002–03	6,244,403	531,838	10.1	675,332
2003–04	6,298,774	636,191	10.1	681,980
2004–05	6,322,083	634,510	10.0	681,969
2005–06	6,312,102	625,067	9.9	683,178
2006–07	6,286,943	619,982	9.9	679,648
2007–08	6,275,469	616,364	9.8	677,875
2008–09	6,252,031	613,833	9.8	678,105
2009–10	6,190,425	614,031	9.9	680,164
2010–11	6,217,113	612,443	9.9	678,929
2011–12	6,214,204	618,239	9.9	686,352

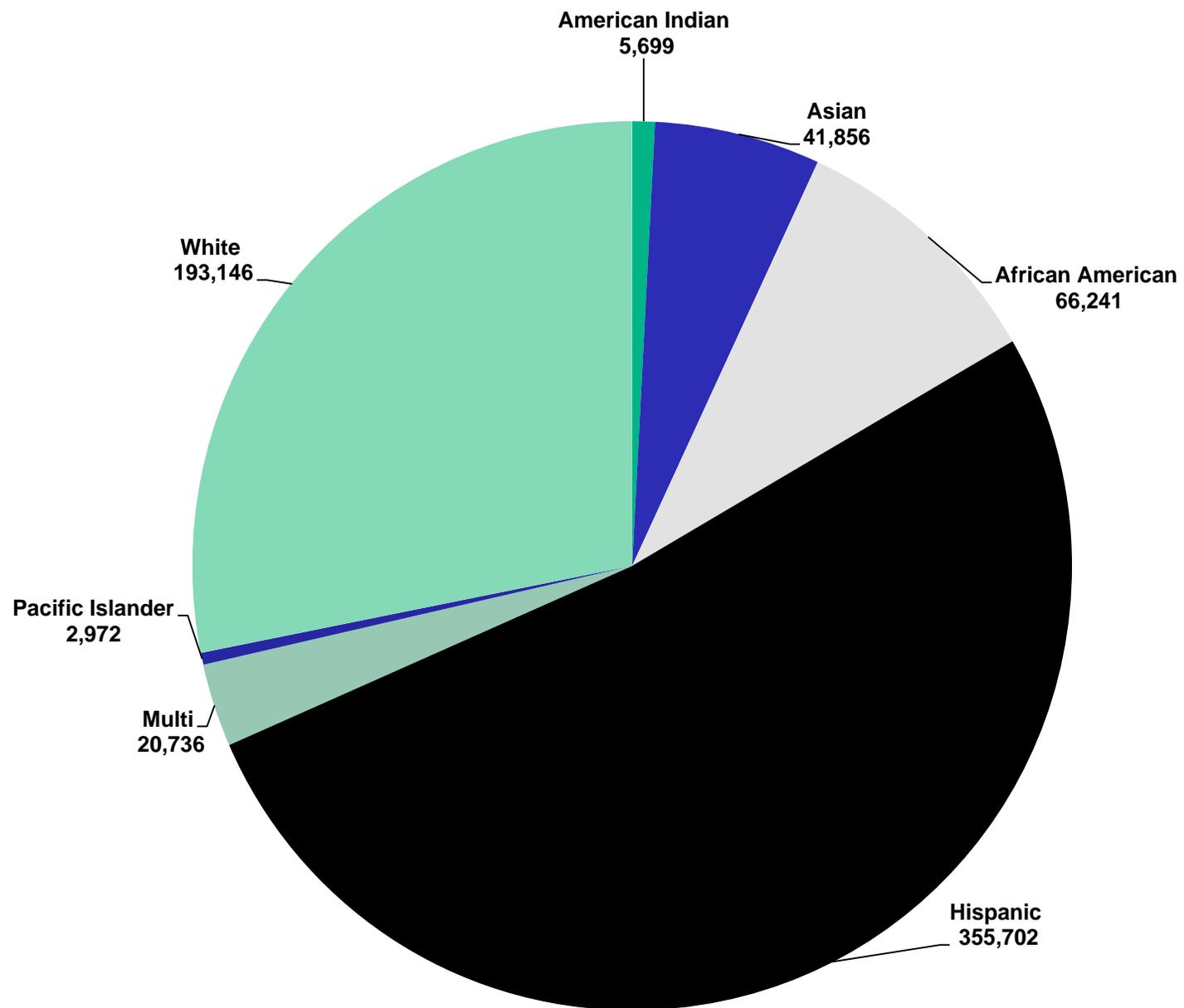
# Special Education by Disability

## 2011–2012



Data Source: December CASEMIS

# Special Education by Ethnicity 2011–12





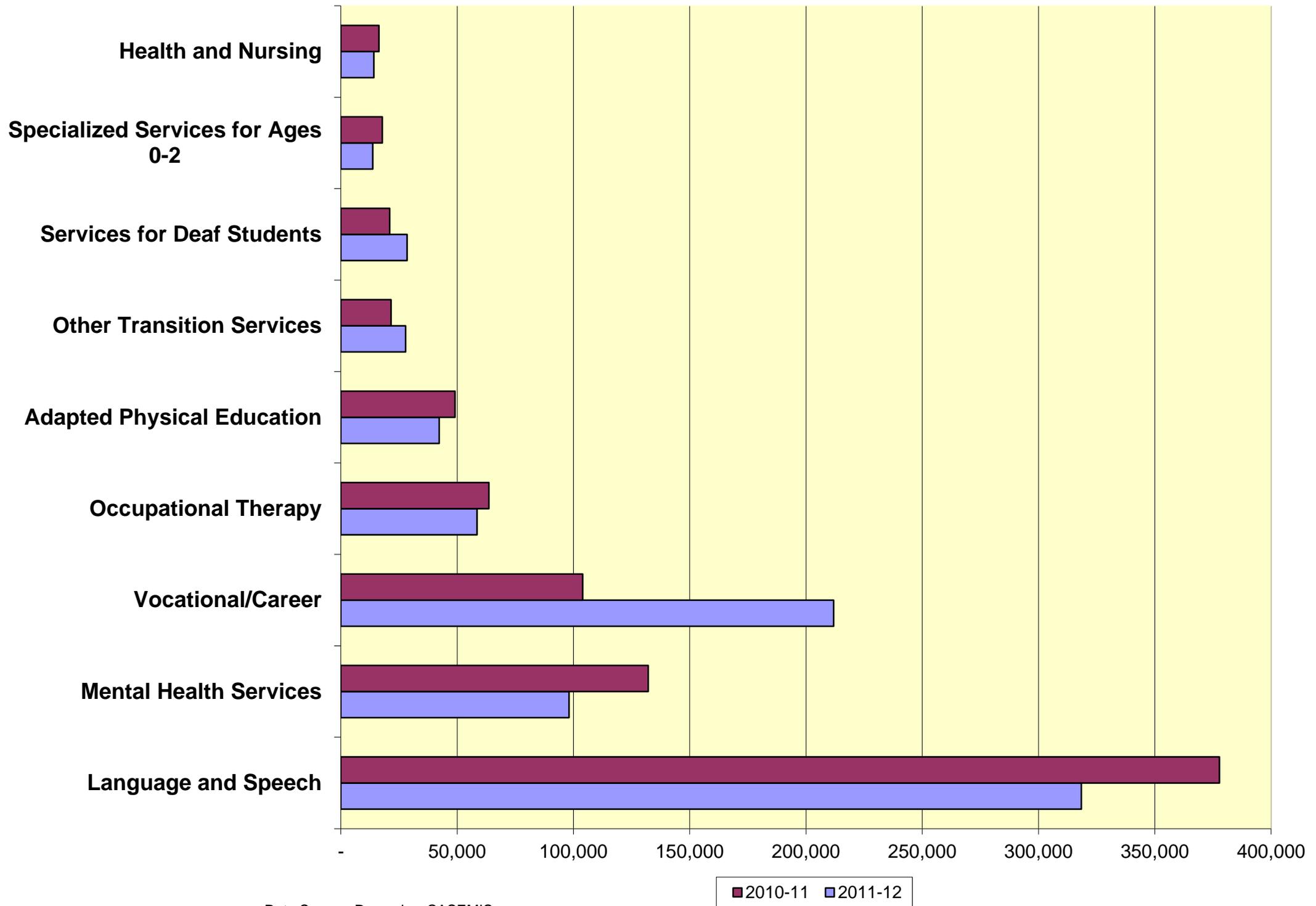
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# Related Services

Related services are defined in regulations as transportation and such developmental, corrective, and other supportive services as are required to assist the student with a disability to benefit from special education, including, but not limited to:

- Speech–language pathology and audiology
- Psychological services
- Physical therapy and occupational therapy
- Recreation, including therapeutic recreation
- Early identification and assessment of disabilities in children
- Counseling services, including rehabilitation counseling
- Orientation and mobility services
- Medical services for diagnostic or evaluation purposes only
- School health services
- Social work services in schools
- Parent counseling and training

# Most Common Special Education Related Services 2010–11 and 2011–12



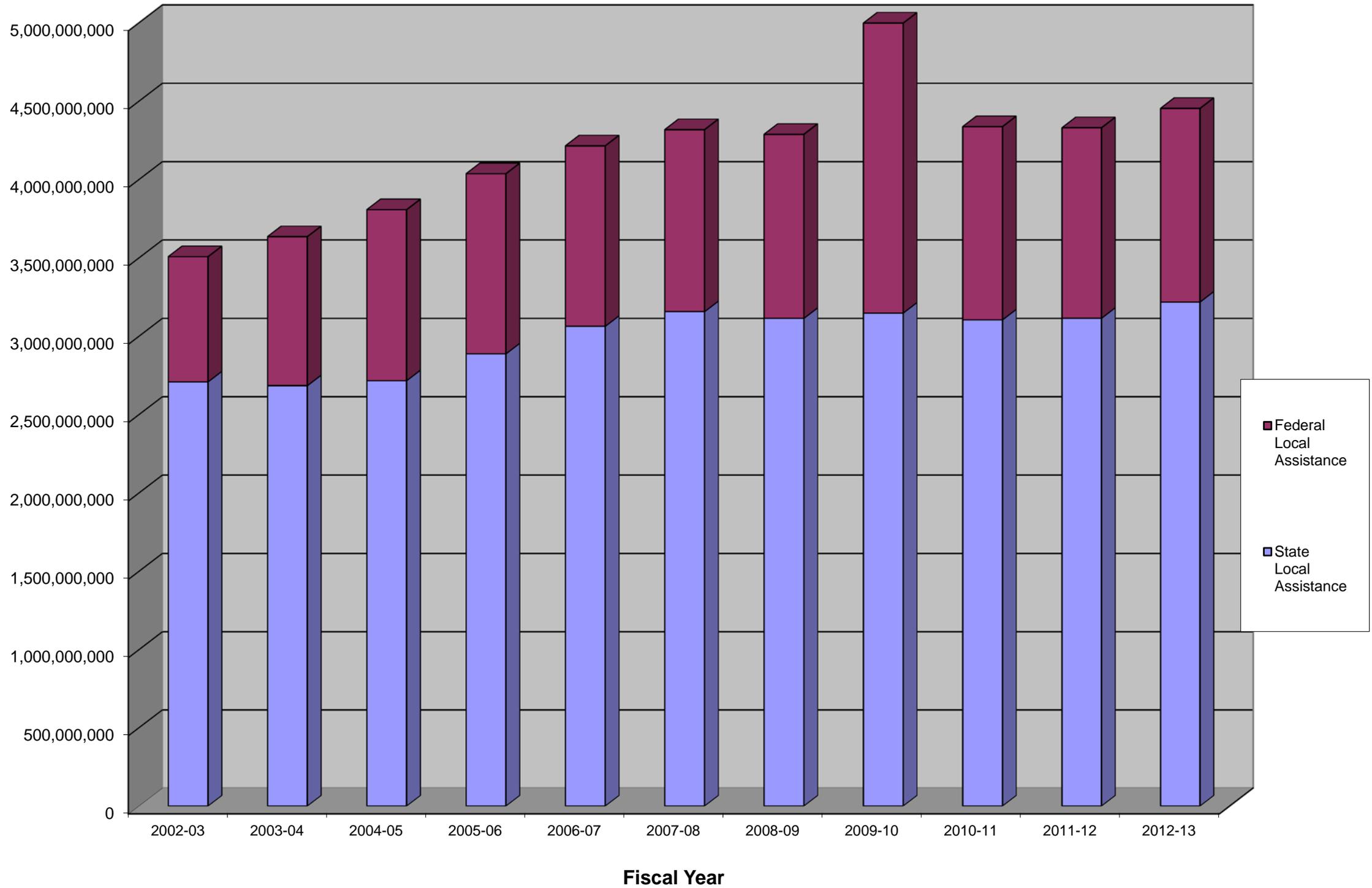


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# Special Education Funding Overview

- About 10 percent of California's public school students (K–12) qualify for Special Education services.
- Funding comes from both state and federal government programs, and from local school districts.

# State and Federal Budget Allocations





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# Future Funding Issues

- 2012–13 State Budget
- More than a 5 percent reduction possible
- Sequestration cuts at 8 percent

## Losses Under Sequestration

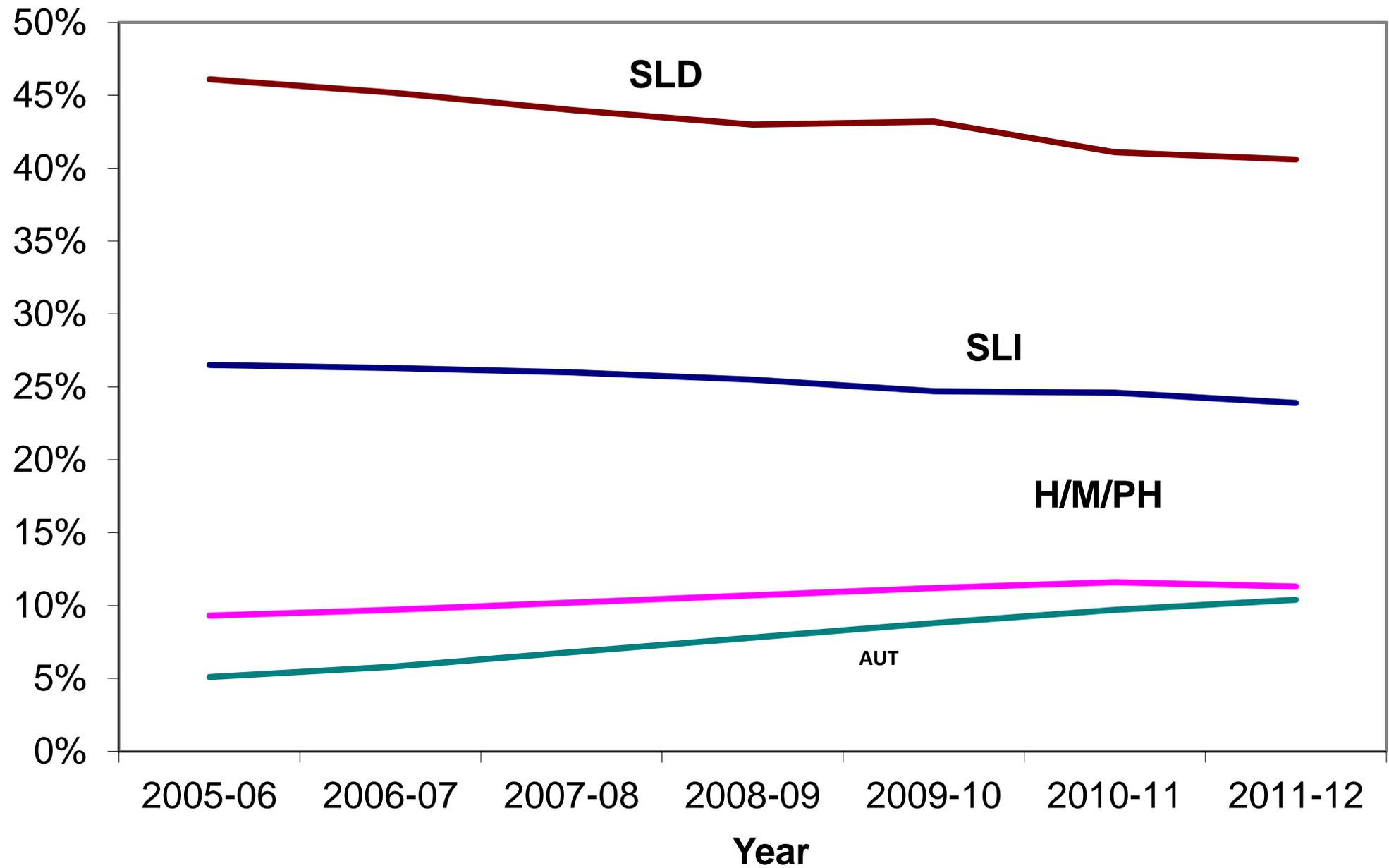
<b>Program</b>	<b>Cuts in Funds</b>	<b>Job Losses</b>
Part B	\$ (99,380,923)	–1199
Preschool	\$ (3,233,960)	– 39
Infant	\$ (4,229,182)	–2407



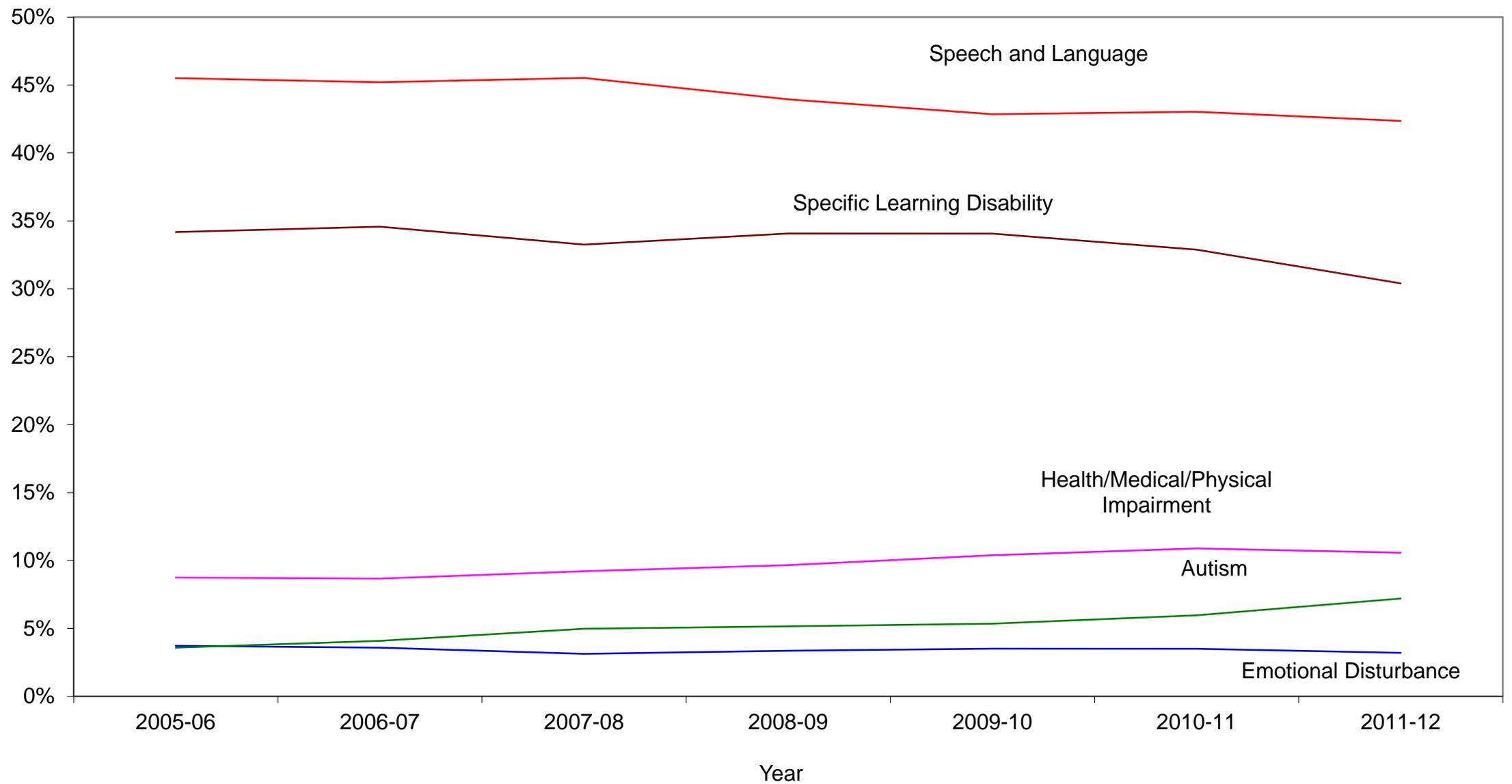
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# Trends in Special Education

# Special Education Students by Disability for Years 2005–2011



# Entering Special Education Students Yearly by Disability 2005–2011





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# Critical Issues: General

- Significant Disproportionality/Coordinated Early Intervening Services
- Transition from school to work
- Suspension and expulsion rates



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# Critical Issues: Alignment

## Aligning State Law to Federal Law (IDEA)

- AB 114: Mental Health Services Transition
- AB 1467: California Children's Services: Medical Therapy Program
- Behavioral Intervention Services



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# Critical Issues: Common Core

- Implementation of Common Core State Standards (CCSS)
  - Assessment
    - Smarter Balanced Assessment Consortium
  - Alternate Assessment
    - National Center and State Collaborative
- Response To Intervention and Multi-Tiered Systems of Support



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# Annual Performance Report

## Individuals with Disabilities

### Education Act of 2004

#### Federal Fiscal Year 2011

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# Annual Performance Report Overview

- The Annual Performance Report (APR) is prepared using instructions from the U.S. Department of Education (ED) and the Office of Special Education Programs (OSEP)
- The APR consists of 20 Indicators
- Indicators are categorized as either compliance (9) or performance (11):
  - Targets for compliance indicators are set by OSEP at either zero percent or one hundred percent
  - Targets for performance indicators are set in collaboration with the various stakeholder groups



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# Annual Performance Report Overview–Cont.

- Data for the APR indicators are collected from a variety of sources:
  - California Longitudinal Pupil Achievement System (CALPADS)
  - California Special Education Management Information System (CASEMIS)
  - Assessment data base
  - Office of Administrative Hearings (OAH)



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# Annual Performance Report Data Years

- The current APR reflects data collected during Federal Fiscal Year (FFY) 2010, (equivalent to California's school year 2010–11).
- Several indicators are reported in lag years using data from school year 2009–10.



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# Annual Performance Report Executive Summary

- The APR Executive Summary provides a concise overview of California's annual report to OSEP and includes:
  - Demographic information of California's special education population
  - A description of each indicator
    - How the indicator is measured
    - Targets for each indicator
    - Reported results
    - Improvement activities



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# Indicator 1

## Graduation Rates

- Performance Indicator
- Target: 74.5 percent of students will graduate from high school with a regular diploma
- FFY 2011: 76.3 percent graduated with a regular diploma

–FFY 2010: 74.4 percent



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## Indicator 2 Drop Out Rates

- Performance Indicator
- Target: Less than 21.1 percent will drop out of school
- FFY 2011: 18.4 percent dropped out

–FFY 2010 rate: 15.4 percent



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## Indicator 3

# Statewide Assessments

- Performance Indicator
- Three areas are measured:
  - 3A percent of adequate yearly progress (AYP) objectives met
  - 3B participation rates
  - 3C percent proficient by school subgroups



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## Indicator 3A

- Percent of districts that meet the AYP objectives for ELA and Math for the disability subgroup
  - Target: 58 percent of districts meet AYP for the special education subgroup
  - FFY 2011 rate: Pending
  - FFY 2010 rate: 14.7 percent



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## Indicator 3B

- Rate of participation on statewide assessments
  - Target: 95 percent of students with IEPs participate in statewide assessments
  - FFY 2011: 97.3 percent ELA  
97.8 percent Math
  - FFY 2010 rate: 97.4 percent ELA  
94.9 percent Math
  -



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# Indicator 3C

## Proficient by School Subgroup – Elementary

### 1. Elementary districts

- Target: 89.2 percent of students with IEPs score proficient in ELA and 89.5 percent in Math
- FFY 2011: 38.7 percent ELA  
38.8 percent Math
- FFY 2010: 39.8 percent ELA  
35.7 percent Math



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# Indicator 3C

## Proficient by School Subgroup:

### High School

2. High school districts (grades 9–12 only)
  - Target: 88.9 percent of students with IEPs score proficient in ELA and 88.7 percent in Math
  - FFY 2011: 18.9 percent ELA  
19.8 percent Math
  - FFY 2010: 15.5 percent ELA  
15.0 percent Math



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# Indicator 3C

## Proficient by School Subgroup: Unified and County Offices

### 3. Unified districts and county offices of education

- Target: 89 percent of students with IEPs score proficient in ELA and 89.1 percent in Math
- FFY 2011: 33.3 percent ELA  
35 percent Math

–FFY 2010: 22.9 percent ELA  
17.3 percent Math



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## Indicator 4

# Suspension and Expulsion

- Performance Indicator
  - 4A is the percent of districts that have a significant discrepancy overall in the rate of suspension/expulsion of greater than 10 days when compared to the state rate
  - 4B is the discrepancy in terms of race/ethnicity rates as a result of inappropriate identification



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## Indicator 4A

- Target: No more than 10.1 percent of districts will have a significant discrepancy in 10 day+ suspensions/expulsions overall
- APR FFY 2011: 2.7 percent overall rate (Data FFY 2010)
  - APR FFY 2010: 2.5 percent (Data from FFY 2009)



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## Indicator 4B

- Target: 0 percent of districts will have a discrepancy in suspension/expulsions by race or ethnicity that is a result of inappropriate identification
- FFY 2011: Pending districts completing a review of policies, practices, and procedures (12/2012)
  - FFY 2010: 2.6 percent



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## Indicator 5

# Least Restrictive Environment

- Performance Indicator
- For ages 6 through 21 years, measures time inside the regular education classroom by:
  - 5A: 80 percent or more of the day
  - 5B: Less than 40 percent of the day
  - 5C: In separate school, residential facility, or homebound/hospital



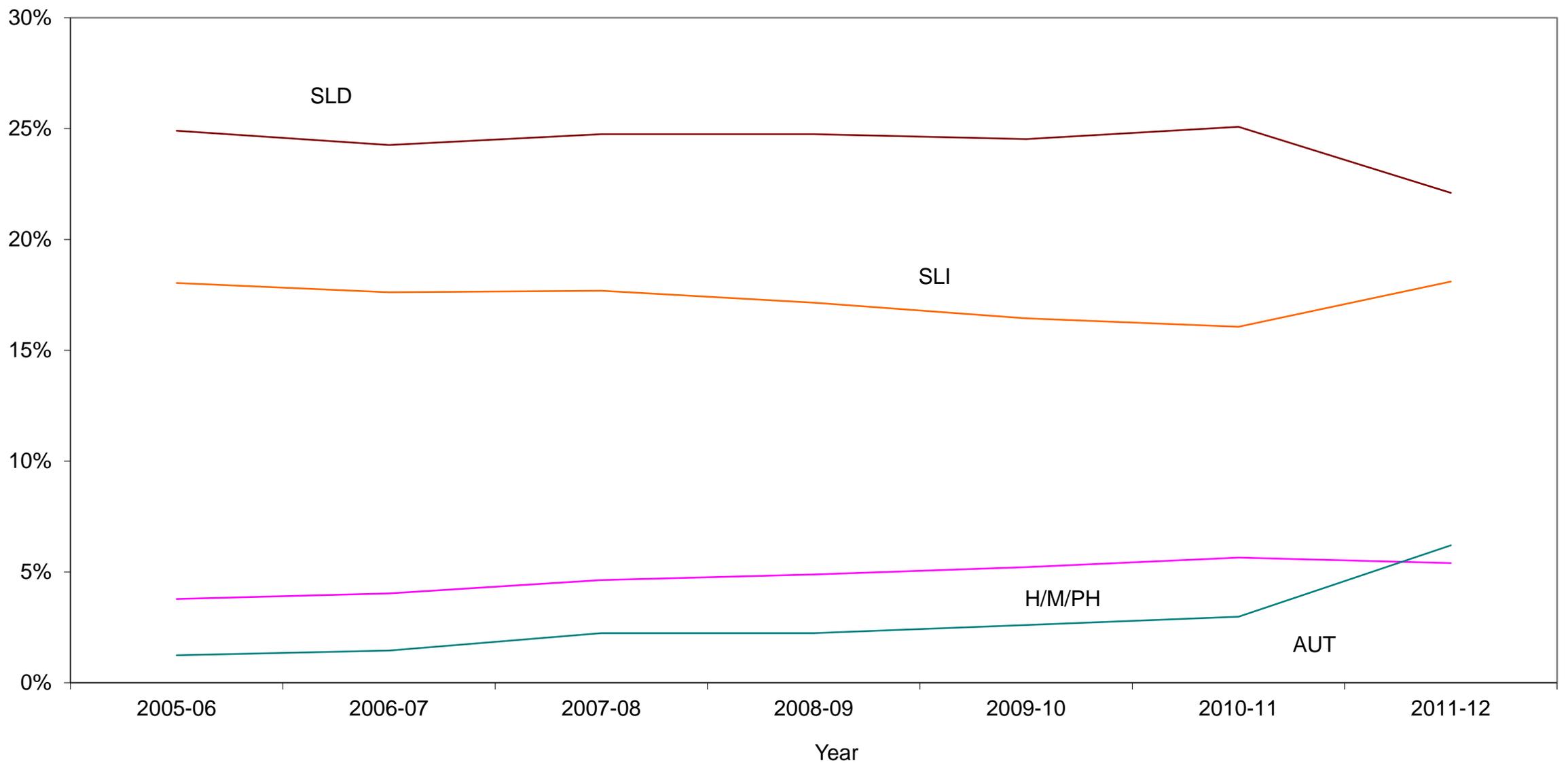
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# Indicator 5A

## Least Restrictive Environment: 80 Percent or More

- Target: 76 percent or more of students with an IEP will be served in the regular classroom 80 percent or more of the day
- FFY 2011: 52.3 percent
  - FFY 2010: 52.5 percent

# Special Education Students in the Regular Class More Than 80% of the Day 2005–2011





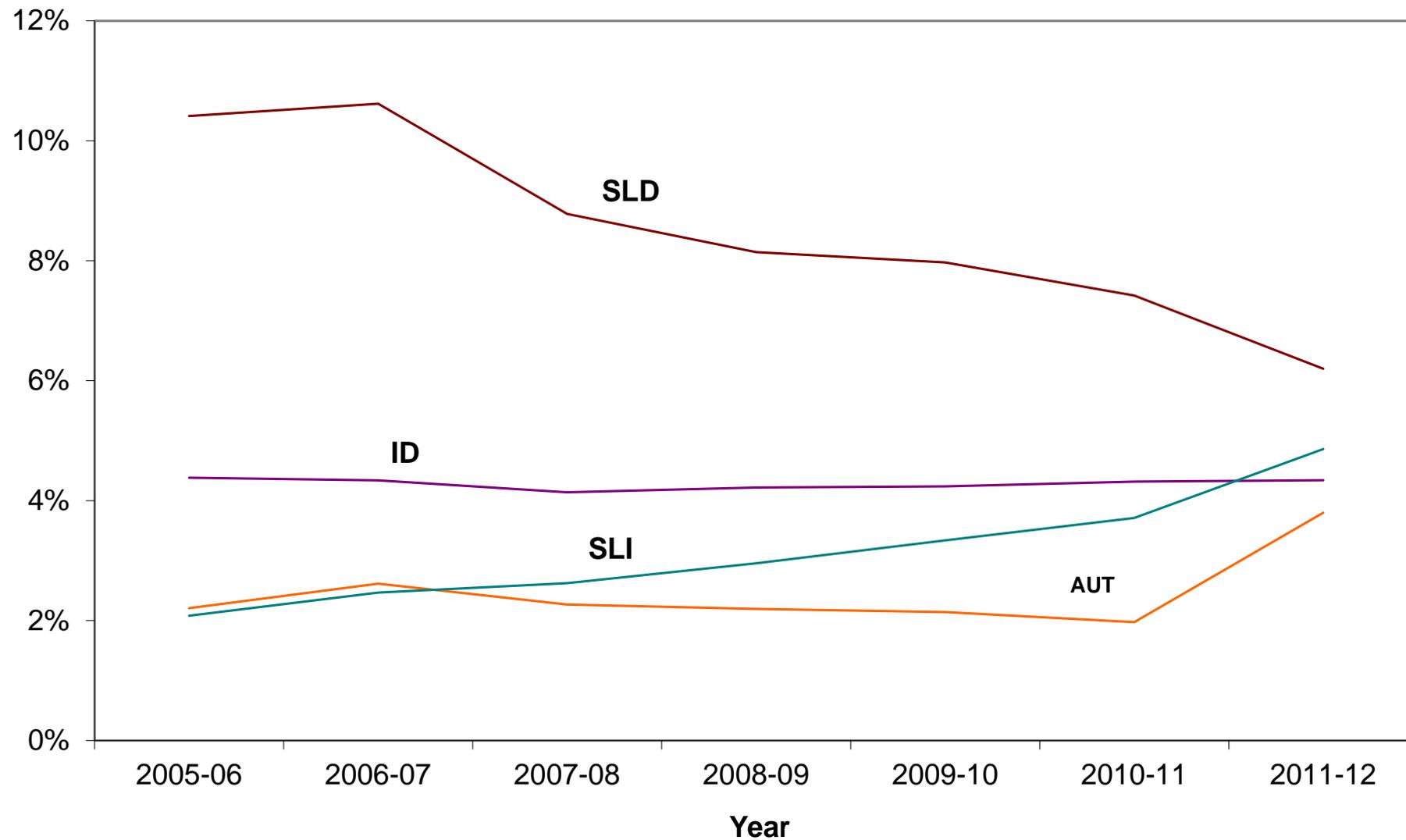
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## Indicator 5B

# Least Restrictive Environment: Less than 40 Percent

- Target: No more than 9 percent of students with an IEP will be served in the regular classroom less than 40 percent of the day
- FFY 2011: 22.1 percent
  - FFY 2010: 22.4 percent

# Special Education Students in the Regular Class Less Than 40% of the Day by Disability 2005–2011



Data Source: December CASEMIS



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# Indicator 5C

## Least Restrictive Environment: Separate Schools

- Target: No more than 3.8 percent of students are served in separate schools, residential placements, or homebound/hospital
- FFY 2011: 4.2 percent
  - FFY 2010: 3.7 percent



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# Indicator 6

## Least Restrictive Environment: Preschool

- Performance Indicator
- A: Percent of students aged 3 through 5 receiving the majority of special education in a regular childhood program
- B: Percent of students receiving special education in a separate class, school, or residential facility



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# Indicator 6A: Preschool Least Restrictive Environment Services in Regular Classroom

- Target: This is the base line year for this indicator
- FFY 2011: 32.1 percent served in regular childhood program
  - FFY 2010: Not reported



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# Indicator 6B: Preschool Least Restrictive Environment **Services in Separate Location**

- Target: This is the base line year for this indicator
- FFY 2011: 40.8 percent served in separate classroom, school, or facility
  - FFY 2010: Not reported



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# Indicator 7

## Preschool Assessment

- Performance Indicator
- Outcome A: Positive social/emotional skills
- Outcome B: Acquisition and use of knowledge and skills
- Outcome C: Use of appropriate behaviors to meet student's needs



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## Indicator 7: Outcome A

# Positive Social/Emotional Skills

- Target: Of the children entering below age expectations, 72.7 percent substantially increased their rate of growth, and 82.1 percent are functioning within age expectations
- FFY 2011: 71.2 percent  
76.8 percent
  - FFY 2010: 67.2 percent  
77.9 percent



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## Indicator 7: Outcome B Acquisition and Use of Knowledge and Skills

- Target: Of the children entering below age expectations, 70 percent substantially increased their rate of growth and 82.5 percent are functioning within age expectations
- FFY 2011: 71.7 percent  
74.4 percent
  - FFY 2010: 66.4 percent  
67.2 percent



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## Indicator 7 – Outcome C

# Use of Appropriate Behaviors to Meet Their Needs

- Target: Of the children entering below age expectations, 75 percent substantially increased their rate of growth and 79 percent are functioning within age expectations
- FFY 2011: 75.0 percent  
77.2 percent
  - FFY 2010: 69.4 percent  
78.4 percent



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# Indicator 8

## Parent Involvement

- Performance Indicator
- Target: 90 percent of parents report the school facilitated parent involvement
- FFY 2011: 87.9 percent
  - FFY 2010: 81.1%



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# Indicator 9

## Disproportionality

- Compliance Indicator
- Target: 0 percent of districts will have disproportionate representation of racial and ethnic groups that is a result of inappropriate identification
- FFY 2011: Pending districts completing a review of policies, practices, and procedures (12/2012)
  - FFY 2010: 1.7 percent



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# Indicator 10

## Disproportionality by Race/Ethnicity

- Compliance Indicator
- Target: 0 percent of districts will have disproportionate representation of racial/ethnic groups within a disability, which are a result of inappropriate identification
- FFY 2011: Pending
  - FFY 2010: 4.4 percent



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## Indicator 11 Child Find

- Compliance Indicator
- Target: Eligibility will be completed within 60 days for 100 percent of students for whom parental consent to evaluate was received
- FFY 2011: 97.4 percent
  - FFY 2010: 95.8 percent



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# Indicator 12

## Part B to Part C Transition

- Compliance Indicator
- Target: 100 percent of students referred by IDEA Part C to Part B prior to age three, if found eligible, will have an IEP developed by their third birthday
- FFY 2011: 97.8 percent
  - FFY 2010: 95.3 percent



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# Indicator 13

## Postsecondary Transition

- Compliance Indicator
- Target: 100 percent of students sixteen years and older have IEPs that include appropriate postsecondary goals
- FFY 2011: 80.7 percent
  - FFY 2010: 45.9 percent



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# Indicator 14

## Postsecondary Outcomes

- Performance Indicator
- Target: 69 percent of students, one year postsecondary, are enrolled in higher education, or competitively employed, or in other employment
- FFY 2011: Pending
  - FFY 2010: 74 percent



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# Indicator 15

## General Supervision

- Compliance Indicator
- Target: 100 percent of noncompliance were corrected within one year of identification
- FFY 2011:
  - FFY 2010: 99.9 percent



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# Procedural Safeguards

- These safeguards are designed to protect the following rights of parents and students with disabilities:
  - Confidentiality
  - Independent evaluation
  - Stay-put
- These safeguards also give families and public agencies a mechanism for resolving disputes by:
  - Formal complaint procedure
  - Alternative dispute resolution
  - Mediation
  - Resolution session
  - Due process



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## Indicator 16

# Written Complaints Resolved

- Compliance Indicator
- Target: 100 percent of written complaints were resolved within a 60-day time line
- FFY 2011: 100 percent
  - FFY 2010: 100 percent

# Compliance Complaints

Total Number of Complaints Opened in 2011–12: **1065**

## Top Three Issues Cited in Compliance Complaints in FY 2011–12

Citation	Issue	Number of Allegations
EC 56043(i)	IEP Implementation	461
EC 56321(a)	Adherence to the 15 day assessment plan timeline	181
34 CFR 300.503(a)	Providing required written notice before changing identification, evaluation, or placement	100

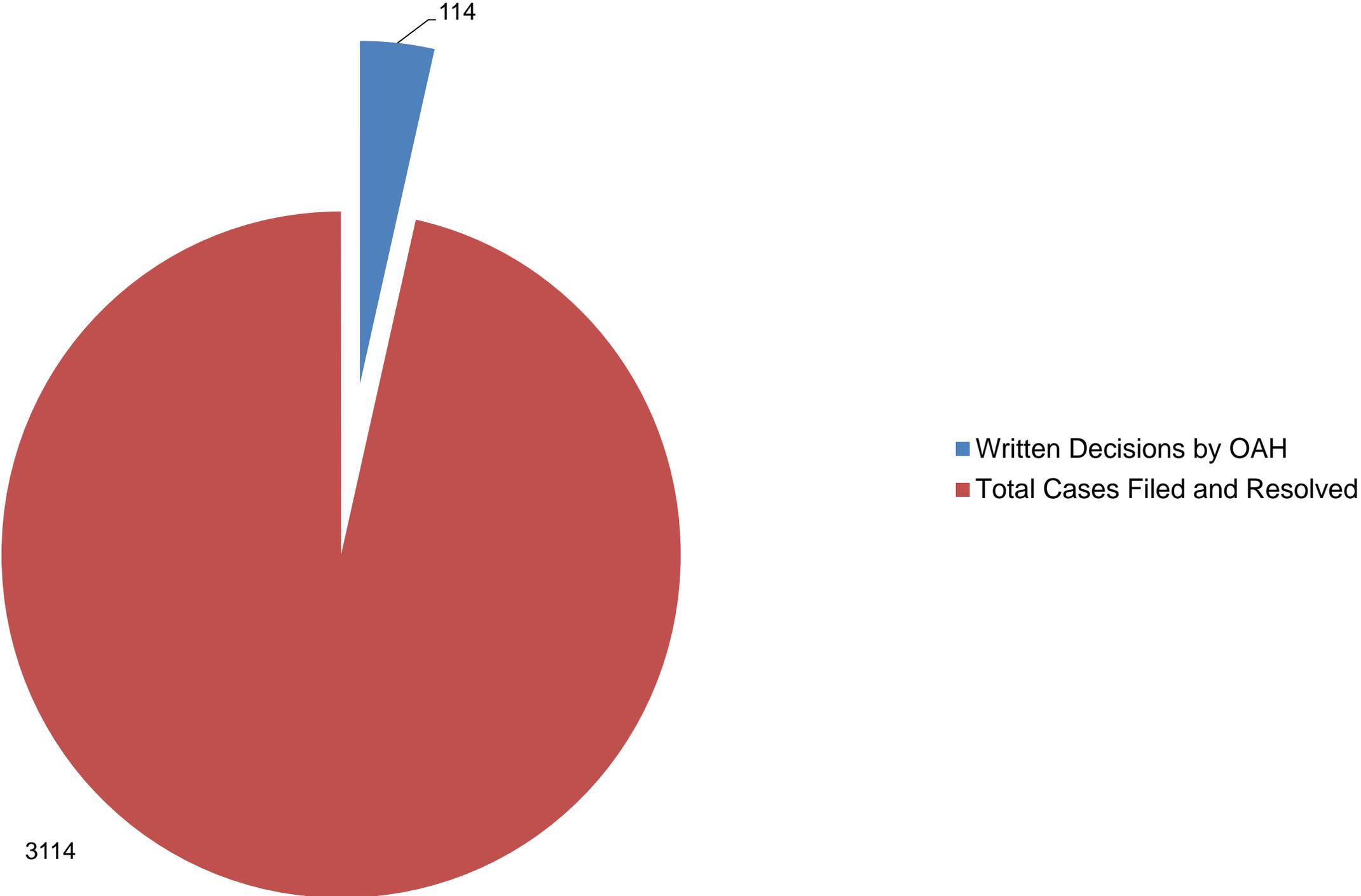


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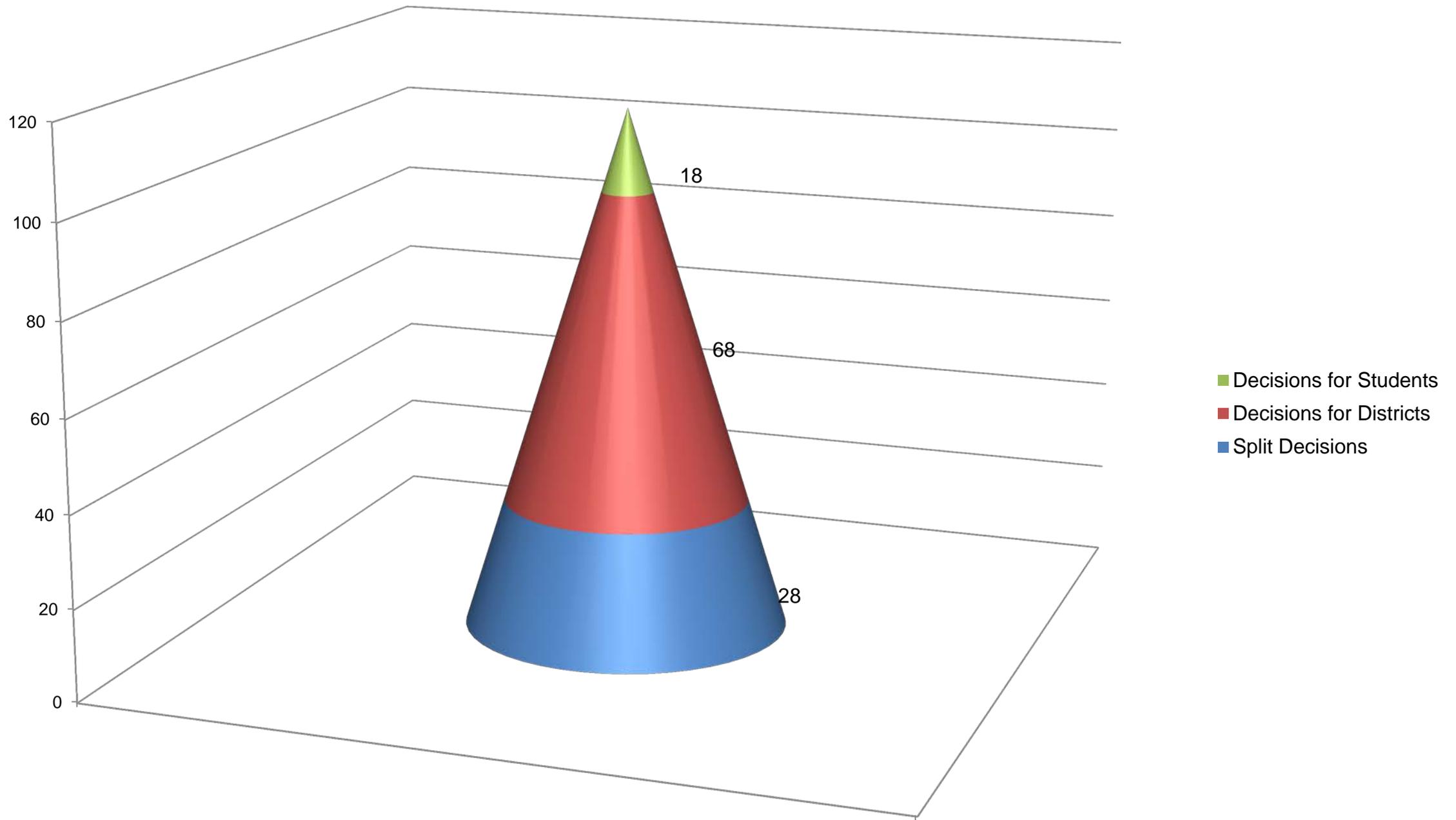
## Indicator 17 Due Process

- Compliance Indicator
- Target: 100 percent of due process hearing requests were adjudicated within the 45-day time line
- FFY 2011: 100 percent
  - FFY 2010: 100 percent

# Due Process 2011-12



# Distribution of Decisions 2011-12





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## Indicator 18 Resolution Settlements

- Performance Indicator
- Target: 55 percent of hearing requests that went to resolution sessions were resolved through settlement agreements
- FFY 2011: 12.3 percent
  - FFY 2010: 27.3 percent



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## Indicator 19 Mediation

- Performance Indicator
- Target: 85 percent of mediation conferences resulted in mediation agreements
- FFY 2011: 63.1 percent
  - FFY 2010: 67.2 percent



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# Indicator 20

## State Reported Data

- Compliance Indicator
- Target: 100 percent of state reported data are on time and accurate
- FFY 2011: 100 percent
  - FFY 2010: 97.83 percent



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# Overview of Special Education

## Executive Summary of the Annual Performance Report

### Individuals with Disabilities Education Act of 2004

Federal Fiscal Year 2011

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