

Memorandum

To: Joel Klein, Chancellor
New York City Department of Education
From: Garth Harries, Senior Coordinator for Special Education
Re: Recommendations to Improve Services to Students with Disabilities
Date: July 2, 2009

The goal of the Children First reforms is to pursue the achievement of every student in the New York City public schools. Our reforms thus far have seen improvements in performance among students with disabilities in New York City public schools. However, this improvement falls short of where we need and want to be as a Department. In the coming years, consistent with the principles of Children First, the Department should increase its focus on long-term outcomes for students with disabilities and empower schools, parents, and DOE staff to collaborate in building successful instructional models and strengthening the culture of inclusion for students with disabilities.

The City has laid a good foundation for further improvement in special education. Legal and regulatory processes have been clarified, including the publication of the Standard Operating Procedures Manual. The operational systems of special education have been much strengthened, and the DOE has already contracted for a live, IEP-based interactive data system due to roll-out on a pilot basis in the Spring of 2010. The Children First reforms over the last 7 years have dramatically improved the systemic base from which to implement the recommendations set forth below. Inclusion settings are at an all-time high. Students with disabilities have achieved improved rates of academic success: between 2003 and 2008 more students with disabilities were performing at Levels 3 and 4 on ELA examinations, and fewer were performing at Level 1. In 2008 the graduation rate for students with disabilities after 4 years was 25.1% in August and 22.5% in June, as compared to a June rate of 17.1% in 2005.

Although these reflect hard-won improvements, they do not yet come close to our aspirations for students with disabilities. Far too many students do not achieve the academic and the social-behavioral success consistent with their potential. Although some schools have developed strong programs to educate students with disabilities, many others have not. A complicated system without sufficient orientation to long-term results frustrates parents and educators alike. So we can not and should not rest on our improvements to date, but instead treat them as a platform from which to push further.

The recommendations that follow strive to identify the practical points of leverage which can result in significant and substantial improvements in service to special education students. They are the product of reviewing much data and analysis accumulated over the last several years, and of extensive conversations with parents, advocates, internal staff, and external experts. My recommendations are:

- (1) Organize to integrate students with disabilities into the fabric of DOE initiatives and schools.
 - 1A: Leadership of Special Education Should Ensure Alignment of Special Education Policies and Broader DOE Reforms.

- 1B: Include in System Management a Clear Set of Measures of Special Education Performance Results, to Use in School, SSO, and System Evaluation.
 - 1C: Ensure that Standards Are Applied Across all Schools To Include Students with Disabilities Throughout the School Environment.
- (2) Match short-term educational planning for students with disabilities to long-term goals.
- 2A: Mandated Special Education Planning Should Coincide with and Support Significant Educational Transitions.
 - 2B: Evaluate and Clarify the Use of Modified Promotion Criteria To Maintain Progress Toward Successful Long-Term Outcomes.
 - 2C: Encourage Schools to Take Responsibility for the Long-Term Success of Students with Disabilities
- (3) Empower schools to design successful educational programs for students with disabilities.
- 3A: Characterize Students by Instructional Needs, not Classroom Service Categories, to Encourage Flexibility in System Planning and School Programming
 - 3B: Recalibrate Planning, Placement, Budget, and Accountability Mechanisms to Focus on Levels of Student Need Instead of Classroom Settings.
 - 3C: Support Schools in Designing Successful Instructional Programs for Students with Disabilities, Utilizing the Full Flexibility of the Continuum of Service.
 - 3D: Use the Departmental Research Base to Identify Effective Programs and Practices for Students with Disabilities and to Encourage Replication of Successful School Models.
 - 3E: Create Mechanisms of System Planning to Facilitate Development of Expertise to Serve Needs of Functional Cohorts of Students.
- (4) Facilitate informed parental engagement in the education of students with disabilities.
- 4A: Widely Disseminate A Parent’s Guide to Special Education for School-Aged Children
 - 4B: Reorganize and Re-launch the DOE’s Special Education Web-Sites
 - 4C: Involve Parent Coordinators in Engaging Parents of Students with Disabilities.
 - 4D: Formalize Policy Input for Parents of Students with Disabilities in Community Schools

These goals and recommendations overlap and one cannot be addressed in isolation from the others. It is also important to note that this is not an implementation plan. The emphasis of these recommendations is to determine the priorities for future focus, many of which will require substantial additional work to design effective solutions. In that context, the work I propose includes some significant and challenging elements. In particular, rethinking the long-term planning, the categorization of students, and the school programming will require reconsideration of how the Department assesses, funds, places, supports, and holds school accountable for students with

disabilities. Even following effective execution, these recommendations do not address every concern, and they are not a set of silver bullets. However, these recommendations do have the leverage to address many of the most important concerns in special education.

I encourage the Department to embrace these recommendations as practical steps to ensure that the interests of students with disabilities are, alongside their general education peers, a point of clear focus for the adults in and around the school system. In developing these recommendations, I had extensive and useful conversations with parents and external stakeholders, which informed my thinking and made these recommendations significantly stronger. In that context, I also encourage the Department to ensure a collaborative approach to implementation, accessing the perspectives and expertise that exists outside the Department. Parents, advocates, the unions (UFT, CSA, DC37), and other special education service organizations all have important contributions. As a City, and with these recommendations, I believe we can change the nature and culture of work with special education and produce dramatically improved outcomes.

Goal 1: Organize to Integrate Students with Disabilities Into the Fabric of DOE Initiatives and Schools.

A core challenge of leading and managing the education of students with disabilities is to provide specialized focus responsive to need while ensuring that students with disabilities are not isolated or alienated from the main streams of the DOE education system. There is an inherent leadership and management tension in this challenge. Specialization may lead to exclusion, as in the case of the District 75 inclusion student who was not included in the graduation ceremony of the community school where she attended, or in the case of students who do not have enough in-class exposure to the example and teaching of their general education peers. On the other hand, the absence of specialized focus can lead to equally problematic outcomes for students who do not get the targeted instruction they need, or for whom Department-wide policy may interfere with their individualized needs. I have come to see the tension between specialization and integration as inevitable in special education, a balance requiring constant attention and adjustment. In many ways, the tension is one that affects all students and that led us in Children First to emphasize rigorous goals for student learning, and to empower the educational professionals in the building to design instruction to meet student need, rather than mandating particular pedagogy or practice. We must be clear and judicious about the tension and manage it directly, rather than let it tug away in the background. The following recommendations seek to help the DOE define a balance point in the midst of this tension.

Recommendation 1A: Leadership of Special Education Should Ensure Alignment of Special Education Policies and Broader DOE Reforms.

In order to navigate the tensions between specialization and integration, the leadership of special education within the Department of Education must be empowered to integrate students with disabilities into the fabric of the DOE's wider Children First reform. More specifically, the leadership of special education must be able to do the following: (1) synthesize and prioritize the interests of students with disabilities across the system in the course of significant cross-functional policy discussions, (2) track system operational and performance metrics, including monitoring and tracking accountability and incentives for students with disabilities and (3) identify best practices and channel resources and policy to best instructional strategies. With the capacity, authority, and collaboration to accomplish these tasks, special education leadership can both ensure that special education processes are consistent with system-wide reforms, and that system-wide reforms account for the specialized interests of students with disabilities.

The departure of the Executive Director of the Office of Special Education Initiatives is a loss of experience, expertise and leadership. The individual or individuals who will assume responsibility for the work must have strong leadership attributes. It is critical that the new leadership have the ability to prioritize and channel the specialized interests of special education students within the context of the wider reforms. The special education leadership also needs to understand and be able to influence the policy decisions of the Department, not only at the Cabinet level but also at the operational

level, where so many important implications are determined. The leader needs to understand that they are not exclusively responsible for special education – that success for them is the full and appropriate incorporation of students with disabilities into all other parts of the DOE operation.

The 2005 Review and the Council for Great City Schools 2008 Review both raise the question of where and how the leadership of special education fits in the organization, recommending a direct report to the Chancellor.¹ This is one good alternative: someone operating as a direct report to the Chancellor with policy-making authority for special education issues would be positioned to ensure that special education policies are consistent with systemic changes and that systemic changes encompass the specialized needs of students with disabilities. He or she would be able to synthesize and prioritize the various needs of special education management, including between District 75 and students with disabilities in community schools. There is risk, however, that an independent cabinet position could cause fragmentation of focus, creating an alternative and isolated bureaucracy of special education, deflecting accountability for students with disabilities from other Divisions of the DOE, and maintaining a separate agenda from the core Children First goals and reforms. This risk could be mitigated by the clarity of the mission to integrate across the Department and by the leadership attributes of the individual(s).

A second good alternative would be to position Special Education leadership within one of the Divisions of the DOE. As above, a person with the right vision and maturity to balance specialized interests of students with disabilities with the priorities of reform who reports to a cabinet member could accomplish the goals. Sitting within one Division of the DOE would allow for tighter integration with the various operational and daily challenges of schools, ensuring that the Special Education work is effectively translated from high policy to practical implementation. To make this configuration successful, two things should be true. First, it would be critical that the special education leadership have a line of sight, both from their Cabinet member and independently, to understand and influence issues in other Divisions that might impact students with disabilities. Second, the Cabinet must actively identify and consider implications and tradeoffs for students with disabilities in major policy decisions, asking the counsel of special education leadership as needed.

Wherever the leadership falls, there are a number of operational and alignment issues within the Department's support structure that should be the subject of ongoing work. First, the instruction and systems should be more strongly aligned between district 75 and the community schools. Let me be clear – I am not recommending the dismantling of district 75, and I recognize the importance and value of targeted schools serving the small minority of the 1.1 million students in the system who are beyond the capability of community schools to serve effectively. However, there are important points where alignment could be much stronger, and would benefit all students. For example, the expertise of District 75 on instruction for cognitively and behaviorally challenged students should and could be applied and used in the community schools, as it

¹ Although beyond the scope of this report, which focuses on students with disabilities, it is worth noting that many of the same tensions, and many parallel policy, management and operational challenges, exist in reference to the leadership responsible for English Language Learners. A cabinet level position could manage both ELL and Special Education policy.

has been in the PBIS and STOP programs. As referenced elsewhere in this report, District 75 inclusion programs (i.e. when District 75 students participate in community school classes) should be a more strategic initiative for the Department, with a greater sense of the long term goals for individual students and more thoughtful geographic planning. Second, the organization, operational, and contractual issues that complicate and constrain the provision of special education services needs further work. The roles and responsibilities of different offices need to be clarified. More importantly the collaboration and integration of different types of school support should be strengthened, both among special education support and between special education support and general education support.

Proposed next steps:

- a. Chancellor to appoint Special Education Leadership, including a mandate to implement the recommendations of this report.
- b. Special Education leadership to work with District 75 and other offices in the Department to ensure productive collaboration and alignment.
- c. Special Education leadership to convene working groups to ensure clarity on role and responsibility in Special Education Services, working with the Division of School Support, the Integrated Service Centers, the Health Office and the Office of Non-Public Schools.

Recommendation 1B: Include in System Management a Clear Set of Measurements Reflecting Special Education Performance Results, to Use in School, SSO, and System Evaluation.

Given the challenges of managing such a large system, the tracking of data and metrics is important. Much data exists concerning the education of students with disabilities, but it tends to be managed in discrete chunks – performance data separated from compliance/execution data separated from financial data. The Office of Special Education Initiatives has worked hard to aggregate many of these data streams, including in the relatively new Special Education Delivery Report available for all schools. However, these data sources are not well known or well used around the Department, in schools, or in the public. They should be publicized more effectively. In addition, a unified set of system and school indicators to measure our special education performance will facilitate ongoing evaluation and improvements in the education of students with disabilities.

Proposed next steps

- a. Charge the leadership of Special Education, including the leadership discussed above, the Division of Accountability and Achievement Resources, the Office of Special Education Initiatives, and District 75, with assuring that all key performance indicators are appropriately prioritized and covered in existing management tools so that the Progress Report, Quality Review, and Principal Performance Review are useful both to the Chancellor and to individual schools in assessing performance and execution.

- b. Consider the incorporation of more explicit metrics on Special Education into school evaluation. For example, the evaluation of school metrics and use of data in pre-referral interventions, the execution of IEP meetings and the design of IEP goals could fit well within the Quality Review Standards.

Recommendation 1C: Ensure That Standards Are Applied Across All Schools To Include Students with Disabilities Throughout the School Environment.

Many parents and some educators have raised concerns about the equitable access of special education students beyond the classroom. The recommendations in this report, if well implemented, will improve the culture within the Department and the City's schools. Empowering schools to design instructional programs and develop expertise will focus schools on incorporating students with disabilities into the fabric of the school environment. Similarly, focusing on the success of students with disabilities both in individual student planning and school and system accountability will draw attention to integrating students with disabilities with their non-disabled peers. Designation of clear, empowered, and integrative leadership will help strengthen the inclusive culture. However, there are additional, discreet opportunities to set standards of inclusion in campus management, parent questionnaires, and Quality Review Standards. These are well-established procedures within the Department that, with slight adjustments, can help drive an inclusive culture.

Proposed next steps:

- a. The Division of School Support and District 75 take steps to ensure that building council policies are implemented faithfully in all buildings, including those where the space is shared only by one community school and a District 75 school. Division of School Support and District 75 ensure annual dissemination of Campus management policies and procedures.
- b. District 75 develops a process to identify and prioritize buildings where in-building collaboration and campus management appears to be problematic. District 75 will share this information with Division of School Support, which will ensure those buildings are the focus of campus management training by the relevant School Support Organizations.
- c. Division of Accountability and Achievement Resources consider a Quality review metric for school-wide inclusiveness of students with disabilities (and other populations), including the revision of Quality Statement 3.2 and/or 3.6.
- d. Office of Special Education Initiatives coordinates OFEA and the Division of Accountability and Achievement Resources in evaluating the survey responses of parents and students with disabilities, to track levels of satisfaction and openness relative to the general education population.

Goal 2: Match Short-Term Educational Planning for Students with Disabilities To Long-Term Goals
--

At the heart of special education is the observation that students learn in different ways. For most students with disabilities, the objective of special education is to enable

them to learn the same content at the same pace as their non-disabled peers. For some, the goals are different and include acquisition of basic language and communication as well as social-emotional skills. All too often, however, the reality of special education for individual students loses sight of these long-term objectives. The Department can and should refocus the team of educators and parents on the individual student's long-term trajectory. This focus will improve educational outcomes, maximize students' potential for independence, and reduce the number of students whose underlying deficits are not addressed.

Recommendation 2A: Mandated Special Education Planning Should Coincide with and Support Significant Educational Transitions.

The process of educating students with disabilities is punctuated by a series of legally mandated planning events, including the annual reviews of a student's Individualized Education Program ("IEP") and the review, every three years, of all existing academic and social-behavioral data for each student with an IEP.² Formal Transition Plans, focused on a student's post-DOE plans, are required for older students with disabilities. In theory, these mandated events are the vehicle for effective instructional planning to ensure students meet academic and social-behavioral goals. In some schools, they serve this purpose. However, far too often they do not, and the reviews are compliance events, which do not produce thoughtful and long-term oriented educational plans. By coordinating these planning events more thoughtfully, particularly the three year evaluation of all student data, the Department will not only continue to meet legal mandates but will also encourage thoughtfulness of planning in alignment with a students' long-term instructional goals.

The first important step is to align timing. Currently, mandated special education planning events typically take place on arbitrary anniversaries without regard to significant educational transitions. Instead, the data collection and analysis required by reevaluations should be scheduled to inform and support the school system's natural transition points, and to facilitate transitions between different schools at points of articulation. The mandated planning should be used for deep instructional, academic, and social-behavioral assessment and should plan for the next phase of a student's academic career. In particular, I propose the following schedule for the three year mandated student data reevaluations, which does not create new procedural requirements, but rather times existing requirements to support students' progress toward their long-term goals:³

² This data includes psychological evaluations, information provided by the parent, classroom assessments, State and local assessments, classroom based observations and observations by related service providers. Although the terms can be overlapping, this recommendation does not imply increased psychological testing – it seeks instead a comprehensive review of the available data on academic and social-behavioral status.

³ The reviews in some cases are spread across two semesters in order to allow a manageable work-load for evaluation and teaching staff. Students who are off-cycle for their three-year reviews, based on interstitial initial evaluations or arrival in the DOE system, could have their cycles adjusted either by conducting an early review or by securing parental agreement to postpone the review with the commitment to a more useful and timely review at the point of transition. It may be possible to further refine this calendar consistent with the goal that the mandated three-year planning reinforce the natural timing of student transitions in the school system and out of the school system.

Pre-K: Initial evaluations occurring as they do now, with an emphasis on the services needed in early elementary grades, and the possible adjustments in service levels as the window for early intervention passes.

2nd Grade: Mandated review of student data (academic and social-behavioral) at any point in the year. Although these reviews must address all areas of disability, at this age a special focus should be on monitoring acquisition of basic reading skills.⁴ Where students have not learned to read, the corresponding IEP should design intensive intervention to close the gap as quickly as possible.

Fall of 5th Grade (preferred), or Spring of 4th Grade: Mandated review of student data to inform planning for and articulation to middle school, including participation in choice processes. The corresponding IEP should develop a plan to finalize the student's readiness for middle school, including academic and social/emotional expectations, and the emergence of departmentalized schedules in middle school.

Fall of 8th Grade (not later than October 1), or Spring of 7th Grade: Mandated review of student data to inform planning for and articulation to high school, including participation in choice processes. The corresponding IEP should develop a plan to finalize the student's readiness for high school, including academic and social/behavioral expectations, any necessary remedial work, and preparation for the independence necessary for high school work.⁵

Fall of 9th Grade (not later than October 1) or Spring of 8th Grade: Annual IEP meeting that is managed by the high school the student will attend or is attending. The meeting should happen with full documentary or participatory support by the student's middle school, enabled by the data review of the prior year. This IEP will design the instructional plan for high school.

End of 10th Grade: Mandated review of assessment data to monitor progress toward graduation and appropriateness of Transition Plan.

Beyond timing, the substantive focus of these reviews should be on the progress students are making toward successful outcomes and maximized student independence. First, the mandated reevaluations should locate data sufficient to assess the timely acquisition of reading, content area learning standards, and other core academic and

⁴ For students whose long-term goals are inconsistent with this focus, acquisition of communication skills, social skills, and daily living skills should be examined and integration with chronological peers should be considered.

⁵ This planning should coordinate with the current promotion work for struggling 8th graders.

educational skills consistent with the student's long-term goals. All of the Department's educational data should be brought to bear, including state assessments, interim assessments, and classroom work. Second, the corresponding IEP review should focus educators and parents on the adjustments necessary to prepare students for the transition to the next level of schooling and develop clear measures for success over a multiple year span that will indicate progress (or lack thereof) toward academic and other outcome goals. Services should be increased or decreased consistent with the assessment data, established exit criteria, and desired outcomes. Third, these procedures should offer parents and students guidance in the upcoming articulation process. The 10th grade reevaluation should examine the student's progress toward graduation and make any program changes needed to facilitate the development and implementation of the Transition Plan. Where everyone agrees a local or Regents diploma is not attainable by the end of the school year in which the student turns 21, the Transition Plan should work toward an appropriate alternative long-term goal and how to achieve it.

The third point of leverage is collaboration. The DOE should encourage schools to ensure that IEP meetings and data reviews draw input from as many sources as possible. In particular, at the middle and high school levels, three year mandated data reevaluations/reviews should reflect the assessment data from as much of the grade team serving that student as possible. In addition, consistent with goal 4 of these recommendations, schools should encourage as many parents as possible to contribute information and data to the three-year reevaluations and participate in corresponding IEP meetings. This is a parental right, but it also is an important step to ensure the greatest possible alignment between the in-school and the out-of-school adults supporting an individual student. Parent coordinators and other staff should understand and mobilize to support this participation.

Proposed next steps:

- a. Office of Special Education Initiatives, in collaboration with District 75, the Office of Student Enrollment, and the Division of School Support, develops brief data collection and decision-making prompts for each of the reevaluations recommended above.
- b. Division of School Support supports schools in using and implementing this planning timeline, including integration with common planning time.
- c. SESIS incorporates tracking tools to schedule and complete these reevaluations and IEP reviews. SESIS also incorporates prompts based on the materials developed in (a), including a review of academic and social-behavioral progress, design of interventions and supports, success and exit criteria for related services, and guidance on the upcoming articulation.
- d. Division of Accountability and Achievement Resources considers incorporating success against three-year academic and social-behavioral goals into the DOE's school accountability system.
- e. DOE launches a workgroup including the Office of Special Education Initiatives, District 75, the Division of School Support, and the Office of Career and Technical Education to prioritize and coordinate the post-DOE Transition planning, including the synthesis of multiple guidance documents and the establishment of clear DOE operating policies.

Recommendation 2B: Evaluate and Clarify the Use of Modified Promotion Criteria To Maintain Progress Toward Successful Long-Term Outcomes.

Modified promotion criteria are used widely in special education, so that students are promoted to the next grade according to the standards decided for the IEP and not on the standards necessary to do the work at the next grade level. Although there may be situations when this is a valuable tool, parents and educators around the City point out that a career of modified promotion criteria through primary and middle schools leaves too many students stranded in high school without the skills necessary to succeed and without time to close their academic gaps. Often, parents who want their students to experience success have not understood fully the ramifications of the modified promotion criteria and have been surprised to learn that a Regents or local diploma was not a realistic objective when the student entered high school. The Department should evaluate and clarify policies around the use of modified promotional criteria, ensuring that promotion through modified criteria happens only in service of rigorous and agreed long-term standards of success for the student. Neither the goal nor the intent of this recommendation is to increase or rely on retention as an intervention. Instead, by paying attention to modified promotion criteria, the Department will keep more students on a path toward success by ensuring that modified promotion criteria do not become a self-fulfilling prophecy of diminished expectations. And in those situations when a Regents or local diploma is not a realistic goal, parents should be better informed about the impact of long-term sequential modification of promotion criteria.

Proposed next Steps

- a. Office of Special Education Initiatives evaluates the use of Modified Promotion Criteria, and works with District 75 and the Division of School Support to develop clear policies to limit the use of modified promotion criteria to instructionally appropriate circumstances, consistent with the long-term success of the student. This work should be incorporated into the transitional reevaluations and IEP reviews described in Recommendation 2A.
- b. Office of Special Education Initiatives, District 75 and the Division of School Support along with the Office of Accountability and Achievement Resources considers monitoring students articulating between schools with modified promotion criteria, and raising the consequence in the Department's school accountability systems for this promotion.

Recommendation 2C: Encourage Schools to Take Responsibility for the Long-Term Success of Students with Disabilities

Transfers between schools, at times other than the typical articulation points, are common for students with disabilities. These transfers take place when schools, in the IEP process, recommend programs for students with disabilities that the recommending school does not offer. For example, a transfer is necessary under the current system where a school recommends a student for a CTT class and the school itself offers only SETSS. Similarly, a transfer takes place when a community school recommends a

placement in a District 75 program. Both internal and external stakeholders expressed concern that these transfers were sometimes inappropriate, resulting in missed opportunities for students and abdication of responsibility by schools. All too often, a special education referral is not a step in developing a meaningful long-term plan for academic and social behavioral success, but it is instead a step toward abdication of responsibility to educate difficult to serve students. Because the school controls the IEP process – an important facet of their empowerment and accountability for students they do maintain – I believe that out-of-building transfers are an important point of discontinuity in the system that should be monitored and managed to ensure alignment of the students’ interests and the schools’ actions. Some steps have been taken already this year, most notably, the creation of shared accountability, where students referred out of a school will remain on the progress report of the sending school until the terminal grade. The Department should continue to monitor out of building placements, and ensure incentives and accountability are aligned for schools to keep students through their natural articulation whenever possible.

Proposed next steps:

- a. The Division of Accountability and Achievement Resources, the Office of Special Education Initiatives, and the Office of Student Enrollment monitor the impact of shared accountability on both student outcomes and school transfers.
- b. The Office of Special Education Initiatives and the Office of Student Enrollment ensure that transparent metrics exist for school and system, including the proportion of students with disabilities enrolled in each school and the number of out-of-building transfers. Those metrics should be incorporated in existing data scorecards (see Recommendation 1B).
- c. District 75 and Office of Special Education Initiatives monitor school transfers, and trains appropriate staff in SSOs, ISCs and CSEs to facilitate appropriate out-of-building transfers and to assist schools in designing in-school programs where a transfer is not appropriate (i.e. the S.T.O.P program run by D75).
- d. To the extent necessary, consider additional limitations in the event Shared Accountability and additional training do not sufficiently curtail inappropriate out-of-building transfers. One possibility is to require that an out-of-building district representative attend IEP meetings where the school’s recommendation will result in a transfer.

Goal 3: Empower Schools to Design Successful Educational Programs for Students with Disabilities

One reason that schools and educators do not have enough long-term success with students is because students are too often met with standardized classroom placements, and not the multifaceted and differentiated programs likely to meet the needs of any individual student. Students with disabilities are moved through the Department’s various operating systems in four general cohorts based on the student’s recommended “setting”, which translates into their classroom placement: (1) General Education (for

students with related service only or special education teacher support service recommendations), (2) Collaborative Team Teaching, (3) Special Class, and (4) District 75. These classroom placement categories, which come out of the state-mandated continuum of services found in Section 200.6 of the state regulations implementing the Individuals with Disabilities Education Act, have become short-hand labels for the needs – and even the goals – of students with disabilities. The Department’s mechanisms of placement, budget, and planning make the default categories of classroom setting too easy and too convenient a proxy for the needs of students.

These labels, however, do little to focus attention on the academic or social-behavioral progress of students with disabilities. In addition, the system’s reliance on these classroom descriptions cuts short the conversation about instructional programming for students. A school’s program for students with disabilities should be more than the number of teachers and students assigned to a room based on the programmatic staffing ratio. By (1) focusing on students’ instructional needs, (2) aligning planning, placement, budget and accountability to those needs, and (3) helping schools develop expertise and design successful instructional programs to meet those needs, we can more fully empower our schools to achieve academic and social-behavioral success for students with disabilities.

Recommendation 3A: Characterize Students by Instructional Needs, not Classroom Service Categories, to Encourage Flexibility in System Planning and School Programming

A good IEP process should categorize a student according to her needs, and should design a trajectory to meet that need. The New York State Department of Education has identified four functional categories for grouping students -- categories that will become the leading sections of the State’s forthcoming IEP form: (1) academic achievement/functional performance/learning characteristics, (2) social development, (3) physical development, and (4) management needs (i.e. assistive technology). Rather than classroom ratios, these categories could and should be used as the foundation of system planning. To be most useful, the four categories of the IEP should be broken down into a few additional components for each student. For example, measurements for reading levels, math levels and executive functioning should be incorporated into academic achievement. Measurements for management of relationships with adults and peers for both aggressive and fragile students should be included in social development along with low-incidence psychiatric conditions. Physical development should identify needs accommodations such as barrier free locations, nursing services, and physical and occupational therapy. And management needs should identify needs for specific accommodations such as Braille and assistive technology. Multi-faceted instructional programs should then be designed to meet these functional needs. Using these categories for individual and system planning instead of classroom ratios is more consistent with an emphasis on student need, long-term student success, and serious, realistic outcome goals.

Much further work is necessary in order to design and implement this recommendation, some of which will require significant conceptual, operational, and cultural recommendations. This change, however, could provide an important

foundational change in how we think about and work with special education students as a school system. Thus the additional work is worth the challenges.

Proposed next steps:

- a. Office of Special Education Initiatives in collaboration with District 75 finalizes a meaningful, concise set of measurements within the four categories, vetting with internal and external experts and stakeholders.
- b. A working group from Division of Information and Instructional Technology, Office of Special Education Initiatives, District 75 and Office of Enrollment examines the current coding for students with disabilities in key data systems (ATS, SEC, HSST, ARIS) and recommends coding changes.
- c. SESIS Project Team designs SESIS with the capacity to capture and track these categories through the IEP and to adjust categorizations as the practice is refined.

Recommendation 3B: Recalibrate Planning, Placement, Budget, and Accountability Mechanisms to Focus on Levels of Student Need Instead of Classroom Settings.

The functional categories identified in Recommendation 3A should inform the way students are categorized within the infrastructure of the system, including for planning, placement, budget, and accountability. By using these categories, the infrastructure of the system can be geared to need and successful outcomes, rather than to classroom settings that have little substantive meaning. For example, rather than providing resources for a student based on a designated class structure – which may vary according to the school’s approach - the Fair Student Funding allocation can correlate to need. In placement, the DOE should set clear standards about what functional needs a typical school should be able to serve, to encourage schools to design programs that meet student needs within the context of a school’s overall program. By matching planning, placement, funding and accountability to student needs we can align incentives to encourage schools to educate students with disabilities across all levels of need.

Proposed next steps:

- a. In the course of reviewing Fair Student Funding and with the support of the Office of Special Education Initiatives, Division of Budget Operations and Revenue evaluates the FSF models for students with disabilities, with the goals of allocating funding according to educational needs, rather than classroom setting. These weights should enable and encourage schools to enroll and program for students with disabilities in appropriately inclusive settings.
- b. The Division of Accountability and Achievement Resources reconsiders the current quantitative accountability measures for students with disabilities, including peer grouping and extra credit measures, to be sure they do not create incentives for schools to serve students with the least need. The goal of this review is to expand incentives to educate students with disabilities across all levels of need.

- c. Working with internal and external stakeholders, the Office of Portfolio designs a mechanism to allocate responsibility for serving cohorts of students with disabilities among schools. Such a mechanism will align with the program for geographically centered decision-making that is currently in development through Portfolio. (see also Recommendation 3C)

Recommendation 3C: Support Schools in Designing Successful Instructional Programs for Students with Disabilities, Utilizing the Full Flexibility of the Continuum of Service.

Each public school in New York City should develop instructional programs for students with disabilities. Despite widespread belief to the contrary - fostered in part by the systemic reliance on blunt classroom categories - a myriad of class settings and alternative arrangements can be created to serve students with disabilities. These student programs can include common planning, research-based methodologies, transition supports for students moving between program classifications, technology, and a variety of teacher training supports. Furthermore, each of the educational program options on the continuum can be implemented on a part-time basis and in combination with any or all of the other program options to meet students' needs in concert with schools' instructional strategies and school-wide programming. And yet most schools program and serve students only in the four classroom categories – and students tend to maintain the same program through the course of their academic career, rather than adjusting and experimenting with different programs. For example, although a self-contained designation may make sense for a period to help a young student catch up on basic literacy, leaving a student with that program classification can quickly become an abdication and relegation. By focusing on the functional needs of students as recommended in 3A we can encourage schools to design instructional programs to meet those needs using the full flexibility of the continuum. In addition, to support schools' design of programs, the Department should develop and disseminate model instructional programs throughout our schools to enhance innovative programming for students with disabilities.

Next Steps:

- a. Office of Special Education Initiatives in collaboration with District 75 and the Division of School Support further develops a set of sample programs and schedules for schools using a variety of continuum models.
- b. Office of Special Education Initiatives and District 75 then designs a portfolio of options in collaboration with the School Support Organizations and Network Leaders to increase awareness and use of flexible models in schools.
- c. The SESIS Project Team designs SESIS to capture program recommendations for students that employ various continuum options.

Recommendation 3D: Use the Departmental Research Base to Identify Effective Programs and Practices for Students with Disabilities and to Encourage Replication of Successful School Models.

The Department does not yet closely track the success of individual schools in educating students with disabilities. As a system, we have generated some data to monitor system-wide progress and outcomes, and some information about the progress of special education students is included in school progress reports. But to encourage innovation and replication within the Department, consistent with recommendation 3C above, we need to improve our ability to identify schools that are successfully educating students with disabilities. Once these schools are identified, we need to capture their models to encourage replication by other schools.

Proposed next steps:

- a. On an ongoing basis, representatives from the Office of Special Education Initiatives, District 75, the Division of Accountability and Achievement Resources, and the Division of School Support collaborate to use existing data to identify and evaluate distinctive school and program success on observable data, both in the Department and outside, in New York and beyond. Outside researchers and advocacy groups should be involved periodically, to contribute expertise and insight into effective practice from outside perspectives.
- b. The Office of Special Education Initiatives or District 75 work with the schools, Division of School Support, and Division of Accountability and Achievement Resources to memorialize the school's model for educating students with disabilities. This model will then be incorporated into the ARIS platform and other support materials available to other schools as they develop programs for students with disabilities.
- c. To the extent possible, pursue sources of outside funding both to enhance the evaluation of school performance and to fund replication of models with proven record of achieving academic and/or social behavioral success.

Recommendation 3E: Create Mechanisms of System Planning to Facilitate Development of Expertise to Serve the Needs of Functional Cohorts of Students.

In general, the mission of all of our schools is to provide the instruction needed for each and every student initially enrolled in the school. All schools should be prepared to serve the majority of students with disabilities, across most levels of functional characteristics. However, in some instances there are benefits to concentrating expertise in educating functionally grouped cohorts of students. Development of targeted expertise can result in remarkable educational gains and is consistent with the statutory and regulatory emphasis on evidence-based instructional methods. The recently developed ASD NEST programs, which concentrate students of specific needs in integrated settings in target schools, are a successful recent example. Also, the presence of targeted and specialized instructional capacity can encourage parents to keep their students in the public system, when they might otherwise be tempted to pursue private settings through

impartial hearings. The Department should encourage community schools to weave expertise for targeted groups of students with disabilities into their school-wide programming.

I recognize this recommendation poses some risk of over-segregation or returning to grouping students by disability classifications. That would be a mistake, and is not my intent. By remaining cognizant of this risk in both system and school planning, we can encourage schools to educate students with disabilities in targeted functional groups that are integrated into community schools. Indeed, instruction for functionally grouped cohorts of students can and should be provided in inclusive models. Careful planning is necessary to effectuate this grouping, maintain integration in community schools, and avoid unnecessary travel burdens. This planning is worthwhile because it will encourage schools to enhance their instructional program for students with disabilities by developing expertise targeted to students with similar needs.

Proposed next steps:

- a. As part of the categorization of students under Recommendation 3A, the Office of Special Education Initiatives in collaboration with District 75 defines those need categories that all schools are expected to serve, and those that should be placed in functional groups to facilitate the development and impact of expertise in community schools or in district 75.
- b. Working with internal and external stakeholders, the Office of Portfolio designs a mechanism to allocate responsibility for serving functionally grouped cohorts of students with disabilities among community schools. Such a mechanism could build off the program for geographically centered decision making that is currently in development.
- c. Personnel from the Office of Special Education Initiatives and District 75 work with SSO staff to support community and District 75 schools as they develop expertise to serve functionally grouped cohorts of students with disabilities.

Goal 4: Facilitate Informed Parental Engagement in the Education of Students with Disabilities

In the best New York City schools serving special education students, high levels of parental involvement ensure not only advocacy for the schools, but also support and reinforcement at home for the teaching practices and development initiated at school. As an example, District 75 works very hard to involve and educate parents, in order to better equip them to support the development of their students. The Department's Special Education Parent/Advocate Advisory Group has provided useful input and collaboration over several years. However, the complexity and obscurity of the special education system leaves many parents around the City feeling confused and alienated from crucial decisions concerning their students. We can improve student outcomes and school programming by facilitating informed engagement of parents.

Recommendation 4A: Widely Disseminate A Parent’s Guide to Special Education for School-Aged Children

The Office of Special Education Initiatives is finalizing A Parent’s Guide to Special Education for School-Aged Children. The guide will assist parents as they collaborate in the development of their children’s educational programs. The Department should ensure that the upcoming distribution of “A Parent’s Guide to Special Education for School-Aged Children” is broad-based to maximize parental information and engagement.

Proposed next steps:

- a. When it is completed, the Office of Special Education Initiatives disseminates the guide to Office of Family Engagement and Advocacy, external advocacy and parent groups, and the Division of School Support.
- b. Office of Family Engagement and Advocacy disseminates the guide to parent coordinators who are charged with providing the guide to parents, and provides supportive training.
- c. Division of School Support disseminates the guide to schools, and provides supportive training to SSO staff as needed.

Recommendation 4B: Reorganize and Re-launch the DOE’s Special Education Web-Sites

Many stakeholders, from the Council for Great City Schools to the ARISE Coalition, to internal staff have observed the lack of coherence and accessibility of our website for parents of students with disabilities. Enhancing the website is an attainable goal that will facilitate parental engagement and information. Pragmatic project ownership will ensure that the right steps are taken.

Proposed next steps:

- a. A small taskforce, led by DOE communications staff and involving the Office of Special Education Initiatives, District 75, OFEA and parent-advocacy groups, works to reorganize the content of the DOE’s website. The website should be organized not by DOE office, but by service and needs intuitive to parents.
- b. DOE communications leads a launch of the revised web-site. The site should be disseminated through the same channels as the parent’s guide in Recommendation 4A.

Recommendation 4C: Involve Parent Coordinators in Engaging Parents of Students with Disabilities.

Parent coordinators are an important connection for parents to their children’s schools. They reach out to parents on many school issues. By involving parent coordinators in outreach to parents of students with disabilities, we have the opportunity to support and improve parental involvement in educational planning.

Proposed next steps:

- a. Working with the Office of Special Education Initiatives, Office of Family Engagement and Advocacy clarifies parent coordinator roles in regard to special education students to include explicit responsibility and accountability for supporting school efforts to ensure parental participation in major instructional decisions, including IEP meetings and reevaluations.
- b. Office of Family Engagement and Advocacy, in consultation with Office of Special Education Initiatives and District 75, renews training for parent coordinators in the role of parents in special education.
- c. Office of Family Engagement and Advocacy should use the timeliness of IEP reviews, the participation of parents in IEP reviews, and other parent-centered metrics as part of a parent coordinator's evaluation.

Recommendation 4D: Formalize Policy Input for Parents of Students with Disabilities in Community Schools

As the DOE's parent governance bodies are currently constituted, the City-wide Counsel on Special Education represents the interests of District 75 parents, and the CECs represent the interests of all other students. As a result, there is no clear parent voice on issues affecting the vast majority of special education students. In my listening tour around the City, it was initially a challenge to talk with parents representing the more dispersed interests of students with disabilities in community schools.⁶ Since the vast majority of our students with disabilities are in community schools, the Department should formalize a mechanism for policy input from this large and important constituency. Consistent with the discussion in goal 1 above, whatever mechanism is used should not remove responsibility from the CECs for representing students with disabilities in the community schools, but it should provide a focused form for input on policy issues concerning students with disabilities.

Proposed next steps:

- a. The Office of Special Education Initiatives should consider and then recommend an appropriate unified forum for policy input regarding students with disabilities in the community schools. One option is to formalize input from a new entity, directly representing parents of students with disabilities in community schools. A second is to work with the City-wide Counsel on Special Education to re-craft its mandate, and include the election of parents of students with disabilities in the community schools.

Conclusion

In investigating the Department's special education students, I have been impressed by the dedication and commitment of staff, parents, and advocacy groups to support students with disabilities. However, I have also been impressed by the

⁶ A challenge addressed and overcome for me through the focused efforts of the Office of Family Engagement and Advocacy.

complexity of process, by the lack of shared focus, and by the diffusion of priorities. All of this complexity is the result of well-intentioned action. However, consistent with the core themes of Children First, I believe that by focusing on the long-term interests of students, and building operational systems that reinforce that focus, the Department can escape the perception of special education as a constraint and instead create substantial improvement in the academic and social/behavioral achievement levels of special education students. I hope these recommendations can provide an initial map in pursuit of those goals.⁷

⁷ Many people inside and outside of the Department have helped me in the formulation of these recommendations, lending their experience, perspective, and passion. This report would not have been possible without that input. I would like to particularly thank the two people who have served as my team over recent months. Shawn Morehead and Alfred Youngwood were indispensable to this process, and can take credit for much of the good insight embedded in these recommendations. Students with disabilities in New York City are fortunate to have them as allies and advocates.