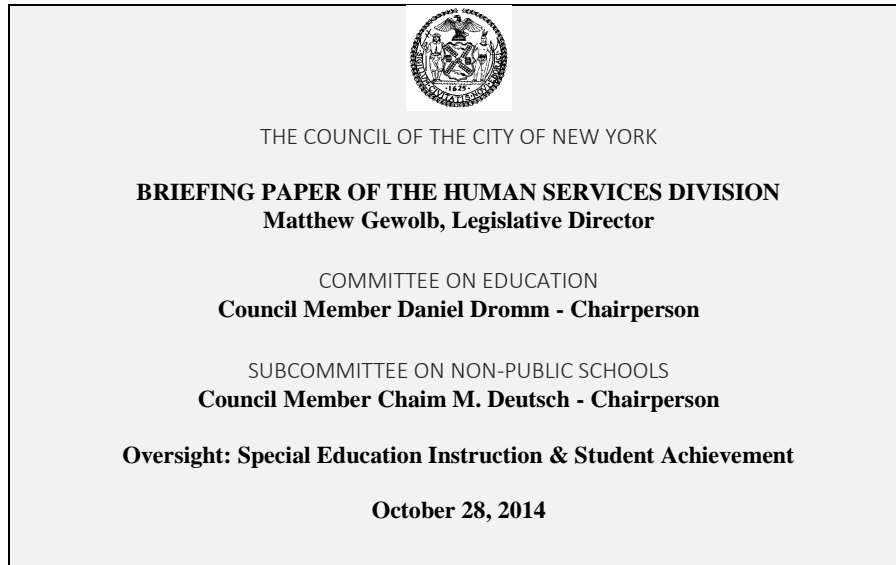


Response to the New York City Council Briefing Paper on Special Education

On October 28th, the New York City Council Committee on Education and the Sub-Committee on Non-Public Schools held a public hearing on **Special Education Instruction & Student Achievement**. The City Council Education Committee also issued a 16 page Report on Special Education Instruction and Student Achievement. We applaud the NYC City Council for taking the lead here on special education. The City Council Report covers many compelling issues involving greater accountability and results. This is definitely the right direction to move in. However, it is important that the needs of the parentally placed private school students are also included in this City Council report. 240,000 children attend private schools in New York City; they are 20% of the total student population.



The City Council Report did include a discussion of nonpublic school students. However, the definition of nonpublic only covered students entitled to Free and Appropriate Public School Education (FAPE) and enrolled in private schools. It covered two separate groups of nonpublic school students: schools that receive tuition reimbursement from the NYC-DOE and Section 4201state approved schools. ***The City Council Report must also include a discussion of issues concerning the group known as parentally placed private school children.*** This group is comprised of students whose parents enrolled them in a private school and pay tuition. According to data we have received from the NYC-Department of Education, as of March of 1012, around 13,000 children with an IEP attended a parochial school and were receiving services (we do not know the total number of parentally placed private school children). Below is a description of four improvements in special education we hope the City Council will take the lead on.

1. **While around \$150 million is spent each year on special education for parentally placed private school students, an evaluation of these services has not been conducted in at least 10 years.**

Each year around 14,000 children receive special education services (SETSS and Related Services) in private schools. These are students that are placed in private schools by their parents because their parents want their child to receive a religious or other private school education. If these students have an IEP, they are entitled to basically the same services as a public school student with an IEP. While the cost of these services is estimated at around \$150 million, there has never been any professional evaluation undertaken to assess the effectiveness of these services. This complete lack of accountability contrasts sharply with the Title I program that operates in the private schools. Every year the nonpublic school Title I program, administered by the NYC-DOE Division of NonPublic Schools (DNPS), has a professional evaluation conducted at a cost of \$200,000. The evaluation runs several hundred pages and is conducted according to the rigorous standards of an evaluation methodology. ***While almost three times as many City dollars are spent on special education services in private schools than the Title I program, there has never been a program effectiveness evaluation in at least the past 10 years (perhaps longer).*** There are several issues of great concern here: how many children are actually benefitting from publicly funded services and to what extent. If there is significant variation in the answer to the first question, then the study should also explore why some children are benefitting and why others are not. To ensure a full range of valuable input, the evaluation study can run focus groups with parents of children receiving services, general education classroom teachers, Related Services and SETSS providers, and school administrators.

Recommendation: The NYC-DOE should conduct a professional evaluation of the NYC-DOE Special Education Services (SETSS and Related Services) for parentally placed private school children. First step for establishing accountability.

2. **How the NYC-DOE Special Education Student Information System (SESIS) can track the progress of parentally placed students in private schools.**

SESIS has taken the paper IEP and created an online software program for entering and tracking student information. For the public school children, the paper IEP is no longer used. The SESIS system is also now being extended to cover all parentally placed private school children. SESIS has great potential for increasing accountability for both public and parentally placed private school children. SESIS could tell us the following:

- 1) based on the IEP annual goals, how much progress is a child making each year;

2) how often parents and general education school teachers attended the annual and triennial review meetings;

3) what kinds (if any) of transition planning activities high school students are receiving and

4) for the children whose first language is not English (at least 45,000 students in parochial schools), it can tell us how many are receiving Transitional Bilingual Education instruction.

All of this information is currently included in the SESIS computer based system program. This information could be provided by total participants, school district and even individual school both on an annual and triennial basis. If this information was available, parents, school administrators, general education teachers and other stakeholders would have a much better understanding of how effective the current system of delivery of services is.

Recommendation: The NYC-DOE Office of Specialized Instruction should increase the functionality of the SESIS computer system so that it can provide these four pieces of information on an annual basis for all schools, parents and advocates to use. Second step for establishing accountability.

3. City Council Local Law Intro 435 has great promise. Private School Students are not included in the bill. Please Amend.

Local Law Intro 435: “A Local Law to amend the administrative code of the city of New York, in relation to requiring the department of education to report information regarding students receiving special education services.”

Local Law Intro 435 can also greatly benefit the 14,000 children that receive NYC-DOE funded special education services in private and parochial schools. The following data collection provisions in Intro 435 should also be required for parentally placed private school students.

1. the number of referrals made during the academic period, including, the number of referrals for (i) initial evaluations; (ii) reevaluations and (iii) triennial evaluations;

2. the number of evaluations conducted during the academic period, as well as the number of (i) initial evaluations; (ii) reevaluations; and (iii) triennial evaluations;

3. the number of students who underwent initial evaluations that occurred less than thirty school days after their referral, as well as the number of such students who are English language learners;

4. the number of students who underwent reevaluations that occurred less than thirty school days after their referral, as well as the number of such students who are English language learners;

5. the number of students who received individualized education programs;

6. the number of placements resulting from initial evaluations, and the length of time it took for such placement to be completed;

7. the number of placements made resulting from reevaluations, and the length of time it took for such placement to be completed;

8. the number of students who underwent an initial evaluation and the results of such evaluation, including whether or not such evaluation resulted in a placement and the length of time it took to complete such evaluation;

9. the number of students who underwent a reevaluation and the results of such reevaluation, including whether or not such reevaluation resulted in a placement and the length of time it took to complete such evaluation;

10. the number of students who underwent a triennial evaluation and the results of such evaluation, including whether or not such evaluation resulted in a placement and the length of time it took to complete such evaluation;

11. the number and percentage of students in full compliance with their individualized education programs at the end of the academic period.

Recommendation: Extend annual report required by New York City Council Intro 435 to include same types of information for parentally placed private school students.

4. How the NYC-DOE can help parentally placed children in private schools succeed with the New York State Common Core Learning Standards

The New York State Common Core Learning Standards (CCLS) applies to both general and special education students. In the New York City public schools, around 80% of all students with an IEP must take the annual NYS ELA and Math test. While some high school students with an IEP will be able to graduate with a Local Diploma, most will be on a track to graduate with a Regents Diploma. Using the 80% figure and applying it to the private parochial schools, around 13,000 students with an active (or inactive IEP) will be taking either the NYSED ELA and Math test (for grades 3 to 8) or the NYS Regents test. An urgent need for high school students with an IEP is for help with the Regents Diploma required classes. Both the English and Math Regents tests have been redesigned

to meet the Common Core Standards. The new Common Core based Regents math exam (Algebra 1), Regents Geometry Exam and Regents ELA Exams are now being administered to high school students. The date for using these test scores for the Regents Diploma has been pushed off for several more years; so there is a small window of opportunity to use this time to train teachers in the Common Core. This situation is especially critical for students with an IEP. Now is the time to help parentally placed children in private schools so they will be able to succeed with mastering the new Common Core Standards.

The resources for helping these private school IEP students is meager at best. These students receive help from teachers (known as P3 SETSS providers) that provide services through a contract with the NYC-DOE. How will a DOE contracted SETSS teacher become competent in CCLS? Where can they turn to for Common Core professional development that covers the needs of students with learning disabilities? NYC-DOE provides free professional development Common Core based trainings for both general education and special education teachers. NYC-DOE also offers free professional development in Universal Design. The NYC-DOE District 75 has an extensive professional development program for Common Core. Without access to the same free professional development that public school teachers can receive, the private school IEP students will never have a chance to succeed with the new Common Core standards. Since the services are provided under contract with the DOE, the DOE has the authority and responsibility to make sure the services are effective.

Recommendation: The DOE contracted SETSS teachers that work with private school special education students should be allowed to participate and benefit from the DOE free publicly funded training workshops.

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