

**IMPROVING  
SPECIAL EDUCATION SERVICES  
IN THE  
BUFFALO PUBLIC SCHOOLS**

**Report  
of the  
Council of the Great City Schools  
Strategic Support Team**

**Submitted to the  
Buffalo Public Schools**



**May 2014**

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The Council of the Great City Schools thanks the many individuals who contributed to this review of special education programs in the Buffalo Public Schools (BPS). Their efforts were critical to our ability to present the district with the best possible proposals for improving special education and related services in the school system.

First, we thank Dr. Pamela C. Brown, the school district's superintendent. It is not easy to ask one's colleagues for the kind of review conducted by the Council's teams. It takes courage and openness and a real desire for change and improvement.

Second, we thank the BPS school board, who approved having this review done. We hope this report meets your expectations and will help improve special education services across the school system.

Third, we thank the staff members of the school district, particularly Mary Pauly, assistant superintendent of curriculum, assessment and leadership development, who, along with Kim Curtin and Donna Jackson, organized the team's interviews. Most people have no idea how much time is required to organize a review such as this, much less the time to conduct it and write up the draft and final reports. The details are numerous and time-consuming.

Fourth, the Council thanks the parents and advocates with whom we met. They work passionately to support children with disabilities and ensure the district serves these students in the best possible manner.

Fifth, the Council thanks Ebony Lofton, the director of specially designed instruction in the Chicago Public Schools, and Will Gordillo, the director of exceptional student education in the Palm Beach County School District, for their contributions to this review. We also thank their school systems for allowing them to participate in this project. The enthusiasm and generosity of these individuals and their districts serve as further examples of how the nation's urban public school systems are banding together to help each other improve performance for all students.

Finally, I thank Jeff Simering, the Council's director of legislative services, who facilitated the work of the team during its on-site visit; Julie Halbert, the Council's legislative counsel, who coordinated all other aspects of the team's work; and Sue Gamm, a nationally known expert in special education and long-time consultant to the Council, who worked diligently with Ms. Halbert to prepare the final report. Their work was outstanding, as always, and critical to the success of this effort. Thank you.

Michael Casserly  
Executive Director  
Council of the Great City Schools

## CHAPTER 1. OVERVIEW AND BACKGROUND

The Buffalo Public Schools (BPS) is the second largest school district in New York, educating about 34,000 students in 58 schools (45 elementary and 11 high schools), including two schools that provide adult education services. Some 51 percent of the district's students are African American, 21 percent are white, 17 percent are Hispanic, seven percent are Asian American, three percent are multiracial, and the remaining students are Native American.

Of all students for whom BPS provides support, about 16.6 percent receive special education services.<sup>1</sup> This percentage includes students residing in Buffalo who attend charter schools and private/parochial schools, and students that BPS places in agency schools. If one excludes preschool students and students placed by their parents into private/parochial schools, the disability rate is 15.9 percent for BPS/agency schools and 15.4 percent for charter schools.

In July 2012, following a nationwide search by the district, the Board of Education selected Dr. Pamela C. Brown as superintendent of the Buffalo Public Schools. The district's vision to provide a world-class education for every child is supported by its mission to:

- Ensure that every student will have the confidence, knowledge, thinking skills, character, and hope to assume responsibility for her/his life and contribute to the lives of others;
- Champion excellence and innovative learning experiences in partnership with family and community; and
- Hold itself accountable for educating its students and for working to energize all members of the community to actively participate in the accomplishment of the mission.

As reported on BPS's website, district successes in the 2012-13 school year included:

- An overall graduation rate that climbed more than 8 percentage points;
- Attendance rate that increased 1.5 percentage points;
- Chronic absenteeism that decreased by more than 6 percentage points;
- Short term suspensions that decreased by nearly 1,500;
- A dropout rate that declined by 7 percentage points;
- Eleventh grade Regents grades that were up 4.5 percentage points in math and nearly 3 percentage points in English language arts (ELA); and
- School growth scores that rose: 42 schools were rated Effective and two were rated Highly Effective.<sup>2</sup>

The district faces multiple challenges, including the state's designation that almost half (28) of its 58 schools are priority schools and an additional 16 schools are focus schools. Other challenges include implementing the rigorous Common Core State Standards (CCSS); enabling all students—including those with disabilities—to attain these high standards; meeting special

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<sup>1</sup> This incidence rate includes all students with disabilities, including preschool children in BPS, agency schools, and charter schools. Source: OSA, February 19, 2014, Infinite Campus.

<sup>2</sup> <http://www.buffaloschools.org/spotlight.cfm?sp=175&school=0>

education assessment obligations for the 8,000 students in 17 charter schools, including 1,000 students with IEPs; and administrating special education/related services effectively and efficiently.

In addition to examining these challenges in BPS, the Council's team was asked to address the district's high special education eligibility rate, the effectiveness of its integrated co-teaching model, and the district's internal organizational and staffing model for special education personnel.

## CHAPTER 2. PURPOSE AND ORIGIN OF THE PROJECT

Buffalo Public Schools Superintendent Dr. Pamela C. Brown asked the Council of the Great City Schools to review the district's services for students with disabilities and to provide recommendations that would improve those services and narrow the achievement gap between students with disabilities and their nondisabled peers. It was clear that the superintendent wants to ensure that the school system is providing optimum special education services to students with disabilities as the district is facing significant fiscal challenges. This report was designed to help BPS improve outcomes for students with disabilities and build capacity to educate all students effectively and efficiently.

### The Work of the Strategic Support Team

To conduct its work, the Council assembled a team of experts who have successfully administered and operated special education programs in other major urban school districts around the country. These individuals also have firsthand expertise in the Individuals with Disabilities Education Act (IDEA) and are well versed in best practices in the administration and operation of special education programming.

To begin the Council's work, Julie Wright Halbert, the organization's legislative counsel, completed an initial visit to the school district December 9 through 11, 2013 that included interviews with district staff members and a meeting with parents. The Council's Strategic Support Team (the team) visited the district January 13-15, 2014 and analyzed the district's organizational structure, its processes for determining student eligibility for special education services (including the use of interventions and supports), its configuration of related services and instructional strategies, and other features of the district's programming for students with disabilities. The team briefed the superintendent at the end of its site visit and presented its preliminary findings and proposals.

In general, the Strategic Support Team pursued its charge by conducting interviews and focus groups with district staff members, reviewing numerous documents and reports, analyzing data, and developing initial recommendations and proposals before finalizing this report.

This approach of providing technical assistance to urban school districts by using senior managers from other urban school systems across the nation is unique to the Council and its members. The organization finds it to be effective for a number of reasons.

*First*, it allows the superintendent and staff members to work with a diverse set of talented, successful practitioners from around the country. The teams comprise a pool of expertise that superintendents and staff may call on for advice in implementing the recommendations, meeting new challenges, and developing alternative solutions.

*Second*, the recommendations from urban school peers have power because the individuals who developed them have faced many of the same challenges encountered by the district requesting the review. No one can say that these individuals do not know what working in an urban school system is like or that their proposals have not been tested under the most rigorous conditions.

*Third*, using senior urban school managers from other urban school communities is faster and less expensive than retaining large management consulting firms that may have little to no programmatic experience. The learning curve is rapid, and it would be difficult for any school system to buy on the open market the level of expertise offered by these teams.

Members of the Strategic Support Team for this project included the following individuals –

Sue Gamm, Esq. Former Chief Specialized Services Officer Chicago Public Schools	Will Gordillo Director, Exceptional Student Education Palm Beach County School District
Ebony Lofton Director, Specially Designed Instruction Office of Diverse Learners and Supports Chicago Public Schools	Julie Wright Halbert, Esq. Legislative Counsel Council of the Great City Schools
Jeff Simering Director, Legislative Services Council of the Great City Schools	

### **Methodology and Organization of Findings**

The findings in this report are based on multiple sources, including documents provided by BPS and other sources; electronic student data provided by BPS; group and individual interviews; email documents; and legal sources, including federal and state requirements and guidance documents. BPS staff members, parents, and other individuals who were interviewed for this report are documented separately to protect their privacy and are not quoted for attribution in this document. BPS position titles are referenced only when necessary so the reader can understand the source of procedures and other directives.

Chapter 3 of this report presents the Strategic Support Team’s findings and recommendations. These observations and proposals are divided into four categories:

1. Special Education Demographics and Referral/Classification for Services
2. General Education Interventions and Supports
3. Teaching and Learning for Students with IEPs
4. Support for Teaching and Learning for Students with IEPs

Each category contains a summary of relevant information, along with findings that outline areas of strength, opportunities for improvement, and recommendations. Chapter 4 lists all recommendations for easy reference and provides a matrix showing various components or features of the recommendations. Finally, Chapter 5 presents a brief synopsis of the report and the team’s overarching impressions. The appendices, which are provided at the end of the report, include the following information:

- Appendix A contains a proposed organizational chart for special education operations.
- Appendix B compares incidence rates and staffing ratios in 59 city school systems across the country.



- Appendix C lists documents reviewed by the team.
- Appendix D lists individuals the team interviewed individually or in groups and also contains the team's working agenda.
- Appendix E presents brief biographical sketches of team members.
- Appendix F presents a brief description of the Council of the Great City Schools and a list of the Strategic Support Teams that the Council has fielded over the last 15 years.

## CHAPTER 3. FINDINGS AND RECOMMENDATIONS

This chapter presents the findings of the Council of the Great City Schools' Strategic Support Team (the team) and its recommendations for improving special education services in the Buffalo Public Schools.

### I. Special Education Demographics and Referral/Classification for Services

The information below summarizes various demographic characteristics of BPS students with disabilities, including those who are English language learners (ELLs).<sup>3</sup> When available, these BPS data are compared to students at the state and national levels, and with other surveyed urban school districts across the country. In addition, data are analyzed by primary disability areas and by race/ethnicity so the reader can fully understand the context in which BPS services are provided.

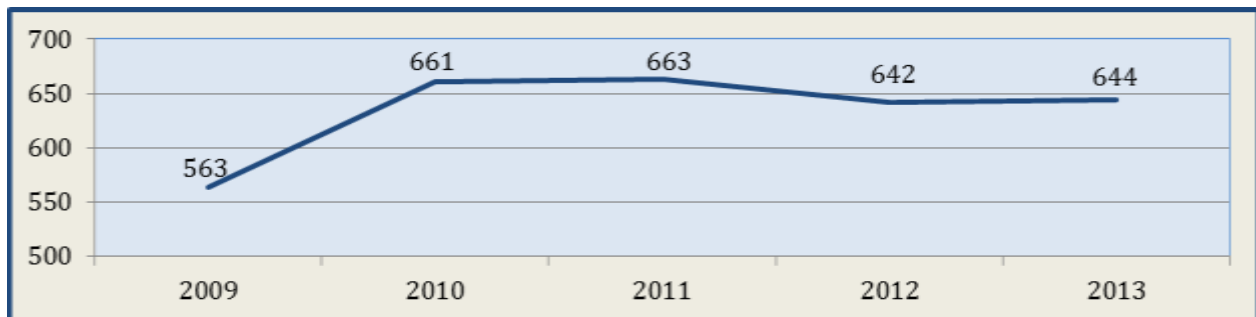
#### District Incidence Rates for Students with IEPs

The district's incidence rates for students with IEPs vary from year to year among both preschool and school-aged students.

##### *Preschool Students with IEPs*

As shown in Exhibit 1a, the number of preschool students with IEPs increased from 563 students in 2009 to 663 students in 2011 before decreasing to 644 students in 2013.

**Exhibit 1a. Number of Preschool Students with IEPs (2008-2013)<sup>4</sup>**



The preschool data reflects the number of students based on an October 2<sup>nd</sup> snapshot, and the number grows significantly each year by the end of the school year. Nearly as many new students (652) were referred as of January 2014 as had been referred in the entire 2012-13 school year (659)

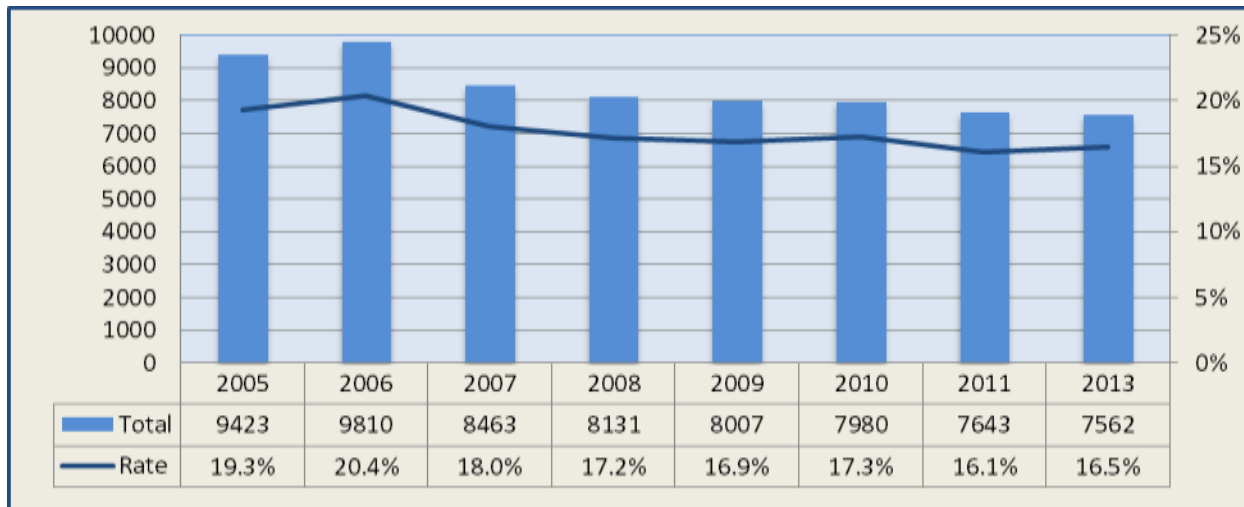
<sup>3</sup> Students with disabilities who have individualized education programs (IEPs) and receive special education services are also referred to as students with IEPs.

<sup>4</sup> Sources: BPS Report to SED - Special Education Snapshot provided by BPS to the Council team.

**School-aged Students with IEPs**

The number of all school-aged students with IEPs served by BPS decreased by 1,861 students between October 2005 (9,423) and 2013 (7,562). During this period, the disability rate ranged from a high of 20.4 percent (2006) to a low of 16.1 percent (2011), increasing slightly to 16.5 percent in 2013. These data include students in BPS, charter, agency, and nonpublic schools.

**Exhibit 1b. Number/Percentage of School-aged Students with IEPS (2005 – 2013)<sup>5</sup>**



**Disability Rate for Students Attending BPS Schools**

The data provided by the district for school-aged students educated in BPS schools in 2013 showed a disability rate of 14.6 percent (5,232 of 35,788 students).<sup>6</sup> The 16.5 percent figure shown in Exhibit 1b contains all students with IEPs who are educated in BPS schools in addition to those residing in Buffalo who attend charter schools and private/parochial schools and whom BPS places in agency schools. Excluding preschool students and students placed by their parents in private/parochial schools, the disability rate is 15.9 percent for BPS/agency schools and 15.4 percent for charter schools.

However, the disability rate for students educated in BPS was significantly different from other data that district personnel submitted to the Council team. The report, *BPS Priority Schools Identification Data*, for instance, reported a disability rate of 18.7 percent (6,290 of 33,605 students).

**BPS Primary Disability Rates Compared to State and Nation**

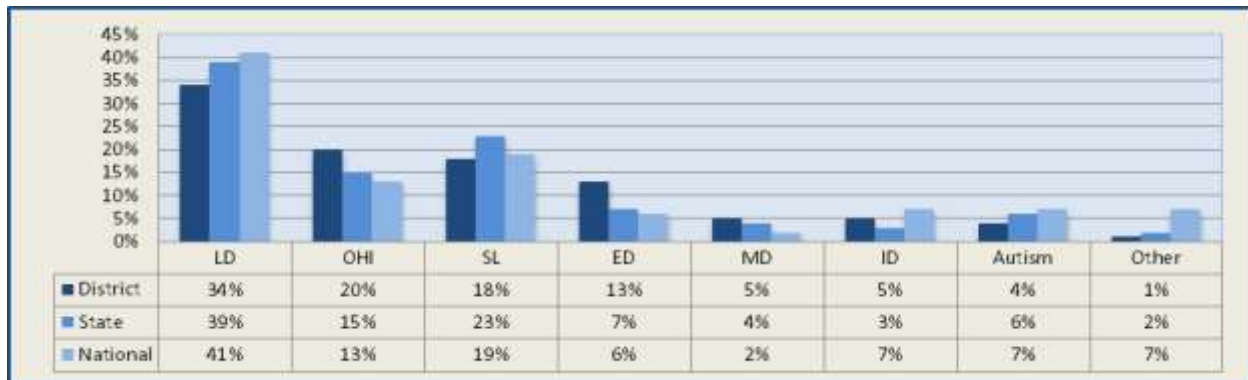
Exhibit 1c shows the percentages of BPS students with IEPs by disability area and compares them to state and national data. These counts include those in BPS regular, charter nonpublic, and agency schools. The following abbreviations are used in the exhibit: learning

<sup>5</sup> NYSED Special Education School District Data Profile for Buffalo City School District, NYSED By Enrollment, Classification Rate and School District School-Age Student Reports at <http://www.p12.nysed.gov/sedcar/goal2data.htm#2011>. Data for 2012 was not available. Data for 2013 provided by BPS: OSA, 2/19/14, Infinite Campus Enrollment of school-age children.

<sup>6</sup> OSA, 2/19/14, Infinite Campus Enrollment of school-age children.

disability (LD), other health impaired (OHI), speech/language (S/L), emotional disturbance (ED), multiple disabilities (MD), and intellectual disability (ID). As one can see, BPS's rates are higher than state and national averages in the following areas: OHI (20 percent, compared to 15 and 13 percent, respectively) and ED (13 percent, compared to 7 and 6 percent, respectively). BPS rates are lower than state and national rates in the areas of LD (34 percent, compared to 39 and 41 percent, respectively), autism (4 percent, compared to 6 and 7 percent, respectively), and other (1 percent, compared to 2 and 7 percent).

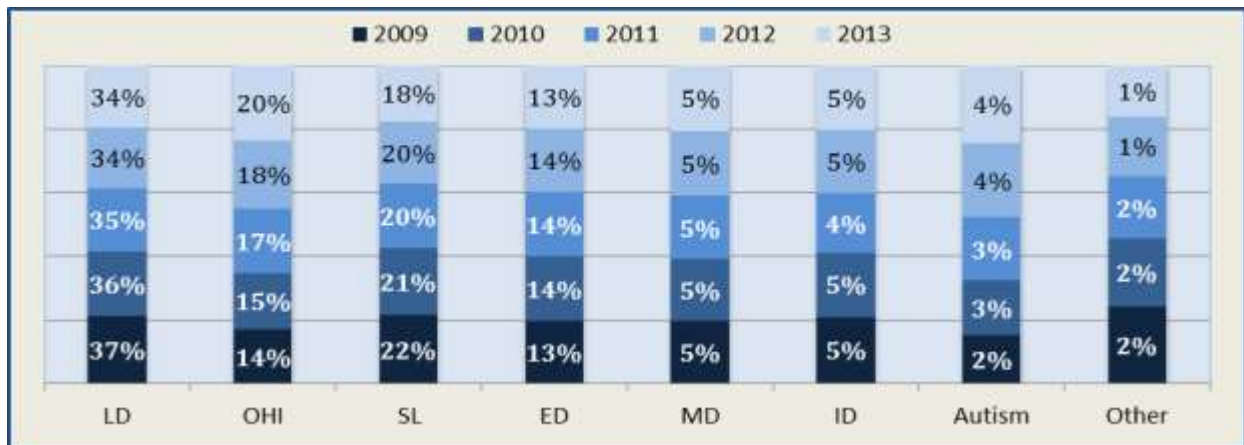
**Exhibit 1c. Rates by Most Common Primary Disability Area for BPS, State and Nation<sup>7</sup>**



**BPS Primary Disability Rates over Time**

Between October 2009 and October 2013, most disability rates among specific disabilities (ED, MD, ID, and other) remained stable, i.e., between 1 and 2 percentage points. The rates increased in the areas of OHI and autism (from 2 percent to 4 percent), and the rates decreased in the areas of LD (from 37 percent to 34 percent), and speech/language (from 22 percent to 18 percent). (See Exhibit 1d.)

**Exhibit 1d. BPS Rates by Most Common Primary Disability Area<sup>8</sup>**



<sup>7</sup> Sources: BPS Report to SED - Special Education Snapshot provided by BPS to the Council team; State Data - NYSED Information and Reporting Services SEDCAR Data Summaries: Number of New York State Children and Youth with Disabilities Receiving Special Education Programs Services at <http://www.p12.nysed.gov/sedcar/state.htm> National Data - and USDE TA and D Network Part B Child count 2011-12 Historical State-Level IDEA Data Files at <http://tadnet.public.tadnet.org/pages/712>

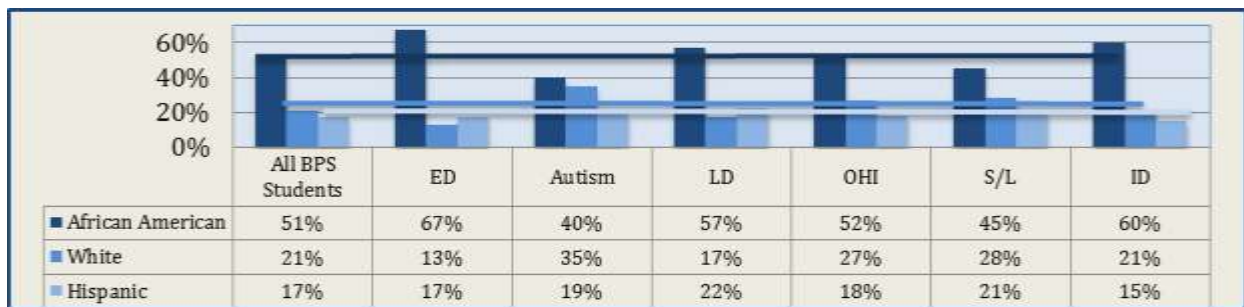
<sup>8</sup> BPS data source same as above.

**Rates by Primary Disability Area and Race/Ethnicity**

Exhibit 1e shows BPS’s three major race/ethnicity groups (African American, Caucasian [white] and Hispanic) and their overall percentages of students enrolled in BPS schools by major disability areas monitored by the U.S. Department of Education and the New York State Education Department (NYSED) under its state performance plan (SPP).

The following disparities are notable: African American students have higher rates in the following disability areas, compared with their 51 percent share of the district’s total student enrollment: ED (67 percent) and ID (60 percent). On the other hand, African American students have a notably lower rate in the area of autism (40 percent). White students—with a 21 percent share of the district’s enrollment—have a higher rate of autism (35 percent). The variances were less disparate among Hispanic students.

**Exhibit 1e. By Race/Ethnicity, Percentage of All BPS Students and Students with IEPs by Disability**

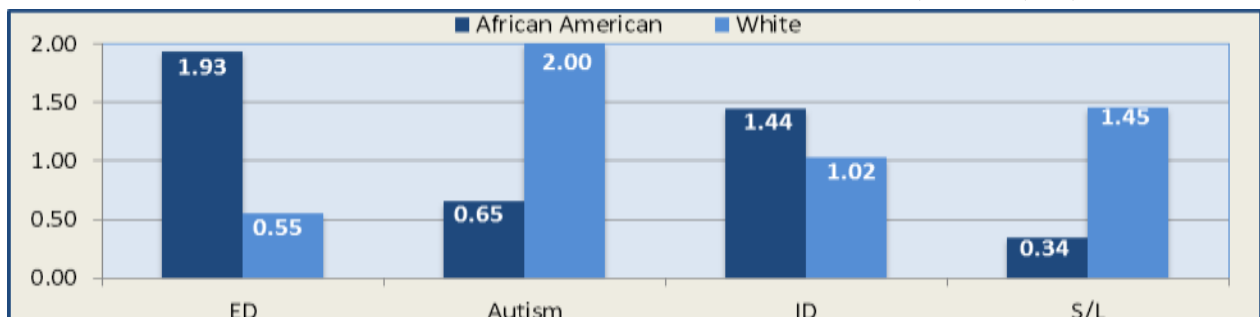


**Selected Risk Ratios**

Along with state requirements involving “n” sizes, NYSED measures disproportionate representation and significant disproportionality in the identification of students with disabilities. A relative risk ratio or weighted-relative risk ratio for any race/ethnic group that is 4.0 or higher, or that is 0.25 or lower is considered disproportionate. Using this NYSED standard, BPS does not have any disparity.

However, other states use risk ratios of 2 or higher or 0.5 or lower to define disproportionality to determine when to trigger a review of district policies, procedures, and practices. Using this more common standard, concerns would be raised over the risk ratios of 1.93 for African American students in the areas of ED and 2.0 for white students in the area of autism. In addition, the low risk ratio of 0.34 among African American students in the area of speech/language would raise concern (see Exhibit 1f).

**Exhibit 1f. Risk Ratios for African American and White Students for ED, Autism, ID, and S/L**



**Students with IEPs by School Level and Accountability Category**

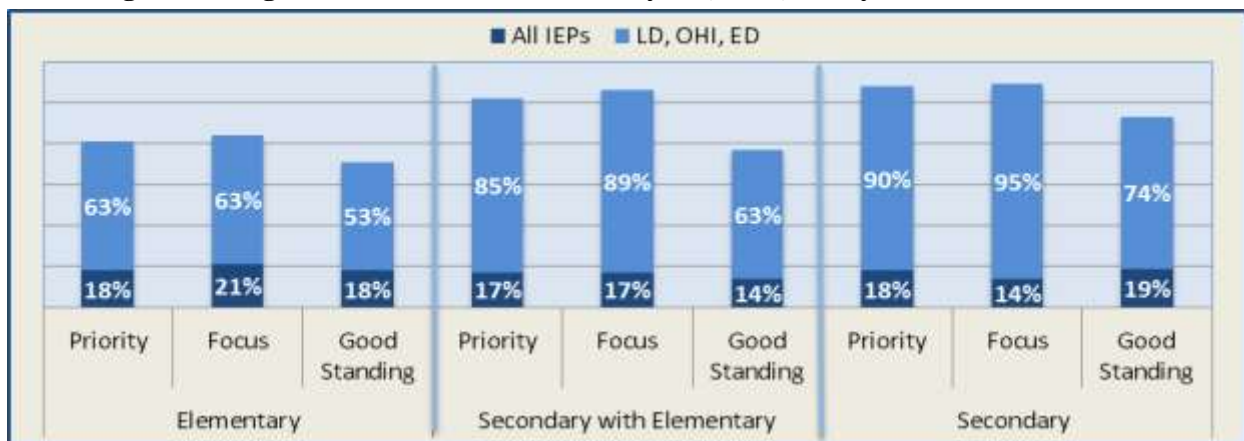
The Council’s team also compared disability rates by grade level and school status for all students with IEPs, and for all students with disabilities in the areas of LD, OHI and ED. These areas were selected because students with these disabilities are most likely to remain in their home school for instruction and most are likely to participate in regular statewide assessments. While students with a primary disability of S/L also participate in regular assessments, they typically require less intensive instructional support.

*Overall Rates by Grade Level*

Exhibit 1g shows overall rates among all students with IEPs and students with LD, OHI and ED by grade span and school status. These data indicate that schools in good standing had LD, OHI, and ED rates that were lower than priority/focus schools, especially at the secondary level and at secondary schools with elementary-grade levels. Overall rates among students with IEPs had no particular pattern by school status.

- **Elementary Schools.** Focus schools had a higher rate of students with IEPs (21 percent) than did priority schools or schools in good standing (18 percent).<sup>9</sup> In the areas of LD, OHI and ED, schools in good standing had a lower rate of students with IEPs (53 percent) than did priority or focus schools (63 percent).<sup>10</sup>
- **Secondary Schools with Elementary Grades.** Both priority and focus schools had higher rates of students with IEPs (17 percent) than did schools in good standing (14 percent). In the areas of LD, OHI and ED, focus schools (89 percent) and priority schools (85 percent) had higher rates than schools in good standing (63 percent).
- **Secondary Schools.** Schools in good standing (19 percent) and priority schools (18 percent) had higher rates of students with IEPs than focus schools (14%). However, in the areas of LD, OHI, and ED, focus schools and priority schools had much higher rates (95 percent and 90 percent respectively) than did schools in good standing (74 percent).

**Exhibit 1g. Percentage of Students with IEPs and by LD, OHI, ED by Grade Level and Status**



<sup>9</sup> School 84, which is in good standing, was not included in this analysis because it enrolls primarily students with IEPs (84 percent) and no students who are LD, OHI, or ED, and its inclusion would skew the elementary school averages.

<sup>10</sup> LD, OHI, and ED rates reflect the percentage of students with these disabilities compared to all students with IEPs.

*LD, OHI, and ED Rates by School, Grade Levels, and Status*

Exhibit 1g above shows overall rates of students with IEPs and students with LD, OHI, and ED by school at each grade span and improvement-status category. These data indicate the considerable variation among schools at all grade levels and at each status category. Exhibits 1h, 1i, and 1j below show additional detail at each grade span.

- **Elementary Schools**

- **Priority Schools.** Overall IEP rates had a range of 14 percentage points (25 to 11 percent). Rates of LD, OHI, and ED had a range of 55 points (83 to 28 percent).
- **Focus Schools.** Overall IEP rates had a range of 10 percentage points (25 to 15 percent). Rates of LD, OHI, and ED had a range of 56 points (76 to 20 percent).
- **Good Standing.** Overall IEP rates had a range of 20 percentage points (31 to 11 percent). Rates of LD, OHI, and ED had a range of 33 points (65 to 32 percent).

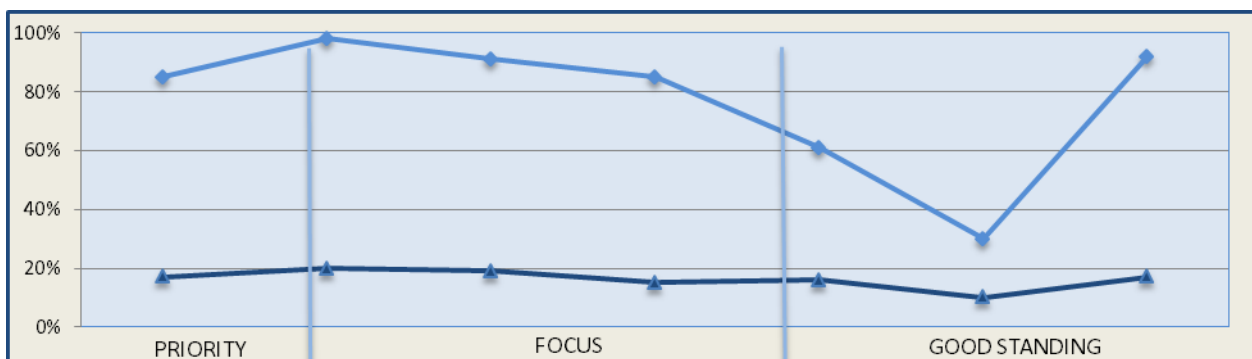
**Exhibit 1h. Elementary Grades**



- **Secondary Schools with Elementary Grades.**

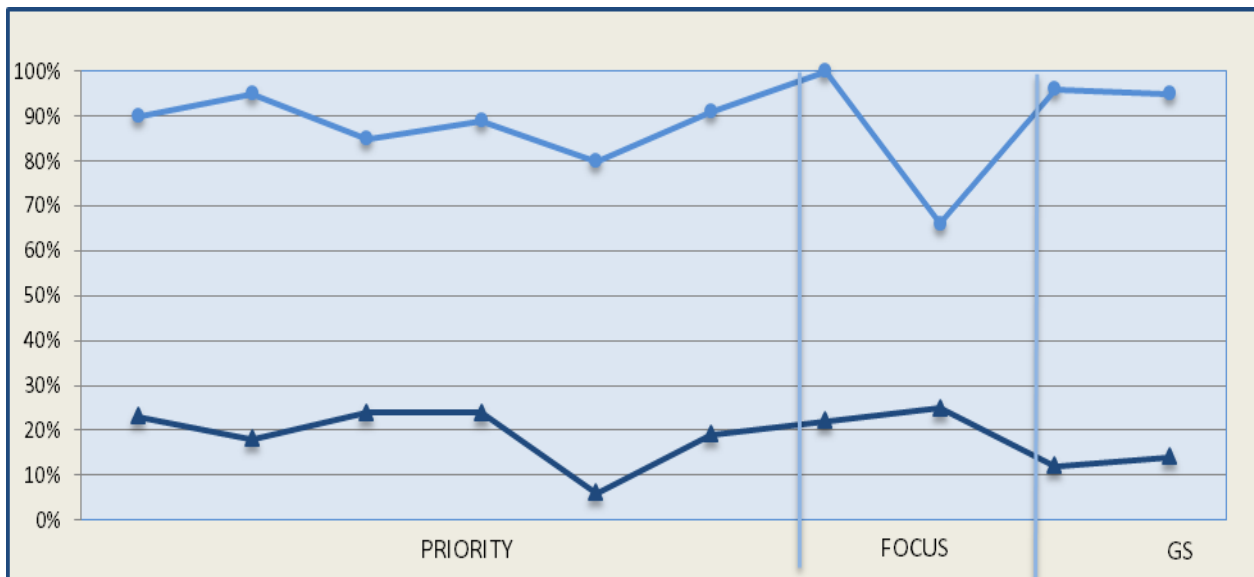
- **Priority School.** The district’s single priority school had an overall IEP rate of 17 percent and an LD, OHI, and ED rate of 85 percent.
- **Focus Schools.** Overall IEP rates had a range of 5 percentage points (20 to 15 percent). Rates of LD, OHI, and ED had a range of 13 points (98 to 85 percent).
- **Good Standing.** Overall IEP rates had a range of 7 percentage points (17 to 10 percent). Rates of LD, OHI, and ED had a range of 62 points (92 to 30 percent).

**Exhibit 1i. Secondary Schools with Elementary Grades**



- **Secondary Schools.** Three of the six priority schools and both focus schools had overall IEP rates ranging from 23 to 25 percent. In LD, OHI, and ED categories, four priority schools had rates between 89 and 95 percent, a focus school had a 100 percent rate; and schools in good standing had rates of 95 and 96 percent.
  - **Priority Schools.** Overall IEP rates had a range of 18 percentage points (6 to 24 percent). Rates of LD, OHI, and ED had a range of 15 points (80 to 95 percent).
  - **Focus Schools.** Overall IEP rates had a range of only 3 percentage points (22 to 25 percent). Rates of LD, OHI, and ED had a range of 34 points (66 to 100 percent).
  - **Good Standing.** Overall IEP rates had a range of only 1 percentage point (96 to 95 percent). Rates of LD, OHI, and ED had a range of 2 points (12 to 14 percent).

Exhibit 1j. Secondary Schools



### English Language Learners with Disabilities

In this subsection, various data are summarized on ELLs with disabilities.

#### Students with Disabilities by ELL/Not ELL

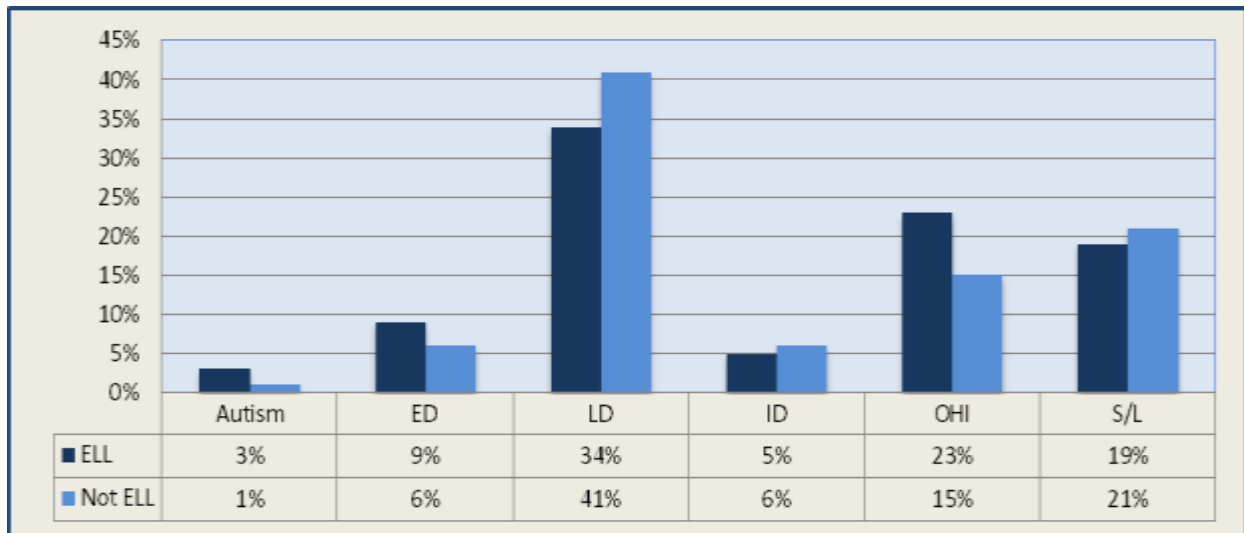
BPS has 4,278 English language learners, accounting for 12.7 percent of the total student population. Some 15.8 percent of the district’s English language learners have IEPs. Exhibit 1k shows the rates of students with one of the six major disabilities disaggregated by ELL and non-ELL status. These data show that the rates for ED, ID, and S/L are comparable across both language groups (ELL and non-ELL).

However, there is more variation in the areas of autism (3 percent ELL, 1 percent non-ELL), ED (9 percent ELL, 6 percent non-ELL), LD (34 percent ELL, 41 percent non-ELL), and OHI (23 percent ELL, 15 percent, non-ELL).<sup>11</sup>

<sup>11</sup> Data for this and the next exhibit were provided by BPS and do not include students in charter and nonpublic schools.



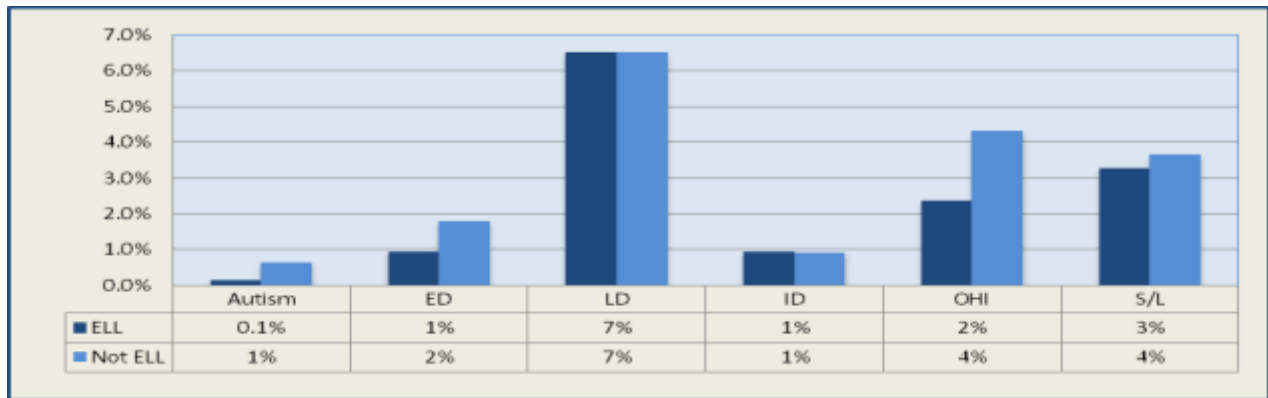
**Exhibit 1k. Percentage of Students with Major Disabilities by ELL/Not ELL Status**



*Percentage of District ELL/Not ELL Students by Disability*

When looking at rates among ELL and non-ELL students with IEPs by their primary disability areas, one can see that the disparities between the two language categories are somewhat different from disability to disability. The rates are comparable in the areas of LD, ID, and S/L but more disparate in the areas of autism, ED, and OHI. (See Exhibit 1l.)

**Exhibit 1l. Percentage of ELL/Not ELL Students by Disability Areas**

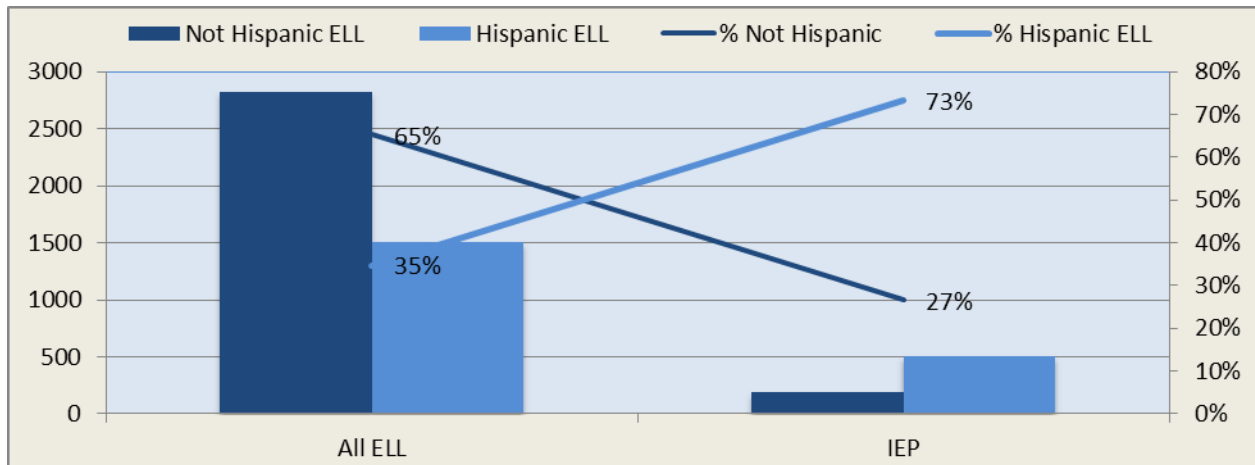


*Comparison of Hispanic/Not Hispanic ELL Students With/Without IEPs*

The disparities become even more marked when comparing ELLs who are Hispanic and those who are not Hispanic. As illustrated in Exhibit 1m, although 35 percent of all ELLs are Hispanic, 73 percent of ELLs with IEPs are Hispanic.

Conversely, 65 percent of ELLs are not Hispanic but only 27 percent of ELLs who have IEPs are not Hispanic. Using a risk ratio metric, Hispanic ELLs are 5.2 times more likely than non-Hispanic ELLs to have an IEP.

**Exhibit 1m. Non-Hispanic/Hispanic ELLs by No IEP and IEP Subcategories**



It is worth noting that the district’s data collection system for initial referrals does not differentiate between students who are initially referred to the CSE without previous special education service from those who are referred with a previous IEP from an out-of-state school district.<sup>12</sup> For example, two schools had 52 Spanish-speaking students entering this school year from Puerto Rico with an IEP. Although there is some thinking in the district that the data could be skewed based on the large number of students transferring from Puerto Rico with an IEP—and possibly other Spanish speaking countries—there is little reason to think that the risk ratio would be skewed.

Focus group participants indicated that there was an ELL checklist that guided the evaluation and eligibility-determination process, but interviewees did not know whether use of the checklist was monitored in any way.

**Referrals for Special Education Evaluations**

One of the Council team’s data requests related to the number of students referred for an initial evaluation, evaluated, and found to have a disability. Additional data were provided on the timeliness of completing initial evaluations, reevaluations and annual reviews. This section summarizes findings from these data.

*Preschool Students*

Data on referrals for new preschool students for special education evaluation show that 654 students have been referred in the current school year, as of January 2014—nearly as many as were referred during the entire 2012-2013 school year (659).

*School-Age Students*

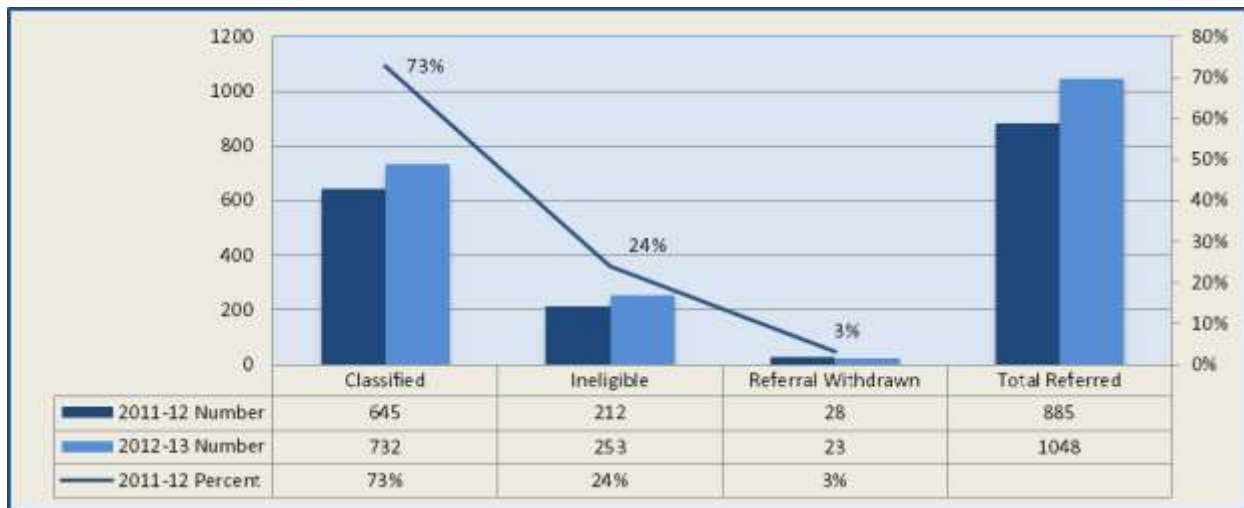
The Council team was informed that many referrals this school year have been initiated by parents who believe their children are frustrated with the new Common Core State Standards and presume their children cannot be successful. There were also concerns that an increasing number of referrals may be related to the new teacher evaluation process.

<sup>12</sup> Personnel are working to include this type of data in the future.

Individuals interviewed also reported that the student support team (SST) process requires a significant amount of time and paperwork in order to support a special education evaluation referral and that there were not sufficient general education interventions available to students who do not qualify for services.

In 2012-13, 1,048 students were referred for a special education evaluation. This number was 163 more students than in the previous school year. At the time these data were shared with the Council team, 40 evaluations from the 2012-13 school year were still pending. Based on evaluations completed in both school years, students were classified at the same rate (73 percent), although a few more students (87) were classified in 2012-13 than in the prior school year. About the same numbers of referrals were withdrawn in both years (28 in 2011-12 and 23 in 2012-13). (See Exhibit 1n.) Of the students referred for a special education evaluation, the percentage of students classified is about the same as in many other school districts reviewed by members of the Council team.

**Exhibit 1n. Number of Students Referred for Special Education Evaluations and Numbers Eligible**

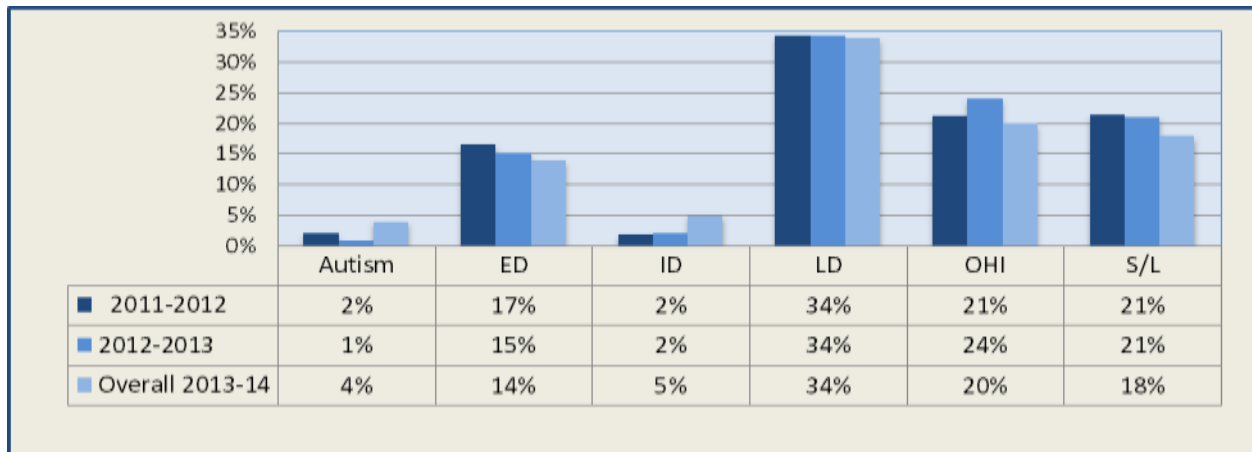


***Comparison of School-Aged Students with IEPs by Initial Eligibility Rates and by Overall Disability Rates***

The 2012-13 rates of students with IEPs by primary disability area are comparable to the rates of students initially found eligible in the prior school year in the areas of ID, LD, and S/L (see Exhibit 1o). The rates decreased for autism between 2011-12 and 2012-13 (2 percent to 1 percent), and ED (17 percent to 15 percent), but increased for OHI (21 percent to 24 percent).

The 2012-13 rates were similar to the district’s overall rates in the areas of LD but were higher in ED and OHI. The higher S/L rate may be due to the evaluation of young children who were predominantly classified in this area. Lower classification rates were found in the areas of ID and autism, which with a 4 percent rate, was lower than the state and national rates of 6 and 7 percent, respectively.

Exhibit 1o. Percentage of Students Classified by Major Disability Areas and Overall 2013-14 Rates



### Timely Initial Evaluations, Reevaluations, and Annual Reviews

District personnel provided the following information about the timeliness of initial evaluations, reevaluations, and annual reviews for preschool and school-aged evaluations.

#### Preschool Initial Evaluations

Between July 1, 2013 and February 24, 2014, BPS received 497 consents for preschool special education referrals.<sup>13</sup> Of these referrals, about half (54 percent) of the children have had meetings to review their evaluation results. Data were not provided to report their timely completion. Of the remaining children (229), 111 (48 percent) of the evaluations were not late at the time the data were submitted to the Council team.

According to district personnel, about 65 to 75 percent of late cases were because parents' evaluators of choice completed the evaluations late or without sufficient time to schedule a timely meeting.<sup>14</sup> BPS's staff members believed that these evaluations might be late because parents did not make their children available in a timely manner. It was reported that "[t]he remaining 25 to 35 percent are late because of [the] sheer volume this time of year."

#### School-aged Evaluations

For the 2013-14 school year, the district provided data showing the number of evaluations (initial and reevaluations) and annual reviews that were overdue as of January 22. District personnel had to investigate reasons for these delays because the data showing the reasons why they were overdue were not readily available or presumed to be correct.

- **Initial Evaluations.** Some 65 initial evaluation meetings were not completed in a timely manner. Of these meetings, 33 were for monolingual students and they were completed within one or two weeks of their due dates. Of the 32 remaining students, meetings for seven bilingual students have been completed and those for one monolingual and 24 bilingual students remain. Reasons for delays, including snow days, were provided for six students.

<sup>13</sup> An additional six consents for evaluations were withdrawn after they were submitted.

<sup>14</sup> Under New York State regulations, preschool children are evaluated by private agencies chosen by parents.

- **Reevaluations.** Of the reported 156 untimely reevaluations, BPS personnel found ultimately that 23 were timely. The 133 late reevaluations were completed by 34 district schools and by BPS personnel on behalf of agencies, charter schools, and nonpublic placements. Most schools had one or two reevaluations that were late, while 25 BPS schools completed all reevaluations in a timely manner. BPS personnel are investigating why 94 of the late reevaluations were not completed as of February 19. According to district representatives, most noncompliance is related to bilingual assessments.
- **Annual Reviews.** Of 49 untimely meetings, 13 were not completed and 21 (most for nonpublic placements) were not yet completed when this report was prepared. Three of these meetings were delayed because of snow days and one was postponed due to a parent’s request. An additional 15 students transferred to BPS from other districts, including many from other states and Puerto Rico, which were already out of compliance. Pursuant to state rules, students from out-of-state are treated as initial evaluations.

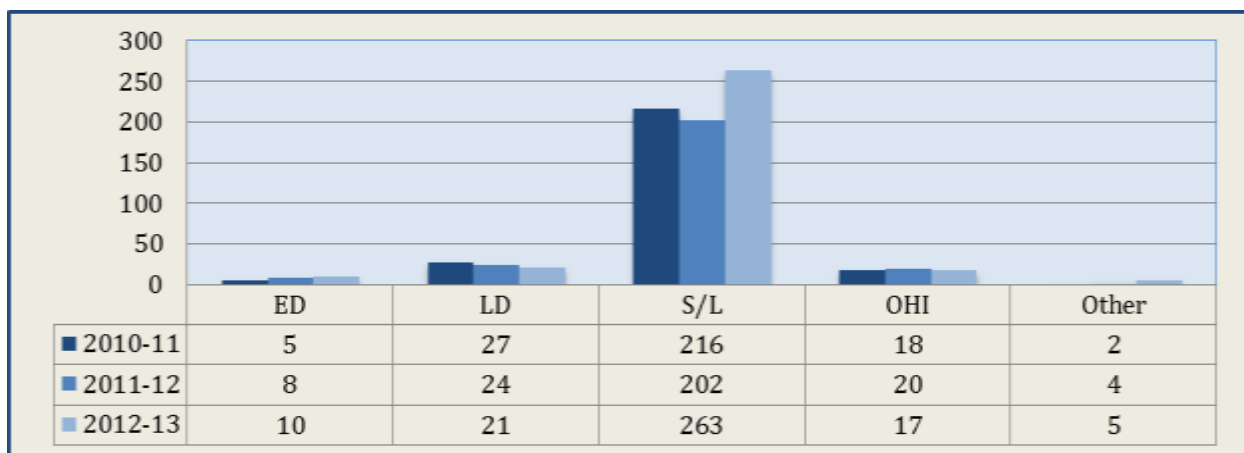
**English Language Learners**

Concerns were also expressed about the timeliness of special education evaluations for ELLs, since there were only three bilingual psychologists who could handle evaluation backlogs for these students.

**Students Exiting from Special Education**

Between 2010-11 and 2012-13, the number of students declassified from special education in order to receive only general education services (including those for whom parents revoked consent) increased from 268 to 316. Typically, the largest increase involved students with a primary disability of speech/language—increasing from 202 (2011-12) to 263 (2012-13). The number of students exiting with other primary disabilities remained fairly constant over the period. (See Exhibit 1p.)

**Exhibit 1p. Number of Students Exiting from Special Education by Disability Area**



**Distinguished Educator Directions**

The November 2013 “Action Plan Status Update” contained comments submitted by Distinguished Educators that showed specific deliverables in the review and analysis of students receiving special education services and special education referrals, and exiting priority schools

(Item 7.1). The district reported that it was developing a new monitoring strategy for the SST process similar to a learning walk, and it will provide specific “look-fors and feedback.” It was not clear to the Council team how a monitoring strategy like a learning walk would be useful without accompanying data and analysis, including rates of progress among students receiving differing kinds of interventions.

### AREAS OF STRENGTH

Areas of strengths in BPS’s program related to student classification for special education services are summarized below.

- ***CSE Process Decentralized.*** Several years ago, the committees on special education (CSE) process was decentralized and is managed by each school.
- ***Special Education Number/Rates.*** Based on one set of data, the number and percentage of students classified as having a disability decreased between 2005 and 2013.
- ***Racial/Ethnic Disparities.*** The New York State’s special education department found no disparity in BPS’s special education rates for students by race/ethnicity, nor did it find that the district used inappropriate policies, procedures, or practices.
- ***Classified Rates.*** Of students referred for a special education evaluation, the percentage classified approximates those seen in many other school districts reviewed by the members of the Council team.

### OPPORTUNITIES FOR IMPROVEMENT

Major opportunities for improvement in BPS’s special education program in this area are summarized below. Additional opportunities are provided in the next section related to General Education Interventions and Support.

- ***Special Education Number/Rates.*** Although the number and percentage of students classified as having a disability have decreased, they are projected by staff to increase this year. The rates increased in the areas of OHI and autism, and decreased in the areas of LD and speech/language. The district’s rates are higher than state and national rates in the areas of OHI and ED, but lower in the areas of LD and autism.
- ***BPS School Disability Rate.*** Two data reports showed significantly different rates of school-aged students with IEPs enrolled in BPS schools: 16.5 percent (Infinite Campus report) versus 18.7 percent (BPS Priority Schools Identification Data report). The finding suggests that data are not uniformly coordinated, collected, or reported.
- ***Racial/Ethnic Disparities.*** African American students are 1.93 times more likely than other racial/ethnic groups to be classified with ED, and white students are twice as likely to be classified as having autism. African American students are only 0.34 times as likely as other students to be classified with a speech/language impairment and are underrepresented in this area.
- ***ELLs.*** Overall, 15.8 percent of all ELLs have IEPs. ELLs account for 12.7 percent of all BPS students. Using a risk ratio metric, Hispanic ELLs are 5.2 times more likely than non-Hispanic ELLs to have an IEP. While there appears to be an ELL checklist to guide the evaluation and eligibility-determination process, its use is not monitored in any obvious

manner. There are clear needs for additional training to differentiate a student's disability issues from his or her English language acquisition issues. In addition, there are clear needs for additional bilingual psychologists and CSE chairpersons to address the growing population of ELLs, and there are needs for additional language-relevant translators to work with students and parents.

- **Referrals.** In 2012-13, 1,048 students were referred for special education evaluations, an increase of 163 more students over 2011-12. Staff perceived that the growth was related to implementation of the more rigorous Common Core State Standards and the new teacher evaluation process. BPS staff also believed that the higher rates were being driven by increasing numbers of students with IEPs returning to BPS from charter schools, but staff members were unable to produce any data to support this perception. In addition, the increase in the number of referrals is especially significant for preschoolers. By January 2014, 654 had been classified as having a disability—almost as many as the 659 that had been identified in the entire 2013-14 school year. Finally, a particular challenge involves the number of evaluations completed in a timely manner. However, NYSED regulations require that these evaluations be given by outside providers chosen by parents, so much of this process is out of the district's control.
- **Evaluations/Annual Review Timeliness.** BPS does not appear to have on-time access to data showing the status and timeliness rates of students being evaluated or ready for annual reviews, including data on the reasons for delays or recalculating school-calendar days when schools are closed for snow days. When these data are not readily available, it is more difficult to administer and oversee assessments and meetings for their timeliness, or to analyze patterns that might raise other concerns.
- **Addressing Referrals.** The Distinguished Educator's November 2013 "Action Plan Status Update" presents specific deliverables for the review and analysis of the percentage of students receiving special education services and special education referrals, and their exit rates in priority schools. The district reported that it was developing a new monitoring strategy for the SST process similar to a learning walk, and it will provide specific "look-fors and feedback." It is not self-evident how such a monitoring strategy, without data on student progress using differing interventions, could support appropriate referrals for special education evaluations.

## RECOMMENDATIONS

### *1. Improve consistency, appropriateness, and timeliness of eligibility determinations across the district and ensure that staff members are held accountable for doing so.*

- CSE and SST Chairperson Roles.** Establish specific procedures that separate the CSE and SST processes and delineate separate chairpersons for each, along with standards for each role and responsibility. For each role, develop a staff allocation formula that takes into account the time required for the chairperson function. To the extent fiscally feasible, either reduce caseloads or provide stipends to ensure that each chairperson has the time available for this purpose and for other responsibilities. For the SST chairperson's formula, consider responsibilities based on the number of students without disabilities who do not meet state standards.<sup>15</sup> Also, evaluate/analyze where the assignment of staff

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<sup>15</sup> This formula should replace the SST allocation provided to the Council's team that based allocation on students with disabilities.

members, particularly school psychologists, is necessary at each school to manage the SST process, and whether there are any options for reducing staff. (More information about the SST/CSE process is provided in the following section: II. General Education Intervention and Supports.)

- b. *Standards and Documentation.*** Develop clear and user-friendly standards for the review of referrals for special education evaluations, clear criteria for determining qualification for services, and worksheets for documenting evaluation results and facilitating the application of criteria.
- c. *English Language Learners.*** Ensure that the standards, criteria, and worksheets designed to meet Recommendation 1b are appropriate for ELLs and take into account various national origins and cultures. Have special education and multilingual education personnel collaborate on this activity. Involve other department personnel as necessary to review current translation services for children and their parents to identify gaps and determine follow-up action.
- d. *Early Childhood.*** The significant increase in early childhood referrals this year has significant implications for the future. With a collaborative group of knowledgeable BPS/community individuals, determine the reasons for the increase, and determine follow-up steps to ensure a thorough screening process, appropriate eligibility decisions, and any need to increase BPS services. With the Council of New York Special Education Administrators (CNYSEA) or other colleagues, determine the efficacy of the current system for evaluating preschool children, and establish whether the more common national approach of district-provided assessments and placements—with appropriate state funding—might be preferable.
- e. *Data Analysis.*** Review data currently available to the district and revise them as necessary in order to track referral and qualification rates by disability and to identify any patterns of concern, e.g., disparate rates for referrals, qualifications by disability areas, and related services (by race/ethnicity, grades, schools). Ensure that data collection includes dates for determining timeliness, and to allow instructional days to be modified when schools are closed for snow days.
- f. *Disparity Measures.*** Develop metrics, indicators, and standards for determining eligibility disparities, especially when small numbers are involved. Collaborate with BPS personnel knowledgeable on research and statistics or discuss with Council staff.
- g. *Data Reports.*** With a collaborative group of central office and school-based staff, identify the reports needed to identify patterns referenced in Recommendation 1e and to determine timely initial evaluations, reevaluations, and annual reviews—and begin implementing them.
- h. *Monitoring.*** Monitor CSE practices against the standards/expectations developed. Use a monitoring process that engages school-based staff members so that they are aware of the issues/problems identified and have a better understanding of the need for follow-up action.
- i. *Differentiated Training.*** Provide *mandatory* differentiated professional development to all SST and CSE staff members and principals on the standards/expectations, data reporting, monitoring process, new CSE/SST processes, and chairperson roles and responsibilities.



- j. Accountability.* Establish an accountability process, including personnel evaluations and monitoring, for implementing the standards/expectations and procedures/practices described above. Implement the process after appropriate training and support are provided.

## II. General Education Intervention and Supports

Under NYSED regulations, written referrals for special education evaluations are to include a description of “intervention services, programs or instructional methodologies used to remediate the student's performance prior to referral...or state the reasons why no such attempts were made.”<sup>16</sup> Consistent with this requirement, the district’s Board of Education in 2002 established policy 7617, which requires BPS to “establish a plan for implementing schoolwide approaches and pre-referral interventions in order to remediate a student's performance *prior to referral* for special education.” BPS has adopted a response to intervention (RtI) and positive behavior intervention and supports (PBIS) approach to providing interventions within the general education setting that will furnish proactive “strategies to meet the broad range of student needs and to improve student performance.”<sup>17</sup>

### Overview of the District’s RTI and PBIS Frameworks

According to a PowerPoint document on the district’s RtI webpage, RtI “is a system used to screen, assess, identify, plan for, and provide interventions to students at risk of school failure.”<sup>18</sup> The webpage further explains that the effective implementation of RtI is consistent with the implementation of Common Core State Standards and provides students with scaffolding and supports to better access a rigorous curriculum. The implementation of a comprehensive RtI process is intended to contribute to:

- More meaningful identification of learning and behavioral problems,
- Improved instructional quality,
- Providing the best opportunity for all students to succeed in school, and
- Identifying learning disabilities and other disabilities.<sup>19</sup>

The district has been implementing PBIS since the 2005-06 school year in cooperation with Erie 1 BOCES and an outside consultant. The district’s PBIS webpage presents program goals to:

- Increase data-based decision-making on behavior and academic instruction and reinforce across all school settings,
- Increase consistent use and effect of research-based behavioral and academic instructional strategies among all school staff at schoolwide, classroom, and individual student levels,
- Reduce use of reactive discipline measures in schools (e.g., office discipline referrals, detentions, suspensions, expulsions) for all students,
- Increase academic achievement levels of all students,
- Implement effective intervention plans for students with the most comprehensive behavioral and emotional needs in order to support and evaluate their success across home, school, and community settings,

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<sup>16</sup> Part 200.4(a)(2)(iii)(b)

<sup>17</sup> Policy 7617 at <http://www.buffaloschools.org/district.cfm?subpage=98465>

<sup>18</sup> <http://www.buffaloschools.org/curriculum.cfm?subpage=84358>

<sup>19</sup> National Center on Response to Intervention, <http://www.rti4success.org/whatisrti>

- Increase capacity of general education settings to successfully educate students with disabilities and prevent academic and/or social failures of all students,
- Increase capacity of schools and districts to address over- and under-representation of students by ethnicity relative to discipline, disability status, and academic achievement with access to data on these outcomes, and
- Improve attendance by establishing a culture of attendance, acknowledging outstanding attendance and supporting students at-risk for chronic absenteeism.<sup>20</sup>

According to the webpage, BPS has developed PBIS systems (e.g., processes, routines, working structures, and administrative supports) to ensure attainment of valued outcomes, research-validated practices, and data-based decision making. The webpage also provides various resources describing the three tiers of increasingly intensive interventions and support, along with training materials.

### Leadership and Support Structure

A director of special education and a representative of the curriculum, assessment, and instruction unit have co-chaired the district's RtI team. The team includes representatives of all content curricular areas and multilingual education.

### *Student Support Teams*

Student support teams (SST) implement the RtI and PBIS processes with a team that includes a social worker, a psychologist, a counselor, and a clerk. Currently, the SST carries out the functions of the CSE process. According to a November 22, 2013 memorandum from the CSE special education director to principals, the priorities of the SST are to:

- Maintain CSE compliance, including initial referrals, reevaluations, amendments and manifestation-determinations along with related time lines for each process.
- Serve as an intervention team that provides students with crisis intervention, guidance conferences, and **behavioral supports at the secondary and tertiary level.**

There was concern that this function—with one chairperson for both processes—sometimes emphasizes the CSE process and reduces access to SST meetings that would provide supports to teachers and students on academic and behavior interventions and problem solving. According to the Distinguished Educator's November 22, 2013 "Action Plan Status Update," the district's "[n]ot having fully operational SSTs in every building for the purpose of intervention and support may be lending itself to higher referrals to special education simply due to lack of a problem-solving forum."<sup>21</sup> In addition, the 2012 Cross and Joftus Systems Review report stated, "Student support team staff described their responsibilities as staffing school-based committees on special education (CSE)."<sup>22</sup> And during focus group meetings held by the Council team, it was reported that SST referrals usually result in referrals for a special education evaluation. Reportedly, plans are in place to separate the SST and CSE chairperson functions, with psychologists chairing the SSTs, which are anticipated to become multi-tiered system support teams.

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<sup>20</sup> <http://www.buffaloschools.org/EducationalServices.cfm?subpage=57659>

<sup>21</sup> Page 33.

<sup>22</sup> Page 44.

### *Instructional Coaches*

BPS has redesigned the literacy and math coach positions into a single new instructional coach position. Every school has at least one coach, and several coaches are also assigned from the central office. Their involvement is intended to support access to and use of data to guide instruction. Coaches who served in the prior positions were required to reapply for the newly defined positions.

In addition, under the direction of the chiefs of school leadership, new data coaches are responsible for activities that include the following:

- Assisting classroom teachers with the review of formative, summative, and state assessment data.
- Consulting/mentoring classroom teachers to utilize data to inform instructional decisions.
- Assisting with data team planning and working with a research aide to organize, implement, and oversee data required for assigned schools.
- Participating in and providing professional development opportunities for teachers and administrators in the use of data in the classroom.
- Providing annual, monthly, or weekly reports for teachers and grade-level/common planning time meetings.

Under the district's agreement with the union, coaches are unable to work with teachers unless invited by teachers into their classes—a major concern.

Also, there was a perception among staff that coaches may not be adding much value to general/special educators who are co-teaching or to teachers in self-contained classes.

### **Use of Data for Screening, Monitoring Progress, and Problem Solving**

The information in this section, which is relevant to data use for universal screening, student progress monitoring, and problem solving, was either provided by district personnel or found on the district's website.

#### *Universal Screening and Progress Monitoring*

The following tools are being used for universal screening and progress monitoring, according to those interviewed:

- **C.I.R.C.L.E.** The Center for Improving the Readiness of Children for Learning and Education (C.I.R.C.L.E.) progress-monitoring tool is used three times each year to measure early literacy skills for pre-kindergarteners.
- **DIBELS.** Dynamic Indicators of Basic Early Literacy Skills Next (DIBELS) is used for students in kindergarten through sixth grade to assess letter-naming fluency, phoneme-segmentation fluency, initial-sound fluency, nonsense-word fluency, and oral-reading fluency to help monitor students' acquisition of early literacy skills.<sup>23</sup>

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<sup>23</sup> <http://www.buffaloschools.org/EnglishDept.cfm?subpage=47262>.

- **IDEL.** Indicadores Dinámicos del Éxito en la Lectura (IDEL) is used. It is similar to DIBELS but takes into account the structure of the Spanish language for students in kindergarten through third grade.
- **mCLASS Math.** The mCLASS Math includes screening and progress-monitoring measures for students in kindergarten through third grades. According to the district’s website, the process is not mandated but is “highly recommended.”<sup>24</sup>

Focus group participants reported that all schools conduct their progress-monitoring of student performance differently, and that some schools use the above tools in addition to end-of-unit tests. Common formative assessments (CFAs) are being written through the district’s “Illuminate” system for end-of-quarter benchmarking. Interviewees expressed concerns that there was not a common understanding of the use and purpose of the CFAs, e.g., informing instruction, use for accountability, etc.

In the area of behavior, it was reported that SSTs complete tier-2 forms to document how many students are in the tier and are responding to interventions. There were concerns that the district has not taken steps to ensure that data are collected in a systemic manner for progress monitoring or electronically to facilitate analysis.

These reports were similar to findings from the Cross and Joftus Systems Review, which found “[s]creening, evaluation, and progress monitoring tools are not used consistently and are sometimes unavailable to educators working with ELLs.”<sup>25</sup>

### *Problem Solving*

The problem-solving process is used to (1) analyze student difficulties, (2) develop plans for interventions and monitoring progress, (3) evaluate student responses to instruction/intervention, and (4) modify instructional/intervention approaches as needed. The application of a data-based problem solving and decision-making cycle in and across all three tiers of instruction is considered to be a critical component of this problem-solving process and is integral to the success of RtI.<sup>26</sup>

Neither the district’s website or district representatives nor the focus group participants provided any evidence that a regular, defined problem-solving system was being used as part of the RtI process to address students’ academic challenges. The district’s website on PBIS includes information about problem solving to address behavioral issues. But the only written information about problem solving was in the district’s CSE Guide, which included a section on the multidisciplinary team/problem-solving team. However, the document does not describe the problem-solving process in any detail, and few people interviewed could describe how it was being used.<sup>27</sup>

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<sup>24</sup> <http://www.buffaloschools.org/MathDept.cfm?subpage=50098>.

<sup>25</sup> Page 5.

<sup>26</sup> “Common Core State Standards and Diverse Urban Students: Using Multi-Tiered Systems of Support,” the Council of the Great City Schools at [www.cgcs.org/domain/87](http://www.cgcs.org/domain/87).

<sup>27</sup> Ibid. at pages 11 and 12.

### *Data Dashboard*

BPS has a new data dashboard system with a variety of data, including information relevant to students receiving special education services. The district has put a priority on providing professional development on data-based decision making and using data to inform instruction. Turnkey training, along with instructional videos, are being provided to district staff to support the use of data-driven inquiry, a strategy that has been reinforced through ongoing discussions with principals. Reportedly, these discussions include some references to special education, and district staff indicated that there was a desire for these discussions to be more structured and focused.

### **Academic/Behavior Instruction and Interventions**

The district has webpages that address RtI for both academics<sup>28</sup> and positive behavior.<sup>29</sup> The webpage for positive behavior is more fully developed than is the webpage for academics. According to the Cross and Joftus report, “Positive Behavioral Interventions and Supports model has been introduced across the district with some success, but many more academic and behavioral interventions are needed.”<sup>30</sup> Focus group participants reinforced this finding and added that, although academic and behavioral interventions are generally available for students in kindergarten through sixth grade, teachers struggle to find interventions at the middle and high school levels. Overall, staff members were concerned that the district has not ensured that students in every school have access to a menu of evidence-based interventions for various academic and behavior needs at increasing levels of intensity or that the district has a comprehensive list of all interventions being used in every school.

### *Academics*

The following information emerged from focus group discussions and is related to academic instruction and interventions.

- ***Core Curriculum and Differentiation.*** The district uses the Journeys ELA curriculum for all elementary schools and another program for Spanish-speaking students who are English learner. There is no common set of math books used throughout the district. Reportedly, teachers struggle to differentiate instruction in general education classes for diverse learners.
- ***Interventions and Special Education Referrals.*** Generally, students are supposed to receive about three months of general education interventions, which are intended to be monitored by SSTs, before they are referred to a special education evaluation. There were concerns, however, that such interventions are sometimes not initiated until after a referral is initiated.
- ***Types of Interventions and Progress Monitoring.*** The use of an ELA block is designed to accommodate interventions, which the district has organized into an “XYZ Literacy pathway” for first through sixth grades. The pathway identifies students requiring various levels of support. Specific interventions used include Corrective Reading, Reading Mastery, and Fountas and Pinnell. There were concerns, however, that increasingly intensive interventions are not implemented with fidelity. Further, none of these interventions include

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<sup>28</sup> <http://www.buffaloschools.org/curriculum.cfm?subpage=84358>

<sup>29</sup> <http://www.buffaloschools.org/EducationalServices.cfm?subpage=57659>

<sup>30</sup> Page 5.

the use of a multi-sensory approach to reading. Reportedly, teachers rely on math teachers to suggest interventions for students. At the high school level, there are more resources to support ELA than math. The district does not have a comprehensive list of all interventions used by schools. Further, there is no evidence that student progress is monitored in a way that would help assess the fidelity of implementation. Finally, the Council team saw no evidence that these interventions were being implemented in a way that would further instruction under the new Common Core State Standards.

- **Consistency of Use.** Reportedly, teachers do not have sufficient access to instructional interventions for students who are not progressing as expected.
  - Various staff members interviewed reported that there was a significant need for interventions that were more intense and frequent.
  - Although training has been provided, interventions were not being implemented consistently across the district for students with and without IEPs. Reportedly, this inconsistency was related to the state’s encouragement and the district’s intent that schools be given some degree of autonomy.

### ***Behavior Interventions and Support***

According to the district’s PBIS webpage, BPS has been implementing the research-based positive behavior interventions and support since the 2005-2006 school year. This framework has been implemented in cooperation with Erie 1 BOCES and a consultant. The webpage indicates that systems have been developed for such areas as processes, routines, working structures, and administrative supports needed to consider outcomes, research-validated practices, and data-based decision making.

For the 2013-14 school year, the district developed a new code of conduct based on the PBIS framework and incorporated restorative justice principles as well.<sup>31</sup> The code, “Developing Safe and Supportive Schools, Standards for Community-wide Conduct and Intervention Supports,” along with the district’s webpage, describe the district’s RtI Behavior Model as having the following components.

- **Tier 1 Universal Interventions.** Universal Systems include schoolwide programs that foster proactive safe, healthy, and supportive learning environments and promote social and emotional learning along with developing a connection among school, home and community. A school-based team “drives the implementation of RtI Behavior for the school building.” The team is composed of a building administrator, behavior specialists (counselor, social worker, and psychologist), a special educator, general education teachers from various grade levels, support staff, and nondistrict individuals (parent representative, community representative, and student representative in upper grades). High school teams receive training from nationally recognized consultants.
- **Tier 2 Secondary Interventions.** These interventions use a comprehensive developmental approach focusing on skills development, increasing protective conditions for students and families, and preventing risk factors or early on-set problems from progressing. The interventions include check-in and check-out (CICO), social/academic instructional groups, individualized CICO, groups and mentoring along with brief functional-behavior assessments (FBA) and behavior-intervention plans (BIP). These interventions are supported by

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<sup>31</sup> <http://www.buffaloschools.org/files/57596/Official%20Code%20of%20Conduct%207.1.13.pdf>

secondary-systems teams that employ data on student responses to interventions and create additional strategies as needed.

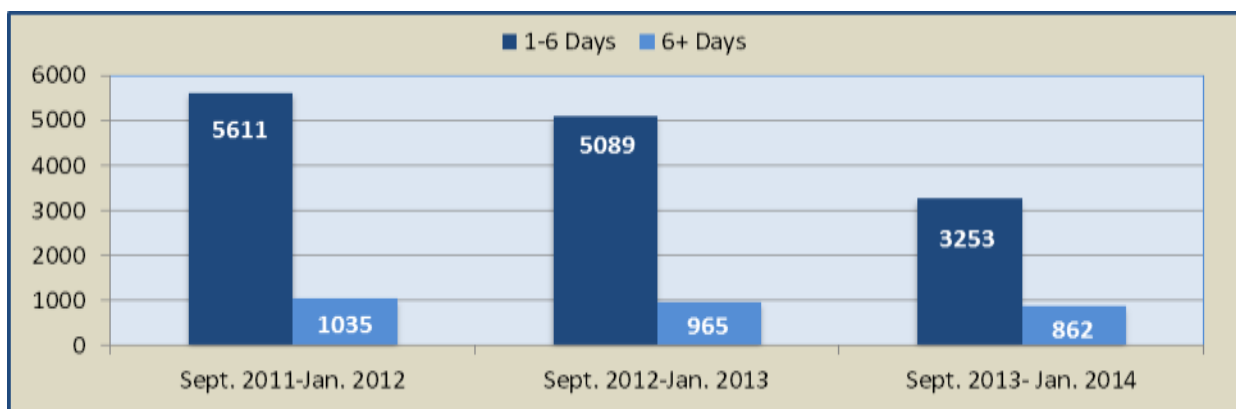
- **Tier 3 Tertiary Interventions.** These supports are designed for individual students who are identified as having severe, chronic, or pervasive concerns. The interventions include complex FBA/BIPs and wraparound services. According to focus group participants, there has been some use of Say Yes to Education community supports as part of the district’s tier 3 supports. In addition, several full-service health clinics are in schools that provide additional support.
- **Student Support Team.** SSTs work with principals, teachers, nurses, mental-health clinicians and external agency representatives to address student behavioral needs. According to focus-group participants, the SST manages the first two tiers of intervention.

Focus group participants reported that PBIS is not implemented fully with fidelity at every school. Training for PBIS does not take into account staff mobility, and there are individuals who have attended numerous training sessions and have received the same information repeatedly. Training is not customized to meet the needs or skills of school personnel, and there is no opportunity for training on social/emotional issues, e.g., support for grief counseling, traumatic stress, etc.

**Suspension Data**

Data provided by BPS indicated that the numbers of students suspended for six days or less and for more than six days decreased significantly during the period that started with the beginning of the school year through the end of January from 2011-12, 2012-13, to 2013-14 (see Exhibit 2a) In the following section, Teaching and Learning, suspension rates for students with and without disabilities are presented.

**Exhibit 2a. Numbers of Students Suspended for 1-6 Days and More than 6 Days over Time**



Although the district’s initiatives have been effective at reducing suspensions overall, focus group participants reported that implementation is problematic at schools without strong principal leadership to encourage and reinforce teacher support. Reportedly, some students are “constructively suspended” (but not formally suspended) when their parents are told that their children cannot return to school until a parent attends a school conference.



### *English Language Learners*

Focus group participants expressed the following concerns about the use of interventions with ELLs and their referrals for special education.

- ***Access to Evidence-Based Interventions.*** There are insufficient interventions available for ELLs at various levels of intensity, and sometimes English as a Second Language (ESL) is considered incorrectly to be an intervention.
- ***Process and Training.*** Interviewees were unaware of any consistent SST process for determining whether a student's lack of achievement was related to language acquisition, access to appropriate interventions, or the presence of a disability. SSTs and CSEs have not received adequate training to address these issues.

### **Multi-tiered System of Supports**

According to BPS staff, a district team is developing a framework of multi-tiered systems of supports (MTSS) with the assistance of an outside consultant, who has been supporting the district's PBIS efforts. The following information was reported to the Council team.

- ***District MTSS Team.*** The district's MTSS leadership team includes individuals knowledgeable about academics and the support of positive behavior. The team meets regularly to integrate academic and behavior processes.
- ***Framework and Implementation.*** The MTSS team is approaching the work as a general education process and a mechanism for ensuring that referrals for special education evaluations are appropriate. The team is working on an implementation plan, addressing professional development, articulating how many schools will roll out the plan, and receiving feedback from chiefs who have not been involved in the development of the MTSS framework.
- ***Execution.*** It is anticipated that implementation will begin at the beginning of the 2014-15 school year and that professional development will be provided to build staff capacity. The goal is that, during the first two years of implementation, the model will be operationalized with examples of best practices, and monitoring support will be provided to improve implementation.

Although the Council team was informed that the initiative is in the planning stages, the Distinguished Educator's November 2013 "Action Plan Status Update" included a district statement that the framework had been completed and was presented to Division Heads in December; and that roll out was to begin in January beginning with the priority schools.<sup>32</sup> The Distinguished Educator document indicates that the MTSS plan needs significant discussion, collaboration, ownership, and involvement from individuals who supervise principals and who have not participated in planning.

In addition, the Distinguished Educator indicates that the MTSS framework needs to include all district efforts, e.g., CCSS, PBIS, suspension, attendance, ELLs, special education, etc. The Distinguished Educator identified next steps, including asset/resource mapping, the development of a professional development plan, the articulation of curriculum, the

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<sup>32</sup> Page 26.

identification of cohort schools, and the layout of what, when, and how work will begin, along with an indication of who leads the work and who will monitor and evaluate it.

A BPS staff member informed the Council's team that the district's MTSS leadership team had completed the MTSS roll out plan. However, it had not yet been approved by the curriculum, assessment, and instruction chief. Although the Council requested it, the organization's team was not provided a copy of the proposed MTSS framework or any related documents. Because the team was not provided the documentation it needed to make a determination, it could not tell whether the MTSS planning process includes funding to support the purchase of necessary interventions, training for them, or an evaluation component.

### AREAS OF STRENGTH

Areas of strengths related to BPS's implementation of general education interventions and supports for student academic and positive behavior needs are summarized below.

- ***MTSS Framework Development.*** BPS is using a consultant to develop a districtwide framework for MTSS. The district is developing a two-year rollout plan to merge support for academic and behavior needs, building on its stronger PBIS initiative that has been in place since 2005-06.
- ***Coaches.*** BPS has redesigned the literacy and math coach positions into one new instructional coach position. Every school has at least one coach, and several are also at the central office. Their involvement is intended to support access to and use of data to guide instruction.
- ***Reading Curriculum.*** There is a districtwide reading curriculum in place along with a common formative assessment that is given three times each year for benchmarking purposes.
- ***Access to Data.*** The district has developed a data dashboard that uses benchmark data and is capable of showing student movement between tiers of intervention and has the potential to show student growth. Each school has gone through cohort training to use the Data-Driven Instruction (DDI) process. Central office and school coaches are involved in intensive weekly training to build their knowledge and skills in the area of data support.
- ***Reading Interventions.*** There are some specific district-sponsored reading interventions available for students in elementary school grades, such as Reading Mastery, Fountas and Pinnell Leveled Literacy, Language!, etc. District staff members reported that resources are being developed for schools to support monitoring and interventions.
- ***PBIS Webpage.*** The district's PBIS webpage provides many resources for guiding the process. The website states that systems have been developed for such areas as processes, routines, working structures, and administrative supports needed to produce outcomes, research best practices, and use data-based decision-making.
- ***New Code of Conduct and Suspensions.*** For the 2013-14 school year, the district developed a new code of conduct based on the PBIS framework and incorporated restorative justice principles. Data provided by BPS indicated that the numbers of students suspended for six days or less and more than six days decreased significantly from the beginning of the school year through the end of January from 2011-12, 2012-13, to 2013-14.

- **Health Services.** Nurses are in every school, and several schools have health centers through partnerships with health agencies that provide social workers who offer mental health services.

### OPPORTUNITIES FOR IMPROVEMENT

The following summarizes major opportunities for improvement.

- **RtI Leadership.** Currently, the district's RtI initiative is co-led by special education and curriculum directors. The high-level visibility of special education leadership may reinforce the perception that the framework is primarily a pipeline to special education. For example, the Council team was concerned—after hearing reports from some focus group participants--that interventions are not implemented until a student is being considered for a special education evaluation, and that interventions are used in a way that supports special education referrals.
- **MTSS Framework Development.** There is contradictory information about the status of the district's development and implementation of its MTSS framework. In addition, it does not appear that school leadership chiefs have been involved in planning activities, and it is not clear that funding will be available to purchase necessary interventions, support training, or implement an evaluation component.
- **SST and CSE Chairpersons.** Currently, chairpersons for SSTs and CSEs are the same people. This has resulted in less time allocated to the SST process than for the CSE process. The Council team was informed that next school year, the SST and CSE chairperson roles would be separated and that different personnel would serve in each role. Because the chairpersons and CSE teams report to principals, there was concern that without additional accountability by principals, there may be undue pressure on CSE teams to classify students and place them in more restrictive placements.
- **Coaches.** Coaches should be invited into teacher classrooms to assist, yet some teachers resist doing so even when there may be a need for coaching. There was a perception by some interviewees that coaches are not providing enough assistance to general/special education co-teachers and to special education teachers in self-contained settings.
- **Progress Monitoring.** There are no uniform standards or practices for monitoring student progress, and the delivery of academic and behavioral interventions to support short-term student growth is uneven. There is no universal understanding of the purpose and use of the district's formative assessments, e.g., informing instruction, use for accountability, etc. There were concerns that the district has not taken steps to ensure that data are collected in a systemic manner to document specific interventions and student progress on them, and no electronic mechanism is in place to facilitate analysis.
- **Problem Solving.** No information from the district's website, district staff members, or focus group participants was provided on the use of a problem-solving process as part of the RtI process to address academic issues.
- **Differentiated Instruction.** Teachers reported that they are struggling to differentiate instruction for diverse learners in general education classes.
- **Academic Interventions.** The district does not have a comprehensive list of all interventions used by schools. Interventions vary by school, there are fewer available interventions in the

upper grades, and there is inadequate access to instructional interventions for students who are not progressing as expected. None of the district's interventions include the use of a multi-sensory approach to reading. Very few resources are available for ELLs. And interventions have not been assessed for their compatibility with the Common Core State Standards.

- ***PBIS Implementation.*** PBIS is not implemented with fidelity at every school or at any tier of intervention. Training for PBIS does not take into account staff mobility or skill, and there are individuals who have attended numerous training sessions and have received the same information repeatedly. Training is not customized to meet the needs of school personnel, and there is no opportunity for training on social/emotional issues. Although the district's initiatives in this area have been effective at reducing suspensions overall, implementation has been hindered at schools without strong principal leadership to encourage and reinforce teacher support. Reportedly, some students are “constructively” (but not formally) suspended when their parents are told that their children cannot return to school until the parent attends a school conference.
- ***Professional Development.*** The turnkey model used for professional development loses its integrity when newly trained personnel turn around and train others.

### RECOMMENDATIONS

2. ***Ensure that BPS's framework for a multi-tiered system of supports and related activities is evidence based and implemented with fidelity.***
  - a. ***Leadership.*** To reinforce the notion that the MTSS process is based in general education practices (but can also be accessed by students with IEPs, ELLs, and gifted students), have the initiative visibly led by the curriculum, assessment, and instruction chief and proactively supported by district leadership and administrative personnel at all levels.
  - b. ***Framework and Implementation Plan Feedback.*** Ensure the framework and implementation plan include feedback from school-leadership chiefs, knowledgeable principals, school-based personnel from different grade level schools, and parent representatives (including at least one from each group).
  - c. ***Web-based Description of MTSS Expectations.*** Use a web-based format to post a uniform set of standards and expectations for the implementation of MTSS. If necessary, phase in these standards and expectations, beginning with more general information and proceeding to more specific information as it becomes available.
    - 1) ***Core Curriculum Expectations and Differentiated Instruction.*** Core curriculum expectations and use of universal design for learning (UDL)<sup>33</sup> are critical to program

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<sup>33</sup> Through differentiated instruction, teachers instruct students of differing abilities to maximize each student's growth and individual success by meeting each student where (s)he is and assisting in the learning process. To differentiate instruction, one must recognize students' varying background knowledge, readiness, language, preferences in learning, and interests and react responsively. Through a Universal Design for Learning (UDL) approach, curriculum is initially designed with the needs of all students in mind, so that methods, materials, and assessment are usable by all. Traditional curricula present a host of barriers that limit students' access to information and learning where printed text, in particular, is especially problematic for students without a well-developed ability to see, decode, attend to, or comprehend printed text. A UDL-designed curriculum is innately flexible and enriched with multiple media, so that alternatives can be accessed whenever appropriate. UDL takes on the burden of adaptation so the teacher and/or student does not have to, thereby minimizing barriers and maximizing access to both information and learning.

- success. UDL is based on strategies that enable curricula to be accessed easily by students with different abilities and needs. It can be well integrated into everyday instructional practices and includes multiple methods of presenting information using media and other methods of engaging students' interest and assessing what students have learned. At a minimum, the district should establish standards for the use of differentiated instruction.
- 2) **Universal Screening/Progress Monitoring.** Universal screening and progress-monitoring tools appropriate for elementary, middle, and high schools should be implemented districtwide. Establish decision rules for student access to tier 2 and 3 interventions, and the basis for determining sufficient progress in each tier.
  - 3) **Problem Solving.** Parameters should be put in place for SST problem solving relevant to student academic and behavioral needs as described in evidence-based literature.
  - 4) **Interventions.** Increasingly intensive research-based academic/behavior interventions should be made available short and long term, along with expectations for their support and usage. Map current resources and assess gaps between student needs and research-based interventions in use. Establish a phase-in plan for procuring interventions that will provide a comprehensive menu of options, including multi-sensory reading interventions,
  - 5) **Scheduling and Use of Personnel.** Models should be developed for scheduling and using the broadest range of trained intervention providers.
  - 6) **Special Education Evaluation Referrals.** Guidance should be provided for determining how much progress a student should be making when provided with appropriate research-based interventions and initiating a referral to special education services when that progress is not evident even after providing targeted interventions. Also, include guidance for dealing with students' lack of progress when interventions are not targeted or implemented properly.
  - 7) **Training.** Expectations should be developed for providing and requiring staff participation in MTSS professional development.
  - 8) **Parental Involvement** and access to information should be provided.
- d. **Exemplary MTSS Implementation Models.** Based on student outcomes, identify and share models of exemplary practice with MTSS, including examples involving students with IEPs, ELLs, and twice-exceptional students. Enable staff to visit exemplary schools inside and outside the district.
  - e. **Differentiated Training.** Identify the critical information that various staff members need about MTSS, including instruction aligned with Common Core State Standards, and develop a comprehensive and differentiated professional development program that covers the following:
    - 1) **Professional Learning Standards.** Training based on national professional learning standards, such as Learning Forward's Standards for Professional Learning.<sup>34</sup>

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<sup>34</sup> <http://www.learningforward.org/standards#.UMvVD7Yt0kU>

- 2) **Multiple Formats.** Multiple formats (e.g., videos, webinars, PowerPoint, narrative text, etc.) and presentation models (e.g., school-based, small groups, etc.) that are differentiated and based on current levels of staff knowledge and skills
  - 3) **Cross-Functional Teams.** Cross-functional teams comprised of individuals who directly support schools in order to provide primary training to the broadest spectrum of administrative staff, teachers on assignment, and instructional staff. Build their capacity to provide direct support, mentoring, coaching, and technical assistance to principals and teachers.
  - 4) **High Quality Trainers.** Trainers who are knowledgeable and effective. Identify exemplary internal staff in addition to external trainers.
  - 5) **Access to and Usage of Training.** Provide professional development to all staff members who need it and ensure that it is differentiated by staff experience and skills. Evaluate its effectiveness on student outcomes. Consider mandating training and providing a certificate of demonstrated performance.
  - 6) **BPS Website.** Post all training materials on BPS's website.
- f. **Evaluation of Effectiveness.** Evaluate the effectiveness of MTSS implementation through such activities as the following:
- 1) **Baseline Data.** Establish baseline data on current instructional practices and outcomes. Use the report from the Office of Shared Accountability on elementary schools, which supplied student achievement data by special education service model, to produce a comparable report for high schools.
  - 2) **Data and Reports.** With a collaborative group of central office and school-based staff, identify what data are needed to produce electronic, user-friendly reports on the use of academic and behavioral interventions and their results for individual students. Aggregate and summarize the data by subgroups and combinations of groups, e.g., schools, grades, excused/unexcused absences, suspensions, etc. (for students with IEPs, ELLs, IEPs/ELLs, etc.). Plan follow-up activities on any additional data and reports that are not easily produced or in cases where the data are not easily accessible.
  - 3) **Walk-Throughs.** In addition to the production and use of data reports referenced in Recommendation 2f(2) that can be used to monitor the effectiveness of MTSS, modify the district's walk-through protocols and checklists in a way that will reflect best practices and measure the extent to which school practices are consistent with the standards and expectations set by the district. Initiate technical assistance, professional development, coaching, and mentoring as necessary to improve practices and implement the walk-throughs effectively.
- g. **Timely Communication and Feedback.** Establish a process for providing timely feedback to the MTSS leadership team on implementation barriers, and problem-solve solutions—particularly when they are beyond local school control or when schools require assistance to resolve problems.

### III. Teaching and Learning for Students with IEPs

In states like New York that have adopted the Common Core State Standards (CCSS), local school districts are expected to implement new rigorous grade-level expectations for instruction in English language arts (ELA) and math. These standards identify the knowledge and skills students need to be successful in college and/or careers. A fundamental goal of the CCSS is the promotion of a culture of high expectations for all students. In a statement on the application of the common core to students with disabilities, the CCSS initiative website includes a statement that reinforces its inclusionary intent:

Students with disabilities ... must be challenged to excel within the general curriculum and be prepared for success in their post-school lives, including college and/or careers.” These common standards provide historic opportunity to improve access to rigorous academic content standards for students with disabilities.<sup>35</sup>

The statement underscores the supports and accommodations students with disabilities need to meet high academic standards and to fully demonstrate their conceptual and procedural knowledge and skills in ELA (reading, writing, speaking and listening) and mathematics. These supports and accommodations should ensure that students have full access to varying ways of learning and multiple opportunities to demonstrate knowledge while retaining the rigor and high expectations of the standards. These expectations for implementation of the CCSS with students with disabilities include the following elements:

- ***Instruction and related services*** designed to meet the unique needs of students with disabilities and to enable them to access the general education curriculum,
- ***IEP annual goals*** aligned with and chosen to facilitate students’ attainment of grade-level academic standards,
- ***Teachers and specialized instructional support personnel*** who are prepared and qualified to deliver high-quality, evidence-based, and individualized instruction and support services,
- ***Instructional supports for learning*** that are based on the principles of universal design for learning (UDL), which foster student engagement by presenting information in multiple ways and allowing for diverse avenues of action and expression,<sup>36</sup> and
- ***Instructional accommodations*** that reflect changes in materials (e.g., assistive technology) or procedures that do not change or dilute the standards but allow students to learn within the CCSS framework.

The United States Department of Education (USDOE) has established a special education State Performance Plan (SPP) with requirements that include 20 indicators. Based on this plan, each state is required to develop annual targets and monitor school district performance on each

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<sup>35</sup> <http://www.corestandards.org/assets/application-to-students-with-disabilities.pdf>

<sup>36</sup> UDL is defined as “a scientifically valid framework for guiding educational practice that (a) provides flexibility in the ways information is presented, in the ways students respond or demonstrate knowledge and skills, and in the ways students are engaged; and (b) reduces barriers in instruction, provides appropriate accommodations, supports, and challenges, and maintains high achievement expectations for all students, including students with disabilities and students who are limited English proficient.” by Higher Education Opportunity Act (PL 110-135). See <http://www.udlcenter.org/>.

indicator. Of the 20 indicators, 15 are applicable to school districts and the remaining five are applicable to states. Of the 15 district indicators, six are considered to be “compliance” oriented: suspension/expulsion, racial/ethnic disproportionality for special education overall and for six disability areas, timely evaluations, timely preschool services, and transition services. The remaining indicators are considered to be “performance” oriented, e.g., high school graduation, high school dropout, statewide assessment performance, etc. States are required to make an annual “compliance” determination for each district and take enforcement action, if necessary, based on specified IDEA provisions. Some states have chosen also to consider the performance indicators to be compliance in nature and they monitor districts accordingly.

In response to concerns that the heavy emphasis in state plans on compliance has narrowed district focus away from results for students with disabilities, the federal Office of Special Education Programs (OSEP) announced its intention to change its practice. Under a new proposal, OSEP will include test scores, graduation rates, and post-school outcomes as the basis of a new “Super-indicator” aligned with “Results-Driven Accountability.”<sup>37</sup> Although specific details are not yet available, OSEP’s director has reported that the agency will use 2013-14 performance results as part of its assessment of state plans. Once the process is clarified, states will apply the federal model to school districts.

In the following sections, BPS’s achievement data on early childhood and school-aged students with IEPs are analyzed. These achievement data are consistent with those that the U.S. Department of Education is considering. For young children, data are provided on SPP achievement outcomes; for school-aged students, data are provided on statewide assessments, graduation rates, and dropout rates. In addition, data are provided on the extent to which students with IEPs are educated in various educational settings. These data will take on additional federal importance as states move to implement OSEP’s “Results-Driven Accountability” framework.

### Early Childhood Special Education Achievement Outcomes

Private agencies provide special education services for BPS children. In some cases, multiple agencies provide related services to a single child, which makes coordination challenging. By March, April, and May, classes fill up and it is more difficult to find open seats.

Furthermore, the state’s regulatory scheme makes it difficult for districts to provide direct special education services to children. For instance, School 84 (Health Care Center for Children at the Erie County Medical Center) educates kindergarten through 12<sup>th</sup> grade medically fragile students with severe cognitive delays and physical challenges. To facilitate an easier transition from preschool to kindergarten, BPS sought approval from NYSED to have preschool classes located at the school. NYSED indicated, that because private agency placements were not full in the area, the district could not extend its services to these students and the agency denied School 84’s request.

One of the indicators in NYSED’s State Performance Plan pertains to the achievement of children three through five years of age in three areas: positive social/emotional skills; acquisition and use of knowledge and skills; and the use of appropriate behavior to meet their needs. In each of these three areas, data are calculated on the percentage of students showing substantial growth and functioning within age expectations. BPS rates for the six indicators range between 23 and 36 percentage points below state targets. Data from the NYSED special

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<sup>37</sup> <http://eservices.nysed.gov/sepuprep/mainsevt?f=report1112&school=140600010000&run=Go>



education school district data profile report for the 2010-11 school year are shown below in Exhibit 3a.<sup>38</sup>

*Substantial Growth*

For children entering early childhood programs below age expectations but who are substantially increasing their rate of growth by age six when they are exiting the program, the following data compare the percentages meeting the standard in 2011-12 to state target percentages for that year.

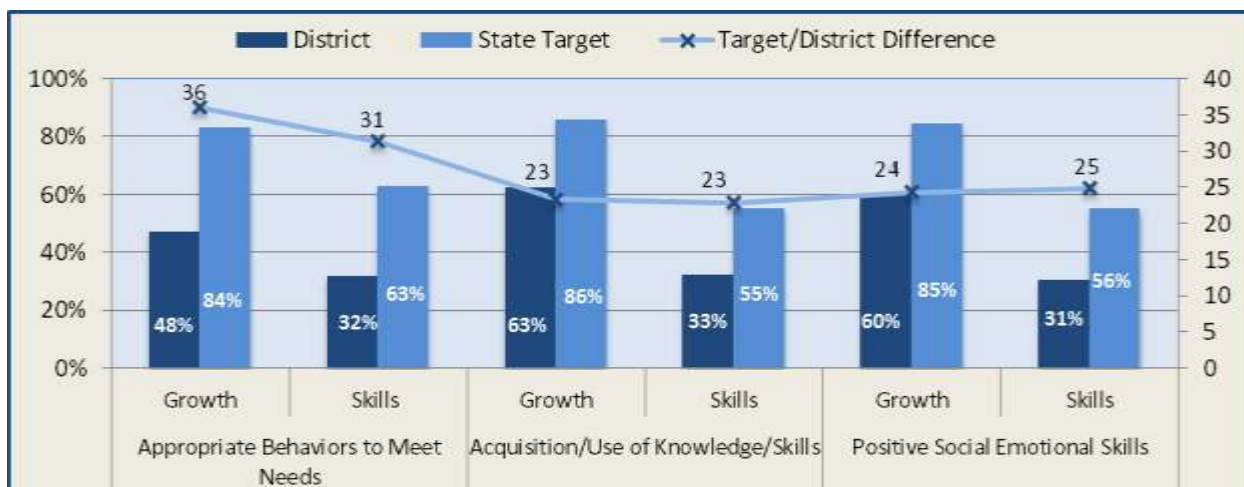
- **Positive Social/Emotional Skills.** 48 percent met standards, which was 36 percentage points below the target.
- **Acquisition/Use of Knowledge/Skills.** 63 percent met standards, which was 23 percentage points below the target.
- **Appropriate Behavior to Meet Needs.** 60 percent met standards, which was 25 percentage points below the target.

*Functioning within Age Expectations*

For children who are functioning within age expectations by six years of age or have attained those expectations by the time they exit the program, the following data compare the percentages meeting the standard in 2011-12 to state target percentages for that year.

- **Positive Social/Emotional Skills.** 32 percent met standards, which was 31 percentage points below the state’s target.
- **Acquisition/Use of Knowledge/Skills.** 33 percent met standards, which was 23 percentage points below the state’s target.
- **Appropriate Behavior to Meet Needs.** 31 percent met standards, which was 25 percentage points below the state’s target.

Exhibit 3a. Percentage of Early Childhood Children with IEPs Meeting Performance Standards<sup>39</sup>



<sup>38</sup> www.edresourcesohio.org/profile2012/ProfileDoc.php

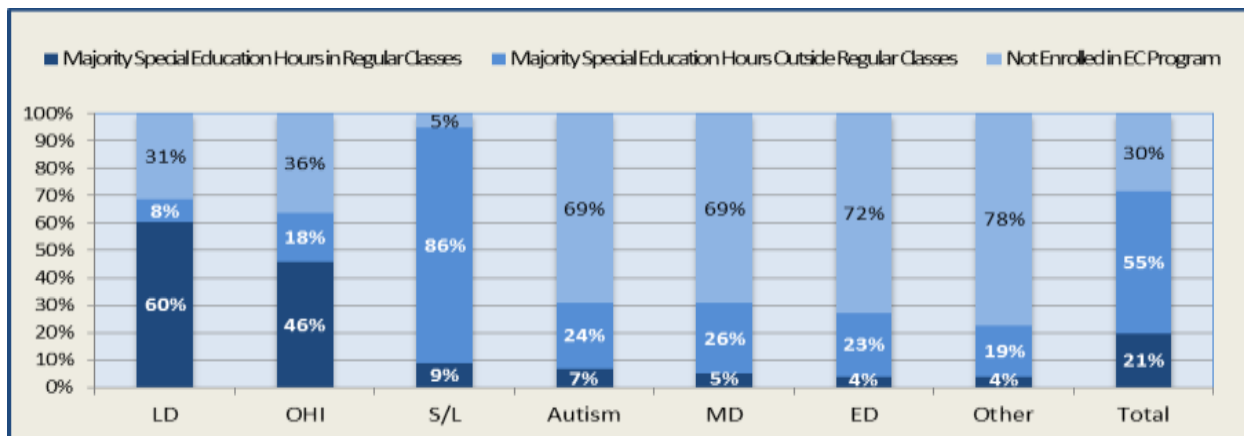
<sup>39</sup> NYSED School District Data Profile for Buffalo City School District 2011-12.

### Educational Settings of Young Children

According to district data, 588 children from BPS and agency schools are included in the NYSED Student Information Repository System (SIRS) for Early School-Age (ESA) Settings. This information pertains to children who are attending a kindergarten, first grade, or other regular early childhood program for 10 or more hours a week and are receiving the majority of their hours of special education and related services in the regular early childhood program or some other location, or they are not enrolled in a regular early childhood program. In 2012-13, for all early childhood children with IEPs, 21 percent were educated in regular classes for the majority of the school day and 55 percent were educated outside of these classes; and 30 percent were not enrolled in regular early childhood classes. The proportions differ considerably depending on the student’s primary disability. (See Exhibit 3b.)

- Majority of Special Education in Regular Classes.** Students with a learning disability and other health impairment have the highest rates of being educated in general classes for most of the school day (60 and 46 percent, respectively). According to a district representative, while there is a preference for providing speech/language services in the general education classroom, scheduling is difficult for speech/language pathologists with large caseloads. Nine percent of students with speech/language impairments are educated in regular classes but receive their speech/language services in another location. Rates for the remaining disability areas educated in this setting range between 4 and 5 percent.
- Majority of Special Education Outside Regular Classes.** Students classified with speech/language impairments have by far the highest rate (86 percent) for receiving services outside of regular classes. The remaining disability areas range between 8 and 26 percent. Some 99 percent of school-aged students with a speech/language disability are educated in general education settings at least 80 percent of the time. (See Exhibit 3g on page 45.)
- Not Enrolled in Regular EC Program.** Students with an “other” disability, emotional disturbance, multiple disability and autism have the highest rates for education in an agency setting (ranging from 69 percent to 78 percent), and students with speech/language impairments have the lowest rate (5 percent).<sup>40</sup>

**Exhibit 3b. Number of Students by Educational Setting<sup>41</sup>**



<sup>40</sup> Other disabilities include vision impairments, hearing impairments, orthopedic impairments, and traumatic brain injuries.

<sup>41</sup> Unless otherwise noted, the district provided noted data to the Council Team.

## School-Aged Students Achievement

In the 2010-11 school year, the rates of students in grades 3 through 8 being educated in specified setting were affected by the Board of Regents' imposition of higher cut scores.<sup>42</sup> Also, the rates were affected by 2012-13 school year assessment changes that incorporated the Common Core Learning Standards.<sup>43</sup>

### *Rates from 2008-09 through 2012-13*

Overall, test scores in 2012-13 for students with IEPs were very low. The percentage of elementary school students scoring at least proficient in ELA was 2.4 percent and in math was 3.2 percent (see Exhibit 3c.). At the high school level, only 8.5 percent were proficient in reading and 0.9 were proficient in math. This school year was the first year that the elementary-grade assessments measured the Common Core Learning Standards. The scores for elementary-grade students without IEPs were much lower than in prior school years, effectively reducing the achievement gap in ELA (11.8 points) and math (8.3 points) between students with/without IEPs. The gap in the high school grades was 30.4 points in reading and 5.8 points in math. Exhibit 3c and the narrative below summarize the data on students with IEPs in reading and math.

- ***ELA/Reading***

- ***Grades 3-8.*** As a result of changes in cut scores and assessments, students with IEPs scored at or above proficient levels at rates that fell from 26.3 percent in 2008-09 to 9.5 percent in 2010-11 and then to 2.4 percent in 2012-13. The achievement gaps between students with IEPs and students without IEPs decreased from 37.2 percentage points in 2008-09 to 11.8 percentage points in 2012-13, again the result mostly of changes in the assessments.
- ***Grades 9-12.*** Although the rate of high school students scoring at or above the proficient level increased from 20.7 percent in 2009-10 to 30.9 percent in 2011-12, the rate fell dramatically to 8.6 percent in 2012-13. The achievement gap narrowed from 49.5 percentage points in 2009-10 to 30.4 percentage points in 2012-13.

- ***Math***

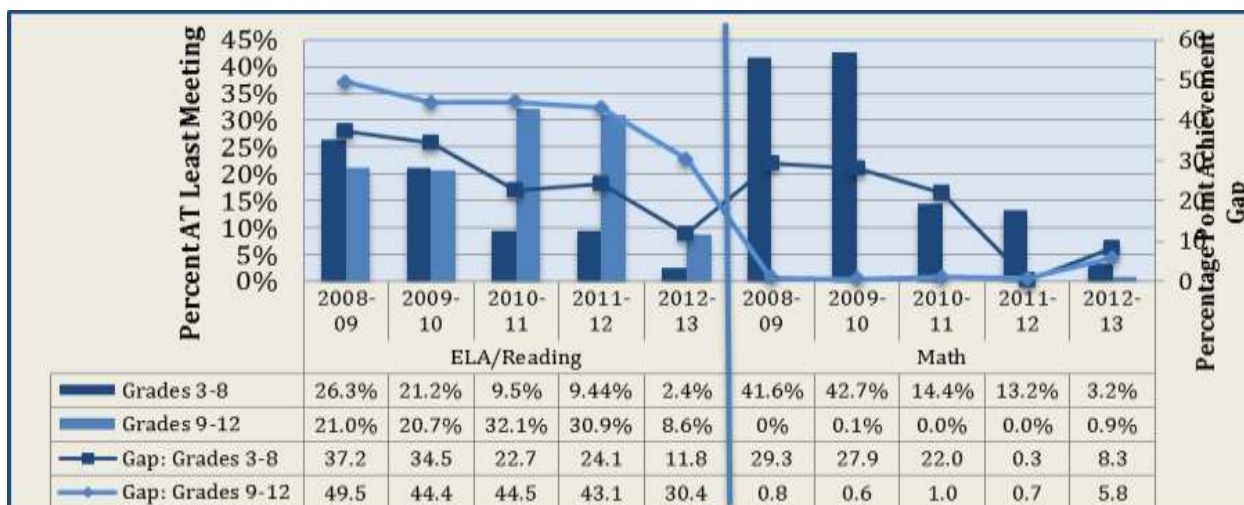
- ***Grades 3-8.*** Math proficiency rates, although higher than reading, also felt the effects of changes in cut scores and assessments. Students with IEPs scored at or above proficient levels at rates that fell from 42.7 percent in 2009-10 to 14.4 percent in 2010-11, and then to 3.2 percent in 2012-13. As with reading, the achievement gap in math between students with and without IEPs decreased from 29.3 percentage points in 2008-09 to 8.3 percentage points in 2012-13.
- ***Grades 9-12.*** Math proficient or above rates for secondary students with IEPs were far lower than either reading or math rates at the elementary-grade level. Very few students met/exceeded state standards in math at the high school level--only 0.1 percent did so in 2009-10 and 0.9 percent did so in 2012-13. The achievement gap between students with/without IEPs increased from 0.6 percentage points in 2009-10 to 5.8 percentage points in 2012-13, reflecting the very low performance levels of students with and without IEPs.

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<sup>42</sup> [http://www.oms.nysed.gov/press/Regents\\_Approve\\_Scoring\\_Changes.html](http://www.oms.nysed.gov/press/Regents_Approve_Scoring_Changes.html)

<sup>43</sup> <http://www.oms.nysed.gov/press/grades-3-8-assessment-results-2013.html>

Exhibit 3c. Percent of Students with IEPs Meeting/Exceeding ELA/Reading and Math Standards and Achievement Gap with Students having No IEPs



*Rates in 2012-13 by Elementary Grades*

For elementary-grade students with IEPs in 2012-13, third graders had the highest rates at the proficient or above levels in both ELA (3.1 percent) and math (6.7 percent). Relatively low achievement gaps in reading and math (11.5 and 8.7 percentage points, respectively) reflected changes in the assessment and low overall performance among students with and without IEPs (see Exhibit 3d).

- **ELA.** Students in third and eighth grades (3.1 and 3.0 percent, respectively) scored at the proficient or above levels at greater rates than students in other grades, whose rates ranged from 2.7 percent (fourth grade) to 1.4 percent (seventh grade). The achievement gap was highest among eighth graders (13.4 percentage points).
- **Math.** Some 6.7 percent of third graders scored at or above the proficient level in math—the highest performing grade--followed by fourth graders at 4.5 percent. The rates among the remaining grades ranged from 2.8 percent in fifth grade to 1.2 percent in seventh grade. The largest achievement gap between students with/without IEPs was 11.5 percentage points in sixth grade.

Exhibit 3d. By Grade, Percentage of 2012-13 Students with IEPs Meeting/Exceeding ELA/Reading and Math Standards and Achievement Gap with Students having No IEPs



### Educational Environments

The 10-year-long National Longitudinal Transition Study-2 (NLTS 2) documented the characteristics, experiences, and outcomes of a nationally representative sample of more than 11,000 youth ages 13 through 16 who were receiving special education services in grades 7 and above in 2001. The study found that, while students with disabilities who spent more time in general education classrooms had lower grades than their nondisabled peers, those students (with disabilities) scored closer to grade level on standardized math and language tests than did students with disabilities who spent more time in separate settings.<sup>44</sup>

For students with disabilities to improve their academic achievement and reduce achievement gaps, they need to have full access to the core curriculum and receive evidence-based interventions that are implemented with fidelity. With the increased rigor of the CCSS and the state assessments, the challenges to provide that access are greater than ever.

The State Performance Plan measures students educated in one of three educational settings and sets targets for each: (1) time in regular education settings of 80 percent or more of the day, (2) time in regular education seeing of less than 40 percent of the day, and (3) in separate schools.

The data below show these settings for BPS, charters schools, and agencies and by disability and grade.

### *Overall Rates for BPS, Charters and Agency Schools Compared to State Targets and National Rates*

District students in BPS, agency, and charter schools together met the 53 percent target for educating students in regular classes at least 80 percent of the day but narrowly missed the 24 percent target for regular classes less than 40 percent of the day.

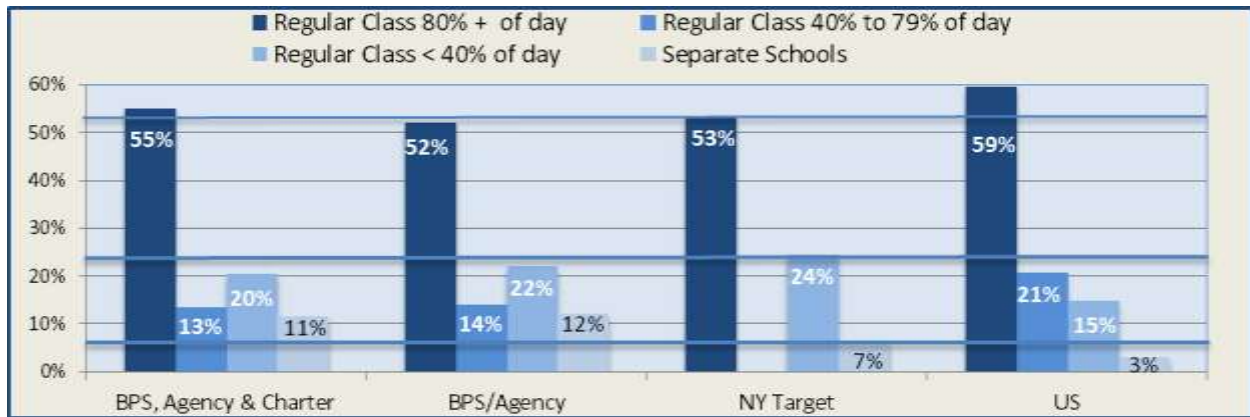
However, a substantially higher percentage of students (11 percent with charters and 12 percent without charters) are educated in separate schools than the SPP target of 7 percent or the national rate of 3 percent (see Exhibit 3e.)

- **80 Percent or More in Regular Education.** 55 percent of district students are educated inclusively, compared with the national rate of 59 percent rate. Not counting charter schools, the BPS/agency rate is 52 percent, just below the SPP's 53 percent target.
- **Less than 40 Percent in Regular Education.** 20 percent of district students are educated in regular education classes for less than 40 percent of the time, compared with the national rate of 21 percent. Not counting charter schools, the BPS/agency rate is 22 percent, meeting the SPP's higher 24 percent target (the lower rate is better).
- **Separate Schools.** 11 percent of district students are educated in separate schools, compared with the national rate of 3 percent rate, and SPP's 7 percent target. Without charter schools, the district's rate is 12 percent.

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<sup>44</sup> Review of Special Education in the Houston Independent School District, Thomas Hehir and Associates Boston, Massachusetts, page 25.  
[http://www.houstonisd.org/cms/lib2/TX01001591/Centricity/Domain/7946/HISD\\_Special\\_Education\\_Report\\_2011\\_Final.pdf](http://www.houstonisd.org/cms/lib2/TX01001591/Centricity/Domain/7946/HISD_Special_Education_Report_2011_Final.pdf).

Exhibit 3e. Percentage of Students by Educational Environments and SPP Targets<sup>45</sup>

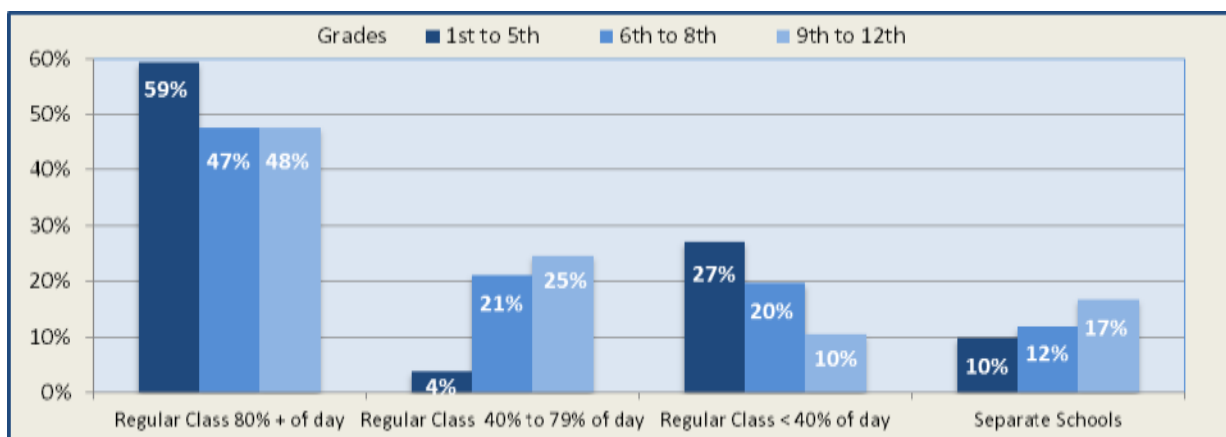


*Educational Environments by Grade Level*

While the elementary grades have the highest rate (59 percent) for educating students with IEPs in regular classes for at least 80 percent of the day, the elementary grades also have the highest rate (27 percent) for educating these students outside the regular class for more than 60 percent of the day. The 17 percent high school rate is the highest in educating students in separate schools. (See Exhibit 3f.)

- **80 Percent or More in Regular Education.** Students in grades one through five have the highest rate (59 percent) of educating students in general education classes at least 80 percent of the time. Middle and high school rates are 47 and 48 percent, respectively.
- **Less than 40 Percent in Regular Education.** Elementary students have the highest rate (27 percent) of self-contained classes (in general education less than 40 percent of the time), followed by middle and secondary-school students (20 and 10 percent, respectively).
- **Separate Schools.** High schools have the highest rate (17 percent) of educating students in separate schools, followed by middle and elementary school grades (12 and 10 percent, respectively).

Exhibit 3f. Educational Environment Rates by Grade Level for BPS/Agencies



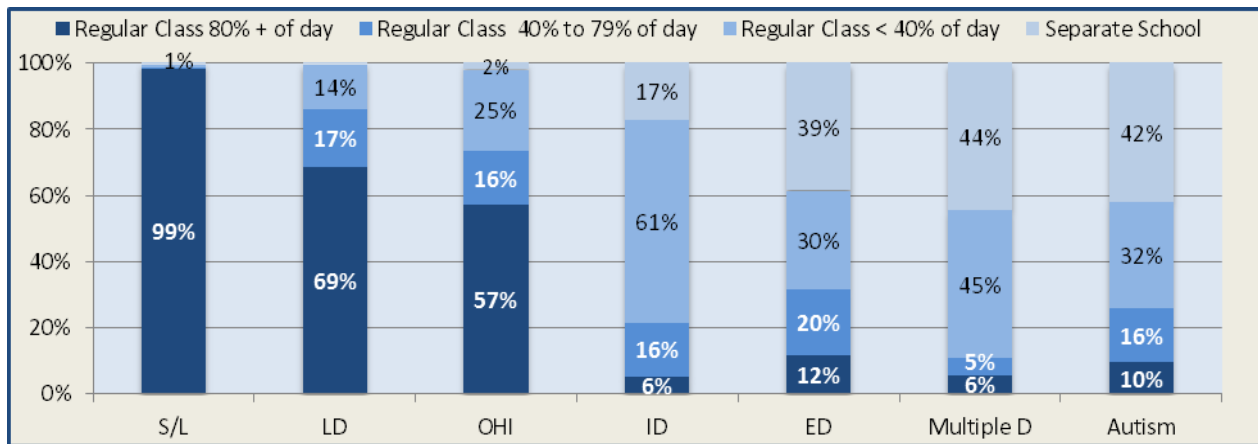
<sup>45</sup> US rate source: Institute of Education Sciences, National Center for Educational Statistics, 2009-2010 Fast Facts at <http://nces.ed.gov/fastfacts/display.asp?id=59>.

*Educational Environments by Most Prevalent Disabilities*

BPS/agency students with speech/language, learning disabilities, and other health impairments have the highest rates for being educated in regular classes at least 80 percent of the time. Together, these students comprise 49 percent of the total. Students with emotional, intellectual, and multiple disabilities along with autism have the highest rates for separate classes and separate school placements, significantly exceeding national rates (see Exhibit 3g.).

- **80 Percent or More in Regular Education.** Almost all students with speech/language impairments (99 percent) are educated inclusively, followed by students with learning disabilities (69 percent), and other health impairments (57 percent). The remaining disability areas range from 12 percent (emotional disturbance) to 6 percent (intellectual and multiple disabilities).
- **Less than 40 Percent in Regular Education.** For other students, the rates in separate classes are much higher than national rates: the intellectual disability rate (61 percent) exceeds the national rate by 13 points; the emotional disturbance rate (30 percent) is 12 points higher than the national rate; and the learning disability rate (14 percent) exceeds the nation’s rate by 6 points.
- **Separate Schools.** The high rates of students in separate schools exceed national averages for students with the following disabilities: intellectual disabilities, 17 percent (9-point gap); emotional disturbance, 39 percent (27-point gap); autism, 42 percent (34-point gap); and multiple disabilities, 44 percent (24-point gap).

**Exhibit 3g. Educational Environment Rates by Most Prevalent Disabilities**



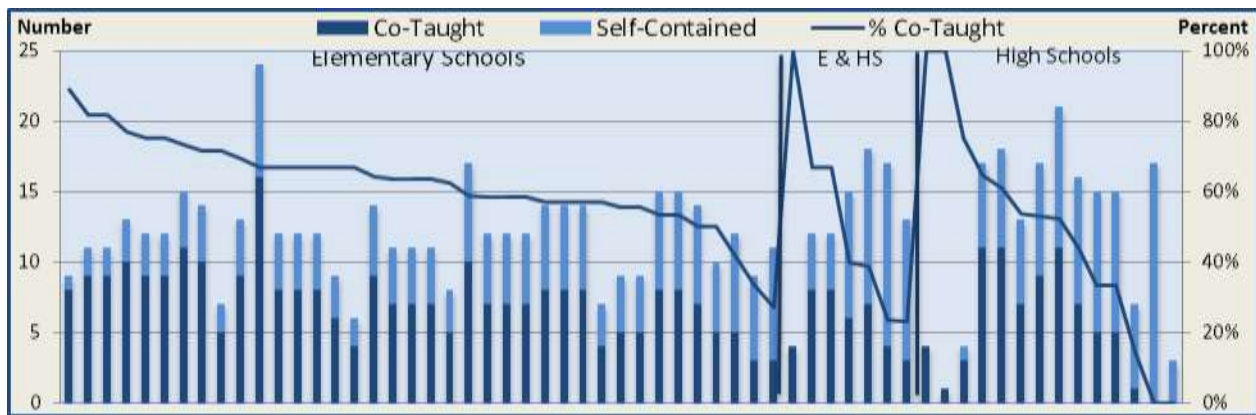
**Configuration of Services and Achievement for Elementary Grade Students**

The district provided elementary-school data comparing ELA and math achievement rates for students by service model. The exhibits below show the percentage of students in 2012-13 by grade level who were educated in co-taught and self-contained settings. Also, the data show the percentage of students educated at each service model, and the rate of elementary students with IEPs in each model scoring at level 2 or who met standards (levels 3 and 4) in ELA and math. *Data are not reported for students in the self-contained models for 6:1+2 and 8:1+1 because the numbers were too small, and for 15:1 because data were provided only for 2011-12. Data were not provided for students at the secondary level.*

*Co-Taught and Self-Contained Class Rates by Grade Levels*

BPS provided data on the number of classes by school using integrated co-teaching (ICT) and self-contained (SC) strategies. As shown in Exhibit 3h, 62 percent of the two elementary-grade class configurations are ICT, with rates ranging from 27 to 88 percent. Overall, co-taught class rates are smaller in schools with middle/high school grades (44 percent) and high schools (45 percent). The co-taught class rates at these schools range from 100 percent to 0 percent. (Note that rates should be considered cautiously since some numbers refer to less than 10 students.)

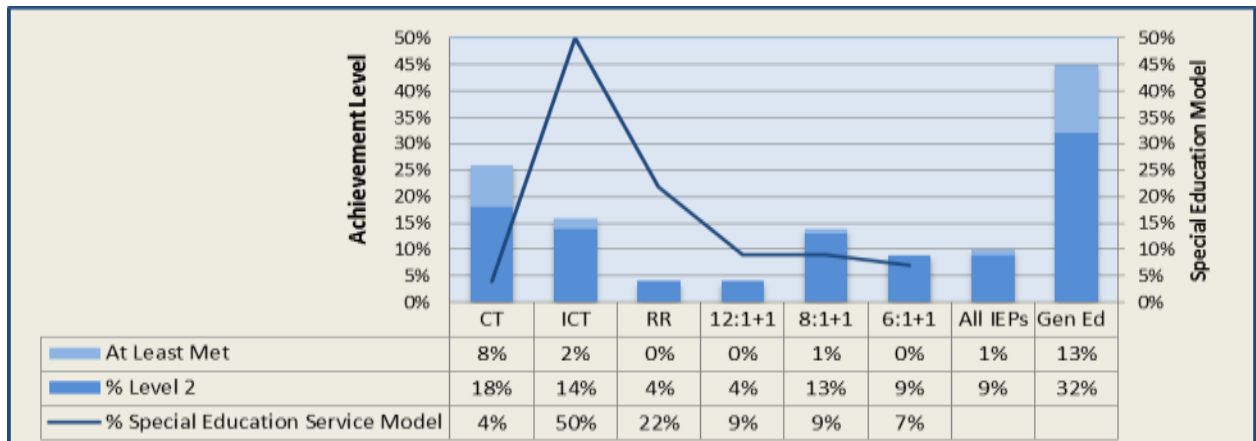
**Exhibit 3h. Number/Percentage of Students Co-Taught and in Self-Contained Classes**



*Elementary School ELA Achievement and Special Education Model*

Overall, only one percent of students with IEPs met standards and nine percent earned a level-2 score. As shown in exhibit 3i, only students receiving services from a consultant teacher (CT), services through ICT, or services in the self-contained 8:1+1 program had scores that met standards (8, 2, and 1 percent, respectively). Only students in these three models earned a level-2 score in double digits: CT (18 percent), ICT (14 percent), and 8:1+1 (13 percent). Half of the students with reported scores in 2012-13 were educated in the ICT model. A smaller percentage (22 percent) was educated in the RR model than in the SC model—i.e., 12:1+1, 8:1+1, and 6:1+1--(25 percent). (see Exhibit 3i.).

**Exhibit 3i. ELA Rates for Level 2 and at Least Meeting Standards by Service Model**

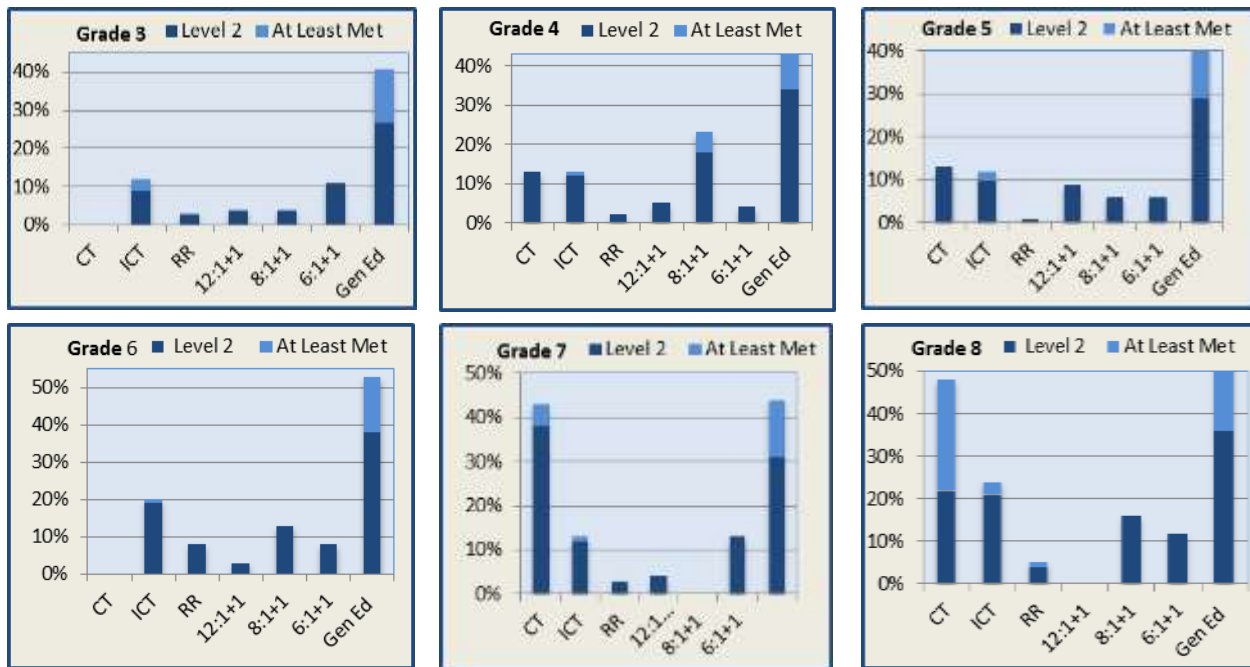




When the above data are sorted by grade level, the following patterns emerge (see Exhibit 3j).

- **CT.** At the seventh and eighth grade levels, higher rates of students in the CT model scored at level 2 or above, compared with other models. While 26 percent of eighth graders met standards in CT, this rate represented only six students.
- **ICT.** At the third and sixth grade levels, a higher rate of ICT students scored at level 2 or above.
- **CT/ICT/RR.** At the fourth and fifth grades, students in CT and ICT models scored at level 2 or above at about the same rates. Except for third and sixth graders, students with RR services had achievement rates lower than students in CT/ICT services.
- **SC.** Fourth grade students receiving special education services through the SC 8:1+1 model had rates of students scoring at level 2 or above (23 percent) that were higher than students in CT/ICT models (13 percent each). For seventh grade students in a 6:1+1 model, 13 percent earned a level-2 score, the same as students in ICT (including level 2 and above scores).

**Exhibit 3j. ELA Rates for Level 2 and at Least Meeting Standards by Service Model and Grade**

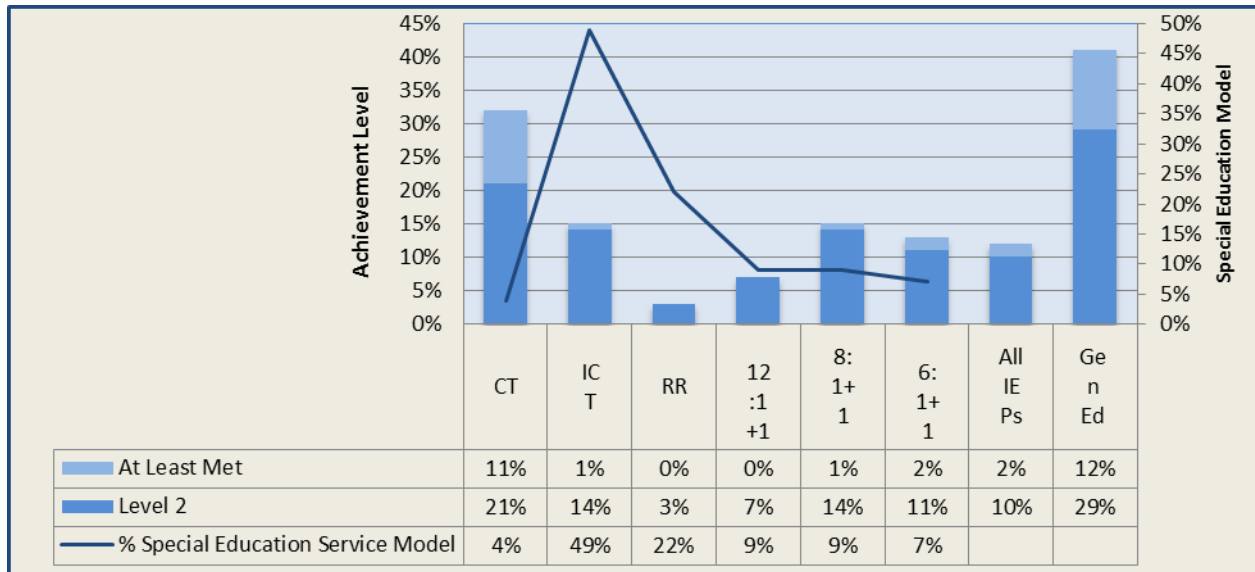


**Elementary School Math Achievement and Special Education Model**

Compared to ELA results, a slightly larger percentage of students with IEPs who took regular math assessments met standards or better (see Exhibit 3k.) A substantially larger percentage of students with CT services met standards or better (11 percent), compared with those in any other model (0 to 2 percent).

However, the CT rate represented only 10 students. When combining all students scoring at level 2 or above, rates for students in ICT, 8:1+1, and 6:1+1 models were about the same (15, 15, and 13 percent, respectively), while the rate for students educated in the RR model was 3 percent.

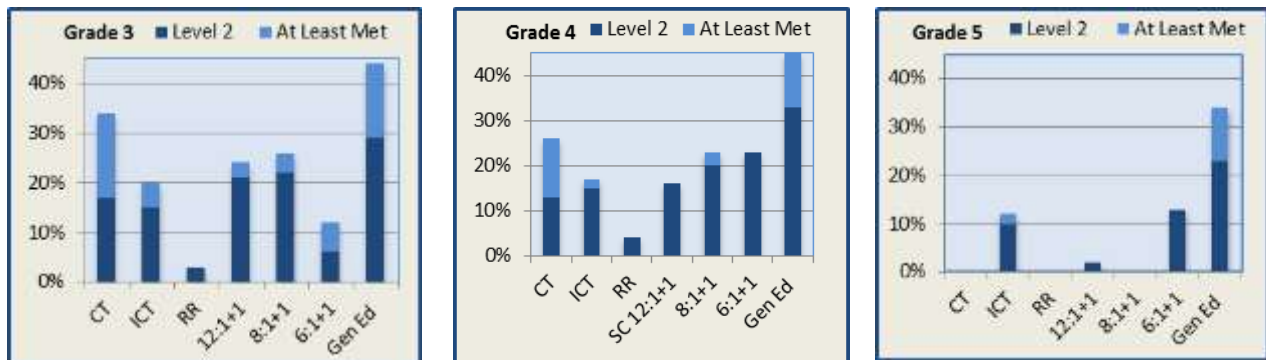
Exhibit 3k. Math Rates for Level 2 and at Least Meeting Standards by Service Model

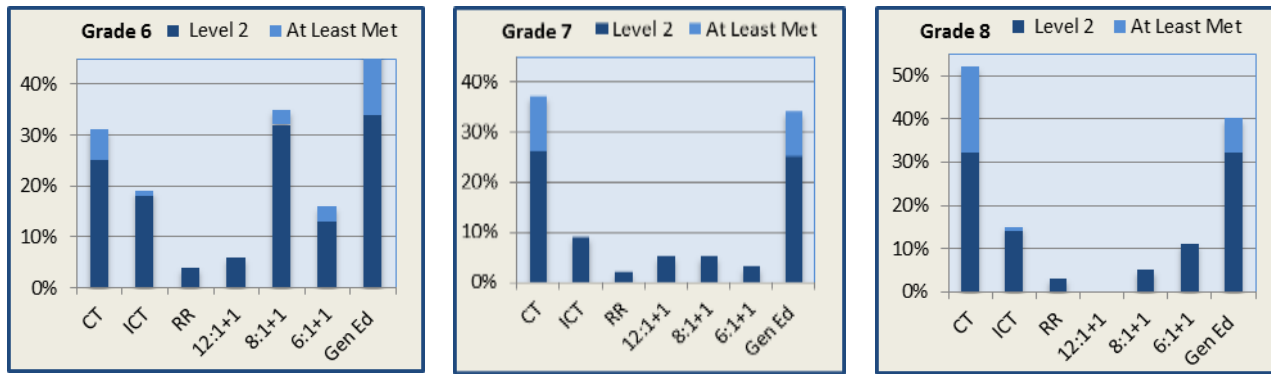


When the above data are sorted by grade level, the following patterns emerge (see Exhibit 3l).

- **CT.** Except in the fifth grade, students receiving CT services had the highest rates for students at least meeting state standards. Furthermore, at the seventh and eighth grades, students receiving CT services had level-2 above rates that were higher than rates among students in general education. However, these rates only included the scores of 20 students with disabilities.
- **CT/ICT.** At the third and fourth grades, level-2 rates were similar for students in ICT and CT.
- **ICT/SC.** Third, fourth, fifth, and sixth grade students in one or two SC models had higher level-2 and above rates than students educated in the ICT model. Again, these SC models included only a small number of students (44).
- **RR.** The RR model showed the least benefit for students educated in general education classes for most of the day.

Exhibit 3l. Math Rates for Level 2 and at Least Meeting Standards by Service Model and Grade





### Integrated Co-Teaching Model

Several years ago, BPS began to phase in the ICT model of providing special education services to students. This model was meant to replace the consultant teacher model that had been in effect for most students. It also replaced resource rooms, used to a lesser extent for providing assistance with homework, testing accommodations, etc. Although there was a fairly consistent BPS perception that NYSED strongly influenced the elimination of resource rooms, an agency staff member told the Council team that their concern was focused mostly on the fact that consultation teachers did not appear to be engaged in any meaningful instructional activities.

This move to ICT was, in part, designed to compensate for special educators who did not have core-curricular content knowledge and with the hope that the new model would provide students with differentiated and meaningful access to the curriculum. In addition, it was anticipated that students would have fuller access to academic interventions in school. However, other than interventions available to students in self-contained programs, interviewees reported that students do not have sufficient access to the academic interventions necessary to address their significant academic needs. Several high school interviewees indicated that interventions were not available at their schools. Additional information about the availability of interventions is provided below.

Generally, focus group participants reported that the ICT model works well when it is supported by the school administration and when teachers have had adequate professional development and collaborative planning time. Several district leaders reported that they had not seen the model’s benefit, and that special educators—too often—were assisting the general educator rather than actively teaching. There was also considerable frustration from teachers about the numbers of students with disabilities in their general classes who had performance levels far below their peers. *The consideration of ICT for students appears to occur without any specific written guidance or criteria, which without accountability may inflate special education teacher allocations.*

### Challenges

Focus group participants shared the following challenges in the effective implementation of the ICT instructional model.

- **Changing ICT Teachers.** When principals transfer trained ICT teachers to other positions, such as to self-contained classes, or when teachers transfer to other schools, it is more difficult to sustain the ICT instructional model. Some participants reported having an entirely different group of co-teachers each year, which means that schools have to start over with

training. Some interviewees recommended that co-teachers commit to the model for two to three years to maximize instructional effectiveness.

- **Common Planning Time.** Another common theme related to the lack of common planning time for co-teachers. Planning is especially challenging when special/general educators do not have the same schedules, they teach different courses during the day, and common planning time is not scheduled for either one.
- **Unrelated Assignments.** Reportedly, ICT educators are sometimes directed to cover other classes when regular teachers are absent and substitutes are not available.
- **Insufficient Curricular Knowledge.** Especially at the high school level, special educators who are not content-certified in the area of assignment are much less effective ICT partners. Although newer teachers tend to be content certified, this issue was reported as a major problem.
- **Class Ratios.** There were some reports that when classes are consolidated, students with IEPs comprise more than half the class. Following the Council team's review, an administrator reported and data were provided to the team showing pre-k through eighth grade ICT classes with only a few students with IEPs. According to these data, 14 ICT teachers were assigned to one student, 25 were assigned to two students, and 30 were assigned to three students. These teachers comprise about 17 percent of all ICT, CT, and RR teachers.

### Instruction Primarily in Self-Contained Classes

Focus group participants consistently raised issues about the placement of students in self-contained classes, class sizes that exceeded state standards, and other teaching and learning issues.

### Consistency of Service Designation

Although NYSED has established self-contained classes with maximum sizes based on various student characteristics, participants reported placements that were not based on these standards.

- There was a perception that students are placed first in 15:1 classes and then in smaller classes if they are not successful in the larger classes. As a result, these classes often have students with a wide range of abilities, a situation that makes instruction difficult.
- When transitioning to high school, it was reported that placement in a 15:1 class is encouraged rather than placement in classes with smaller ratios.

### More Restrictive Environment or Special Class

The district's CSE Guide includes a provision for the completion of a *Request for a More Restrictive Environment or Special Class Form*. An LEA representative submits this form to a special education supervisor for review at least five days prior to the CSE meeting. The form is supposed to include documentation of the student's needs, along with a *Student Intervention Record*, *An Educational Benefit Form*, functional behavior assessment, and behavior intervention plan.

A subsequent conversation between the LEA representative and the supervisor involves reviewing the completeness of the data collection. Interviewees indicated that they were not permitted to make CSE recommendations that had not been approved by their superiors. However,

the CSE Guide states that this “procedure in no way supplants or circumscribes the CSE Process.”<sup>46</sup> Participants also reported that the form was not completed and submitted consistently.

*Classes over Maximum Sizes*

Reportedly, there are more classes over the NYSED maximum size this school year than in prior years because current classes are filled to capacity. Because of class shortages, seven students were awaiting placement at the time of the Council team’s visit and other students have been assigned to schools across the district.

The Council team was informed that there was no written information describing the process for documenting, validating, and resolving oversize class problems. In the past, the highest-ranking special education administrator was part of the superintendent’s cabinet, and it was easier to open new classes; but new classes have not been readily available during the current school year.

BPS special education personnel track data on the number of students in each self-contained class by school (see Exhibit 3m). Based on February 2014 data provided by the district, 56 elementary and 12 high school classes have students in excess of maximum class sizes for self-contained programs.

Classes based on a 15 student to 1 teacher ratio (15:1) have the most class overages. They are located at 19 elementary schools (56 percent) and four high schools (12 percent). Other self-contained classes that have high overages are as follows: 8:1:1 (13 classes), and 6:1:1 (9 classes).<sup>47</sup> Overall, there were 68 class overages (23 percent).

**Exhibit 3m. Number/Percentage of Classes over Maximum Size**

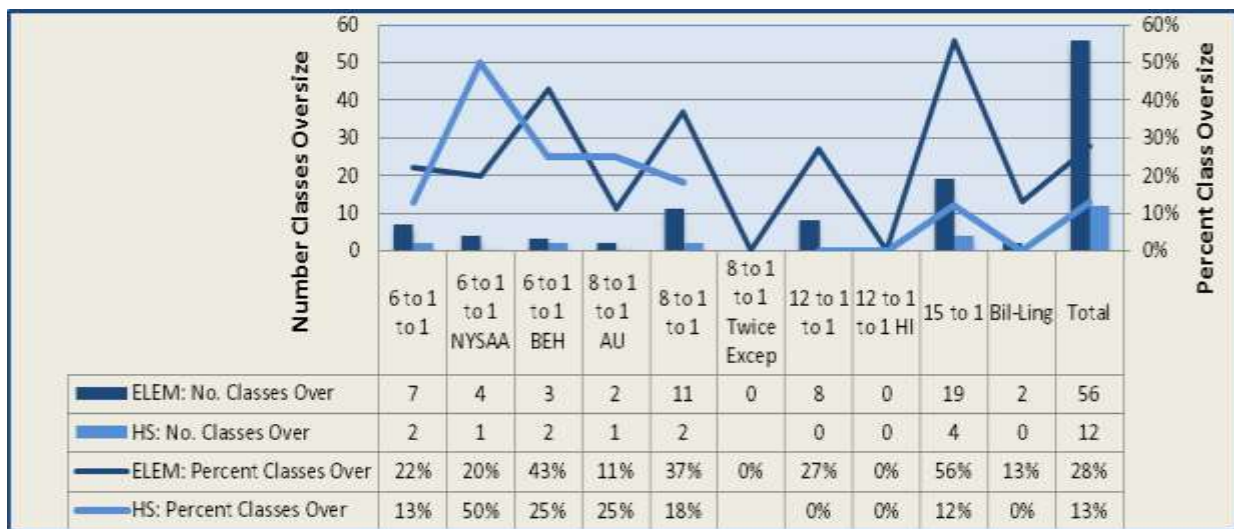
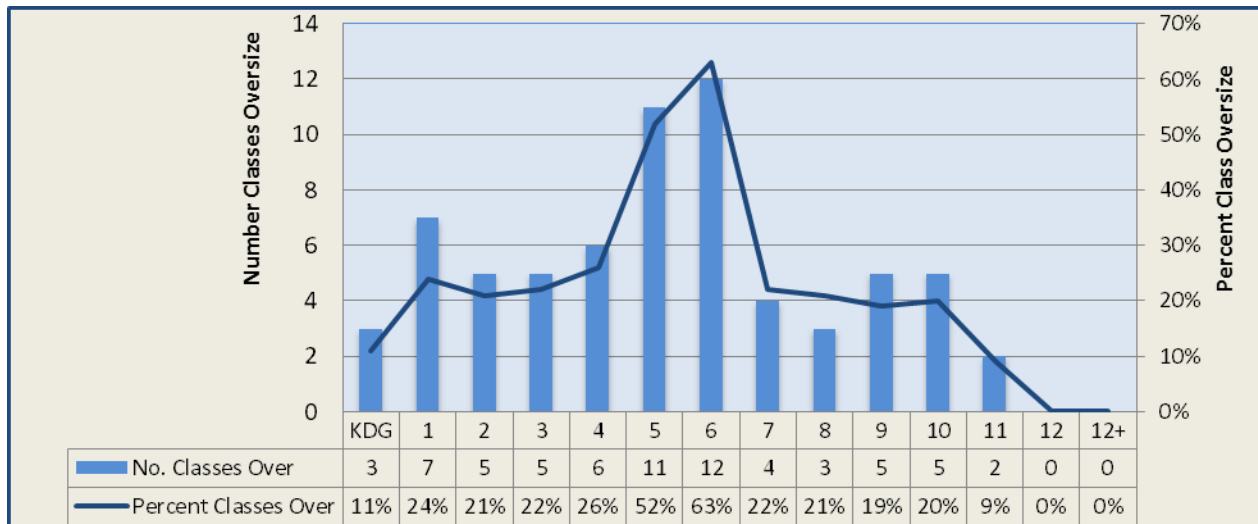


Exhibit 3n, which shows the number of class overages by grade, indicates that most are at the fifth grade (11 classes or 52 percent) and sixth grade (12 classes or 63 percent). The fewest are in kindergarten (three classes or 11 percent), 11<sup>th</sup> grade (two classes or 9 percent) and 12<sup>th</sup> grade (0 classes).

<sup>46</sup> Page 18.

<sup>47</sup> 6:1:1 denotes six students, one teacher, and one paraeducator.

Exhibit 3n. Number/Percentage of Classes over Maximum Size



**Other Placement Concerns**

Interviewees expressed concerns that classes were housed in schools based on space availability and not on a master plan of equitable and geographic locations closest to student residences.

- **Multiple School Placements.** If a student exceeds the grade configuration in his/her self-contained class, he or she must transition to another school with the same overall grade configuration (e.g., elementary school) to attend other self-contained classes. As a result, students with IEPs were required to transfer to other schools more frequently than their nondisabled peers.
- **Notice of/Preparation for Students.** Sometimes students were placed without regard to current classroom profiles, geographic proximity to their homes, notice to teachers, or adequate supplies, e.g., desks. Reportedly, an increasing number of due process/CSE appeal requests have been filed to address the transfer of students across town for an available specialized class.
- **Teacher Capacity.** When new teachers are assigned or current teachers are reassigned to a new program, they do not always have the knowledge and skills necessary to teach their students, and they receive little support in obtaining them. There is a need for additional training, particularly for instructing students with autism.

**Interventions**

There appears to be a serious shortage of academic interventions, especially at the high school level and at all levels in math. Interventions are varied by school and are implemented unevenly. There also does not appear to be a comprehensive listing of interventions (academic/behavioral) available by school, including interventions that are based on multi-sensory methods. Various reading intervention programs are available only for certain self-contained programs. The well-regarded Unique Learning Program is available for students participating in alternate assessments.

### *Assistive Technology*

There appears to be little assistance in the use of assistive technology. For example, staff members indicated that there were no procedures for addressing broken hardware. In addition, according to some focus group participants, there was a lack of accountability for how devices like iPads were used—or not used. One interviewee indicated that devices were locked in a closet and students did not have access to them!

### **Separate Schools**

Reportedly, too many CSEs recommended separate schools because they believed the district lacked sufficient resources to address student needs. There were concerns as well that this recommendation was prompted by school achievement concerns. In the absence of support for more intensive services within the school, district data showed that 815 students (12 percent) have been placed by BPS in separate schools. According to district special education personnel, few of these students return to district schools.

### **Positive Behavior and Social/Emotional Support**

Focus group participants expressed numerous concerns about supports for students with disabilities who also had behavioral challenges. Furthermore, as discussed below, NYSED notified BPS that African American students with IEPs were suspended for more than 10 days at significantly disproportionate rates, compared with peers from other racial/ethnic subgroups.<sup>48</sup>

### *African American Disparity in Long-Term Suspensions*

According to NYSED's February 12, 2014 letter to the district, African American students with IEPs were 2.56 times more likely than their peers from other races/ethnicities to be suspended for more than 10 school days during the school year. This weighted risk ratio constitutes significant disproportionality under NYSED's standard of 2.0 or above. The state also informed the district that it is at risk of significant disproportionality regarding suspensions of less than 11 days for African American students (1.66 weighted risk ratio). The district reported that no students received in-school suspensions.

As a result of its significantly disproportionate ratio of suspensions for African American students, the district was required to apply 15 percent of its 2014-15 IDEA funds to early intervention services (CEIS) for students in grades K-12. Also, the district was required to review and, if appropriate, revise policies, procedures, and practices related to disciplinary actions and publicly report any revisions.

In addition, NYSED indicated that it would conduct a monitoring review of the district during the 2013-14 school year to determine if BPS had appropriate policies, procedures, and practices relating to the development of IEPs, the use of positive-behavioral interventions, and supports and procedural safeguards.

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<sup>48</sup> February 12, 2014 letter from NYSED to BPS.

*Discrepancies between Data Provided to Council Team and NYSED*

The Council team sought data to assess the extent to which students with IEPs were suspended, compared with their nondisabled peers. The 2012-13 data provided by the district to the Council team, however, was markedly different from the BPS data provided to NYSED (and shared with the team). The BPS data provided initially to the Council team, which is shown in Exhibit 3o, indicated that of 7,742 students with IEPs, 1,263 (16 percent) were suspended. Also--

- **1-5 Days.** 30 percent of students suspended for five days or less had IEPs,
- **6-10 Days.** 36 percent of those suspended for six to 10 days had IEPs,
- **Over 10 Days.** Only three students with IEPs were suspended for more than 10 days, rather than the 344 suspensions reported to NYSED, and
- **1-10 Days.** A total of 2,176 total students with IEPs were suspended for 1-10 days, compared to the 919 students reported to NYSED.

**Exhibit 3o. Suspensions of Students with/without IEPs**

Suspension Length School Days	IEPs	% IEPs	No IEPs	Grand Total
1-5 Days	1574	30%	3742	5316
6-10 Days	602	36%	1061	1663
10+ Days	3	0.1%	10	13
Total Suspensions	2179	31%	4813	6992

The district also provided the Council team with three monthly Infinite Campus reports for the 2013-14 school year on short-term (one to five days) and long-term (six or more days) suspensions by school and by gender, race/ethnicity, and special education status. But percentages were provided only for students not suspended, which made it impossible for the Council team to compare rates for the various student subgroups.

*Focus-Group Participant Concerns*

Focus group participants also expressed the following concerns about behavioral supports for students with disabilities.

- **Training, Generally.** There was considerable interest in additional training and resources for behavior support and classroom management, including how to be more proactive with students presenting threatening behavior. Although there are school psychologists, along with two PBIS coordinators, three coaches, and three behavior specialists, interviewees indicated that the district needed more individuals who could provide targeted supports for teachers and their students.
- **SCIP-R Training.** Some participants indicated that they had not been allowed to receive training in Strategies for Crisis Intervention and Prevention – Revised (SCIP-R) to help with students having the most aggressive behavior. According to the website of the New York State’s Office for People with Developmental Disabilities (OPWDD), SCIP-R is an approved program for training staff in crisis prevention and intervention. The focus of this revised program is to empower staff with methods of assisting and teaching individuals to maintain



self-control and to train staff in engaging in proactive methods of positive behavior support.<sup>49</sup> Reportedly, some schools have established crisis teams, but they have not been SCIP-R trained.

- **Suspension Hearings.** Parents expressed concerns about hearings held for students suspended for more than five school days and about the lack of respect for parents and students exhibited by school personnel. They urged the Council team to listen to hearing tapes. However, the team was told that hearings have not been taped for some time.
- **Alternative School.** School 40 provides educational services for students with IEPs who are suspended because of disruptive behavior that is not manifested due to their disabilities. No transportation is provided, a limitation that hinders participation by some students.

### ELL Interventions/Support

The Cross and Joftus 2012 report indicated “...concerns that English learners, especially those receiving special education services, do not have access to specialists and staff members who can meet their needs.”<sup>50</sup> Focus group participants expressed these same concerns to the Council team. Currently, there are no plans in place to address this issue.

- **Fewer Service Options.** ELLs with IEPs have fewer service options than their non-ELL peers. Only 15:1:1 or 6:1:1 self-contained classes are available to them, and many agencies will not accept ELLs because they lack appropriate language services. Bilingual support at schools is sometimes insufficient to meet the needs of all students. This issue is of particular concern to parents.
- **Use of Resources.** There were reports that some schools do not use all resources available to students and that instruction may be provided in a language that students do not understand.
- **Cultural Differences.** In addition to language differences, there are cultural issues that impact instruction for students that have different national origins. (See the Council review of ELL programming in the Buffalo schools.)

### Extended School Year

Students showing significant regression when school is not in session receive extended school year (ESY) services. Students who participate in alternate assessments receive a full day of ESY service. Personnel working with these students work half-days (morning or afternoon); their schedules overlap somewhat in order to share information and facilitate transitions.

Although the shared work-day ESY model was implemented as a cost-saving measure, it presents administrative challenges with respect to hiring staff for only a half-day, e.g., teachers, counselors, and social workers. Also, there is little coordination between ESY and summer school to determine whether there may be opportunities to coordinate school sites and other support activities.

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<sup>49</sup> [http://www.opwdd.ny.gov/opwdd\\_regulations\\_guidance/guidance\\_documents/strategies\\_for\\_crisis\\_intervention\\_and\\_prevention\\_revised\\_scip\\_r](http://www.opwdd.ny.gov/opwdd_regulations_guidance/guidance_documents/strategies_for_crisis_intervention_and_prevention_revised_scip_r)

<sup>50</sup> Page 5.

### Professional Development

The Cross and Joftus report found a few best practices regularly observed in classrooms, but instructional rigor needs to be “ratcheted up.”

Teachers need more training on and support for high-impact strategies to improve the effectiveness of their instruction. Mechanisms for using student data to identify professional development areas and evaluate the impact of professional development on student learning are also needed. And school leaders need more professional development and supports so that they too can be more effective in their roles.<sup>51</sup> ... When specific training and coaching is a priority in BPS, it is thwarted in several ways. Comments throughout the review highlighted professional development that is “offered, optional, or encouraged” but never required, even when the training is critical to systematic district performance.<sup>52</sup>

Focus group participants reinforced these findings and indicated that the district has not invested in its administrators, teachers, teacher assistants, and other personnel sufficiently to ensure they have the knowledge and skills necessary for instructional rigor to be “ratcheted up” and for students to learn. With the mobility of personnel, the need for continuous professional development is essential. The turnkey method used by the district is based on a model whereby newly trained personnel instruct others. This method does not enable trainers to have a deep understanding of training materials or have a repertoire of experiences to answer difficult questions.

### *Co-Teaching*

The Cross and Joftus report also indicated the following about training for co-teaching: “General and special education teachers also need more and better training on the district’s integrated co-teaching model to be able to jointly improve teaching and learning for all students in inclusive settings.”<sup>53</sup>

Many focus group participants reinforced this finding. District personnel shared a new school-based training approach for ICT that included a combination of presentations, a period for implementation, then feedback and discussion. Attempts were made to involve school administrators and coaches in the training sessions. But attendance at external training sessions is not mandated, and all academic support personnel (e.g., school and external coaches, including those who support ELLs) do not have full access to training relevant to ICT and other areas important for teaching students with IEPs.

### *Modeling and Coaching*

Focus group participants shared their desires to have experienced individuals provide classroom-based modeling and coaching so they could observe instructional strategies. They indicated that the use of videos was not sufficient because their classes often looked different from those in the videos, and it was difficult to generalize from video examples. District leaders indicated that a coaching model is in use, but this model was not evident from focus group reports.

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<sup>51</sup> Page 4.

<sup>52</sup> Page 12.

<sup>53</sup> Pages 4 and 5.

### *Special Education School Improvement Specialists*

The NYSED's Office of Special Education contracts with BPS for three special education school improvement specialists (SEIS) through the Buffalo City Regional Special Education-Technical Assistance Support Centers (RSE-TASC). The SEIS informed the Council team about the various resources they have to improve instruction for students with IEPs, including a checklist to guide the review of high-quality instructional practices. However, it was not evident that the district has leveraged these resources effectively to support high-quality research-based practices systemwide. The SEIS are in the fifth and last year of the NYSED contract.

### *Learning Walk Cycles*

According to the district's status report included in the Distinguished Educator's November 2013 Action Plan Status Update, the curriculum, assessment and instruction group is "conducting learning walk cycles made up of SPED/content directors to determine the fidelity of the Integrated Co-Teaching model throughout the district."<sup>54</sup> Instructional leaders of each school are expected to monitor ICT and to embed professional development as part of this process. The Status Update indicated that "[t]here continues to be a need to provide more PD to school leadership teams on proper classroom monitor[ing] and use of resources."<sup>55</sup>

### **Postsecondary Transition Services and Activities**

This section summarizes graduation rates, IEP diplomas, and students remaining in school, as well as information about the district's postsecondary transition services and activities.

### *Rates for Graduation, IEP Diploma, and Students Still Enrolled*

The following information pertains to students with/without IEPs who graduated, received IEP diplomas, or were still in school at the end the 2010 to 2013 period (see Exhibit 3p).

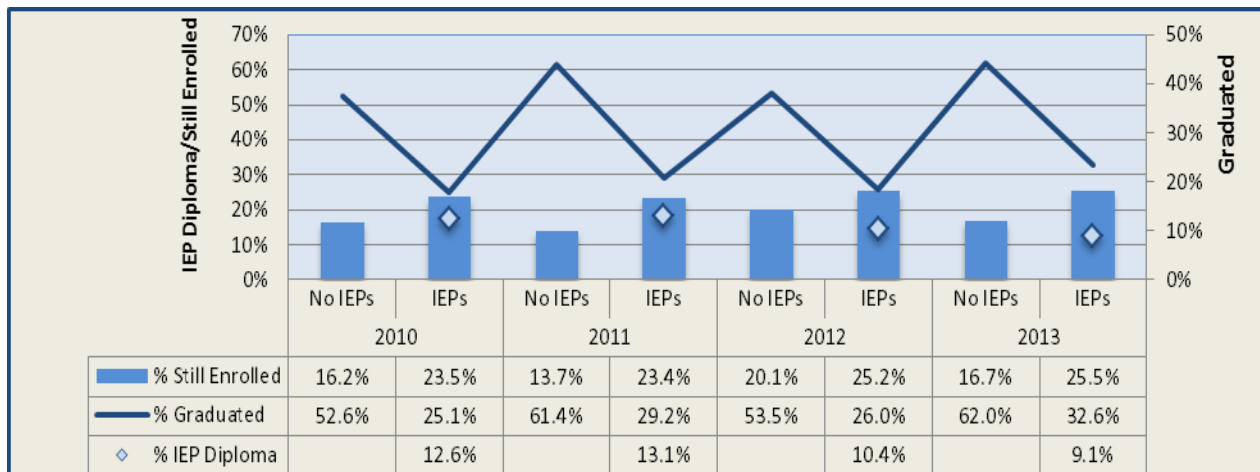
- **Graduation.** The graduation rates for students with/without IEPs steadily increased between 2010 and 2013. The rate for students with IEPs increased from 25.1 percent in 2010 to 32.6 percent in 2013. The rate for students without IEPs grew from 52.6 percent in 2010 to 62 percent in 2013.
- **IEP Diploma.** The IEP diploma rate dropped from 13.1 percent in 2011 to 9.1 percent in 2013. The graduation gap between students with/without IEPs has fluctuated across the four school years: 32.3 percentage points in 2011 and 27.5 in 2010 and 2012. In 2013, the gap was 29.3 percentage points. As of July 1, 2013, the IEP diploma was no longer available in New York.
- **Still Enrolled.** There was a small increase in the rates of students with and without IEPs who continued to be enrolled after four years of high school. In 2010, 23.5 percent of students with IEPs and 16.2 percent of students without stayed on; in 2013, 25.5 percent of students with IEPs and 16.7 percent of students without IEPs remained enrolled.

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<sup>54</sup> Specific Deliverable 7.f. at page 31.

<sup>55</sup> *Ibid.*

Exhibit 3p. Rates for Graduation, IEP Diploma and Students Still Enrolled



**Dropout Rates**

The percentage of students with IEPs who dropped out of school fell 6.3 percentage points from 38.8 percent in 2010 to 32.5 percent in 2013. The percentage of students without IEPs fell about 10 percentage points during this same period, increasing the dropout gap between students with/without IEPs from 7.5 to 11.2 percentage points (see Exhibit 3q).

Exhibit 3q. Percentage of Students with IEPs and without IEPs who Dropped Out of School



Focus group participants expressed concern that some students with IEPs were counseled to drop out of high school or that the students did so because of frustration with their lack of achievement and engagement.

**Importance of Community-based Work Experiences for Students with Disabilities**

National Longitudinal Transition Study-2 data show that students with disabilities have poor postsecondary outcomes in employment, education, and independent living. For instance, based on the latest data from 2009, 60 percent of survey respondents across disability groups indicated that they were currently in a paid job, and 15 percent indicated that they were attending postsecondary education. Large numbers of students with disabilities who are able to either work

or participate in higher education after they leave high school do not participate in these post-school activities.<sup>56</sup> According to an American Institutes for Research study,

Previous studies have demonstrated that students with disabilities who have work experiences while in high school are more likely to be employed after high school.<sup>57</sup> Often the work experience in which they were enrolled led directly to a postsecondary job for a student. For these students, it is important to have occupationally specific CTE programs, with appropriate instructional and adaptive support services and accommodations, available in high school.<sup>58</sup>

The National Collaboration on Workforce and Disability reinforced this finding further by reporting that “[w]hile work experiences are beneficial to all youth, they are particularly valuable for youth with disabilities. For youth with disabilities, one of the most important research findings shows that work experience during high school (paid or unpaid) helps them get jobs at higher wages after they graduate.”<sup>59</sup> The National Collaboration published research showing that quality work-based learning experiences include these characteristics:

- Experiences provide exposure to a wide range of work sites in order to help youth make informed choices about career selections.
- Experiences are age and stage appropriate, ranging from site visits and tours, to job shadowing, internships (unpaid and paid), and paid work experience.
- Work site learning is structured and links back to classroom instruction.
- A trained mentor helps structure the learning at the worksite.
- Periodic assessment and feedback is built into the training.
- Youth are fully involved in choosing and structuring their experiences.
- Outcomes are clear and measurable.

### *Career Development and Occupational Studies Commencement Credential and BPS Activities*

Beginning in the 2013-14 school year, New York students with disabilities were able to earn a Career Development and Occupational Studies Commencement Credential (CDOS Credential or Credential), which reflects a student’s preparation and skills for post-school employment. Community-based work programs for students with disabilities help them earn the credential. Monthly, the district’s Career and Technical Education (CTE) committee, which includes a special education director, meets to develop policies and procedures relevant to the credential.

The district has a few years to comply fully, and students can begin to graduate with the credential this school year.

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<sup>56</sup> National Longitudinal Transition Study-2. Retrieved from <http://www.nlts2.org/>

<sup>57</sup> National Collaborative on Workforce and Disability for Youth, 2011.

<sup>58</sup> Improving College and Career Readiness for Students with Disabilities American Institutes for Research <https://www.google.com/search?q=while+work+experiences+are+beneficial+to+all+youth%2C+they+are+particularly+valuable+for+youth+with+disabilities.andie=utf-8&oe=utf-8&aq=tandrls=org.mozilla:en-US:officialandclient=firefox-a>

<sup>59</sup> <http://www.ncwd-youth.info/work-based-learning>

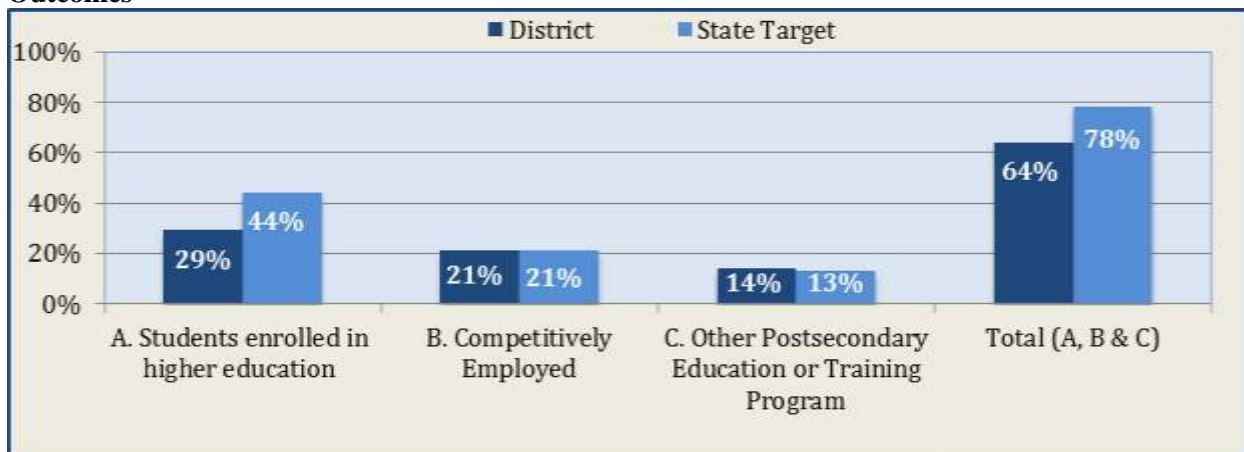
*CTE Programs and Postsecondary School Outcomes*

Based on a report provided by BPS, there were 35 CTE programs, and at least one exists in each high school. The goal is to have at least one differentiated program in each building. Reportedly, these differentiated programs would meet one of the criteria for students to earn the CDOS Credential. CTE conducts a phone survey of students, including those who participated in differentiated CTE programs, six months after they leave high school to track their postsecondary status. Last year the overall response rate was 49 percent.

The latest data available from the NYSED Special Education School District Data Profile for BPS shows that within one year of leaving high school, 29 percent of students who had IEPs were enrolled in higher education or another type of education/training program, 21 percent were competitively employed, and 14 percent were in some other employment (see Exhibit 3r.).

The overall 64 percent rate of students with IEPs that were enrolled in higher education, competitively employed or in some other postsecondary education or training program was 14 percentage points below the state’s target of 74 percent.

**Exhibit 3r. Within One Year of Leaving High School, Percentage of Students Who Had IEPs by Outcomes**



*Occupational Training Center*

The district also has an Occupational Training Center (OTC) that prepares students to perform skills needed to function successfully within a variety of community environments. These environments include, but are not limited to, their place of residence, employment settings, consumer/service settings, and social/recreational activities.<sup>60</sup>

*College Campus Based Transition Program*

The College Campus Based Transition Program is a collaborative involving the district, Buffalo State College, People, Inc., and parents. It is a non-degree campus-based program that provides transition support for students with significant disabilities who have completed their education in BPS high schools but continue to be eligible for public school services.

<sup>60</sup> <http://www.buffaloschools.org/OccupationalTrainingCenter.cfm?subpage=1109>

### *Focus Group Participant Feedback*

Focus group participants expressed the following concerns about BPS's postsecondary transition services and activities. These concerns were also discussed in the Cross and Joftus 2012 report that described the secondary transition plans and services for BPS students with disabilities as weak.<sup>61</sup>

- ***Access to Services.*** All students with IEPs who have reached the age for transition services do not consistently have transition assessments, and even if the assessments are completed, they are not adequately reflected in the development of IEP transition planning.
- ***Work Experiences.*** Except for students at OTC, there is minimal access to on-site work experience and no evidence of coaching, job shadowing, school-based enterprises, college and career exploration. The perception is that there are fewer opportunities for community-work experiences now than in the past. One school (Hillside) was reported to provide tutoring, mentoring, and opportunities to work during the school day.
- ***CDOS Commencement Credential.*** Parents are concerned about the elimination of the IEP diploma. They indicated that they needed more information about the new CDOS Credential and how it applies to their children.

### *Postsecondary Transition Planning*

In New York, school districts are to begin transition planning for students with IEPs by 15 years of age. The planning process includes age-appropriate transition assessments, transition services, courses of study that will reasonably enable the student to meet postsecondary goals, and annual IEP goals related to the student's transitional needs. Transition services and supports prepare students for employment and independent living through a coordinated set of activities that promote movement from school to post-school activities, including postsecondary education, vocational education, integrated employment (including supported employment), continuing and adult education, adult services, independent living, and community participation. The SPP has a 100 percent compliance rate for this indicator. However, NYSED's last publicly reported Special Education School District Data Profile did not include this information about BPS.

According to focus group participants, special education teachers facilitate interest assessments, and school personnel provide students with linkages to adult service-providers. Also, there are monthly in-service meetings to provide information about transition services.

## AREAS OF STRENGTH

The following are areas of strength regarding teaching and learning for students with IEPs.

- ***BPS/Agency Collaboration.*** BPS has a good working relationship with the agencies that provide services to district students with IEPs, particularly preschoolers with disabilities.
- ***Inclusive Education.*** Overall, BPS, agency and charter schools met the 53 percent target for educating students in regular classes for at least 80 percent of the day, and narrowly missed the 24 percent target for educating students in regular classes for less than 40 percent of the day.

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<sup>61</sup> Page 5.

- **Investment in ICT.** The district has invested heavily in the ICT model of instruction for students who are educated most of the time in general education classes. A high percentage of elementary school students with IEPs are co-taught (62 percent). Percentages for elementary grades vary from 27 percent to 88 percent. Focus-group participants indicated that ICT instruction is more effective when school administrators support the process, teachers are paired with the program based on their compatibility, and teachers have time to work together. There were concerns about the overall fidelity of instruction in this model, however.
- **ICT Support.** A new school-based training approach includes a combination of presentation, a period for implementation, then feedback and discussion. The CAI team conducts learning-walk cycles with special education and content directors to observe the fidelity of ICT instruction, and school instructional leaders are expected to monitor ICT and support training.
- **Curriculum and Interventions.** Various reading intervention programs are available for some self-contained programs, and the Unique Learning Program is available for students participating in alternate assessments.
- **SEGIS.** The three special education student improvement specialists (SEGIS) have valuable resources and specific knowledge about how to improve student outcomes, including skills in explicit instruction and a specially designed checklist to guide the review of high-quality instructional practices that could be leveraged districtwide.
- **Graduation and Dropout Rates.** Graduation rates for students with/without IEPs have steadily increased between 2010 and 2013. The rate for students with IEPs increased from 25.1 percent (2010) to 32.6 percent (2013). The school dropout rate for students with IEPs fell 6.3 percentage points from 38.8 percent (2010) to 32.5 percent (2013).
- **Postsecondary Transition Services.** The district's CTE committee, which includes a special education director, meets monthly to develop policies and procedures relevant to the CDOS Credential. The district has a few years to fully comply with this new program, and students can begin to graduate with the credential this school year. The differentiated programs developed by CTE are promising. This program is a modified version of CTE courses, so students can pass the CTE certification requirements. There is a goal to have at least one differentiated program in each high school. At least one school (Hillside) provides tutoring, mentoring, and opportunities to work during the school day. The College Campus-Based Transition Program is a non-degree campus-based program providing transitional support for students with significant disabilities who have completed their education in BPS high schools but are still eligible for public school services. Special education teachers facilitate completion of interest assessments, and school personnel provide students with linkages to adult service providers. Also, there are monthly in-service meetings to provide information about transition services. CTE aggressively tracks students, including those with IEPs, using surveys after six months out of school, with a variety of high-incentive strategies to induce response.

### OPPORTUNITIES FOR IMPROVEMENT

The following areas represent opportunities for improvement.



- **Agency Services for Preschoolers with IEPs.** The state’s reliance on private agencies to evaluate and educate preschoolers with IEPs unnecessarily separates these services from the public schools in which most of these children will eventually attend for kindergarten. Exemplifying this problem is NYSED’s refusal to allow the district to open a self-contained preschool class for children at a specialized school that is associated with a major hospital because agency schools were not filled. This reliance places the district in a position where it is accountable for ensuring these children receive a timely evaluation and placement, yet it is not in control of the evaluation and service components. This service configuration also provides the district with no ability to directly improve outcomes for preschool students in special education classes that are measured by the state performance plan.
- **Outcomes for EC Children with IEPs.** BPS rates for the six indicators pertaining to young children with IEPs ranged between 36 and 23 percentage points below the state targets for growth and functioning in positive social/emotional skills, acquisition and use of knowledge and skills, and use appropriate behavior to meet their needs
- **Placement of EC Children with IEPs.** In 2012-13, through its early childhood (EC) program, the district educated 70 percent of preschoolers with IEPs, and special education/related services were provided either in or outside of EC for a portion of the day. Of these 407 young children, 64 percent were classified with speech/language (S/L) impairments. Only 21 percent of the EC children and 9 percent of those with S/L were educated most of the day in regular classes.
- **Placement of School-Aged Students with IEPs.** The following summarizes the educational settings of the school-aged students with IEPs.
  - **80 Percent or More in Regular Education.** 55 percent of students in BPS’s jurisdiction are educated inclusively, compared to the nation’s 59 percent rate. Not counting charter schools, the BPS/agency rate is 52 percent, just below the state’s 53 percent target. Almost all students with speech/language impairments (99 percent) are educated inclusively, followed by students with learning disabilities (69 percent) and other health impairments (57 percent). Comparing ICT to SC classes, ICT accounts for 62 percent of elementary school classes (ICT rates at individual schools vary from 27 percent to 88 percent), and 45 percent of high school classes (school rates vary from 100 to 0 percent).
  - **Less than 40 Percent in Regular Education.** Some 20 percent of BPS students are educated in self-contained settings (meeting the state’s 24 percent target), compared to the nation’s 21 percent rate. In various disability areas, the percentages of students in separate classes are much higher than national averages: intellectual disability (61 percent rate exceeds the nation’s rate by 13 points), emotional disturbance (30 percent rate exceeds the nation’s rate by 12 points), and learning disability (14 percent rate exceeds the nation’s rate by 6 points).
  - **Separate Schools.** 11 percent of BPS students are in separate schools, compared with the nation’s 3 percent rate and the state’s 7 percent target.<sup>62</sup> High schools have the highest percentage (17 percent), followed by middle and elementary school grades (12 and 10 percent, respectively). High rates for some disability areas significantly exceed national rates: intellectual disabilities (BPS 17 percent, 9 percentage points higher than the national rate), emotional disturbance (BPS 39 percent, 27 percentage points higher),

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<sup>62</sup> Not counting charter schools, the district rate is 12 percent.

autism (BPS 42 percent, 34 percentage points higher), and multiple disabilities (BPS 44 percent, 24 percentage points higher).

- **Overall Achievement of School-Aged Students with IEPs.** Overall, based on a report of achievement scores by year provided by the district, 2012-13 scores of at least proficient were very low for students with IEPs at the elementary-grade level in ELA (2.4 percent) and math (3.2 percent) and at the high school level in reading (8.5 percent) and math (0.9 percent). The 2012-13 school year was the first one that involved assessments tied to the Common Core State Standards. Interestingly, because the scores for students without IEPs were much lower than in prior school years, the achievement gap narrowed between students with/without IEPs for elementary grades in reading (a gap of 11.8 percentage points) and math (a gap of 8.3 percentage points) and high school grades in reading (a gap of 30.4 percentage points) and math (a gap of 5.8 percentage points). The district's strategies for improving achievement for students in priority and focus schools did not appear to include any specificity for the subgroup of students with IEPs in those schools.
- **Service Model and Achievement.** The consideration of ICT for students appears to occur without any specific written guidance or criteria, which, without accountability may inflate special education teacher allocations. There are significant concerns about the extent to which this instructional model is benefiting student learning. A BPS report provided ELA and math scores of elementary-grade-level students by service model. Because the rates of all students who met standards were so low, the Council team also looked at students who met level-2 standards. About 2,300 students with IEPs took a regular elementary-grade-level assessment in 2012-13. Of these students, about 50 percent were educated with the ICT model, 21 percent with the RR model, and only 4 percent with the CT model. As described below, higher rates of students served in the CT model at least met standards (8 percent for ELA and 11 percent for math). However, these students represented only a small number of students (87), and they tended to have less intensive instructional needs. The RR approach had the lowest achievement rates in ELA and math. The BPS report did not include 2012-13 school-year data for the SC model (15:1), and a similar report was not provided for high school students with IEPs.
  - **ELA.** Overall, 10 percent of students with IEPs earned a score of level-2 or above. Double-digit rates were earned by students in the following service models: CT (26 percent), ICT (16 percent), and 8:1+1 (14 percent). Only 4 percent of students educated in a resource-room model scored at this level.
  - **Math.** Overall, 12 percent of students with IEPs earned a score of level-2 or above. Double-digit rates were earned by students in the following service models: CT (32 percent), ICT and 8:1+1 (15 percent) and 6:1+1 (13 percent). Only 3 percent of students educated in a resource room model scored at this level.
- **Instruction.** Teachers are struggling with providing instruction aligned with CCSS, keeping up with pacing guides, and providing interventions to address seriously low student achievement and serious learning deficits. These challenges are more significant for students with disabilities. Other issues that impact instruction include: mobility of ICT educators, lack of common planning time for teachers, directives for ICT educators to cover absent teacher classes, insufficient curricular knowledge, and high proportion of students with IEPs in classes. Current instructional methodology, including the use of differentiated instruction, intervention support, short-term progress monitoring, and problem solving with data to inform instruction, have not been adequate to enable students to be career and college ready.

- ***Self-Contained Programs.*** Students are not always placed in separate class programs consistently and with regard to established standards. In addition, the procedure for providing information to the special education department prior to team meeting decisions is not consistently followed. Although written information indicates that this discussion does not supplant or circumscribe the CSE process, there was some concern that approval for more restrictive settings was required. Other concerns relate to multiple school placements for students who articulate between grades, insufficient notice of and adequate supplies for new teachers, and sufficient knowledge and skills of teachers. When transitioning to high school, it was reported that student placements in a 15:1 class was encouraged, rather than in classes with smaller ratios.
- ***Class Size Overages.*** A number of classes exceed state standards: 56 classes at the elementary-grade level, and 12 at the secondary-grade level. Classes based on a 15:1 ratio have the most class overages, and most overages are at grades 5 and 6. The fewest class overages are at kindergarten and grades 11 and 12. Written information does not describe the process for determining class overages and for documenting, validating, and resolving the problem. In the past, a cabinet-level special education administrator was able to arrange for new classes when needed. However, with the change in administration, the process now takes longer. New classes are based on school space availability and not on a master plan of equitable and geographic locations that consider student residences.
- ***Instructional Support.*** There is a lack of interventions districtwide sufficient to address various needs, including those based on multi-sensory methodology and those needed for ELLs and secondary-grade students. There also appears to be insufficient support and accountability for the use of assistive technology.
- ***Separate Schools.*** Reportedly, too many CSEs recommend separate schools because they believe the district lacks sufficient resources to address student needs. There were also concerns that this high rate is prompted by school personnel who believe that these students bring down school achievement rates. Absent more intensive services and supports in regular schools, BPS data report 815 students (12 percent) were placed in separate schools. According to district special education personnel, few students return to district schools.
- ***Suspensions.*** On February 12, 2014, NYSED notified BPS that, based on 2012-13 data, African American students with IEPs were suspended for more than 10 days at a rate that was significantly disproportionate (2.56 times more likely than peers from other racial/ethnic subgroups). To address its significant disproportionality, the district is required to use 15 percent of its IDEA funds to provide coordinated early intervention services for students in grades K-12, and NYSED will be monitoring the district in this area. Although BPS reported to NYSED that 344 students with IEPs were suspended for more than 10 days, the district provided the Council team with data showing only 3 suspensions of students during this period. Furthermore, these data indicated that 30 percent of students suspended for five days or less had IEPs; and 36 percent of those suspended for six to 10 days had IEPs. In addition, the number of students with IEPs suspended during the same school year was significantly different in the two data reports. The district reported no students with in-school suspensions. When students have a change in placement (more than 10 consecutive days) and are educated at alternate sites, they are not provided transportation. The monthly 2013-14 Infinite Campus reports provided to the Council team showing suspensions by various categories did not include data comparing student groups and schools.

- ***ELLs with IEPs.*** Focus group concerns underscored findings in the Cross and Joftus report that ELLs, especially those receiving special education services, do not have access to specialists and staff members who can meet their needs. ELLs have fewer special education service options than their English-proficient peers, and bilingual resources are scarce. Meeting students' cultural differences and providing adequate translation for parents were also concerns.
- ***Postsecondary Transition Services and Support.*** There is concern that some students with IEPs were counseled to drop out of high school or that students did so because of their frustration with achievement and engagement. Reportedly, all students with IEPs who have reached the age for transition services do not consistently have transition assessments, and even if assessments are completed, they are not adequately reflected in IEP transition planning. Except for students at OTC, there is minimal access to on-site work experiences and no evidence of coaching, job shadowing, school-based enterprises, college and career exploration, etc. even for students at OTC. Parents need more information about the elimination of the IEP diploma and the plans to support students to meet new requirements for the CDOS Credential.
- ***Extended School Year.*** Students who participate in alternate assessments receive a full day of ESY. However, personnel work half-days only (morning or afternoon). Although this model was implemented as a cost-saving measure, it presents administrative challenges with respect to hiring part-time staff, e.g., teachers, counselors, and social workers. It also requires students with significant cognitive disabilities to transition between two sets of personnel. There is no coordination between ESY and summer school to determine whether there might be opportunities to coordinate school sites and other support activities.
- ***Professional Development.*** Information provided to the Council team reinforced the Cross and Joftus finding that instructional rigor needs to be “ratcheted up” and teachers need more training and support for high-impact strategies to improve the effectiveness of their instruction. In addition, school leaders need more professional development and supports so that they can be more effective in their roles. Focus group participants indicated as well that general/special educators need more effective ICT training so they are able to jointly improve teaching and learning for all students in inclusive settings. Attending external training sessions is not mandated, and all academic support staff members (e.g., school and external coaches, including those who support ELLs) do not have full access to training pertinent to ICT and other areas to improve instruction. There is insufficient training by experienced individuals to provide classroom-based modeling/coaching so that teaching and academic support staff can observe effective instructional strategies. More professional development is needed on proper classroom monitoring and use of resources. The SESIS are in their fifth and last year of their contract with the NYSED, but it appears that their work could be more embedded into BPS's overall infrastructure of support and operations. Additional training is needed to support positive student behavior and classroom management, crisis intervention/prevention, and making manifestation determinations.

### RECOMMENDATIONS

3. ***Expand options for inclusive preschool programming for young children with IEPs.***
  - a. ***Research.*** With general/special education leaders and principals, teachers, related services personnel, parents, and community members, reconfigure the district's current programming for preschoolers with/without IEPs, including support for students enrolled

in Head Start. Review research and curricular standards for early childhood learning and the components necessary to produce higher outcomes for young children, especially those with IEPs. Consider this research when revamping programming for children currently educated in agency settings, where children do not interact with nondisabled peers.

- b. Gap Analysis and Planning.* Identify gaps between the research findings and the instruction/support currently provided to preschool children with IEPs, and develop a plan for addressing these gaps, including professional development from all funding sources. Begin implementing the plan in the 2015-2016 school year.
- 4. Significantly improve meaningful and effective instruction and supports in inclusive settings.* Currently, BPS has a very low achievement level for students without IEPs, and even lower rates among students with IEPs. It is unlikely that the achievement of students with IEPs will increase markedly without full implementation of MTSS and full access to evidence-based academic/behavior interventions/supports that are implemented with fidelity. Recommendation 2 addresses activities to support MTSS implementation. To address the achievement of students with IEPs, it is not sufficient to simply change service models, e.g., from integrated co-teaching to resource rooms.

Various activities may be implemented in the 2014-15 school year; however, the Council team does not recommend a systemic change for next school year, given the planning and preparation needed to effect changes of this magnitude. However, given the poor performance of students with IEPs, the team recommends next year to have small groups of principals from schools with similar demographics meet with SESIS, other knowledgeable special education administrators, and school leadership chiefs to review their ICT models to determine if other model(s) for differentiated instruction and targeted interventions might be beneficial. Base implementation on (1) written individualized school plans; (2) approval of the relevant chiefs, principals, and special education administrator; and (3) the application of federal/state procedures required through the CSE/IEP decision-making process.

The planning activities described below are meant to be fully implemented in 2015-16. These activities are not intended to be comprehensive, but they are provided to initiate discussion and further development.

- a. Leadership Team.* Have the MTSS leadership team<sup>63</sup> develop a plan for effective inclusive instruction and supports for students with IEPs. Because of their knowledge of and access to research-based materials, include SESIS personnel. Have status reports of ongoing planning and implementation presented to the MTSS leadership team to ensure cohesiveness; avoid fragmented efforts; and leverage/coordinate resources, training, monitoring, data reporting, etc. Engage a skilled external facilitator to support project staff in managing this planning and implementation process.
- b. Implementation Plan Feedback.* Ensure the implementation plan includes feedback from leadership chiefs, knowledgeable principals, and school-based personnel from differing grade levels, along with parent representatives.
- c. Student Characteristics and Learning Profiles.* Begin the planning process by taking a relatively short period (one to two months) to collect and summarize the diverse

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<sup>63</sup> Use of the extended MTSS leadership team is recommended to ensure that planning processes are not fragmented and they are coordinated to the maximum extent possible.

characteristics of students with IEPs currently educated in consultative teaching, integrated co-teaching, and resource room models. Present data on the effects of each approach on academic skills (reading, math, writing, speaking, listening, etc.); behavior (passivity, attentiveness, aggressiveness, emotionality, etc.); organizational and study skill profiles; language and cultural considerations; and hearing, vision, physical needs, etc. In each area, describe relevant characteristics and gaps with nondisabled peers. Obtain feedback from a broad group of school-based personnel to ensure comprehensiveness of the product. When finalized, consider drafting a learning profile for teachers and/or teams for individual students in order to provide instruction from general and special educators.

- d. Description of Standards and Expectations.* Using the diverse-learning profiles as reference (Recommendation 4c), identify literature and recommendations from this report, along with other sources on instructional successes and challenges, and develop a set of written standards and expectations in such areas as the following:
- 1) *General.* The parameters of (differentiated) instruction/research-based interventions, related services, and social/emotional supports and engagement, language services/support, assistive technology.
  - 2) *Core Content Knowledge* that special educators need.
  - 3) *Differentiated Instruction.* How teachers are to be supported in differentiating instruction in ways that are meaningful and effective.
  - 4) *Interventions.* The comprehensiveness of academic/behavior interventions (purchased or publicly available) necessary to meet diverse student learning needs, including crisis intervention and prevention training.
  - 5) *Assistive Technology.* Clarity on assistive technology, including access, usage, maintenance, training for students and teachers/parents, etc.
  - 6) *FBA/BIPs.* Development and use of functional-behavior assessments and behavior intervention plans.
  - 7) *Linguistic/Culturally Appropriate.* Evidence-based linguistic and culturally appropriate instruction for students with IEPs who are ELLs.
  - 8) *Problem Solving.* Involvement of professional learning communities and data-driven decision making to address achievement of students with IEPs through the use of a problem-solve process that would address barriers and implementation issues.
  - 9) *Progress Monitoring.* Effective progress monitoring and use of formative assessments to show student progress over relatively short periods of time.
  - 10) *Common Planning Time.* Collaboration between general/special educators and common planning time for instruction/intervention.
  - 11) *ICT Student-Teacher Ratios.* Reasonable minimum ratios for students to special educators for the ICT model.
  - 12) *Paraprofessionals.* Consideration and use of paraprofessionals.
  - 13) *Meaningful Parent Participation,* including translation services for parents who are English language learners, etc.

**14) People-First Language** usage.<sup>64</sup>

- e. Implementation Considerations.** To facilitate implementation of these standards and expectations, have the leadership team discuss the following issues, document the conclusions, and develop worksheets to support implementation of strategies for individual students, groups of students, and schools:
- 1) Determining Interventions.** A process for determining the intensity of academic/behavioral interventions required and identifying needs in each student profile.
  - 2) Configuration of Resources** that maximizes student access to differentiated instruction based on the CCSS and access to interventions based on need. As part of this process, consider the following:
    - a) Differentiation of Instruction** for students who have achievement levels in reading and math that are significantly below their classroom peers.
    - b) Maximum Leverage of School Staff**, including ways that are different from those currently in place.
    - c) Flexible Groupings.** Use intervention centers for students with (and without) IEPs needing similar interventions and other support centers for homework/studying assistance. Change groups based on student needs and successful outcomes.
  - 3) Scheduling** interventions and collaborative planning between teachers and related services personnel;
  - 4) Professional Development** needed to implement standards and expectations with a high degree of fidelity.
  - 5) Monitoring of ICT Student-Staff Ratios** to ensure they meet established minimum standards.
- f. Exemplary Inclusive Instruction/Intervention Implementation Models.** Based on student outcomes, identify and share models of exemplary practice in effective inclusive instruction/interventions, including those involving ELLs with IEPs and twice-exceptional students. Enable staff members to visit the schools and identify staff members who demonstrate the standards and provide training to their peers.
- g. Differentiated Training.** Based on the professional development needs identified in Recommendation 4.e., develop a comprehensive and differentiated professional development program that includes components referenced in 2.e. Include in differentiated training activities all teachers, coaches and other personnel that support schools.
- h. Evaluation of Effectiveness.** Evaluate the effectiveness of program implementation with data that include the following:
- 1) Baseline Data.** Establish baseline data on current instructional practices and outcomes. Use the Office of Shared Accountability report on elementary schools, which provided achievement data on special education service models, as a template to report comparable data on high schools.

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<sup>64</sup> See *Examples of People First Language* at [http://www.inclusionproject.org/nip\\_userfiles/file/People%20First%20Chart.pdf](http://www.inclusionproject.org/nip_userfiles/file/People%20First%20Chart.pdf)

- 2) **Data and Reports.** With a collaborative group of central office and school-based staff, expand the data and reports referenced in Recommendation 2.g to include information on (1) the number/percentage of students in various educational settings, (2) the use of academic and behavioral interventions for students with IEPs, (3) the results of these interventions, and (4) summary data on various groups and combinations of groups, e.g., schools, grades, ELLs with IEPs, etc.
  - 3) **Walk-Throughs.** In addition to the data reports mentioned in Recommendation 4.g.(2) to monitor the effectiveness of inclusive instruction and interventions/support, modify the walk-through protocols and checklists to include core practices and their implementation and the extent to which they conform to standards and expectations.
  - i. **Timely Communication and Feedback.** Establish a process for timely feedback to the MTSS leadership team (1) on implementation barriers and solutions reached using a problem-solving process and (2) on when schools require additional assistance in resolving issues.
5. **Specialized Classes and Schools.** Improve instruction meant to accelerate the achievement/social-emotional wellbeing of students currently in specialized classes, and reduce reliance on this setting.
- a. **Leadership Team.** Have the MTSS leadership team develop a plan for more effective instruction and supports for students in specialized classes, and oversee implementation of the plan.
  - b. **Student Characteristics and Learning Profiles.** Begin the process by taking a relatively short period, i.e., one to two months, to summarize the range of characteristics and learning needs of students currently educated in specialized classes and in separate agency schools. Ensure that the leadership team has the information.
  - c. **Description of Standards and Expectations.** Based on student profiles, develop the standards and expectations referenced in Recommendation 4.b., and apply them to students being educated in these specialized classes. In addition, consider the following:
    - 1) **Significant Achievement Gaps.** For students taking regular assessments and having significantly lower reading and math levels, consider how the district is differentiating instruction with the CCSS and providing interventions/supports.
    - 2) **Appropriate Interventions/Supports.** For students with behavior that is the primary reason for instruction outside of the general education classroom, consider how the district is using interventions and supports to meet their needs and whether those strategies and tools are appropriate for those needs.
    - 3) **Linguistic/Culturally Appropriate.** Consider service configurations that would provide evidence-based linguistically and culturally appropriate instruction for students with IEPs who are ELL.
    - 4) **Problem Solving.** Consider involving professional learning communities and use of data-driven decision making to address the academic progress of students in specialized classes.
    - 5) **Progress Monitoring.** Consider progress monitoring and use of formative assessments to gauge student progress over relatively short periods of time.



- 6) **Extended School Year.** Consider parameters for extended school-year programming with respect to half-day *versus* full-day staffing, along with staffing implications on student learning.
  - 7) **Postsecondary Transition.** In conjunction with Recommendation 7, consider research-based postsecondary transition planning, activities, and services likely to lead to successful post-school outcomes.
  - 8) **Unique Learning System.** Consider fidelity of the Unique Learning System implementation.
  - 9) **Integration Opportunities.** Consider opportunities for students to learn/interact with nondisabled peers in general education classes and nonacademic/ extracurricular activities. In this regard, explain federal regulatory language with examples of standards/expectations but do not solely mirror the requirements.
  - 10) **Placement Parameters.** Consider the placement parameters for each specialized class, based on the intensity and types of supports needed. Consider whether the need for a programmatic assistant in 15:1 classes would strengthen instruction and reduce need for a smaller student-teacher ratio.
  - 11) **Schools of Choice.** Consider issues of school choice for students with IEPs in specialized classes.
  - 12) **Equitable Distribution of Classes.** Consider how specialized classes are to be equitably distributed (across all schools, within school status categories and among feeder patterns), allowing for maximum continuity in schools from year to year and distance from home schools.
  - 13) **Placement Process.** Consider how the district will communicate with school personnel and parents, and arrange for appropriate materials, etc.
  - 14) **Administrative Input.** Clarify procedures for discussions between school personnel and special education administrators for potentially more restrictive student placements and/or personal assistants. Indicate that it is appropriate to informally discuss issues such as teaching methodology, coordination of services, or to develop a proposal or response to a parent proposal that may be handled at a later meeting. Expedite communications of these procedures with school-based personnel. Emphasize that decisions made by CSE and annual review teams should be based on information discussed at the meetings and should always include meaningful parent participation.<sup>65</sup>
- d. **Implementation Considerations.** To implement these standards and expectations, have the leadership team discuss the following areas (and others as identified), document their conclusions, and develop worksheets as necessary to support implementation for individual students, groups of students, and schools:
- 1) **Determining Interventions.** Establish decision rules to ascertain from a student's learning profile the type of intervention he or she needs, its intensity, and the basis for exiting the intervention.

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<sup>65</sup> 34 C.F.R. §300.501(b)(3).

- 2) ***Flexible Groupings.*** Define how students may be grouped more flexibly for parts of the school day with students from other classes (including students without IEPs) when they have common instructional needs.
  - 3) ***Significant Class Diversity.*** Contemplate the district's options for instructing students in self-contained classes with more than one grade level and with students who have significant differences in reading/math levels.
  - 4) ***Scheduling Interventions.*** Schedule collaborative planning between teachers and related services personnel.
  - 5) ***Overage Classes.*** Determine a process for opening new classes when needed to reduce or avoid classes that are over the state limit.
  - 6) ***Extended School Year.*** Have administrators responsible for summer school and extended school year services (including security, food, janitorial, etc.) collaborate on how to reduce costs by maximizing the use of common school sites and services.
  - 7) ***District/Agency School Partnerships.*** With private school administrators who are interested in collaborating to support BPS students, consider options for district/agency partnerships.
  - 8) ***Professional Development.*** Define what standards and expectations for professional development need to be developed and implemented.
- e. ***Exemplary Special Class Implementation Models.*** Based on student outcomes, identify and share models of exemplary special classes, including those involving ELLs with IEPs. Enable staff to visit the schools, and identify staff members who reflect these standards and who could provide training to their peers.
- f. ***Evaluation of Effectiveness.*** Evaluate the effectiveness of program implementation with activities that include the following:
- 1) ***Baseline Data.*** Establish baseline data on current instructional practices and outcomes. Use the Office of Shared Accountability report on elementary schools that included student achievement data by special education service model as a template to report comparable data for high schools. Ensure that all self-contained models are included. Cross reference with Recommendation 5g(1).
  - 2) ***Data and Reports.*** With a collaborative group of central office and school-based staff, expand the data and reports mentioned in Recommendations 2f and 4g to include information on use of academic and behavioral interventions for students with IEPs in separate classes, monitor progress, and summarize data by groups and combinations of groups, e.g., schools, grades, ELLs with IEPs, etc.
- g. ***Walk-Throughs.*** In addition to the use of data reports referenced in Recommendation 4f, modify walk-through protocols and checklists to reflect expected standards and practices.
6. ***Reduce out-of-school suspensions for students with disabilities.*** Recommendations 2 through 5 include activities related to the provision of interventions/support for academic achievement and positive behavior to reduce out-of-school suspensions. In addition, consider the following:

- e. **Balanced and Restorative Justice.** Review research on the use of balanced and restorative justice sponsored by the U.S. Department of Justice and successfully used in other school districts.<sup>66</sup>
  - f. **In-school Suspension.** Review research on the configuration and parameters around effective in-school suspension alternatives and determine how district schools would be able to implement these options, including how to continue the provision of instruction and other IEP-required services.
  - g. **Data Collection.** Produce *accurate* data reports showing students with IEPs by varying number of in-school and out-of-school suspension days by day ranges, e.g., 0 to 5, 5 to 10, and over 10. Along with these numbers, include measures supporting comparisons between students with/without IEPs, and with IEPs by race/ethnicity, and by grade.
  - h. **Disparity Measures.** Develop measures to track disparities, especially when there are small numbers of suspended students. Collaborate with BPS personnel knowledgeable about measurement and statistics.
  - i. **Monitor Outliers.** Based on established disparity measures, have each school leadership chief (in collaboration with the special education office and others responsible for achievement/behavior of students with IEPs) review the instruction/interventions and supports provided at each school and initiate follow-up training and assistance if patterns warrant. Establish a process for regular reporting to the leadership team.
  - j. **Transportation to Alternative Schools.** With legal counsel, review the U.S. Department of Education's guidance on the district's obligations to transport students when this service is listed on their IEPs.<sup>67</sup>
7. **Improve postsecondary transition outcomes, and services and activities.** Consider the following actions to improve postsecondary transitions for students with IEPs.
- a. **Students Not "On Track" to Graduate.** With the leadership team, initiate a strategy to identify and support all ninth grade students who are "not on track" to graduate, and define "not on track" as students entering high school two or more years below grade level:<sup>68</sup>
    - 1) **Data.** Identify ninth grade students who are not likely to accumulate at least five semester-long credits, are likely to fail more than two core courses during the freshman year, and/or have disproportionately high absentee rates.
    - 2) **Interventions.** Identify and implement research-based strategies for each student not on track, e.g., mentoring, research-based interventions, and other supports likely to reverse the student's performance trends. Have principals of schools with high dropout rates (and their feeder schools) work with stakeholder groups to develop targeted plans.<sup>69</sup>

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<sup>66</sup> <http://www.ojjdp.gov/pubs/implementing/contents.html>

<sup>67</sup> Questions and Answers on Serving Children with Disabilities Eligible for Transportation November 2009, H-1, at <http://idea.ed.gov/explore/view/p/.root.dynamic.QaCorner.12>; see also C.G. vs. Henderson County Board of Education, Tennessee Department of Education (2003).

<sup>68</sup> Based on December 2009 report, *What Matters for Staying On-Track and Graduating in Chicago Public Schools: A Focus on Students with Disabilities*, by the University of Chicago Consortium on Chicago School Research and the National High School Center at [http://ccsr.uchicago.edu/content/publications.php?pub\\_id=137](http://ccsr.uchicago.edu/content/publications.php?pub_id=137).

<sup>69</sup> See the National Dropout Prevention Center for Students with Disabilities website at <http://www.ndpc-sd.org/> for suggestions on research-based practices.

3) **Credit Recovery.** Provide credit recovery assistance to students with IEPs, along with other IEP-required special education services and other supplemental aids. .

b. **Postsecondary Transition Plan.** With representatives of the leadership team and others knowledgeable about transition services and activities, develop a systemwide plan to increase the effectiveness of postsecondary transitions for all students with IEPs. Include ways to increase community-based training with job support, especially for those students who are unlikely to be employed after their schooling. Address the effective use of interest assessments, and design activities (like dropout/credit recovery) to reduce the number of students with IEPs who drop out of school.

1) **Access to Community-Based Job Sites.** As part of the planning process, review research showing that quality work-based learning experiences include the following:

- Experiences that provide exposure to a wide range of work sites in order to help youth make informed choices about career selections.
- Experiences that are age and stage appropriate, ranging from site visits and tours to job shadowing, internships (unpaid and paid), and paid work experience.
- Work-site learning that is structured and links back to classroom instruction.
- A trained mentor that helps structure the learning at the worksite.
- Periodic assessment and feedback that is built into the training.
- Youth who are fully involved in choosing and structuring their experiences.
- Outcomes that are clear and measurable.<sup>70</sup>

Based on this research, review the extent to which all students with IEPs who are not likely to graduate with a regular diploma have access to work-related activities consistent with the above criteria, and follow up with planning to address these students' needs. Communicate with and meet with interested parents about changes to the IEP diploma and the impact of those changes on students. In addition, consider access to transportation and supports of job coaches.

2) **Student-directed IEP Meetings.** Consider the use of student-directed IEP meetings to facilitate independent functioning and self-advocacy skills among high school students. See *Student-Led IEPs: How to Make it Work*<sup>71</sup>

3) **Tracking Students Post-School Outcomes.** Students, including those with IEPs, should be aggressively tracked through surveys after six months out of school, using a variety of response-inducing strategies. Review these data and disaggregate them by school to guide future transition planning.

Additional recommendations on transition services and web-based access to information about transition are provided in the next subsection, IV. Support for Teaching and Learning.

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<sup>70</sup> Work-Based Learning Jump Start, National Collaborative on Workforce and Disability for Youth. Retrieved from at <http://www.ncwd-youth.info/work-based-learning>.

<sup>71</sup> [www.ncset.org/institutes/proceedings/2002\\_01\\_23.pdf](http://www.ncset.org/institutes/proceedings/2002_01_23.pdf)

## IV. Support for Teaching and Learning for Students with IEPs

This section summarizes BPS’s support for the teaching and learning of students with IEPs. Although the phrase “It takes a village” may be overused, it suitably applies to school systems and schools with respect to the collaboration that is needed to support students with disabilities, most of whom are educated in regular classes for some or most of the school day. In addition, information is provided in this section on the administration of special education and related services at the school level. Finally, this section covers: school accountability measures, personnel performance evaluations, data reports, procedural manuals for CSE and Section 504/ADA, IEPs and the IEP system, requests for due process hearings, parental involvement, and the BPS website.

### Central-Office Organization

According to the district’s organizational chart provided to the Council team by BPS personnel, the chief financial officer/chief operating officer, general counsel, and deputy superintendent positions report directly to the superintendent. The deputy superintendent’s position was recently filled on an interim basis. Four school leadership chiefs report to the deputy superintendent, along with the five chiefs for curriculum, assessment and instruction, student support, strategic alignment and innovation, technology, and talent management.

### *School Leadership Chiefs*

Each of the four school leadership chiefs has oversight responsibility for 15 to 16 schools. The schools are not arranged by geographic zones or by grade level, but they include a combination of priority, focus, and in-good-standing elementary and secondary-grade schools. The chiefs are charged with increasing achievement and conducting principal evaluations. Priority activities include monitoring data-driven instruction, ensuring principals engage in common planning time with staff, and participating in classroom walk-throughs. Each chief has a part-time supervising principal as well as an instructional specialist and a director that coordinates with staff from other central-office departments, including the special education office. Also, each chief has four full-time instructional coaches who support the school-based coaches. As discussed below, each chief does not have access to a designated special education administrator to collaborate on special education instructional and operational issues for each set of schools.

### *Curriculum, Assessment, and Instruction*

One assistant superintendent for curriculum, assessment, and leadership development reports to the CAI chief position, which is vacant. In addition, one of the two assistant superintendent positions is still unfilled. With no obvious title or department name delineating areas of oversight, the two assistant superintendents are identified as Focus Areas 1 and 2.

- **Focus Area 1.** This vacant assistant superintendent position has 12 direct reports and direct oversight responsibility for core and non-core curricular areas. In addition, supervisors for early childhood and professional development report to this assistant superintendent.
- **Focus Area 2.** The second, assistant superintendent position has responsibility for seven diverse areas: special education, athletics, multilingual education, adult and alternative education, career and technology, federal programs, and grants procurement. In addition, the

assistant superintendent has been assuming some of the responsibilities for the vacant CAI chief position. The area of special education has three directors reporting to the assistant superintendent; and one of the director positions is vacant. Prior to the introduction of the current organizational structure, responsibilities of the student support services chief included special education. The current organizational structure places the assistant superintendent one level away from the superintendent's cabinet, and the two special education directors are two levels away from the cabinet.

According to several district leaders, the assistant superintendent of focus area 2 has been well received, and special education is now being viewed more proactively than reactively. The assistant superintendent is asking critical questions and working with her staff to think about their roles differently. However, given her responsibilities, the assistant superintendent has significant priorities that compete with the effective administration and operation of special education. It is inconceivable that the assistant superintendent is able to devote the time necessary for effective leadership in this area.

### **Special Education**

As mentioned above, there are three special education director positions, including one that is vacant. Responsibilities that were under the vacant position have been shifted to the other director. One director supports instruction/ behavior and the other supports the CSE, placement, and other functions. In addition, there are two administrators that spend part of their time supporting special education: the Occupational Training Center principal, and the revenue enhancement director. There is no centralized support for school-based psychologists or social workers other than several chairpersons who take the lead in organizational meetings. As discussed below, the revenue enhancement director supports speech language pathologists.

### ***Instruction/Behavior Classroom Support***

The director and two supervisors are expected to support the district's 58 schools in the area of instruction and behavior, including the unique instructional needs of ELLs with disabilities. Two secretaries, including one who works half time for the unit and half time for the director of revenue enhancement, supports the unit. Although the Council team was told that one of the supervisors focuses on reading and the other on behavioral supports, the responsibilities of all three administrators are varied. For example, although talent management is responsible for general education teacher and paraeducator positions, the instruction/behavior unit is responsible for filling all special education teacher positions. This responsibility takes a significant amount of time. Additional responsibilities include

- Attending meetings,
- Participating in the diagnostic tool for school district effectiveness (DTSDE) school review process,
- Coaching to teachers and participating in instructional rounds with school leadership chiefs,
- Observing teachers, including guided observations, and assistance with Teacher Improvement Plans (TIPs),
- Monitoring individual personal-care aids, including developing justifications for recommendations,

- Facilitating staffing for classes each spring,
- Leading professional development for such areas as ICT,
- Attending special education-related meetings in Albany,
- Assisting principals with formal and informal APPRs, including some for charter schools for special educators, and
- Assisting the revenue enhancement director in overseeing the operation of the extended school year.

The director and two supervisors do not have a consistent set of schools to support. Instead, each responds to school requests as needed. The support available to schools is viewed as insufficient and was described by interviewees as a “band aid.” Focus group participants indicated that they would like the administrators to provide stronger support for schools and to communicate in person rather than via telephone. There was a strong interest in having a sufficient number of administrators so they could be aligned with a school leadership chief and his/her cohort of schools. This model would enable each administrator and chief to collaborate, identify trends in data, provide more proactive assistance, and provide more consistent and meaningful communications.<sup>72</sup> In addition, this collaboration would address the concern shared by focus group participants that bureaucratic protocols sometimes interfere with active discussion between administrators and principals who do not view administrators as having a “like rank.”

### *CSE/Placement Support*

The director of CSE support, one supervisor, and district CSE personnel are housed at School 12, which is located apart from administrators providing instruction/behavior support. The CSE director primarily communicates with school leadership chiefs and principals through emails and telephone calls. This director and supervisor have responsibility for about 50 individuals who work in the following areas: charter/nonpublic CSEs, preschool CSE/placement, agency CSE/placement, specialized class placement, bilingual, due process/complaints, data coordination, and grants. The director and supervisor work jointly to manage all areas under their purview, making it somewhat unclear where their lines of responsibility begin and end. In addition, several other staff members report to the director. Information about each of these areas is provided below.

- ***Charter and Non-Public Schools.*** Three CSE chairpersons, three psychologists, and two social workers are responsible for processing and conducting assessments for all initial referrals, reevaluations, annual reviews, and IEP amendment meetings. In addition, one speech/language pathologist provides support for students in charter, non-public, and agency schools. There are about 987 students with IEPs in 16 charter schools and about 165 students in 21 non-public schools. The chairpersons create agendas, develop and finalize IEPs, communicate with parents and school staff, etc. Staff report having difficulty keeping up with the work requirements relating to the number of students being served.
- ***Agency School CSE/Placements.*** The unit that supports students placed by the district in agency schools is staffed by three CSE chairpersons, two psychologists, two bilingual psychologists, one speech therapist, and one bilingual social worker. There are approximately

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<sup>72</sup> This issue appears to be similar for the area of multilingual education.

925 students with IEPs who attend 12 agencies. In addition to regular CSE duties, the chairpersons facilitate initial meetings for students placed with an agency, communicate with parents of students transferring from other districts, manage parent complaints, and work closely with agencies for upcoming meetings, etc.

- ***Preschool CSE/services:*** In addition to typical CSE duties, six preschool CSE chairpersons identify therapists to provide services for children pursuant to their IEPs. Currently, there are about 1,402 preschoolers who were born in 2009, 2010, or 2011 receiving services. As of the end of January 2014 there were more preschool evaluations for the school year than in the entire 2012-13 school year. The unit has one vacant clerical position. Because services are dependent on data entry for children and their service needs, this vacancy poses a serious problem.
- ***Specialized Class Placement.*** Three placement CSE chairpersons are responsible for the following: placing students needing self-contained classes, monitoring self-contained class overages, “moving up” students for the new school year, projecting self-contained class needs for each new school year, registering new BPS students, communicating with parents, etc. Interviewees had various concerns about the placement process. The unit receives about one to four requests for placements daily, but staff members do not maintain a log of placement requests.
- ***Bilingual CSEs.*** Two bilingual psychologists are responsible for all bilingual evaluations for students in charter, non-public, and agency schools. In addition, these psychologists work to transition preschoolers and BPS students attending schools other than the six that have high bilingual populations and that have other bilingual CSE supports. One bilingual social worker also provides support.
- ***District Team.*** The district team has two CSE chairpersons and a psychologist who handle requests for due-process hearings by coordinating teachers, parents, administrators, attorneys, etc. They are responsible for resolving concerns, working with hearing officers, facilitating settlements, etc.
- ***Quality Assurance.*** Another CSE chair is responsible for quality assurance by developing and distributing policies and procedures, training new CSE chairpersons, monitoring compliance with CSE processes at schools that do not have a CSE chair due to retirement or leave, and working with CSE teams/administrators to ensure timely evaluations and CSE meetings.
- ***Data Coordinators.*** One data coordinator is responsible for providing mandatory special education data to NYSED, correcting data errors, producing compliance reports, etc. A second data-coordinator position has been vacant for over a year.
- ***PBIS Coaches and Behavior Specialists.*** Two PBIS coordinators, who also serve as external coaches, and three additional coaches, who are Board of Cooperative Education Services (BOCES) employees, report to the director. In addition, three behavior specialists report to the student support services chief and the unit director.
- ***Special Education School Improvement Specialists.*** Three SESIS provide services through a state grant for quality improvement in schools identified as not making AYP on state assessments because of low results by students with IEPs.



### *Revenue Enhancement*

As of the Council team's visit, the revenue-enhancement director oversees the district's Medicaid billing program, as well as speech/language services, occupational therapy, physical therapy, ESY, assistive technology, Section 504, and hearing/vision. The director also heads West New York coordinating activities for Medicaid. The director has been involved with Medicaid activities for 22 years and took over supervision of related services when another employee retired. Recently, the director was given additional responsibility for ESY.

As shown on the district's special education organization chart that was provided and explained to the Council team, the revenue-enhancement director reports part-time to the curriculum, assessment and leadership development assistant superintendent who oversees special education and part-time to the chief financial officer/chief operating officer (CFO/COO). During the revenue-enhancement director's conversation with the Council team, it was evident that the reporting structure was not clear to all parties. The revenue-enhancement director believed she was to report full-time to the CFO/COO, whereas the assistant superintendent that oversaw special education at the time believed that the director reported to both the CFO/COO and herself. The Council team was informed that parties were meeting to discuss and resolve the reporting confusion. Also, the revenue-enhancement director and the special education directors coordinate with each other only minimally.

***Physical/Occupational Therapy.*** A physical therapy/occupational therapy (PT/OT) coordinator facilitates services mostly through contractual agencies. This process has been in place for some time. Although it is believed that it is a cost-effective practice, there has not been a recent cost-benefit analysis. The agencies conduct PT evaluations, which are reviewed by the PT coordinator. With seven OTs, five conduct evaluations and two provide services.

- ***Speech/Language Pathologists.*** Most of speech/language pathologists are licensed with master's degrees; while those who are not can provide therapy, the district cannot request Medicaid billing for their services.
- ***Hearing/Vision Teachers.*** These teachers typically instruct students using an itinerant model, but a few of these students are in self-contained classes. Some of these teachers serve as sign-language interpreters.
- ***Medicaid Reimbursement.*** Two coordinators support activities designed to maximize compliant Medicaid billing, which includes billing for students in charter and non-public schools. The district was found to be compliant on a recent Medicaid audit based on 100 randomly selected files. Parental consent for billing Medicaid is requested for all students, including new students so that consents are in place for students newly identified as needing special education services.
- ***ESY.*** Administration of the extended school year program includes all relevant activities, such as staffing, school identification, assigning aides, arranging lunches, transportation, related services, etc.

### *Transition Support*

In addition to his oversight of the Occupational Training Center (OTC), the center's principal is responsible for 6:1:1 NYS Alternative Assessment classes, the Unique Learning curriculum, and the New York State Alternate Assessment. In the absence of a districtwide

coordinator of postsecondary transition services and activities, many staff members consider him to be the default administrator. He also is considered to be the default transition administrator. Information about various aspects of the postsecondary transition is on the OTC website rather than on the district's special education department webpage.

### **School-based Support for Students with IEPs**

In various ways, school-based personnel support the CSE process and specialized instruction and related services for students with IEPs. The organization of these employees, their ratio to students with IEPs, and their professional development are discussed below.

#### *CSE Operation*

The CSE function was decentralized a few years ago, and CSE chairpersons, psychologists, and social workers were relocated from a centralized location to schools. CSE personnel now report to and are evaluated by school principals. The change was initiated to facilitate a closer relationship between schools and these employees, and was completed at the end of 2008-09. However, district leaders had a change in attitude over the last several years that resulted in teachers, administrators, and district officials taking greater responsibility for students with disabilities. They attributed this change, in part, to the decentralized CSE model. However, there was also concern that related-services staff were asked to serve other functions during the school day that took them away from their primary duties.

Currently, the same individual chairs the SST and the CSE. There was significant concern that the SST and CSE processes are less effective when chaired in this manner. Reportedly, there are plans in place to separate the chair functions of these two processes and to have a minimum ratio for the SST chair in the upcoming school year. There is a document that shows allocations for SST chairpersons, which are based on the number of students with disabilities enrolled in a school. However, the allocation refers to the SST function in a way that includes the CSE function.

#### *CSE Clerk Typists*

CSE clerk typists who had supported about two schools each now support about four schools each. In the past, these employees were housed at the schools they served, but they no longer travel to schools. As a result, there is a very cumbersome process in place for getting information to the typists, and there is a belief that the work has slowed down considerably. Furthermore, there is an overly complicated process for obtaining postage from School 12 to mail information to parents. It does not appear that the structure in place was meant to support the processing of CSE materials; nor does it appear that coordinating CSE functions is organized for maximum effectiveness.

#### *Special Education Teacher and Paraeducator Staffing Ratios*

BPS student-to-special education teacher and paraeducator ratios are compared below to data from 59 other mostly urban school districts.<sup>73</sup> (See Exhibit 4a.) The data do not give precise comparisons, so the results need to be used with caution. District data are not uniform (e.g.,

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<sup>73</sup> Most of the data were provided by school districts that responded to a survey conducted by the Urban Special Education Leadership Collaborative; the Council team or members of the team obtained the remaining data during district reviews.

including or excluding contractual personnel) and are affected by varying levels of placements in and outside of a school district. The data include all students with IEPs, including those placed in charters, agencies, and non-public schools. Because of this, the ratios for students with IEPs in BPS schools are likely to be lower than those reported. However, these data are the best available and are useful as a rough guide to staffing ratios. Appendix A has detailed data on each school district.

BPS has an average of 10.3 students with IEPs (including those with speech/language impairments only) for every special educator. This average is 4.4 fewer students than the 14.7 teacher-student average for all districts for which we have data and ranks BPS as ninth among the districts. In comparison, with 439 paraprofessionals, BPS has an average of 17.6 students with IEPs for every paraprofessional. This is 2.3 students more than the 15.3-student average of all districts and ranks BPS as 41st among the reporting districts. Combining special educators and paraprofessionals, BPS’s 6.5 students-to-staff ratio is lower than the 7.95 ratio among all districts.

**Exhibit 4a. Average Number Students for Each Special Educator and Paraprofessionals**

Areas of Comparison	Special Education Teachers	Paraprofessionals
Number of BPS Staff FTE	753	439
BPS Student w/IEP-to-Staff Ratios	10.3:1	17.6:1
All District Average Ratios	14.7:1	15.3:1
Range of All District Ratios	7–37:1	5.26–56:1
BPS Ranking Among Districts <sup>74</sup>	<b>9<sup>th</sup> of 59 districts</b>	<b>41<sup>st</sup> of 59 districts</b>

*Review of Need for Personal Assistance*

A reported increase of about 15 paraprofessionals has coincided with the decentralization of CSEs. A request for a personal assistant must be submitted with supporting documentation at least two weeks prior to a CSE meeting. A special education supervisor reviews the request and discusses the circumstances with school personnel. The supervisor observes the student to see if there is a behavioral basis for the request and reviews medical documentation for a physical basis for the request. For these requests and in instances when a student transfers into BPS with an IEP that requires an assistant, the supervisor forwards the request to the assistant superintendent for consideration and follow-up processing.

*Use of Paraprofessionals*

The following concerns relate to the use of paraprofessionals:

- **Two Position Types.** There are two positions for paraprofessionals (aide and assistant), which separate instructional support from personal care. This bifurcation of responsibilities is not effective or cost efficient.
- **Engagement.** Reportedly, paraprofessionals have been observed texting while sitting in the back of the classroom and not engaged with students.

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<sup>74</sup> Ranking begins with districts having a low average number of students to one staff person.

- **Absences.** There are a relatively large number of paraprofessional absences. When substitute paraprofessionals are not available, substitute teachers have been used at a higher cost than a paraprofessional substitute would cost. The substitute teachers do not consistently attend to students’ personal care or accompany them in the swimming pool.
- **More Adults to Students.** There have been classes with more adults than students. Reportedly, this has occurred when a student transfers in with an IEP requiring a personal paraprofessional.
- **Professional Development.** There was a strong need expressed among interviewees for professional development for paraprofessionals.

***Psychologists, SLP, Social Work, OT and PT Ratios***

Staffing ratios and other data on related-services personnel are summarized below and detailed in Exhibit 4b. The district did not submit data on nurses, who are provided through a contractual agency.

- **Speech/Language Pathologist (SLP).** With 109 speech/language pathologists (SLPs), there is one for an average of 71 students with IEPs. This average is less than the surveyed district average of 125 students, ranking BPS tenth among the 59 reporting districts.
- **Psychologists.** With 62 psychologists, there is one psychologist for an average of 155 students with IEPs, compared with the surveyed-district average of 186 students. With this average, BPS ranks 27th of the 49 reporting districts.
- **Social Workers.** With 48.5 psychologists, there is one psychologist for an average of 160 students with IEPs, compared with the surveyed-district average of 295 students. With this average, BPS ranks 23<sup>rd</sup> among the 37 reporting districts.
- **Occupational Therapists (OT).** With 75 OTs, there is one for an average of 103 students with IEPs, compared with the much higher district average of 406 students. BPS ranks third among the reporting 56 districts.
- **Physical Therapists (PT).** With 29 PTs, there is one for an average of 267 students with IEPs, compared with the surveyed-district average of 1,079 students. BPS ranks 36<sup>th</sup> among the 56 reporting districts.

**Exhibit 4b. Ratios of Students with IEPs to Staff for Related Service Providers**

Related Service Areas	SLPs	Psychologists	Social Workers	OTs	PTs
Number of BPS Staff FTE	109	62	48.5	75	29
BPS Student w/IEP-to-Staff	71:1	155:1	160:1	103:1	267:1
All District Average Ratio	125:1	186:1	295:1	406:1	1079:1
Range of All District Ratios	26–596:1	31–376:1	26-673:1	64–1685:1	128–2941:1
BPS Ranking <sup>75</sup>	10 <sup>th</sup> of 59	27 <sup>th</sup> of 49	23 <sup>rd</sup> of 37	3rd of 56	36 <sup>th</sup> of 56

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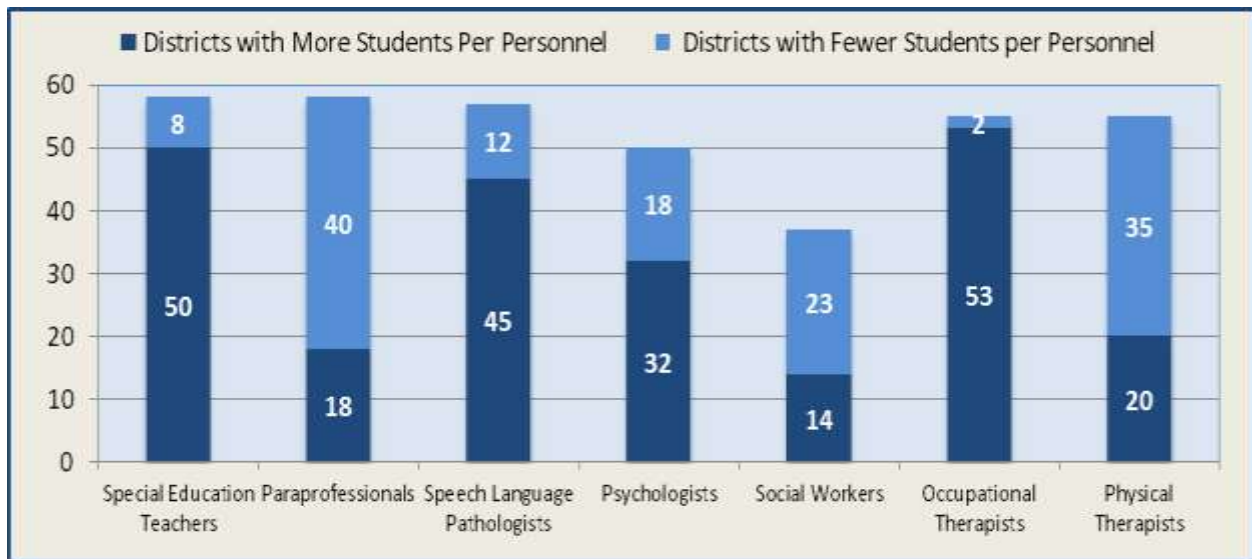
<sup>75</sup> Ranking begins with districts having a low average number of students to one staff person.

**Overall Rankings**

Exhibit 5c shows the number of districts having greater or fewer students with IEPs per personnel in each relevant area, compared with BPS. These data shows the following.

- **Relatively High Ratios.** Of the districts reporting, 40 have more paraprofessionals per student than does BPS and 18 have fewer; 14 have more social workers and 23 have fewer, and 35 have more physical therapists and 20 have fewer.
- **Relatively Low Ratios.** Of the districts reporting, two have fewer occupational therapists per student than does BPS, and 53 have more; three have fewer special education teachers per student and 53 have more; 12 have fewer speech/language pathologists and 45 have more; and 18 have fewer psychologists and 32 have more.

**Exhibit 4c. Number of District Survey Respondents and BPS Ranking**



**Professional Development**

Very little professional development or ongoing communication is available for psychologists and social workers. More is available for CSE chairpersons and speech/language pathologists.

- **CSE Chairpersons.** All CSE chairpersons meet monthly for a few hours. There was a request for minutes of the meetings so that chairpersons could share information with other school-based personnel.
- **Psychologists.** A psychology chairperson holds a monthly lunch meeting for psychologists. However, attendance has dropped to under 10 because principals do not always approve their release.
- **SLPs.** The revenue-enhancement director holds quarterly mandatory meetings with the speech/language pathologists.

In addition to the above, there is an opportunity for CSE chairpersons, SLPs, psychologists, and social workers to attend well-regarded district-sponsored workshops. Individual principals decide whether these personnel can take a “professional development” day

to attend outside training. In all cases, personnel pay for the training. Focus group participants indicated a need for additional professional development.

### *Personnel Shortages*

Focus group participants told the Council team about substantial challenges hiring personnel in some areas like special education teachers, paraprofessionals, clerks, bilingual personnel, etc. However, the team understood that most special positions were filled. As discussed above, one of the special education directors, rather than talent management staff, oversees the hiring of special education personnel. Many believed that special education either ought to handle this hiring or have more input over it. There was also a strong belief that the district ought to collaborate more aggressively with Buffalo State College and its large special education teacher preparation program.

### *Additional Areas*

The following additional areas are addressed below: school accountability measures, personnel-performance evaluations, data reports, procedural manuals for CSE and Section 504/ADA, IEPs and the IEP system, due process/complaints, parental involvement, and the BPS website.

### *School Accountability Measures*

The data dashboard is a robust tool that includes some data that are disaggregated by subgroups, including special education. However, school accountability processes, including the dashboard, do not include such important elements as suspensions for subgroups of students with IEPs (or by race/ethnicity), significantly discrepant referrals for special education or for more restrictive settings or dropout recovery/rates.

### *Personnel Performance Evaluations*

The following concerns were shared regarding the performance evaluation process:

- **Targets.** SLOs and LMAs for students with IEPs may be set too low so that targets can be met. There is a lack of clarity and consistency about how targets should be set and who has ultimate authority for establishing them (principal or teacher).
- **Clarity.** The way in which the combined efforts of ICT special/general educators are assessed is not clear.
- **Impact on Special Education.** There is the potential for increased referrals for special education evaluations and more restrictive placements as a way to reduce accountability for these students.
- **Related Services Personnel.** There is confusion about related-services personnel who are not evaluated under the 3012C legislation and the type of evaluations they are to receive. Their evaluation protocol is unclear, and there do not appear to be any plans in place to make it more effective.

### *Data Reports*

Monthly reports containing special education data are distributed to various administrative groups and the Board of Education, and other reports are generated as requested. However, focus group participants reported that data are not easily accessed, and data are not regularly used to evaluate programs and supports in place for students with IEPs. The Council team also experienced difficulty in getting data on the timeliness of initial evaluations, reevaluations, and annual reviews for preschool and school-aged students. In addition, two suspension reports had inconsistent data. Also, there does not appear to be a centralized or coordinated administrative approach to responding quickly to special education data requests. Instead, data are collected from multiple sources in different parts of the central office organization and are not uniformly reported.

### *CSE Guide*

The CSE Guide provided a great deal of useful information to the CSE team. The Guide states that it should not be construed as complete. Interested parties seeking additional information are provided a link to the full regulations of the Commissioner of Education Part 200 and 201. Focus group participants described written guidance as a large binder that is not comprehensive and said that the referral process differs from school to school, e.g., responsible individuals and time frames. In addition, the district has an Annual Review Manual. Neither the CSE Guide nor the Annual Review Manual is posted on the district's website.

### *Section 504/ADA Team Manual*

The district revised its Section 504/ADA Team Manual in February 2011. Based on a quick review of the document, the following important provisions from the 2008 ADA amendments were not included:

- ***Major Life Activities.*** New major life activities pertaining to concentrating, thinking and reading. These areas are especially relevant to students.
- ***Substantial Limitation.*** The determination of a student's physical or mental impairment's substantial limitation on a major life activity must occur without regard to any mitigating effects such as medication.

### *IEPs and IEP System*

Focus group participants shared the following issues about IEPs and the IEP system.

- ***IEP Summary.*** The IEP system does not produce an IEP summary, a document that would provide the most relevant information for general educators and other relevant staff. Many other districts have an IEP system that generates such summaries without additional data input. These districts have found the summary to be useful to staff.
- ***March Annual Reviews.*** CSE teams have meetings to develop annual reviews only during the month of March. Various focus group participants described the challenges involved in drafting IEPs for all students on their caseloads at one time, and holding so many meetings (in addition to other CSE and other responsibilities) in such a short period. For example, one participant was told that she had two school days in which to write 15 IEPs and hold all required meetings. Reportedly, these meetings were held on a staggered basis in the past. Although many other districts hold annual review meetings by the IEP anniversary date,

these dates would all be in March (except for transfer students) because of the district's practice.

- **Training.** There is concern that IEP requirements change frequently, but there is not sufficient training to communicate the changes.

### ***Due Process Hearing Requests***

The district has a process that provides for a CSE appeal, which gives parents and the district an opportunity to resolve issues. The number of due-process hearing requests has decreased over the last few years. Last school year there were 17 requests, which was a smaller number than the 41 from prior years. Parent-attorney fees have been reasonable, and settlements have included related services, home instruction, and independent evaluations. None of the cases required the district to reimburse a parent for a private placement. The district has an attorney who is extremely knowledgeable about special education. The Council team was informed that the attorney should be able to continue addressing these issues in his new role as labor relation's director.

### ***Parent Involvement***

BPS has a strong and knowledgeable Special Education Parent Advisory Committee (SEPAC), District Parent Coordinating Council (DPCC), and Multilingual Education Advisory Council (MEAC). However, there is a strong parental belief that district information is not readily shared with them and that their partnership with the district could be stronger and less antagonistic. For example, although Buffalo State University has a homework center for children and parents, the information has not been communicated widely. It is believed that stronger district/parent collaboration could strengthen communications generally, especially for parents who are English language learners. Although the Council team did not include all the recommendations submitted by SEPAC in this report, many of them were incorporated and they generally appeared to be thoughtful and helpful.

In addition, there are concerns that there were not sufficient translation services for parents. Reportedly, the district's use of contractual services for translations is inadequate to meet the language/cultural needs of parents.

### ***BPS Website***

The BPS website includes a small amount of information relevant to special education for district staff, parents, and the community. For example, the special education webpage does not include current contact information or links to publicly available information and resources.

## **AREAS OF STRENGTH**

The team noted the following areas of strength with respect to BPS's support of teaching and learning of students with IEPs.

- **Communication.** There are monthly meetings with district leaders responsible for supporting schools and the academic achievement of students, including meetings of the principals and directors of special education.
- **Strong Administrative Team.** The expertise and temperament of the assistant superintendent who has oversight for special education appear to be well suited for implementing necessary



special education changes. She recognizes many of the issues and challenges facing the department and special education across the district. In addition, the 5.5 special education administrators, including the two directors, who have responsibilities of an unusually large scale with minimal support take their roles seriously and are held in high regard.

- ***CSE and SST Functions.*** The CSE function was decentralized a few years ago and the chairpersons and members are no longer housed centrally. Instead, they are housed at schools with principal oversight. The CSE chairs meet monthly, and the speech/language pathologists meet quarterly. Plans are in place to separate the SST and CSE processes and their chairperson roles. However, staff allocations and roles are not yet clear. There is an opportunity for CSE chairpersons, SLPs, psychologists, and social workers to attend well-regarded district-sponsored workshops.
- ***Student to Specialized-Personnel Ratios.*** Overall, it appears that the district has staff ratios in most areas that exceed or are near ratios of the districts for which we have data. BPS's 6.5 ratio of students to special educators and paraeducators combined is smaller than the 7.95 ratio for all other districts surveyed. The district's ratio is based on lower student-to-special educator ratios rather than paraprofessional ratios, which reflects an emphasis on staffing with more qualified personnel. Compared to all districts with comparable data, the ratio is especially low for occupational therapists, and is somewhat lower for speech/language pathologists and psychologists. The ratios are higher for social workers and physical therapists.
- ***Access to Data.*** The district has a robust data dashboard with some data sorted by subgroups, including special education. This has supported more data-driven decision making. Monthly reports with special education data are distributed to various administrative groups and the Board of Education, and other reports are generated as requested.
- ***Teacher Evaluations.*** In alignment with the 3012C legislation, teacher evaluations are now more comprehensive, and they better reflect instructional practices and student outcomes.
- ***Written Guidance.*** The CSE Guide and Section 504/ADA Team Manual provide useful information to CSE and Section 504 teams.
- ***CSE Appeal Process and Due Process.*** The district has a CSE appeal process that enables parents to resolve issues prior to requesting a due-process hearing, and the number of due process hearing requests has decreased over the last few years. The district's knowledgeable special education attorney is likely to continue to support the district in his new role as labor relations director.
- ***Parent Involvement.*** BPS has a strong and knowledgeable Special Education Parent Advisory Committee (SEPAC), District Parent Coordinating Council (DPCC), and Multilingual Education Advisory Council (MEAC). Although the Council team did not include all of recommendations submitted by SEPAC in this report, the recommendations were thoughtful and helpful.
- ***Medicaid.*** The district was found to be compliant on a recent Medicaid audit based on 100 randomly selected files. Parental consent for billing Medicaid is requested for all students, including new students so that consents are in place for students newly identified as needing special education services.

## OPPORTUNITIES FOR IMPROVEMENT

The following areas offer opportunities for improvement.

### Central Office Collaboration and Support

- ***CAI Chief and Assistant Superintendents.*** On the district's organizational chart, the CAI chief has two assistant superintendents for curriculum, assessment, and leadership development but no apparent name for their respective offices, which makes it difficult to refer to their areas of responsibility. (One assistant superintendent position is vacant.) Although the current assistant superintendent has responsibility for all special education functions, she is responsible for six other diverse areas with significant priorities competing with her effective oversight of special education. She has also assumed various duties of the vacant CAI chief position. It is inconceivable that the assistant superintendent is able to devote the time necessary to exercise effective leadership in each area of responsibility. Furthermore, the assistant superintendent does not sit on the superintendent's cabinet, and it is difficult to understand how the CAI chief (when filled) can be cognizant of and able to represent fully all relevant issues at cabinet meetings.
- ***Special Education Organization.*** Special education functions are neither staffed nor organized in a manner that enables them to be executed efficiently and effectively. The situation is exacerbated further by a vacant special education director position. Only 5.5 administrators directly oversee day-to-day special education operations for BPS, which includes a multitude of responsibilities for students with IEPs residing in Buffalo who are in charter schools, placed by their parents in nonpublic schools, and placed by BPS in agency schools.

The administration of special education is distributed across four organizational units (instruction/behavior support, CSE/placement, revenue enhancement, and the OTC principal) and there is no sense of cohesion. Critical areas lack necessary and structured central-office collaboration and support for policy development, procedures, quality review, technical assistance, and operational support. Areas include services for students with autism, instruction for dual-identified students (ELL/IEP), postsecondary transition, interpreter services, psychologists, social workers, etc.

- ***Director/Supervisors for Special Education Instruction/Classroom Behavior Support.*** The director and two supervisors of special education who provide instructional/ behavior support to schools are not aligned to the four chiefs of schools, so they are unable conveniently to collaborate, plan, and discuss special education issues relevant to the schools for which each chief is responsible. In addition to its multiple responsibilities, the unit is charged with staffing special education teacher positions.

Assisted only by a part-time secretary, special education administrators do not support any defined set of schools. Furthermore, rules for communications sometimes interfere with active discussions between administrators and principals, who do not view administrators as having "like rank." These conditions result in a reactive mode of operation. A small amount of time is available to devote to instructional supports, including the need to expand capability to educate students directly rather than relying on agency placements. Separated from this unit is the OTC principal who has programmatic responsibility districtwide for the NYS Alternative Assessment classes, the Unique Learning curriculum, the New York State

Alternate Assessment, and is considered by some to the default administrator for postsecondary transitions.

- ***Director/Supervisor for District CSE/Placement.*** Only one director and one supervisor oversee about 50 centralized personnel responsible for: charter/nonpublic CSEs, preschool CSE/placements, agency CSE/placement, specialized class placement, bilingual, due process/complaints, data coordination, and grants. Three individuals staff the specialized class placement unit, which is not connected to the director and two supervisors of instruction. They are housed in a separate facility, away from the director/supervisors for special education instruction/behavior. This results in marginal interaction and collaboration between the two units on such issues as specialized placements, supports for positive behavior, instruction, etc. Staff members do communicate by telephone and email but they cannot do so as well as if in person when they are housed in different sites and must address issues on their own rather than jointly. The CSE centralized function appears to be understaffed, especially with vacant clerical and data coordinator positions, and it is having difficulty keeping up with timely evaluations, particularly for preschoolers who reached last year's total referral numbers by January of the current school year.
- ***Revenue Enhancement Director.*** The revenue-enhancement director has responsibilities that include finance (Medicaid reimbursement), special education/related services (speech/language services, occupational therapy, physical therapy, ESY, assistive technology, and hearing/vision), and Section 504. The reporting line for the director is unclear (to the CFO/COO alone or 50/50 with the CFO and the curriculum, instruction, and leadership development assistant superintendent). There is no apparent regular collaboration, planning, or structured communication among all of the special education directors, the revenue-enhancement director, and their supervisors. All PT (evaluation and service) and OT service personnel are contractual by design. However, there has been no recent cost-benefit analysis to support the efficiency and cost effectiveness of this service model. The district is unable to submit billing for some speech/language pathologists, because they are not appropriately licensed for Medicaid, and there are some concerns that billing is not possible for all social workers.

### School-based Operations

- ***CSE Operation.*** It does not appear that the process for handling CSE materials and coordinating CSE functions is organized for maximum effectiveness. Many are concerned that principal supervision of CSE team members sometimes influences their decision-making, particularly with respect to decisions on eligibility and placement in restrictive settings and duties that may interfere with regular responsibilities. Although the district intends to have separate chairpersons for CSE and SST next school year, allocations for separate positions have not yet been made. Little communication or professional development is available for psychologists and social workers. There are regular meetings with speech/language pathologists; and although CSE chairpersons meet monthly, there is a need for written minutes to document communication for school-based personnel who were not at the meetings. CSE clerk typists who had supported about two schools now support about four schools each. There is also a very cumbersome process for getting information to those staff members and obtaining postage; there is a perception that work has slowed down considerably.

- **Usage of Paraprofessionals.** Although the ratio of one paraeducator to an average 17.6 students with IEPs is higher than the average of 15.3 students with IEPs among surveyed districts, there is some concern about oversight and accountability for determining the how many IEP-based assistants are needed. The number of such assistants has increased over time, and there are examples of classes with more adults than students. In addition, there are two paraprofessionals positions (instructional support and personal care). This structure is not effective or cost efficient because some students require both types of support that could be provided by one assistant. Also, there are times when more costly substitute teachers are used to replace less costly but absent paraprofessionals.
- **Personnel Recruitment.** There has not been a collaborative, cross-departmental approach to recruiting special education/related services personnel. There is also a districtwide need for additional bilingual staff.

### Additional Areas

- **School Accountability Measures.** There is a need for data metrics that are disaggregated for the special education subgroup.
- **Personnel Performance Evaluations.** Guidance is needed for (1) setting appropriately rigorous SLO/LMA targets, assessing ICT teachers and related services personnel and (2) balancing increased referrals for special education services and more restrictive placements, along with personnel accountability for those placements.
- **Data Reports.** Data are not easily accessed or regularly used to evaluate programs and supports in place for students with IEPs.
- **CSE Guide/Annual Review Manual.** The CSE Guide does not include all information required for the administration and operation of special education and related services. Also, the Guide and Annual Review Manual are not easily accessible on the district's website for all district staff, parents, or other stakeholders. Nor does the website provide links to additional information and resources other than the full regulations.
- **Section 504/ADA Team Manual.** The document does not include all provisions relevant to the 2008 ADA Amendments that expanded school-district obligations under Section 504.
- **IEPs and IEP System.** The IEP system does not generate an IEP summary, which would provide the most relevant information for general educators and other staff. The district's practice of holding all annual IEP reviews in March creates a significant workload for personnel that affect instruction and other responsibilities.
- **IEP System Training.** Sufficient training is not provided to communicate IEP-system changes.
- **Parent Involvement.** There is a perception by parents that district personnel do not readily share relevant information, and that the parent/community partnership with the district could be stronger. It is believed that stronger collaboration of district/parent organizations could strengthen communication generally, especially for parents who are English language learners. Reportedly, the district's use of contractual services for translations is inadequate to meet the language or cultural needs of parents.
- **BPS Website.** BPS's website includes only a small amount of information on special education for district staff, parents, and the community.

## RECOMMENDATIONS

The following recommendations are offered to improve services.

8. *Improve support for teaching and learning of students with IEPs with the following measures.*
  - e. *Leadership.* Create a leadership position that would prioritize and focus on the wide array of special education/related-services administrative and support responsibilities. Given the scope of these responsibilities, the individual assigned to this position should not be responsible for other priorities that would divert attention from the core special education work. Have the individual report directly to the chief of curriculum, assessment, and instruction, but also include him or her as part of the superintendent's cabinet and as a participant in meetings of the deputy superintendent to contribute special education issues that might not be otherwise considered.
  - f. *Titles and Department Names.* For clarity, differentiate the titles of the assistant superintendents and directors along with the departments they oversee so their roles and responsibilities are easier to recognize.
  - g. *Special Education Organization.* Charge three directors of special education with the responsibilities described below. Give them titles that reflect their responsibilities. If at all possible, house all personnel together in order to enhance their ability to communicate. (See Appendix A for proposed organizational chart.)
    - 1) *Leadership Team Involvement and Planning Feedback.* Charge the leadership team with planning and implementing a new special education organizational structure. Ensure the implementation plan includes feedback from school leadership chiefs, knowledgeable principals and school-based personnel from schools with differing grade levels, and parent representatives.
    - 2) *Director for Instruction/Behavioral Support.* Have this unit be responsible for supporting school-based instruction/interventions for students with IEPs and behavioral interventions for students with/without IEPs. Have at least one administrator assist the director in administering this unit, and assign at least one secretary/clerk to support the director and staff.
      - a) *Four School Liaisons.* Have four liaisons assigned to collaborate with the school leadership chief and his/her schools. This would enable each chief to have a single point of contact for special education and related issues, e.g., CSEs and placement, and to identify and address issues proactively. It is important for liaisons to have a manageable number of schools assigned to them, so that they are better able to provide the necessary supports. Additional roles might include making placement changes, participating in school reviews, and monitoring personal assistants.
      - b) *Specialists.* Have three specialists with skills in providing instruction/interventions and supports needed by students based on the learning profiles described in Recommendations 4b and 5b, and the provision of postsecondary transition services. Charge these specialists with building their familiarity and use of research on the most promising instructional approaches.

Have them assist school liaisons and school personnel as needed on such activities as observations, coaching, and professional development. In addition, have these specialists oversee alternate assessments, extended school programming, and Unique Learning System and other specialized interventions. Revise the number of specialists needed based on a detailed accounting of their roles and time required to meet their goals. In addition, house the SESIS with the specialists if the contract for their services is renewed. Have the SESIS participate in training on sharing instructional tools that would employ a common language and maximize available resources. Finally, include in this unit the hearing/vision teachers currently assigned to the revenue-enhancement director.

- c) Behavior Specialists.* Consider housing the two PBIS coordinators, three coaches, and three behavior specialists in this unit. These employees are well established and are not viewed as solely “special education.” Given the challenging behavior exhibited by some students with IEPs, their disproportionate suspension rates, and the race/ethnicity disparities articulated by the NYSED, having these behavior specialists assigned to this unit could help other special education administrators and schools through the use of PBIS. If a decision is made to group these staff members with other organizational units, ensure that staff members collaborate with special education personnel regularly in both structured and informal manners.
  - d) BPS Placement Specialists.* Have the three individuals currently responsible for placement report to the director for instruction/behavioral support in order to better coordinate these two related functions. Have placement personnel, liaisons, and other specialists collaborate on providing supports in circumstances where there is the potential that students might be removed from schools to a more restrictive environment or moved to a school with a less restrictive environment. Maintain a log of placements and track them for their timeliness and other issues, and monitor resolution.
- 3) Director for District CSE Support.* Charge this unit with the responsibility of supporting all CSE personnel. With two administrators to assist the director, have them oversee the personnel discussed below. Identify data necessary to track CSE functions, and develop reports to assess practices, timeliness, and other issues.
- a) Administrator for District CSEs.* Have an administrator be responsible for districtwide CSE personnel for charter/nonpublic schools, agency schools, preschool, and bilingual staff. Have additional CSE personnel who are not assigned to one of these groups float among them to address unexpected increases in referrals and support appropriate screening activities and assessments. Expedite hiring of a clerk to fill the vacant position in order to support the entry of preschool data.
  - b) Administrator for School-based CSEs.* Have an administrator be responsible for collaborating with the following CSE personnel: chairpersons, speech/language pathologists, psychologists, social workers, and physical/occupational therapists. Also, have this administrator collaborate with student services and nurses. (See Recommendation 1 on the separation of SST and CSE chairpersons.) Have the administrator collaborate with the four special education liaisons on

communicating on school-based issues and meet with various CSE personnel to facilitate research-based practices and obtain feedback on assessment and service issues. Consider providing stipends to several lead employees in each CSE personnel group with a large number of staff in order to improve practices and to support Medicaid billing and federal/state special education compliance. Have the results of meetings dealing with school-based procedures documented so they can be shared with school staff.

- 4) ***Director of Operations.*** Determine the reporting line for this director, and based on these responsibilities, determine the benefits of a continuing bifurcated reporting to finance and to special education. Primary reporting to the assistant superintendent of specialized instruction and support is preferred. Have at least one secretary/clerk support the director and staff. Have the director be responsible for the following areas.
    - a) ***Medicaid Reimbursement.*** Have the director brief the leadership team about issues affecting Medicaid reimbursement for speech/language pathologists and social workers to maximize billing and to support needed follow-up actions.
    - b) ***Quality Assurance.*** Consider expanding the unit by one or more individuals to support and monitor the implementation of school-based special education standards and practices. This group of personnel now monitors only the CSE function for quality.
    - c) ***Due Process District Team.*** Maintain this team as currently formed.
    - d) ***Data Coordinators.*** Fill the vacant data coordinator position. Use the coordinators to support the data-related work of the department and manage the data referenced in these recommendations.
    - e) ***Additional Functions.*** Consider having this unit and appropriate personnel assist with the management of the budget, grants, IEP system, and other operational processes. Ensure that current and new school-based personnel are provided sufficient IEP-system training on a continuing basis.
  - 5) ***Training.*** Provide additional training necessary for each staff member to carry out his/her respective responsibilities .
  - h. ***Communication with Schools.*** Establish standards and expectations for the above personnel to communicate with central office, school leadership chiefs, principals, and school-based staff in a way that would maximize feedback in a meaningful and not overly bureaucratic manner.
9. ***Ensure there are sufficient numbers/types of special education/related services personnel at schools and at the central office to support students with/without IEPs and to carry out essential functions.***
- e. ***Staffing Ratios Review.*** Consider bringing the following staffing ratios into greater alignment with other districts: (1) lower ratios for the combined numbers of special educators/paraeducators and for occupational therapists and (2) higher ratios of social workers and physical therapists. These ratios do not mean that these areas are not staffed appropriately. However, they deserve further review. As part of this process, consider the activities below.

- f. Special Education Positions.* Given the very low achievement for students with IEPs, the Council cautions the district against reducing the overall number of special education positions in 2014-15. Recommendation 4 provides a process for reconfiguring services to individual schools next school year.
  - g. Paraprofessional Positions.* Consider having in place in the 2014-15 school year a single position for paraprofessionals, so one individual can provide both instructional support and personal care for students. The provision of services in both areas should not require the use of two different assistants.
  - h. Related Services Criteria.* Ensure that criteria for determining students' related-services needs are clearly articulated in writing and that they are applied as intended, especially for the area of occupational therapy.
  - i. Equitable Distribution.* Articulate clear standards for allocating special educators, paraprofessionals, and related-services personnel to schools and ensure that the standards are equitable and transparent.
  - j. Clerk Typists.* Charge the leadership team with considering whether the current use of clerk typists provides the best type of support. Consider possible alternatives to the position, including stipends for school-based personnel to carry out the responsibilities of clerk typists.
  - k. Filling Vacancies.* Investigate delays related to filling open vacancies when qualified individuals are available.
  - l. Monitoring.* Have the leadership team develop a process for monitoring implementation of the activities proposed in this report.
- 10. Communicate broadly with BPS personnel, parents, and the community about the special education process and resources to promote both student achievement and social/emotional well-being, and encourage meaningful parental participation.**
- a. Special Education Policies, Procedures and Practices.* Expand upon the CSE Guide to develop a comprehensive, web-based compilation of all policies, procedures, standards, and expected practices on the administration and operation of special education/related services and the instruction of students with IEPs. Provide links to information on forms, publicly available resources, professional development materials, and training videos. Highlight information that would be of interest to parents, and provide the information in Spanish and other high-use languages. Provide differentiated training to all stakeholders on this information.
  - b. Section 504/ADA Team Manual.* Expand Section 504/ADA of the Team Manual to include information on the 2008 ADA amendments, e.g., expanded list of major life activities, consideration of mitigating factors, and use of service animals. In addition, provide information on commonly raised issues, e.g., accommodations for allergies, diabetes, asthma, etc. Use a web-based platform to compile and disseminate the information, and include links to more detailed information and resources. Provide differentiated training to all stakeholders on the information.
  - c. IEP Summary.* Consider developing an IEP summary that would be generated electronically. Ensure that the summaries have the type of information that is relevant to general educators and other personnel who do not need to have an entire IEP, and the type of information that parents would like to have in a shorter version.



- d. Parent Engagement.* Leverage the current relationships with representatives of the Special Education Parent Advisory Committee (SEPAC), District Parent Coordinating Council (DPCC), and the Multilingual Education Advisory Council (MEAC) to create more effective ways of obtaining their regular input on (1) meaningful communications with parents, collaborative training activities, and (2) mechanisms to promote the effective involvement of parents in IEP/special education and instructional processes. Also, use their guidance in designing and building a special education webpage (Recommendation 10g).
  - e. Union/Special Education Leadership Communication.* Schedule regular meetings between representatives of the Buffalo Teachers Federation and the special education leadership to foster better communication on and resolutions of high-interest issues when possible.
  - f. Communication.* Use multiple methods of communicating the district’s implementation of the recommendations in this report to the broader BPS community. Status reports and ongoing outcomes should be included.
  - g. Webpage.* Consider hiring a consultant to upgrade and maintain the district’s webpage on special education. Post information relevant to BPS personnel, parents and the community, including such information as BPS contacts, manuals/guidance, postsecondary transition activities, links to training, and publicly available information. Consult with the leadership team and parent representatives on webpage information they would consider useful.
  - h. Scheduling Annual Reviews.* Reconsider the practice of having all annual review meetings in March. If it is preferable to have meetings throughout the year to facilitate parental involvement and/or alleviate personnel workloads, establish a mechanism for phasing in the meetings prior to due dates and phasing in annual review meetings throughout the year. In either case, establish a process by which current and prospective staff members communicate their expectations for the following school year.
- 11. Communicate clear expectations for school leadership chiefs and principal accountability for the administration and operation of special education at the school level.** Ensure that accurate data are readily accessible to chiefs, principals, school personnel, and central office personnel.
- a. Alignment of Plans.* Align all improvement plans, e.g., Distinguished Educator’s Action Plan, BPS Public School Choice, Corrective Action Plans, etc. Incorporate, reinforce, or cross-reference the planning tool the district uses to implement those Council team recommendations/activities that the district accepts.
  - b. Use of Data.* Have the superintendent meet regularly with the leadership team to review data relevant to the implementation of these recommendations/activities. Include relevant principals in the review of school-based data. For example, include the following school-based data elements and have accountable staff members explain the disparities in graduation rates (at beginning of year), dropout rates (periodically when data are available), credits earned, failures and “D” grades, unexcused absences, suspensions (in-school and by race/ethnicity), office referrals, use of MTSS, referrals for special education evaluations and the percentage of students found eligible by disability area, and SPP performance indicators. Track the implementation of follow-up activities. The Baltimore City Public Schools have used this process with good results.

- c. Data Dashboard.* Review the BPS data dashboard and expand it to include measures that would allow comparisons between schools and between subgroups of students, including students with IEPs, suspensions (by race/ethnicity), referrals for special education, placements of students in more restrictive settings, and dropout recovery/rates.
- 12. Identify a project manager—to report to the deputy superintendent or to the curriculum, assessment and instruction chief—to support the review and execution of recommendations.* Have the project manager report on the collection of relevant data, track implementation of the recommendations and demonstrable outcomes, identify implementation barriers that require interdepartmental collaboration or the superintendent's involvement, and make any recommendations to the superintendent on adjustments or additional activities.

CHAPTER 4. SUMMARY OF RECOMMENDATIONS

This chapter summarizes the recommendations made in chapter 3 in two ways. The first way lists the recommendations and the functional categories in which each one falls. The categories include accountability, planning, criteria/process, training, data/reports, and cross-references. The second way simply lists all the recommendations so the reader can see them all in one place.

A. Recommendation Matrix

The exhibit below lists the recommendations from the previous chapter in table form corresponding to their functional categories.

Recommendations	Accountability	Planning	Criteria/Process	Training	Data/Reports	Cross-Reference
<i>1. Improve consistency, appropriateness, and timeliness of eligibility determinations across the district and ensure that staff members are held accountable for doing so.</i>						
<i>a. CSE and SST Chairperson Roles.</i> Establish specific procedures that separate the CSE and SST processes and delineate separate chairpersons for each, along with standards for each role and responsibility. For each role, develop a staff allocation formula that takes into account the time required for the chairperson function. To the extent fiscally feasible, either reduce caseloads or provide stipends to ensure that each chairperson has the time available for this purpose and for other responsibilities. For the SST chairperson’s formula, consider responsibilities based on the number of students without disabilities who do not meet state standards. Also, evaluate/analyze where the assignment of staff members, particularly school psychologists, is necessary at each school to manage the SST process, and whether there are any options for reducing staff.		X	X			
<i>b. Standards and Documentation.</i> Develop clear and user-friendly standards for the review of referrals for special education evaluations, clear criteria for determining qualification for services, and worksheets for documenting evaluation results and facilitating the application of criteria.			X			
<i>c. English Language Learners.</i> Ensure that the standards, criteria, and worksheets designed to meet Recommendation 1b are appropriate for ELLs and take into account various national origins and cultures. Have special education and multilingual education personnel collaborate on this activity. Involve other department personnel as necessary to review current translation services for children and their parents to identify gaps and determine follow-up action.		X	X			1b
<i>d. Early Childhood.</i> With a collaborative group of knowledgeable BPS/community individuals, determine the reasons for the increase, and determine follow-up steps to ensure a thorough screening process, appropriate eligibility decisions, and any need to increase BPS services. With the Council of New York Special Education Administrators (CNYSEA) or other colleagues, determine the efficacy of the current system for evaluating preschool children, and establish whether the more common national approach of district-provided assessments and placements—with appropriate state funding—might be preferable.		X				
<i>e. Data Analysis.</i> Review data currently available to the district and revise them as necessary in order to track referral and qualification rates by disability and to identify any patterns of concern, e.g., disparate rates for referrals, qualifications by disability areas, and related services (by race/ethnicity, grades, schools). Ensure that data collection includes dates for determining timeliness, and to allow instructional days to be modified when schools are closed for snow days.					X	1g
<i>f. Disparity Measures.</i> Develop metrics, indicators, and standards for determining eligibility disparities, especially when small numbers are involved. Collaborate with BPS personnel knowledgeable on research and statistics or discuss with Council staff.				X	X	

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Recommendations	Accountability	Planning	Criteria/Process	Training	Data/Reports	Cross-Reference
<i>g. Data Reports.</i> With a collaborative group of central office and school-based staff, identify the reports needed to identify patterns referenced in Recommendation 1e and to determine timely initial evaluations, reevaluations, and annual reviews—and begin implementing them.					X	1e
<i>h. Monitoring.</i> Monitor CSE practices against the standards/expectations developed. Use a monitoring process that engages school-based staff members so that they are aware of the issues/problems identified and have a better understanding of the need for follow-up action.	X					
<i>i. Differentiated Training.</i> Provide <i>mandatory</i> differentiated professional development to all SST and CSE staff members and principals on the standards/expectations, data reporting, monitoring process, new CSE/SST processes, and chairperson roles and responsibilities.				X		
<i>j. Accountability.</i> Establish an accountability process, including personnel evaluations and monitoring, for implementing the standards/expectations and procedures/practices described above. Implement the process after appropriate training and support are provided	X					
<b>2. Ensure that BPS’s framework for a multi-tiered system of supports and related activities is evidence based and implemented with fidelity.</b>						
<i>a. Leadership.</i> To reinforce the notion that the MTSS process is based in general education practices (but can also be accessed by students with IEPs, ELLs, and gifted students), have the initiative visibly led by the curriculum, assessment, and instruction chief and proactively supported by district leadership and administrative personnel at all levels.		X				4a,5 a
<i>b. Framework and Implementation Plan Feedback.</i> Ensure the framework and implementation plan include feedback from school-leadership chiefs, knowledgeable principals, school-based personnel from different grade level schools, and parent representatives (including at least one from each group).		X				
<i>c. Web-based Description of MTSS Expectations.</i> Use a web-based format to post a uniform set of standards and expectations for the implementation of MTSS. If necessary, phase in these standards and expectations, beginning with more general information and proceeding to more specific information as it becomes available. Include information about: 1) Core Curriculum Expectations and Differentiated Instruction; 2) Universal Screening/ Progress Monitoring; 3) Problem Solving; 4) Interventions; 5) Scheduling and Use of Personnel; 6) Special Education Evaluation Referral 7) Training; 8) Parental Involvement.		X	X	X		
<i>d. Exemplary MTSS Implementation Models.</i> Based on student outcomes, identify and share models of exemplary practice with MTSS, including examples involving students with IEPs, ELLs, and twice-exceptional students. Enable staff to visit exemplary schools in or outside of the district.		X		X		
<i>e. Differentiated Training.</i> Identify the critical information that various staff members need about MTSS, including instruction aligned with Common Core State Standards, and develop a comprehensive and differentiated professional development program that covers the following: 1) <i>Professional Learning Standards</i> ; 2) <i>Multiple Formats</i> ; 3) <i>Cross-Functional Teams</i> ; 4) <i>High Quality Trainers</i> ; 5) <i>Access to and Usage of Training</i> ; and 6) <i>BPS Website</i> . Post all training materials on BPS’s website.		X		X		
<i>f. Evaluation of Effectiveness.</i> Evaluate the effectiveness of MTSS implementation through such activities as the following: 1) <i>Baseline Data</i> ; 2) <i>Data and Reports</i> ; 3) <i>Walk-Throughs</i> ; 4) In addition to the production and use of data reports referenced in Recommendation 2f(2) that can be used to monitor the effectiveness of MTSS, modify the district’s walk-through protocols and checklists in a way that will reflect best practices and measure the extent to which school practices are consistent with the standards and expectations set by the district. Initiate technical assistance, professional development, coaching, and mentoring as necessary to improve practices and implement the walk-throughs effectively.	X	X	X		X	
<i>g. Timely Communication and Feedback.</i> Establish a process for providing timely feedback to the MTSS leadership team on implementation barriers, and problem-solve solutions—particularly when they are beyond local school control or when schools require assistance to resolve problems.		X				

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Recommendations	Accountability	Planning	Criteria/Process	Training	Data/Reports	Cross-Reference
<b>3. Expand options for inclusive preschool programming for young children with IEPs.</b>						
<b>e. Research.</b> With general/special education leaders and principals, teachers, related services personnel, parents, and community members, reconfigure the district’s current programming for preschoolers with/without IEPs, including support for students enrolled in Head Start. Review research and curricular standards for early childhood learning and the components necessary to produce higher outcomes for young children, especially those with IEPs. Consider this research when revamping programming for children currently educated in agency settings, where children do not interact with nondisabled peers.		X				
<b>f. Gap Analysis and Planning.</b> Identify gaps between the research findings and the instruction/support currently provided to preschool children with IEPs, and develop a plan for addressing these gaps, including professional development from all funding sources. Begin implementing the plan in the 2015-2016 school year.		X		X	X	
<b>4. Significantly improve meaningful and effective instruction and supports in inclusive settings.</b>						
Have small groups of principals from schools with similar demographics meet with SESIS, other knowledgeable special education administrators, and school leadership chiefs to review their ICT models to determine if other model(s) for differentiated instruction and targeted interventions might be beneficial. Base implementation on (1) written individualized school plans; (2) approval of the relevant chiefs, principals, and special education administrator; and (3) the application of federal/state procedures required through the CSE/IEP decision-making process. <b>For 2015-16:</b>		X				
<b>a. Leadership Team.</b> Have the MTSS leadership team develop a plan for effective inclusive instruction and supports for students with IEPs. Because of their knowledge of and access to research-based materials, include SESIS personnel. Have status reports of ongoing planning and implementation presented to the MTSS leadership team to ensure cohesiveness; avoid fragmented efforts; and leverage/coordinate resources, training, monitoring, data reporting, etc. Engage a skilled external facilitator to support project staff in managing this planning and implementation process.		X				2a, 5a
<b>b. Implementation Plan Feedback.</b> Ensure the implementation plan includes feedback from leadership chiefs, knowledgeable principals, and school-based personnel from differing grade levels, along with parent representatives.		X				
<b>c. Student Characteristics and Learning Profiles.</b> Begin the planning process by taking a relatively short period (one to two months) to collect and summarize the diverse characteristics of students with IEPs currently educated in consultative teaching, integrated co-teaching, and resource room models. Present data on the effects of each approach on academic skills (reading, math, writing, speaking, listening, etc.); behavior (passivity, attentiveness, aggressiveness, emotionality, etc.); organizational and study skill profiles; language and cultural considerations; and hearing, vision, physical needs, etc. In each area, describe relevant characteristics and gaps with nondisabled peers. Obtain feedback from a broad group of school-based personnel to ensure comprehensiveness of the product. When finalized, consider drafting a learning profile for teachers and/or teams for individual students in order to provide instruction from general and special educators.		X			X	4d
<b>d. Description of Standards and Expectations.</b> Using the diverse-learning profiles, identify literature and recommendations from this report, along with other sources on instructional successes and challenges, and develop a set of written standards and expectations in such areas as the following: 1) <b>General.</b> The parameters of (differentiated) instruction/research-based interventions, related services, and social/emotional supports and engagement, language services/support, assistive technology; 2) <b>Core Content Knowledge;</b> 3) <b>Differentiated Instruction;</b> 4) <b>Interventions;</b> 5) <b>Assistive Technology;</b> 6) <b>FBA/BIPs;</b> 7) <b>Linguistic/Culturally Appropriate;</b> 8) <b>Problem Solving;</b> 9) <b>Progress Monitoring;</b> 10) <b>Common Planning Time;</b> 11) <b>ICT Student-teacher Ratios;</b> 12) <b>Paraprofessionals;</b> 13) <b>Meaningful Parent Participation;</b> 14) <b>People-First Language</b> usage.			X			4c
<b>e. Implementation Considerations.</b> To facilitate implementation of these standards and expectations, have the leadership team discuss the following issues, document the conclusions, and develop worksheets to support implementation of strategies for individual students, groups of students, and schools: 1) <b>Determining Intervention;</b> 2) <b>Configuration of Resources</b> including consideration of				X		4g, 5d

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Recommendations	Accountability	Planning	Criteria/Process	Training	Data/Reports	Cross-Reference
Differentiation of Instruction, Maximum Leverage of School Staff, and Flexible Groupings; 3) <i>Scheduling</i> ; 4) <i>Professional Development; and Monitoring ICT Student-Staff Ratios.</i>						
f. <i>Exemplary Inclusive Instruction/Intervention Implementation Models.</i> Based on student outcomes, identify and share models of exemplary practice in effective inclusive instruction/interventions, including those involving ELLs with IEPs and twice-exceptional students. Enable staff members to visit the schools and identify staff members who demonstrate the standards and provide training to their peers.		X		X		
g. <i>Differentiated Training.</i> Based on the professional development needs identified in Recommendation 4.e., develop a comprehensive and differentiated professional development program that includes components referenced in 2.e. Include in differentiated training activities all teachers, coaches and other personnel that support schools.				X		2e, 4e
h. <i>Evaluation of Effectiveness.</i> Evaluate the effectiveness of program implementation with data that include the following: 1) <i>Baseline Data</i> ; 2) <i>Data and Reports</i> ; 3) <i>Walk-Throughs.</i>		X			X	2f, 5f
i. <i>Timely Communication and Feedback.</i> Establish a process for timely feedback to the MTSS leadership team (1) on implementation barriers and solutions reached using a problem-solving process and (2) on when schools require additional assistance in resolving issues.		X				
<b>5. Significantly improve meaningful and effective instruction and supports in inclusive settings.</b>						
a. <i>Leadership Team.</i> Have the MTSS leadership team develop a plan for more effective instruction and supports for students in specialized classes, and oversee implementation of the plan.		X				2a, 4a
b. <i>Student Characteristics and Learning Profiles.</i> Begin the process by taking a relatively short period, i.e., one to two months, to summarize the range of characteristics and learning needs of students currently educated in specialized classes and in separate agency schools. Ensure that the leadership team has the information.		X			X	5c
c. <i>Description of Standards and Expectations.</i> Based on student profiles, develop the standards and expectations referenced in Recommendation 4.b., and apply them to students being educated in these specialized classes. In addition, consider the following: 1) <i>Significant Achievement Gaps</i> ; 2) <i>Appropriate Interventions/Supports</i> ; 3) <i>Linguistic/Culturally Appropriate</i> ; 4) <i>Problem Solving</i> ; 5) <i>Progress Monitoring</i> ; 6) <i>Extended School Year</i> ; 7) <i>Postsecondary Transition</i> ; 8) <i>Unique Learning System</i> ; 9) <i>Integration Opportunities</i> ; 10) <i>Placement Parameters</i> ; 11) <i>Schools of Choice</i> ; 12) <i>Equitable Distribution of Classes</i> ; 13) <i>Placement Process</i> ; and 14) <i>Administrative Input.</i> Clarify procedures for discussions between school personnel and special education administrators for potentially more restrictive student placements and/or personal assistants.			X			5b
d. <i>Implementation Considerations.</i> To implement these standards and expectations, have the leadership team discuss the following areas (and others as identified), document their conclusions, and develop worksheets as necessary to support implementation for individual students, groups of students, and schools: 1) <i>Determining Interventions</i> ; 2) <i>Flexible Groupings</i> ; 3) <i>Significant Class Diversity</i> ; 4) <i>Scheduling Interventions</i> ; 5) <i>Overage Classes</i> ; 6) <i>Extended School Year</i> ; 7) <i>District/Agency School Partnerships</i> ; and 8) <i>Professional Development.</i>				X		4e
e. <i>Exemplary Special Class Implementation Models.</i> Based on student outcomes, identify and share models of exemplary special classes, including those involving ELLs with IEPs. Enable staff to visit the schools, and identify staff members who reflect these standards and who could provide training to their peers.		X		X		
f. <i>Evaluation of Effectiveness.</i> Evaluate the effectiveness of program implementation with activities that include the following: 1) <i>Baseline Data.</i> Recommendation 5g(1); and 2) <i>Data and Reports.</i>					X	2f,4h, 5g

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Recommendations	Accountability	Planning	Criteria/Process	Training	Data/Reports	Cross-Reference
<i>g. Walk-Throughs.</i> In addition to the use of data reports referenced in Recommendation 4f, modify walk-through protocols and checklists to reflect expected standards and practices.		X			X	4f
<b>6. Reduce out-of-school suspensions for students with disabilities.</b>						
<i>a. Balanced and Restorative Justice.</i> Review research on the use of balanced and restorative justice sponsored by the U.S. Department of Justice and successfully used in other school districts.		X				
<i>b. In-school Suspension.</i> Review research on the configuration and parameters around effective in-school suspension alternatives and determine how district schools would be able to implement these options, including how to continue the provision of instruction and other IEP-required services.		X				
<i>c. Data Collection.</i> Produce <u>accurate</u> data reports showing students with IEPs by varying number of in-school and out-of-school suspension days by day ranges, e.g., 0 to 5, 5 to 10, and over 10. Along with these numbers, include measures supporting comparisons between students with/without IEPs, and with IEPs by race/ethnicity, and by grade.					X	
<i>d. Disparity Measures.</i> Develop measures to track disparities, especially when there are small numbers of suspended students. Collaborate with BPS personnel knowledgeable about measurement and statistics.					X	
<i>e. Monitor Outliers.</i> Based on established disparity measures, have each school leadership chief (in collaboration with the special education office and others responsible for achievement/behavior of students with IEPs) review the instruction/interventions and supports provided at each school and initiate follow-up training and assistance if patterns warrant. Establish a process for regular reporting to the leadership team.	X	X			X	
<i>f. Transportation to Alternative Schools.</i> With legal counsel, review the U.S. Department of Education’s guidance on the district’s obligations to transport students when this service is listed on their IEPs.		X				
<b>7. Improve postsecondary transition outcomes, and services and activities.</b>						
<i>a. Students Not “On Track” to Graduate.</i> With the leadership team, initiate a strategy to identify and support all ninth grade students who are “not on track” to graduate, and define “not on track” as students entering high school two or more years below grade level: <b>1) Data.</b> Identify ninth grade students who are not likely to accumulate at least five semester-long credits, are likely to fail more than two core courses during the freshman year, and/or have disproportionately high absentee rates. <b>2) Interventions.</b> Identify and implement research-based strategies for each student not on track, e.g., mentoring, research-based interventions, and other supports likely to reverse the student’s performance trends. Have principals of schools with high dropout rates (and their feeder schools) work with stakeholder groups to develop targeted plans. <b>3) Credit Recovery.</b>		X		X	X	
<i>b. Postsecondary Transition Plan.</i> With representatives of the leadership team and others knowledgeable about transition services and activities, develop a systemwide plan to increase the effectiveness of postsecondary transitions for all students with IEPs. Include ways to increase community-based training with job support, especially for those students who are unlikely to be employed after their schooling. Address the effective use of interest assessments, and design activities (like dropout/credit recovery) to reduce the number of students with IEPs who drop out of school. <b>1) Access to Community-Based Job Sites.</b> As part of the planning process, review research showing the components of quality work-based learning experiences. <b>2) Student-directed IEP Meetings.</b> Consider the use of student-directed IEP meetings to facilitate independent functioning and self-advocacy skills among high school students. <b>3) Tracking Students Post-School Outcomes.</b> Students, including those with IEPs, should be aggressively tracked through surveys after six months out of school, using a variety of response-inducing strategies. Review these data and disaggregate them by school to guide future transition planning.		X		X	X	

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Recommendations	Accountability	Planning	Criteria/Process	Training	Data/Reports	Cross-Reference
<b>8. Improve support for teaching and learning of students with IEPs with the following measures.</b>						
<b>a. Leadership.</b> Create a leadership position that would prioritize and focus on the wide array of special education/related-services administrative and support responsibilities. Given the scope of these responsibilities, the individual assigned to this position should not be responsible for other priorities that would divert attention from the core special education work. Have the individual report directly to the chief of curriculum, assessment, and instruction, but also include him or her as part of the superintendent’s cabinet and as a participant in meetings of the deputy superintendent to contribute special education issues that might not be otherwise considered.		X				
<b>b. Titles and Department Names.</b> For clarity, differentiate the titles of the assistant superintendents and directors along with the departments they oversee so their roles and responsibilities are easier to recognize.		X				
<b>c. Special Education Organization.</b> Charge three directors of special education with the responsibilities described below. Give them titles that reflect their responsibilities. If at all possible, house all personnel together in order to enhance their ability to communicate. (See Appendix A for proposed organizational chart.)		X				
<b>5. Training.</b> Provide additional training necessary for each staff member to carry out his/her respective responsibilities.				X		
<b>d. Communication with Schools.</b> Establish standards and expectations for the above personnel to communicate with central office, school leadership chiefs, principals, and school-based staff in a way that would maximize feedback in a meaningful and not overly bureaucratic manner.			X			
<b>9. Ensure there are sufficient numbers/types of special education/related services personnel at schools and at the central office to support students with/without IEPs and to carry out essential functions.</b>						
<b>a. Staffing Ratios Review.</b> Consider bringing the following staffing ratios into greater alignment with other districts: (1) lower ratios for the combined numbers of special educators/para-educators and for occupational therapists and (2) higher ratios of social workers and physical therapists. These ratios do not mean that these areas are not staffed appropriately. However, they deserve further review. As part of this process, consider the activities below.			X		X	
<b>b. Special Education Positions.</b> Given the very low achievement for students with IEPs, the Council cautions the district against reducing the overall number of special education positions in 2014-15. Recommendation 4 provides a process for reconfiguring services to individual schools next school year.						Rec 4
<b>c. Paraprofessional Positions.</b> Consider having in place in the 2014-15 school year a single position for paraprofessionals, so one individual can provide both instructional support and personal care for students. The provision of services in both areas should not require the use of two different assistants.			X			
<b>d. Related Services Criteria.</b> Ensure that criteria for determining students’ related-services needs are clearly articulated in writing and that they are applied as intended, especially for the area of occupational therapy.	X		X			
<b>e. Equitable Distribution.</b> Articulate clear standards for allocating special educators, paraprofessionals, and related-services personnel to schools and ensure that the standards are equitable and transparent.			X	X		
<b>f. Clerk Typists.</b> Charge the leadership team with considering whether the current use of clerk typists provides the best type of support. Consider possible alternatives to the position, including stipends for school-based personnel to carry out the responsibilities of clerk typists.		X				
<b>g. Filling Vacancies.</b> Investigate delays related to filling open vacancies when qualified individuals are available.		X				
<b>h. Monitoring.</b> Have the leadership team develop a process for monitoring implementation of the activities proposed in this report.	X					
<b>10. Communicate broadly with BPS personnel, parents, and the community about the special education process and resources to promote both student achievement and social/emotional well-being, and encourage meaningful parental participation.</b>						



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Recommendations	Accountability	Planning	Criteria/Process	Training	Data/Reports	Cross-Reference
<i>a. Special Education Policies, Procedures and Practices.</i> Expand upon the CSE Guide to develop a comprehensive, web-based compilation of all policies, procedures, standards, and expected practices on the administration and operation of special education/related services and the instruction of students with IEPs. Provide links to information on forms, publicly available resources, professional development materials, and training videos. Highlight information that would be of interest to parents, and provide the information in Spanish and other high-use languages. Provide differentiated training to all stakeholders on this information.			X	X		
<i>b. Section 504/ADA Team Manual.</i> Expand Section 504/ADA of the Team Manual to include information on the 2008 ADA amendments, e.g., expanded list of major life activities, consideration of mitigating factors, and use of service animals. In addition, provide information on commonly raised issues, e.g., accommodations for allergies, diabetes, asthma, etc. Use a web-based platform to compile and disseminate the information, and include links to more detailed information and resources. Provide differentiated training to all stakeholders on the information.			X	X		
<i>c. IEP Summary.</i> Consider developing an IEP summary that would be generated electronically. Ensure that the summaries have the type of information that is relevant to general educators and other personnel who do not need to have an entire IEP, and the type of information that parents would like to have in a shorter version.					X	
<i>d. Parent Engagement.</i> Leverage the current relationships with representatives of the Special Education Parent Advisory Committee (SEPAC), District Parent Coordinating Council (DPCC), and the Multilingual Education Advisory Council (MEAC) to create more effective ways of obtaining their regular input on (1) meaningful communications with parents, collaborative training activities, and (2) mechanisms to promote the effective involvement of parents in IEP/special education and instructional processes. Also, use their guidance in designing and building a special education webpage (Recommendation 10g).		X				10g
<i>e. Union/Special Education Leadership Communication.</i> Schedule regular meetings between representatives of the Buffalo Teachers Federation and the special education leadership to foster better communication on and resolutions of high-interest issues when possible.		X				
<i>f. Communication.</i> Use multiple methods of communicating the district’s implementation of the recommendations in this report to the broader BPS community. Status reports and ongoing outcomes should be included.		X				
<i>g. Webpage.</i> Consider hiring a consultant to upgrade and maintain the district’s webpage on special education. Post information relevant to BPS personnel, parents and the community, including such information as BPS contacts, manuals/guidance, postsecondary transition activities, links to training, and publicly available information. Consult with the leadership team and parent representatives on webpage information they would consider useful.		X				10d
<i>h. Scheduling Annual Reviews.</i> Reconsider the practice of having all annual review meetings in March. If it is preferable to have meetings throughout the year to facilitate parental involvement and/or alleviate personnel workloads, establish a mechanism for phasing in the meetings prior to due dates and phasing in annual review meetings throughout the year. In either case, establish a process by which current and prospective staff members communicate their expectations for the following school year.		X			X	
<b>II. Communicate clear expectations for school leadership chiefs and principal accountability for the administration and operation of special education at the school level.</b> Ensure that <u>accurate</u> data are readily accessible to chiefs, principals, school personnel, and central office personnel.						
<i>a. Alignment of Plans.</i> Align all improvement plans, e.g., Distinguished Educator’s Action Plan, BPS Public School Choice, Corrective Action Plans, etc. Incorporate, reinforce, or cross-reference the planning tool the district uses to implement those Council team recommendations/activities that the district accepts.		X				

Recommendations	Accountability	Planning	Criteria/Process	Training	Data/Repts	Cross-Reference
<p><i>b. Use of Data.</i> Have the superintendent meet regularly with the leadership team to review data relevant to the implementation of these recommendations/activities. Include relevant principals in the review of school-based data. For example, include the following school-based data elements and have accountable staff members explain the disparities in graduation rates (at beginning of year), dropout rates (periodically when data are available), credits earned, failures and “D” grades, unexcused absences, suspensions (in-school and by race/ethnicity), office referrals, use of MTSS, referrals for special education evaluations and the percentage of students found eligible by disability area, and SPP performance indicators. Track the implementation of follow-up activities. The Baltimore City Public Schools have used this process with good results.</p>	X				X	
<p><i>c. Data Dashboard.</i> Review the BPS data dashboard and expand it to include measures that would allow comparisons between schools and between subgroups of students, including students with IEPs, suspensions (by race/ethnicity), referrals for special education, placements of students in more restrictive settings, and dropout recovery/rates.</p>					X	
<p><i>12. Identify a project manager—to report to the deputy superintendent or to the curriculum, assessment and instruction chief—to support the review and execution of recommendations.</i> Have the project manager report on the collection of relevant data, track implementation of the recommendations and demonstrable outcomes, identify implementation barriers that require interdepartmental collaboration or the superintendent’s involvement, and make any recommendations to the superintendent on adjustments or additional activities.</p>	X	X				

## B. Summary of Recommendations

The following is a list of the recommendations prepared by the Strategic Support Team of the Council of the Great City Schools for the Buffalo Public Schools.

1. ***Improve consistency, appropriateness, and timeliness of eligibility determinations across the district and ensure that staff members are held accountable for doing so.***
  - a. ***CSE and SST Chairperson Roles.*** Establish specific procedures that separate the CSE and SST processes and delineate separate chairpersons for each, along with standards for each role and responsibility. For each role, develop a staff allocation formula that takes into account the time required for the chairperson function. To the extent fiscally feasible, either reduce caseloads or provide stipends to ensure that each chairperson has the time available for this purpose and for other responsibilities. For the SST chairperson's formula, consider responsibilities based on the number of students without disabilities who do not meet state standards.<sup>76</sup> Also, evaluate/analyze where the assignment of staff members, particularly school psychologists, is necessary at each school to manage the SST process, and whether there are any options for reducing staff. (More information about the SST/CSE process is provided in the following section: II. General Education Intervention and Supports.)
  - b. ***Standards and Documentation.*** Develop clear and user-friendly standards for the review of referrals for special education evaluations, clear criteria for determining qualification for services, and worksheets for documenting evaluation results and facilitating the application of criteria.
  - c. ***English Language Learners.*** Ensure that the standards, criteria, and worksheets designed to meet Recommendation 1b are appropriate for ELLs and take into account various national origins and cultures. Have special education and multilingual education personnel collaborate on this activity. Involve other department personnel as necessary to review current translation services for children and their parents to identify gaps and determine follow-up action.
  - d. ***Early Childhood.*** The significant increase in early childhood referrals this year has significant implications for the future. With a collaborative group of knowledgeable BPS/community individuals, determine the reasons for the increase, and determine follow-up steps to ensure a thorough screening process, appropriate eligibility decisions, and any need to increase BPS services. With the Council of New York Special Education Administrators (CNYSEA) or other colleagues, determine the efficacy of the current system for evaluating preschool children and establish whether the more common national approach of district-provided assessments and placements—with appropriate state funding—might be preferable.
  - e. ***Data Analysis.*** Review data currently available to the district and revise them as necessary in order to track referral and qualification rates by disability and to identify any patterns of concern, e.g., disparate rates for referrals, qualifications by disability areas, and related services (by race/ethnicity, grades, schools). Ensure that data collection

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<sup>76</sup> This formula should replace the SST allocation provided to the Council team that based allocation on students with disabilities.

includes dates for determining timeliness, and to allow instructional days to be modified when schools are closed for snow days.

- f. Disparity Measures.* Develop metrics, indicators, and standards for determining eligibility disparities, especially when small numbers are involved. Collaborate with BPS personnel knowledgeable on research and statistics or discuss with Council staff.
  - g. Data Reports.* With a collaborative group of central office and school-based staff, identify the reports needed to identify patterns referenced in Recommendation 1e and to determine timely initial evaluations, reevaluations, and annual reviews—and begin implementing them.
  - h. Monitoring.* Monitor CSE practices against the standards/expectations developed. Use a monitoring process that engages school-based staff members so that they are aware of the issues/problems identified and they have a better understanding of the need for follow-up action.
  - i. Differentiated Training.* Provide *mandatory* differentiated professional development to all SST and CSE staff members and principals on the standards/expectations, data reporting, monitoring process, new CSE/SST processes, and chairperson roles and responsibilities.
  - j. Accountability.* Establish an accountability process, including personnel evaluations and monitoring, for implementing the standards/expectations and procedures/practices described above. Implement the process after appropriate training and support are provided.
2. *Ensure that BPS's framework for a multi-tiered system of supports and related activities is evidence-based and implemented with fidelity.*
- a. Leadership.* To reinforce the notion that the MTSS process is based in general education practices (but can also be accessed by students with IEPs, ELLs, and gifted students), have the initiative visibly led by the curriculum, assessment and instruction chief and proactively supported by district leadership and administrative personnel at all levels.
  - b. Framework and Implementation Plan Feedback.* Ensure the framework and implementation plan include feedback from school-leadership chiefs, knowledgeable principals, and school-based personnel from different grade level schools, and parent representatives (including at least one from each group).
  - c. Web-based Description of MTSS Expectations.* Use a web-based format to post a uniform set of standards and expectations for the implementation of MTSS. If necessary, phase in these standards and expectations, beginning with more general information and proceeding to more specific information as it becomes available.
- 1) *Core Curriculum Expectations and Differentiated Instruction.* Core curriculum expectations and use of universal design for learning (UDL)<sup>77</sup> are critical to program

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<sup>77</sup> Through differentiated instruction, teachers instruct students of differing abilities to maximize each student's growth and individual success by meeting each student where (s)he is and assisting in the learning process. To differentiate instruction, one must recognize students' varying background knowledge, readiness, language, preferences in learning, and interests and react responsively. Through a Universal Design for Learning (UDL) approach, curriculum is initially designed with the needs of all students in mind, so that methods, materials, and assessment are usable by all. Traditional curricula present a host of barriers that limit students' access to information and learning where printed text, in particular, is especially problematic for students without a well-developed ability

- success. UDL is based on strategies that enable curricula to be accessed easily by students with different abilities and needs. It can be well integrated into everyday instructional practices and includes multiple methods of presenting information using media and other methods of engaging students' interest and assessing what students have learned. At a minimum, the district should establish standards for the use of differentiated instruction.
- 2) ***Universal Screening/Progress Monitoring.*** Universal screening and progress-monitoring tools appropriate for elementary, middle, and high schools should be implemented districtwide. Establish decision rules for student access to tier 2 and 3 interventions, and the basis for determining sufficient progress in each tier.
  - 3) ***Problem Solving.*** Parameters should be put in place for SST problem solving relevant to student academic and behavioral needs as described in evidence-based literature.
  - 4) ***Interventions.*** Increasingly intensive research-based academic/behavior interventions should be made available short and long term along with expectations for their support and usage. Map current resources and assess gaps between student needs and research-based interventions in use. Establish a phase-in plan for procuring interventions that will provide a comprehensive menu of options, including multi-sensory reading interventions,
  - 5) ***Scheduling and Use of Personnel.*** Models should be developed for scheduling and using the broadest range of trained intervention providers.
  - 6) ***Special Education Evaluation Referrals.*** Guidance should be provided for determining how much progress a student should be making when provided with appropriate research-based interventions and initiating a referral to special education services when that progress is not evident even after providing targeted interventions. Also, include guidance for dealing with students' lack of progress when interventions are not targeted or implemented properly.
  - 7) ***Training.*** Expectations should be developed for providing and requiring staff participation in MTSS professional development.
  - 8) ***Parental Involvement*** and access to information should be provided.
- d. ***Exemplary MTSS Implementation Models.*** Based on student outcomes, identify and share models of exemplary practice with MTSS, including examples involving students with IEPs, ELLs, and twice-exceptional students. Enable staff to visit exemplary schools.
  - e. ***Differentiated Training.*** Identify the critical information that various staff members need about MTSS--including instruction aligned with Common Core State Standards, and develop a comprehensive and differentiated professional development program that covers the following:
    - 1) ***Professional Learning Standards.*** Bases training on national professional learning standards, such as Learning Forward's Standards for Professional Learning.<sup>78</sup>

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to see, decode, attend to, or comprehend printed text. A UDL-designed curriculum is innately flexible and enriched with multiple media, so that alternatives can be accessed whenever appropriate. UDL takes on the burden of adaptation so the teacher and/or student does not have to, thereby minimizing barriers and maximizing access to both information and learning.

<sup>78</sup> <http://www.learningforward.org/standards#.UMvVD7Yt0kU>

- 2) **Multiple Formats.** Uses multiple formats (e.g., videos, webinars, PowerPoint, narrative text, etc.) and presentation models (e.g., school-based, small groups, etc.) that are differentiated and based on current levels of staff knowledge and skills
  - 3) **Cross-Functional Teams.** Uses cross-functional teams comprised of individuals who directly support schools in order to provide primary training to the broadest spectrum of administrative staff, teachers on assignment, and instructional staff in a way that will build their capacity to provide direct support, mentoring, coaching, and technical assistance to principals and teachers.
  - 4) **High Quality Trainers.** Ensures that all trainers are knowledgeable and effective. Identify exemplary internal staff in addition to external trainers.
  - 5) **Access to Training.** Provide professional development to all staff members who need it and ensure that it is differentiated by staff experience and skills. Evaluate its effectiveness on student outcomes. Consider mandating training and providing a certificate of demonstrated performance.
  - 6) **BPS Website.** Post all training materials on BPS's website.
- f. **Evaluation of Effectiveness.** Evaluate the effectiveness of MTSS implementation through such activities as the following:
- 1) **Baseline Data.** Establish baseline data on current instructional practices and outcomes. Use the Office of Shared Accountability report that was completed for elementary schools to produce a similar report on high schools.
  - 2) **Data and Reports.** With a collaborative group of central office and school-based staff, identify what data are needed to produce electronic, user-friendly reports on the use of academic and behavioral interventions and their results for individual students. Aggregate and summarize the data by subgroups and combinations of groups, e.g., schools, grades, excused/unexcused absences, suspensions, etc. (for students with IEPs, ELLs, students with IEPs/ELLs, etc.). Plan follow-up activities on any additional data and reports that are not easily produced or in cases where the data are not easily accessible.
  - 3) **Walk-Throughs.** In addition to the production and use of data reports referenced in Recommendation 2f(2) that can be used to monitor the effectiveness of MTSS, modify the district's walk-through protocols and checklists in a way that will reflect best practices and measure the extent to which school practices are consistent with the standards and expectations set by the district. Initiate technical assistance, professional development, coaching, and mentoring as necessary to improve practices and implement the walk-throughs effectively.
- g. **Timely Communication and Feedback.** Establish a process for providing timely feedback to the MTSS leadership team on implementation barriers, and problem-solve solutions—particularly when they are beyond local school control or when schools require assistance to resolve problems.
3. **Expand options for inclusive preschool programming for young children with IEPs.**
- a. **Research.** With general/special education leaders and principals, teachers, related services personnel, parents, and community members, reconfigure the district's current programming for preschoolers with/without IEPs, including support for students enrolled

in Head Start. Review research and curricular standards for early childhood learning and the components necessary to produce higher outcomes for young children, especially those with IEPs. Consider this research when revamping programming for children currently educated in agency settings, where children do not interact with nondisabled peers.

- b. Gap Analysis and Planning.* Identify gaps between the research findings and the instruction/support currently provided to preschool children with IEPs, and develop a plan for addressing these gaps, including professional development from all funding sources. Begin implementing the plan in the 2015-2016 school year.
- 4. Significantly improve meaningful and effective instruction and supports in inclusive settings.** Currently, BPS has a very low achievement level for students without IEPs, and even lower rates among students with IEPs. It is unlikely that the achievement of students with IEPs will increase markedly without full implementation of MTSS and full access to academic/behavior interventions/supports. Recommendation 2 addresses activities to support MTSS implementation. To address the achievement of students with IEPs, it is not sufficient to simply change service models, e.g., from integrated co-teaching to resource rooms.

Various activities may be implemented in the 2014-15 school year; however, the Council team does not recommend a systemic change for next school year given the planning and preparation needed to effect changes of this magnitude. However, given the poor performance of students with IEPs, the team recommends next year to have small groups of principals from schools with similar demographics meet with SESIS, other knowledgeable special education administrators, and school leadership chiefs to review their ICT models to determine if other model(s) for differentiated instruction and targeted interventions might be beneficial. Base implementation on (1) written individualized school plans; (2) approval of the relevant chiefs, principals, and special education administrator; and (3) the application of federal/state procedures required through the CSE/IEP decision-making process.

The planning activities described below are meant to be fully implemented in 2015-16. These activities are not intended to be a comprehensive, but they are provided to initiate discussion and further development.

- a. Leadership Team.* Have the MTSS leadership team<sup>79</sup> develop a plan for effective inclusive instruction and supports for students with IEPs. Because of their knowledge of and access to research-based materials, include SESIS personnel. Have status reports of ongoing planning and implementation presented to the MTSS leadership team to ensure cohesiveness; avoid fragmented efforts; and leverage/coordinate resources, training, monitoring, data reporting, etc. Engage a skilled external facilitator to support project staff in managing this planning and implementation process.
- b. Implementation Plan Feedback.* Ensure the implementation plan includes feedback from leadership chiefs, knowledgeable principals, and school-based personnel from differing grade levels, along with parent representatives.
- c. Student Characteristics and Learning Profiles.* Begin the planning process by taking a relatively short period (one to two months) to collect and summarize the diverse characteristics of students with IEPs currently educated in consultative teaching, integrated co-teaching, and resource room models. Present data on the effects of each

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<sup>79</sup> Use of the extended MTSS leadership team is recommended to ensure that planning processes are not fragmented and they are coordinated to the maximum extent possible.

approach on academic skills (reading, math, writing, speaking, listening, etc.); behavior (passivity, attentiveness, aggressiveness, emotionality, etc.); organizational and study skill profiles; language and cultural considerations; and hearing, vision, physical needs, etc. In each area, describe relevant characteristics and gaps with nondisabled peers. Obtain feedback from a broad group of school-based personnel to ensure comprehensiveness of the product. When finalized, consider drafting a learning profile for teachers and/or teams for individual students in order to provide instruction from general and special educators.

- d. Description of Standards and Expectations.* Using the diverse-learning profiles as reference (Recommendation 4c), identify literature and recommendations from this report, along with other sources on instructional successes and challenges, and develop a set of written standards and expectations in such areas as the following:
- 1) *General.* The parameters of (differentiated) instruction/research-based interventions, related services, and social/emotional supports and engagement, language services/support, assistive technology, etc.
  - 2) *Core Content Knowledge* that special educators need.
  - 3) *Differentiated Instruction.* How teachers are to be supported in differentiating instruction in ways that are meaningful and effective.
  - 4) *Interventions.* The comprehensiveness of academic/behavior interventions (purchased or publicly available) necessary to meet diverse student learning needs, including crisis intervention and prevention training.
  - 5) *Assistive Technology.* Clarity on assistive technology, including access, usage, maintenance, training for students and teachers/parents, etc.
  - 6) *FBA/BIPs.* Development and use of functional-behavior assessments and behavior intervention plans.
  - 7) *Linguistic/Culturally Appropriate.* Evidence-based linguistic and culturally appropriate instruction for students with IEPs who are ELLs.
  - 8) *Problem Solving.* Involvement of professional learning communities and data-driven decision making to address achievement of students with IEPs through the use of a problem-solve process that would address barriers and implementation issues.
  - 9) *Progress Monitoring.* Effective progress monitoring and use of formative assessments to show student progress over relatively short periods of time.
  - 10) *Common Planning Time.* Collaboration between general/special educators and common planning time for instruction/intervention.
  - 11) *ICT Student-Teacher Ratios.* Reasonable minimum ratios for students to special educators for the ICT model.
  - 12) *Paraprofessionals.* Consideration and usage of paraprofessionals.
  - 13) *Meaningful Parent Participation,* including translation services for parents who are English language learners, etc.



14) *People-First Language* usage.<sup>80</sup>

- e. **Implementation Considerations.** To facilitate implementation of these standards and expectations, have the leadership team discuss the following issues, document the conclusions, and develop worksheets to support implementation of strategies for individual students, groups of students, and schools--
- 1) **Determining Interventions.** A process for determining the intensity of academic/behavioral interventions required and identifying identified in each student profile.
  - 2) **Configuration of Resources** that maximizes student access to differentiated instruction based on the CCSS, and access to interventions based on need. As part of this process, consider the following:
    - a) **Differentiation of Instruction** for students who have achievement levels in reading and math that are significantly below their classroom peers.
    - b) **Maximum Leverage of School Staff**, including ways that are different from those currently in place
    - c) **Flexible Groupings.** Use intervention centers for students with (and without) IEPs needing similar interventions and other support centers for homework/studying assistance. Change groups based on student needs and successful outcomes.
  - 3) **Scheduling** interventions and collaborative planning between teachers and related services personnel;
  - 4) **Professional Development** needed to implement standards and expectations with a high degree of fidelity.
  - 5) **Monitoring of ICT Student-Staff Ratios** to ensure they meet established minimum standards.
- f. **Exemplary Inclusive Instruction/Intervention Implementation Models.** Based on student outcomes, identify and share models of exemplary practice in effective inclusive instruction/interventions, including those involving ELLs with IEPs and twice-exceptional students. Enable staff members to visit the schools, and identify staff members who demonstrate the standards and provide training to their peers.
- g. **Differentiated Training.** Based on the professional development needs identified in Recommendation 4e, develop a comprehensive and differentiated professional development program that includes components referenced in 2e. Include in differentiated training activities all teachers, coaches and other personnel that support schools.
- h. **Evaluation of Effectiveness.** Evaluate the effectiveness of program implementation with data that include the following:
  - 1) **Baseline Data.** Establish baseline data on current instructional practices and outcomes. Use the Office of Shared Accountability report on elementary schools,

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<sup>80</sup> See *Examples of People First Language* at [http://www.inclusionproject.org/nip\\_userfiles/file/People%20First%20Chart.pdf](http://www.inclusionproject.org/nip_userfiles/file/People%20First%20Chart.pdf)

which provided achievement data on special education service models, as a template to report comparable data on high schools.

- 2) **Data and Reports.** With a collaborative group of central office and school-based staff, expand the data and reports referenced in Recommendation 2g to include information on (1) the number/percentage of students in various educational settings, (2) the use of academic and behavioral interventions for students with IEPs, their results, and (3) summary data on various groups and combinations of groups, e.g., schools, grades, ELLs with IEPs, etc.
- 3) **Walk-Throughs.** In addition to the data reports mentioned in Recommendation 4g(2) to monitor the effectiveness of inclusive instruction and interventions/support, modify the walk-through protocols and checklists to include core practices and their implementation and the extent to which they conform to standards and expectations.
  - i. **Timely Communication and Feedback.** Establish a process for timely feedback to the MTSS leadership team (1) on implementation barriers and solutions reached using a problem-solving process, and (2) on when schools require additional assistance in resolving issues.
5. **Specialized Classes and Schools.** Improve instruction meant to accelerate the achievement/social-emotional well-being of students currently in specialized classes and reduce reliance on this setting.
  - a. **Leadership Team.** Have the MTSS leadership team develop a plan for more effective instruction and supports for students in specialized classes and oversee implementation of it.
  - b. **Student Characteristics and Learning Profiles.** Begin the process by taking a relatively short period, i.e., one to two months, to summarize the range of characteristics and learning needs of students currently educated in specialized classes and in separate agency schools. Ensure that the leadership team has the information.
  - c. **Description of Standards and Expectations.** Based on student profiles, develop the standards and expectations referenced in Recommendation 4b and them to students being educated in these specialized classes. In addition, consider the following:
    - 1) **Significant Achievement Gaps.** For students taking regular assessments and have significantly lower reading and math levels, consider how the district is differentiating instruction with the CCSS and providing interventions/supports.
    - 2) **Appropriate Interventions/Supports.** For students with behavior that is the primary reason for instruction outside of the general education classroom, consider how the district is using interventions and supports to meet their needs and whether those strategies and tools are appropriate for those needs.
    - 3) **Linguistic/Culturally Appropriate.** Consider service configurations that would provide evidence-based linguistically and culturally appropriate instruction for students with IEPs who are ELL.
    - 4) **Problem Solving.** Consider involving professional learning communities and use of data-driven decision making to address the academic progress of students in specialized classes should be considered.

- 5) **Progress Monitoring.** Consider effective progress monitoring and use of formative assessments to gauge student progress over relatively short periods of time.
  - 6) **Extended School Year.** Consider parameters for extended school-year programming with respect to half-day *versus* full-day staffing, along with staffing implications on student learning.
  - 7) **Postsecondary Transition.** In conjunction with Recommendation 7, consider research-based postsecondary transition planning, activities, and services likely to lead to successful post-school outcomes.
  - 8) **Unique Learning System.** Consider fidelity to Unique Learning System implementation.
  - 9) **Integration Opportunities.** Consider opportunities for students to learn/interact with nondisabled peers in general education classes and nonacademic/ extracurricular activities. In this regard, meet federal regulatory language with examples of standards/expectations but do not solely mirror the requirements.
  - 10) **Placement Parameters.** Consider the placement parameters for each specialized class, based on the intensity and types of supports needed. Consider whether the need for a programmatic assistant in 15:1 classes would strengthen instruction and reduce need for a smaller class size.
  - 11) **Schools of Choice.** Consider issues of school choice for students with IEPs in specialized classes.
  - 12) **Equitable Distribution of Classes.** Consider how specialized classes are to be equitably distributed (across all schools, within school status categories and among feeder patterns), allowing for maximum continuity in schools from year to year and distance from home schools.
  - 13) **Placement Process.** Consider how the district will communicate with school personnel and parents, and arrange for appropriate materials, etc.
  - 14) **Administrative Input.** Clarify procedures for discussions between school personnel and special education administrators for potentially more restrictive student placements and/or personal assistants. Indicate that it is appropriate to informally discuss issues such as teaching methodology, coordination of services, or to develop a proposal or response to a parent proposal that may be handled at a later meeting. Expedite communications of these procedures with school-based personnel. Emphasize that decisions made by CSE and annual review teams should be based on information discussed at the meetings and should always include meaningful parent participation.<sup>81</sup>
- d. **Implementation Considerations.** To implement these standards and expectations, have the leadership team discuss the following areas (and others as identified), document their conclusions, and develop worksheets as necessary to support implementation for individual students, groups of students, and schools:
- 1) **Determining Interventions.** Establish decision rules to ascertain from a student's learning profile the type of intervention he or she needs, its intensity, and the basis for exiting the intervention.

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<sup>81</sup> 34 C.F.R. §300.501(b)(3).

- 2) ***Flexible Groupings.*** Define how students may be grouped more flexibly for parts of the school day with students from other classes (including students without IEPs) when they have common instructional needs.
  - 3) ***Significant Class Diversity.*** Contemplate the district's options for instructing students in self-contained classes with more than one grade level and with students who have significant differences in reading/math levels.
  - 4) ***Scheduling Interventions.*** Schedule collaborative planning between teachers and related services personnel.
  - 5) ***Overage Classes.*** Determine a process for opening new classes when needed to reduce or avoid classes that are over the state limit.
  - 6) ***Extended School Year.*** Have administrators responsible for summer school and extended school year services (including security, food, janitorial, etc.) collaborate on how to reduce costs by maximizing the use of common school sites and services.
  - 7) ***District/Agency School Partnerships.*** With private school administrators who are interested in collaborating to support BPS students, consider options for district/agency partnerships.
  - 8) ***Professional Development.*** Define what standards and expectations for professional development need to be developed and implemented.
- e. ***Exemplary Special Class Implementation Models.*** Based on student outcomes, identify and share models of exemplary special classes, including those involving ELLs with IEPs. Enable staff to visit the schools, and identify staff members who reflect these standards and who could provide training to their peers.
- f. ***Evaluation of Effectiveness.*** Evaluate the effectiveness of program implementation with activities that include the following:
- 1) ***Baseline Data.*** Establish baseline data on current instructional practices and outcomes. Use the Office of Shared Accountability report on elementary schools that included student achievement data by special education service model as a template to report comparable data for high schools. Cross reference with Recommendation 5g(1).
  - 2) ***Data and Reports.*** With a collaborative group of central-office and school-based staff, expand the data and reports mentioned in Recommendations 2f and 4g to include information on use of academic and behavioral interventions for students with IEPs in separate classes, monitor progress, and summarize data by groups and combinations of groups, e.g., schools, grades, ELLs with IEPs, etc.
- g. ***Walk-Throughs.*** In addition to the use of data reports referenced in Recommendation 4f, modify walk-through protocols and checklists to reflect expected standards and practices.
6. ***Reduce out-of-school suspensions for students with disabilities.*** Recommendations 2 through 5 include activities related to the provision of interventions/support for academic achievement and positive behavior to reduce out-of-school suspensions. In addition, consider the following:

- a. **Balanced and Restorative Justice.** Review research on the use of balanced and restorative justice sponsored by the U.S. Department of Justice and successfully used in other school districts.<sup>82</sup>
  - b. **In-school Suspension.** Review research on the configuration and parameters around effective in-school suspension alternatives and determine how district schools would be able to implement these options, including how to continue the provision of instruction and other IEP-required services.
  - c. **Data Collection.** Produce *accurate* data reports showing students with IEPs by varying number of in-school and out-of-school suspension days by day ranges, e.g., 0 to 5, 5 to 10, and over 10. Along with these numbers, include measures supporting comparisons between students with/without IEPs, and with IEPs by race/ethnicity, and by grade.
  - d. **Disparity Measures.** Develop measures to track disparities, especially when there small numbers of suspended students. Collaborate with BPS personnel knowledgeable about measurement and statistics.
  - e. **Monitor Outliers.** Based on established disparity measures, have each school leadership chief (in collaboration with the special education office and others responsible for achievement/behavior of students with IEPs) review the instruction/interventions and supports provided at each school and initiate follow-up training and assistance if patterns warrant. Establish a process for regular reporting to the leadership team.
  - f. **Transportation to Alternative Schools.** With legal counsel, review the U.S. Department of Education’s guidance on the district’s obligations to transport students when this service is listed on their IEPs.<sup>83</sup>
7. **Improve postsecondary transition outcomes, and services and activities.** Consider the following actions to improve postsecondary transitions for students with IEPs.
- a. **Students Not “On Track” to Graduate.** With the leadership team, initiate a strategy to identify and support all ninth-grade students who are “not on track” to graduate, and define “not on track” as students entering high school two or more years below grade level.<sup>84</sup>
    - 1) **Data.** Identify ninth-grade students who are not likely to accumulate at least five semester-long credits, are likely to fail more than two core courses during the freshman year, and/or have disproportionately high absentee rates.
    - 2) **Interventions.** Identify and implement research-based strategies for each student not on track, e.g., mentoring, research-based interventions, and other supports likely to reverse the student’s performance trends. Have principals of schools with high dropout rates (and their feeder schools) work with stakeholder groups to develop targeted plans.<sup>85</sup>

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<sup>82</sup> <http://www.ojjdp.gov/pubs/implementing/contents.html>

<sup>83</sup> Questions and Answers on Serving Children with Disabilities Eligible for Transportation November 2009, H-1, at <http://idea.ed.gov/explore/view/p/.root.dynamic.QaCorner.12>; see also C.G. vs. Henderson County Board of Education, Tennessee Department of Education (2003).

<sup>84</sup> Based on December 2009 report, *What Matters for Staying On-Track and Graduating in Chicago Public Schools: A Focus on Students with Disabilities*, by the University of Chicago Consortium on Chicago School Research and the National High School Center at [http://ccsr.uchicago.edu/content/publications.php?pub\\_id=137](http://ccsr.uchicago.edu/content/publications.php?pub_id=137).

<sup>85</sup> See the National Dropout Prevention Center for Students with Disabilities website at <http://www.ndpc-sd.org/> for suggestions on research-based practices.

3) **Credit Recovery.** Provide credit recovery assistance to students with IEPs, along with other IEP-required special education services and other supplemental aids. .

b. **Postsecondary Transition Plan.** With representatives of the leadership team and others knowledgeable about transition services and activities, develop a systemwide plan to increase the effectiveness of postsecondary transitions for all students with IEPs. Include ways to increase community-based training with job support, especially for those students who are unlikely to be employed after their schooling. Address the effective use of interest assessments, and design activities (like dropout/credit recovery) to reduce the number of students with IEPs who drop out of school.

1) **Access to Community-Based Job Sites.** As part of the planning process, review research showing that quality work-based learning experiences include the following:

- Experiences that provide exposure to a wide range of work sites in order to help youth make informed choices about career selections.
- Experiences that are age and stage appropriate, ranging from site visits and tours to job shadowing, internships (unpaid and paid), and paid work experience.
- Work-site learning that is structured and links back to classroom instruction.
- A trained mentor that helps structure the learning at the worksite.
- Periodic assessment and feedback that is built into the training.
- Youth who are fully involved in choosing and structuring their experiences.
- Outcomes that are clear and measurable.<sup>86</sup>

Based on this research, review the extent to which all students with IEPs who are not likely to graduate with a regular diploma have access to work-related activities consistent with the above criteria, and follow up with planning to address these students' needs. Communicate with and meet with interested parents about changes to the IEP diploma and the impact of those changes on students. In addition, consider access to transportation and supports of job coaches.

2) **Student-directed IEP Meetings.** Consider the use of student-directed IEP meetings to facilitate independent functioning and self-advocacy skills among high school students. See *Student-Led IEPs: How to Make it Work*.<sup>87</sup>

3) **Tracking Students Post-School Outcomes.** Students, including those with IEPs, should be aggressively tracked through surveys after six months out of school, using a variety of response-inducing strategies. Review these data and disaggregate them by school to guide future transition planning.

8. **Improve support for teaching and learning of students with IEPs with the following measures.**

a. **Leadership.** Create a leadership position that would prioritize and focus on the wide array of special education/related-services administrative and support responsibilities. Given the scope of these responsibilities, the individual assigned to this position should not be responsible for other priorities that would divert attention from the core special education

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<sup>86</sup> Work-Based Learning Jump Start, National Collaborative on Workforce and Disability for Youth. Retrieved from at <http://www.ncwd-youth.info/work-based-learning>.

<sup>87</sup> [www.ncset.org/institutes/proceedings/2002\\_01\\_23.pdf](http://www.ncset.org/institutes/proceedings/2002_01_23.pdf)

work. Have the individual report directly to the chief of curriculum, assessment, and instruction, but also include him or her as part of the superintendent's cabinet and a participant in meetings of the deputy superintendent to contribute special education issues that might not be otherwise considered.

**b. *Titles and Department Names.*** For clarity, differentiate the titles of the assistant superintendents and directors along with the departments they oversee so their roles and responsibilities are easier to recognize.

**c. *Special Education Organization.*** Charge three directors of special education with the responsibilities described below. Give them titles that reflect their responsibilities. If at all possible, house all personnel together in order to enhance their ability to communicate. (See Appendix A for proposed organizational chart.)

**1) *Leadership Team Involvement and Planning Feedback.*** Charge the leadership team with planning and implementing a new special education organizational structure. Ensure the implementation plan includes feedback from school leadership chiefs, knowledgeable principals and school-based personnel from schools with differing grade levels, and parent from representatives.

**2) *Director for Instruction/Behavioral Support.*** Have this unit be responsible for supporting school-based instruction/interventions for students with IEPs and behavioral interventions for students with/without IEPs. Have at least one administrator assist the director in administering this unit and assign at least one secretary/clerk to support the director and staff.

**a) *Four School Liaisons.*** Have four liaisons assigned to collaborate with the school leadership chief and his/her schools. This would enable each chief to have a single point of contact for special education and related issues, e.g., CSEs and placement, and to identify and address issues proactively. It is important for liaisons to have a manageable number of schools assigned to them, so that they are better able to provide the necessary supports. Additional roles might include making placement changes, participating in school reviews, and monitoring personal assistants.

**b) *Specialists.*** Have three specialists with skills in providing instruction/interventions and supports needed by students based on the learning profiles described in Recommendations 4b and 5b, and the provision of postsecondary transition services. Charge these specialists with building their familiarity and use of research on the most promising instructional approaches. Have them assist school liaisons and school personnel as needed on such activities as observations, coaching, and professional development. In addition, have these specialists oversee alternate assessments, extended school programming, and Unique Learning System and other specialized interventions. Revise the number of specialists needed based on a detailed accounting of their roles and time required to meet their goals. In addition, house the SESIS with the specialists if the contract for their services is renewed. Have the SESIS participate in training on sharing instructional tools that would employ a common language and maximize available resources. Finally, include in this unit the hearing/vision teachers currently assigned to the revenue-enhancement director.

- c) Behavior Specialists.* Consider housing the two PBIS coordinators, three coaches, and three behavior specialists in this unit. These employees are well established and are not viewed as solely “special education.” Given the challenging behavior exhibited by some students with IEPs, their disproportionate suspension rates, and the race/ethnicity disparities articulated by the NYSED, having these behavior specialists assigned to this unit could help other special education administrators and schools through the use of PBIS. If a decision is made to group these staff members with other organizational units, ensure that staff members collaborate with special education personnel regularly in both structured and informal manners.
  - d) BPS Placement Specialists.* Have the three individuals currently responsible for placement report to the director for instruction/behavioral support in order to better coordinate these two related functions. Have placement personnel, liaisons, and other specialists collaborate on providing supports in circumstances where there is the potential that students might be removed from schools to a more restrictive environment or moved to a school with a less restrictive environment. Maintain a log of placements and track them for their timeliness and other issues, and monitor resolution.
- 3) Director for District CSE Support.* Charge this unit with the responsibility of supporting all CSE personnel. With two administrators to assist the director, have them oversee the personnel discussed below. Identify data necessary to track CSE functions and develop reports to assess practices, timeliness, and other issues.
- a) Administrator for District CSEs.* Have an administrator be responsible for districtwide CSE personnel for charter/nonpublic schools, agency schools, preschool, and bilingual staff. Have additional CSE personnel who are not assigned to one of these groups float among them to address unexpected increases in referrals and support appropriate screening activities and assessments. Expedite hiring of a clerk to fill the vacant position in order to support the entry of preschool data.
  - b) Administrator for School-based CSEs.* Have an administrator be responsible for collaborating with the following CSE personnel: chairpersons, speech/language pathologists, psychologists, social works, and physical/occupational therapists. Also, have this administrator them collaborate with student services and nurses. (See Recommendation 1 on the separation of SST and CSE chairpersons.) Have the administrator collaborate with the four special education liaisons on communicating on school-based issues, and meet with various CSE personnel to facilitate research-based practices and obtain feedback on assessment and service issues. Consider providing stipends to several lead employees in each CSE personnel group with a large number of staff to improve practices and to support Medicaid billing and federal/state special education compliance. Have the results of meetings dealing with school-based procedures documented so they can be shared with school staff.
- 4) Director of Operations.* Determine the reporting line for this director, and based on these responsibilities, determine the benefits of a continuing bifurcated report to finance and to special education. Primary reporting to the assistant superintendent of



specialized instruction and support is preferred. Have at least one secretary/clerk support the director and staff. Have the director be responsible for the following areas:

- a) **Medicaid Reimbursement.** Have the director brief the leadership team about issues affecting Medicaid reimbursement for speech/language pathologists and social workers to maximize billing and to support needed follow-up actions.
  - b) **Quality Assurance.** Consider expanding the unit by one or more individuals to support and monitor the implementation of school-based special education standards and practices. This group of personnel now monitors only the CSE function for quality.
  - c) **Due Process District Team.** Maintain this team as currently formed.
  - d) **Data Coordinators.** Fill the vacant data coordinator position. Use the coordinators to support the data-related work of the department and manage the data referenced in these recommendations.
  - e) **Additional Functions.** Consider having this unit and appropriate personnel assist with the management of the budget, grants, IEP system, and other operational processes. Ensure that current and new school-based personnel are provided sufficient IEP-system training on a continuing basis.
- 5) **Training.** Provide additional training necessary for each staff member to carry out his/her respective responsibilities.
- d. **Communication with Schools.** Establish standards and expectations for the above personnel to communicate with central office, school leadership chiefs, principals, and school-based staff in a way that would maximize feedback in a meaningful and not overly bureaucratic manner.
9. **Ensure there are sufficient numbers/types of special education/related services personnel at schools and at the central office to support students with/without IEPs and to carry out essential functions.**
- a. **Staffing Ratios Review.** Consider bringing the following staffing ratios in greater alignment with other districts: (1) lower ratios for the combined numbers of special educators/paraeducators and for occupational therapists and (2) higher ratios of social workers and physical therapists. These ratios do not mean that these areas are not staffed appropriately. However, they deserve further review. As part of this process, consider the activities below.
  - b. **Special Education Positions.** Given the very low achievement for students with IEPs, the Council cautions the district against reducing the overall number of special education positions in 2014-15. Recommendation 4 provides a process for reconfiguring services to individual schools next school year.
  - c. **Paraprofessional Positions.** Consider having in place in the 2014-15 school year a single position for paraprofessionals, so one individual can provide both instructional support and personal care for students. The provision of services in both areas should not require the use of two different assistants.

- d. Related Services Criteria.* Ensure that criteria for determining students' related service needs are clearly articulated in writing and that they are applied as intended, especially for the area of occupational therapy.
  - e. Equitable Distribution.* Articulate clear standards for allocating special educators, paraprofessionals, and related-services personnel to schools and ensure that the standards are equitable and transparent.
  - f. Clerk Typists.* Charge the leadership team with considering whether the current use of clerk typists provides the best type of support. Consider possible alternatives to the position, including stipends for school-based personnel to carry out the responsibilities of clerk typists.
  - g. Filling Vacancies.* Investigate delays related to filling open vacancies when qualified individuals are available.
  - h. Monitoring.* Have the leadership team develop a process for monitoring implementation of the activities proposed in this report.
- 10. Communicate broadly with BPS personnel, parents and the community about the special education process and resources to promote both student achievement and social/emotional well-being, and encourage meaningful parental participation.**
- a. Special Education Policies, Procedures and Practices.* Expand upon the CSE Guide to develop a comprehensive, web-based compilation of all policies, procedures, standards and expected practices on the administration and operation of special education/related services and the instruction of students with IEPs. Provide links to information on forms, publicly available resources, professional development materials, and training videos. Highlight information that would be of interest to parents and provide the information in Spanish and other high-use languages. Provide differentiated training to all stakeholders on this information.
  - b. Section 504/ADA Team Manual.* Expand Section 504/ADA of the Team Manual to include information on the 2008 ADA amendments, e.g., expanded list of major life activities, consideration of mitigating factors, and use of service animals. In addition, provide information on commonly raised issues, e.g., accommodations for allergies, diabetes, asthma, etc. Use a web-based platform to compile and disseminate the information, and include links to more detailed information and resources. Provide differentiated training to all stakeholders on the information.
  - c. IEP Summary.* Consider developing an IEP summary that would be generated electronically. Ensure that the summaries have the type of information that is relevant to general educators and other personnel who do not need to have an entire IEP, and the type of information that parents would like to have in a shorter version.
  - d. Parent Engagement.* Leverage the current relationships with representatives of the Special Education Parent Advisory Committee (SEPAC), District Parent Coordinating Council (DPCC), and the Multilingual Education Advisory Council (MEAC) to create more effective ways of obtaining their regular input on (1) meaningful communications with parents, collaborative training activities, and (2) mechanisms to promote the effective involvement of parents in IEP/special education and instructional processes. Also, use their guidance in designing and building a special education webpage (Recommendation 10g).

- e. Union/Special Education Leadership Communication.* Schedule regular meetings between representatives of the Buffalo Teachers Federation and the special education leadership to foster better communication on and resolutions of high-interest issues when possible.
  - f. Communication.* Use multiple methods of communicating the district's implementation of the recommendations in this report to the broader BPS community. Status reports and ongoing outcomes should be included.
  - g. Webpage.* Consider hiring a consultant to upgrade and maintain the district's webpage on special education. Post information relevant to BPS personnel, parents and the community, including such information as BPS contacts, manuals/guidance, postsecondary transition activities, links to training, and publicly available information. Consult with the leadership team and parent representatives on webpage information they would consider useful.
  - h. Scheduling Annual Reviews.* Reconsider the practice of having all annual review meetings in March. If it is preferable to have meetings throughout the year to facilitate parental involvement and/or alleviate personnel workloads, establish a mechanism for phasing in the meetings prior to due dates and phasing in annual review meetings throughout the year. In either case, establish a process by which current and prospective staff members communicate their expectations for the following school year.
- 11. Communicate clear expectations for school leadership chiefs and principal accountability for the administration and operation of special education at the school level.** Ensure that accurate data are readily accessible to chiefs, principals, school personnel, and central office personnel.
- a. Alignment of Plans.* Align all improvement plans, e.g., Distinguished Educator's Action Plan, BPS Public School Choice, Corrective Action Plans, etc. Incorporate, reinforce, or cross-reference the planning tool the district uses to implement those Council team recommendations/activities that it accepts.
  - b. Use of Data.* Have the superintendent meet regularly with the leadership team to review data relevant to the implementation of these recommendations/activities. Include relevant principals in the review of school-based data. For example, include the following school-based data elements and have accountable staff members explain the disparities in graduation rates (at beginning of year), dropout rates (periodically when data are available), credits earned, failures and "D" grades, unexcused absences, suspensions (in-school and by race/ethnicity), office referrals, use of MTSS, referrals for special education evaluations and the percentage of students found eligible by disability area, and SPP performance indicators.<sup>88</sup> Track the implementation of follow-up activities. The Baltimore City Public Schools have used this process with good results.
  - c. Data Dashboard.* Review the BPS data dashboard and expand it to include measures that would allow comparisons between schools and between subgroups of students, including students with IEPs, suspensions (by race/ethnicity), referrals for special education, placements of students in more restrictive settings, and dropout recovery/rates.

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<sup>88</sup> The Baltimore City Public Schools has used this process to facilitate principal accountability.

*12. Identify a project manager—to report to the deputy superintendent or to the curriculum, assessment and instruction chief—to support the review and execution of recommendations.* Have the project manager report on the collection of relevant data; track implementation of the recommendations and demonstrable outcomes; identify implementation barriers that require interdepartmental collaboration or the superintendent's involvement; and make any recommendations to the superintendent on adjustments or additional activities.

**CHAPTER 5. SYNOPSIS AND DISCUSSION**

The Buffalo Public Schools asked the Council of the Great City Schools to review the special education programs in the school district and to make recommendations on how to improve services to students with disabilities. To conduct its work, the Council assembled a team of special education experts with strong reputations for improving services in their own districts. The team made a site visit to Buffalo, conducted numerous interviews, reviewed documents, and analyzed data. To be sure, it is not easy to ask for one of these reviews because they are widely known as hard hitting and thorough. The Buffalo Public Schools have received a number of very tough reviews from the Council over the last 15 years that often made everyone uneasy. The Council devotes extensive time and energy to developing proposals for how urban school systems across the country can improve in the areas being reviewed, and that is what we have done with this report.

There are a number of areas, of course, where the school system and its stakeholders are doing a good job with students with disabilities. The central office has many talented special education administrators who are dedicated to providing the best possible services, and the schools have a large number of teachers and staff members who work to do a very difficult job well. In addition, the Buffalo Public Schools have a strong and knowledgeable Special Education Parent Advisory Committee (SEPAC), a dedicated District Parent Coordinating Council (DPCC), and an active Multilingual Education Advisory Council (MEAC). We would urge the district to collaborate more and to better coordinate their work with these important stakeholders; they are an important resource to the school system and are generally pushing educators in the right directions.

Moreover, according to one set of data, the relatively high identification rates of students with disabilities have been steadily decreasing since 2005. The school system is also using an outside consultant to help develop a districtwide MTSS plan, and is addressing the separation of the SST and CSE chairperson functions. The school system has a PBIS program, has recently revamped its code of conduct, and has a nurse in every school—all positive initiatives. In addition, the school system has a districtwide reading program and a pretty good data dashboard that has substantial potential. Finally, the Buffalo Public School district has met its state inclusiveness targets for educating students with disabilities in regular classes for at least 80 percent of the day (although criteria for placements in more restrictive settings was unevenly applied), and the district was found to be compliant on a recent Medicaid audit. So there are a number of features of the city's school system that provide a strong foundation on which to build.

But build it still needs to do because much of the service-delivery system for students with disabilities is not in good shape. In fact, it requires substantial reform and improvement. For instance, the school system has many talented and dedicated special education staff, but they are very disjointed and inefficiently deployed. In addition, while identification rates are decreasing overall, the recent surge in the numbers of pre-school pupils who were referred at the beginning of the current school year raises concerns. And while overall identification rates among African American children do not exceed state guidelines, they are identified at higher rates in the areas of emotional disturbance (ED) and intellectual disabilities (ID). The Council team was also concerned that English language learners appear to be identified at higher rates than their

proportion of the district's enrollment. The Council team was also concerned about the high rates of identification in the district's priority and focus schools.

Furthermore, the school system has an emerging data dashboard that has promise, but the district personnel do not have access to timely data on the status of students being evaluated for a disability or on the status of annual reviews—or reasons for delays. Simply put, data on special education in the district are hard to come by, fractured, inconsistent from one source to another, and piecemeal. The findings in this area have serious ramifications for both programming and reporting—and they presented substantial challenges for the Council team conducting this review.

In addition, the Council team was told that the district had an emerging MTSS plan—a good thing—but it had not yet been approved by senior staff, who did not want to share the drafts, so we could not determine whether or not the plan was good or whether there was funding in place to acquire the interventions that a good MTSS system requires. In general, the issue of quality is an important one in the school system because the overall performance level of students, especially students with a disability, is quite low, suggesting that programming and instruction are weak across the board.

Moreover, the Council team had concerns that some interventions were being put into place too late, i.e., after students were being considered for a special education evaluation, not before. It was also clear that the district did not have a good handle on all the interventions being used by schools or that evidence-based interventions were being implemented with fidelity. In general, teachers indicated that they struggled with differentiated instruction in general education classes.

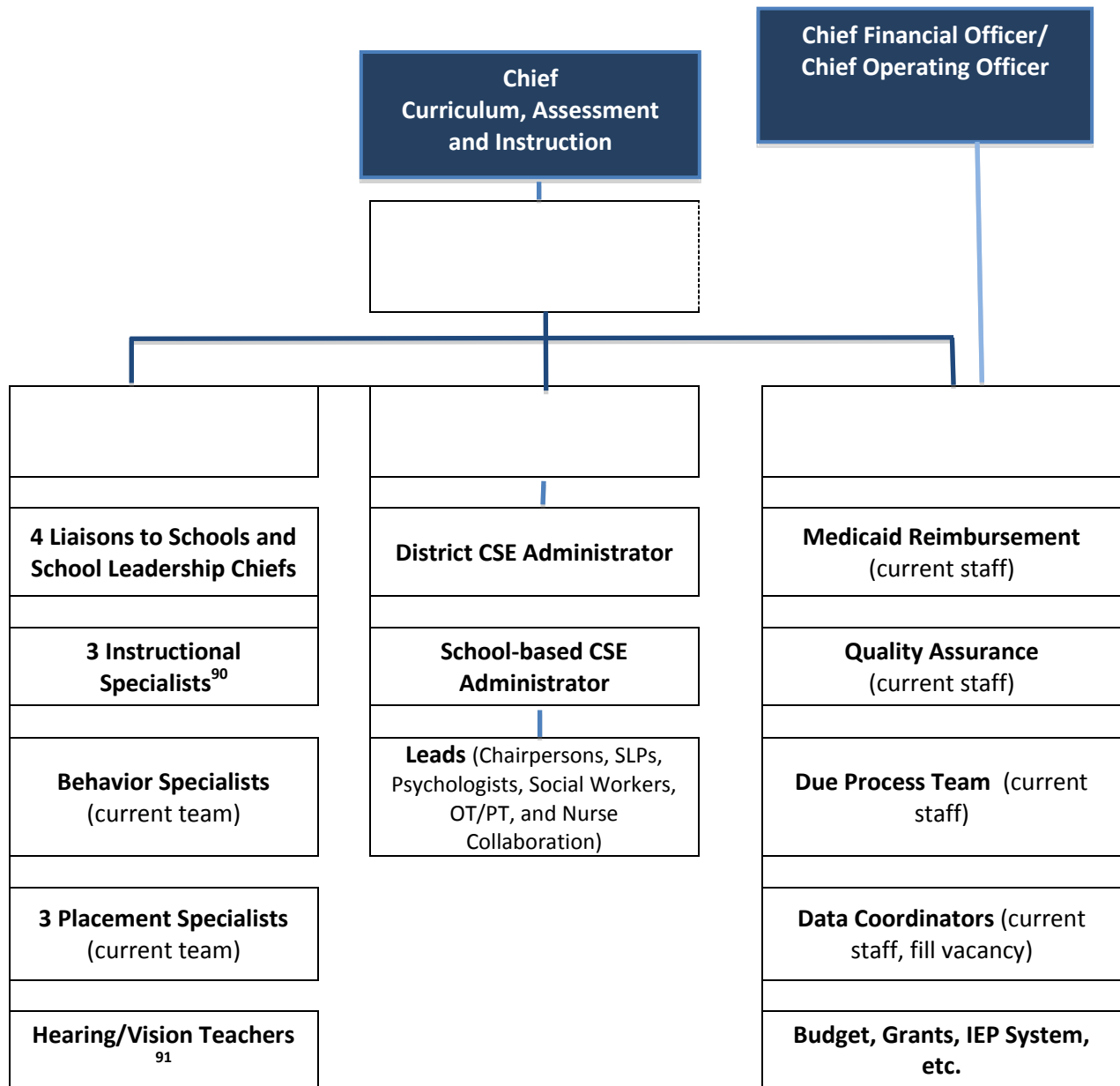
The Council team also found co-teaching models that were not effectively or efficiently delivering in the ways expected, professional development that was inadequate to build staff capacity, compliance with some federal requirements that was questionable, and programming that was rarely evaluated for its effectiveness with students—along with many other concerns.

To address these and other issues, the Council team proposed a series of multi-layered recommendations to address organizational problems, staffing issues, data irregularities, professional development weaknesses, and programmatic-quality concerns. The school system has a number of challenges before it—and special education is only one. Still, the school system's efforts on behalf of students with disabilities could be substantially better than it currently is, given the high quality of many of its staff and teachers—and the direction in which they are trying to go. More than anything else, the district's special education efforts need substantially greater coherence and definition, for the system has unwittingly created a number of disincentives to more effective performance.

The Council of the Great City Schools stands ready to assist the school system, its leadership, and its staff as they work to improve the quality of instruction for the city's children. The Buffalo school system is not alone in its struggles to provide better services for students with disabilities.

**APPENDICES**

Appendix A. Proposed Draft Organization Chart



\* At least one secretary/clerk to support each director and unit.

<sup>89</sup> Determine the reporting line for this director, and based on these responsibilities, determine the benefits of a continuing bifurcated report to finance and to special education. Primary reporting to the assistant superintendent of specialized instruction and support is preferred.

<sup>90</sup> Together, the three employees have specialized knowledge of instruction for the instruction/interventions and supports needed by students based on the characteristics and learning profiles identified in Recommendations 4b and 5b. They can provide assistance to school liaisons and school-based personnel on an as-needed basis. Adjust number of specialists needed based on a detailed accounting of their expected roles and responsibilities. House SESIS (Special Education School Improvement Specialist) with specialists under Director of Instruction/Support if the contract is renewed.

<sup>91</sup> Currently assigned to the revenue enhancement director.



## Improving Special Education Services in the Buffalo Public Schools

### Appendix B. Staffing Survey Results

	Total Enrollment	Incidence		Sp Educator			Paraeducator			Speech/Lang			Psychologist		
		% SpEd	SpEd Enr	Number	Ratio To:		Number	Ratio To:		Number	Ratio To:		Number	Ratio To:	
					SpEd	All		SpEd	All		SpEd	All		SpEd	All
Agawam Public Schools	4,347	15%	656	39	17	112	100	7	44	15	44	290	3	219	1449
Atlanta Public Schools	43,443	11%	4,950	431	11	101	224	22	194	65	76	688	22	225	1975
Arlington VA Pub Sch	21,231	13.9%	2,952	343	8.6	62	262	11	81	38	77	574	22	134	923
Austin Pub S D	84,676	10%	8,062	772.5	10.4	110	824	9.7	103	70.5	114	1,201	34.6	233	2,447
Baltimore City Publ Sch	82,824	16%	12,866	1,121	12	74	620	21	134	92	140	901	NA	NA	NA
Baltimore County P Sch	107,033	11.4%	12,127	1,025.4	11.8	104	2,305*	5.26	46	187.5	65	571	85.3	142	1,254
Boston Public Schools	54,966	21%	11,534	1,200	10	47	800	14	70	147	78	383	48	240	1,173
Bellevue, WA SD	18,883	10.3%	1,947	82.7	23.5	228	118.6	16.4	159	17.4	112	1,085	17.3	112.5	1,092
Bridgeport, CT	20,300	14.3%	2,618	204	13	100	254	10	80	25	105	812	33	79	615
<b>Buffalo Public Schools</b>	<b>46,583</b>	<b>16.6%</b>	<b>7,744</b>	<b>753</b>	<b>10.3</b>	<b>61.9</b>	<b>439</b>	<b>17.6</b>	<b>106</b>	<b>109</b>	<b>71</b>	<b>427</b>	<b>62</b>	<b>125</b>	<b>751</b>
Cambridge Publ Schools	6,000	20%	1,200	176	7	35	103	12	59	20	60	300	22	55	273
Carpentersville	19,844	15.8%	3,139	227	13.8	87	380	8.3	52	43	73	461	28	112	708
Chicago Pub Sch	404,151	12%	50,566	3,753	13.5	108	3,479	14.5	145	374	135	1,081	224	223	1,796
Cincinnati Pub School	51,431	17.4%	8,928	457	19.5	112.5	801	11.1	64	62	144	830	57.7	155	891
Clark Cty School Dist	309,476	10%	32,167	2,247	15	138	1,346	24	230	299	108	1,036	180	179	1,720
Cleve Hts-UnivHtsCty	6,000	18%	1,100	83	14	73	58	19	104	7	158	858	8	NA	NA
Compton CA Unified SD	26,703	11.2%	2,981	126	28	256	118	25	226	5	596	5,341	14	213	1,907
D.C. Public Schools	48,991	18%	8,603	669	13	74	653	14	76	90	96	545	78	111	629
Davenport Comm Sch	15,302	12%	1,857	188	10	82	287	7	54	NA	NA	NA	NA	NA	NA
Deer Valley Unified SD	36,086	9%	3,289	190	18	190	229	15	158	49	68	737	108	31	335
Denver Public Schools	78,352	12%	9,142	592	16	133	528	18	149	94	98	834	98	94	800
ESD 112	13,764	14%	1,987	55	37	251	158	13	88	20	100	689	12	166	1,147
Elgin U-46, IL	40,531	14%	5,658	273	21	148	277	20	146	72	78.6	563	20	283	2,027
Everett Public Schools	6,100	17%	1,049	74	15	83	51	21	178	4	263	1,525	5	210	1,220
Fort Worth	79,885	8%	6,144	520	12	154	450	14	178	73	85	1,095	31	199	2,577
Greenville County, SC	70,282	14%	9,894	463	21	152	376	26	187	93	106	756	25	396	2,111
Houston Indepen SD	200,568	9%	17,489	1,625	11	124	1,145	16	176	158	111	1,270	NA	NA	NA
Kalamazoo Pub Schools	12,100	14%	1,667	70	24	173	79	22	154	15	112	807	NA	NA	NA
Kent, WA Pub Schools	27,196	11.3%	3,069	148.7	20.6	183	318	9.7	85.5	32.3	95	842	25	123	1,088
Kyrene School District	17,910	9%	1,544	141	11	128	124	13	145	27	58	664	14	111	1,280
Lakota Local	18,500	10%	1,800	126	15	147	120	15	155	39	47	475	18	100	1,021
LAUSD	632,881	13%	82,326	4,470	19	142	8,470	10	75	379	218	1,670	599	138	1,057
Lincoln	1,060	12%	128	21	7	51	21	7	51	5	26	212	2	64	530
Marlborough Pub Sch	4,835	25%	1,198	141	9	35	115	11	43	7	172	691	4	300	1,209
Memphis City	110,863	15%	16,637	912	19	122	655	26	170	53	314	2,092	58	287	1,912
Miami-Dade	376,264	11%	40,012	2,500	17	151	1,226	33	307	209	192	1,801	206	195	1,827
Milwaukee	78,533	20.9%	16,406	1,281	13	61	988	16.6	79	169	80	465	136	121	577
Montgomery Cty Sch	146,812	12%	17,226	1,588	11	93	1,398	13	106	293	59	502	97	178	1,514
Naperville IL 203	131,131	11%	19,780	150	13	120	237	8	76	33	59	549	22	90	824
New Bedford	12,692	21%	2,655	204	14	63	205	13	62	26	103	489	9	295	1,411
Oak Park Sch Dist 97	5,400	16%	875	78	12	70	90	10	60	14	63	386	8	110	675
N. Chicago, IL (in Dist.)	3,803	16%	614	39	15.7	92	27	22.7	141	8	76.8	475.4	5	122.8	760.6
Pittsburgh Pub Schools	28,000	18%	5,096	359	14	78	252	20	110	40	127	700	16	319	1,749
Portland Public Schools	46,596	14%	6,513	355	19	132	535	13	88	92	71	507	56	117	833
Providence, RI	23,695	18.8%	4,460	340	13	70	339	13	70	40	111	592	28	159	846
Rockford IL Pub S	28,973	14%	4,065	336	12	86	334	12	87	49	83	591	24	169	1,207
Round Rock	43,000	8%	3,313	369	9	117	171	20	252	41	81	1,049	29	115	1,483
San Diego Unified SD	132,500	12%	16,300	1,100	15	121	1,300	13	102	196	84	677	129	126	1,027
Saugus, MA	3,012	15%	462	28	17	108	29	16	104	6	77	502	NA	NA	NA
Sch Dist of Philadelphia	168,181	20%	33,686	1,535	22	110	610	56	276	99	341	1,699	100	337	1,682
Scottsdale, AZ	26,544	10.9%	2,891	246	11.8	108	230	12.6	115	39.4	73	674	28.4	102	935
St. Paul, MN	38,086	18.8%	7,152	523	13.7	73	536	13.3	71	97	74	392	19	376	2,004
Sun Prairie Area S Dist	6,656	10%	697	62	12	108	93	8	72	14	50	476	7	100	951
Tacoma Pub Schl WA	32,412	12%	3,894	172.5	23	188	223	17	145	33.6	116	965	27	144	1,200
Tucson Unified SD	56,000	14%	8,092	409	20	137	419	20	134	61	133	919	54	150	1,038
Washoe County Sc Dist	63,310	14%	8,551	472	19	135	325	27	195	77	112	823	37	232	1,712
Williamson Cty Schl	31,292	9%	2,824	213	13	147	400	7	78	34	121	911	23	178	1,346
West Aurora, IL SD	12,725	13%	1,688	120	14	106	101	17	126	21	80	606	13	130	979
Worcester	24,825	21%	5,172	254	21	98	366	15	68	38	137	654	NA	NA	NA
<b>Averages</b>		<b>13.0%</b>			<b>14.7</b>	<b>113</b>		<b>15.5</b>	<b>119</b>		<b>125</b>	<b>904</b>		<b>186</b>	<b>1347</b>

## Improving Special Education Services in the Buffalo Public Schools

Ratios for Social Workers, Nurses, OTs and PTs	Total Student Enrollment	Total Special Ed	Social Worker			Nursing			Occupational Therapy		Physical Therapy	
			Number	Ratio To:		Number	Ratio To:		Number	Ratio	Number	Ratio
				SpEd	All		SpEd	All				
Agawam Pub Schools	4,347	656	NA	NA	NA	8	82	544	3	219	3	219
Atlanta Public Schools	43,443	4,950	30	165	1448	58	85	511	12	413	3	1650
Arlington Pub Schools	21231	2952	15	197	1415	*30	98	708	20	147	6	492
Austin Pub S D	84,676	8,062	21	384	4032	68	119	1245	19	424	13	620
Baltimore City Public	82,824	12,866	193	67	430	78	165	1062	20	644	5	2574
Baltimore County Pub Sc	107,033	12,127	48.7	249	1701	179.8	67	595	65.2	186	27	449
Bellevue, WA SD	18,883	1,947	4	487	4721	13.2	148	1431	5.3	367	5.3	367
Boston Public Schools	54,966	11534	NA	NA	NA	100	115	563	67	172	17	680
Bridgeport, CT	20,300	2618	38	69	534	28	94	82	7	374	2	1309
<b>Buffalo Public Schools</b>	<b>46,583</b>	<b>7744</b>	<b>48.5</b>	<b>160</b>	<b>960</b>	<b>NA</b>	<b>NA</b>	<b>NA</b>	<b>75</b>	<b>103</b>	<b>29</b>	<b>267</b>
Cambridge Pub School	6,000	1,200	16	75	375	0	NA	NA	16	75	7	172
Carpentersville	19,844	3,139	36.5	86	544	27.5	114	722	22	142	6	523
Chicago Pub Sch	404,151	50,566	355	142	1138	326	155	1240	106	477	33	1532
Cincinnati Pub Sch	51,431	8,928	NA	NA	NA	NA	NA	NA	19	470	5	1786
Clark Cty School Dist	309,476	32,167	NA	NA	NA	173	186	1789	68	474	29	1100
Cleve Hts-UnivHtsCty	6,000	1,100	7	158	858	5	220	1200	2	550	1	1100
Compton CA Unified SD	26,703	2981	1	2981	NA	1	2981	NA	1.5	1987	.5	5962
D.C. Public Schools	48,991	8,603	90	96	545	127	68	386	48	180	16	538
Davenport Comm Sch	15,302	1,857	NA	NA	NA	7	266	2186	NA	NA	NA	NA
Deer Valley Unified SD	36,086	3,289	NA	NA	NA	37	89	976	19	174	4	823
Denver Public Schools	78,352	9,142	74	124	1059	77	119	1018	25	366	12	762
Elgin U-46, IL	40,531	5,658	50	113	810	76	74	533	22	257	4	1414
ESD 112	13,764	1,987	NA	NA	NA	5	398	2753	6	332	3	663
Everett Public Schools	6,100	1,049	2	525	3050	11	96	555	2	525	3	350
Fort Worth	79,885	6,144	NA	NA	NA	106	58	754	16	384	10	615
Greenville County, SC	70,282	9,894	20	495	3514	132	75	532	14	707	4	2574
Houston Indepen SD	200,568	17,489	26	673	7715	25	700	8020	17	1029	8	2187
Kalamazoo Pub	12,100	1,667	5	334	2420	2	834	6050	4	417	3	556
Kent, WA Pub Schools	27,196	3069	2.2	NA	NA	NA	NA	NA	12.8	240	4.8	639
Kyrene School District	17,910	1,544	NA	NA	NA	4	386	4478	2	772	2	772
Lakota Local	18,500	1,800	6	300	3084	14	129	1322	8	225	2	900
LAUSD	632,881	82,326	275	300	2302	575	144	1101	159	518	28	2941
Lincoln	1,060	128	5	26	212	2	64	530	2	64	1	128
Marlborough Public	4,835	1,198	9	134	538	10	120	484	4	300	2	599
Memphis City	110,863	16,637	55	303	2016	68	245	1641	11	1513	9	1849
Miami-Dade	376,264	40,012	NA	NA	NA	206	195	1827	65	616	23	1740
Montgomery Cty Sch	146,812	17,226	NA	NA	NA	NA	NA	NA	112	154	61	283
Milwaukee	78533	16,406	140	117	560	101	162	778	30	547	13	1262
Naperville, IL 203	28,131	1978	27	73	671	29	68	625	4	494	3	659
New Bedford	12,692	2,655	67	40	190	30	89	424	11	242	3	885
North Chicago, IL	3,803	614	10	61.4	380.3	NA	NA	NA	3.6	170.5	1.6	383.8
Oak Park Sch Dist 97	5,400	875	12	73	450	8	110	675	7	1125	1	875
Pittsburgh Pub Sch	28,000	5,096	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA
Portland Pub Schools	46,596	6,513	10	652	4660	NA	NA	NA	20	326	9	724
Providence	23,695	4460	35	127	677	NA	NA	NA	11.5	388	4.5	991
Rockford IL Pub S	28,973	4,065	26	135	1114	32	127	905	12.5	325	4.5	903
Round Rock	43,000	3,313	NA	NA	NA	1	NA	NA	10	332	3	1105
San Diego Unified SD	132,500	16,300	NA	NA	NA	129	127	1028	40	408	10	1630
Saugus, MA	3,012	462	4	116	753	5	93	603	2	231	1	462
Schl Dist of Philadelphia	168,181	33,686	NA	NA	NA	280	121	601	20	1685	20	1685
Scottsdale	26,544	2,891	NA	NA	NA	31	93	856	13.8	210	3.8	761
St. Paul Pub Schools	38,086	7,152	92	78	414	33	217	1154	36	199	12	596
Sun Prairie Area S Dist	6,656	697	8	88	832	1	NA	NA	5	140	2	349
Tacoma Pub Sch (WA)	3,894	32412	NA	NA	NA	1.2	NA	NA	19	205	11	354
Tucson Unified SD	56,000	8,092	26	312	2154	53	153	1057	10	810	4	2023
Washoe Cty Sc Dist	63,310	8,551	NA	NA	NA	35	248	1836	12	713	7	1222
West Aurora SD, IL	12,725	1688	19	89	670	7	241	1818	11	154	7	241
Williamson Cty Schl	30,942	4,093	NA	NA	NA	37	111	837	22	187	5	819
Worcester	24,825	5,172	NA	NA	NA	NA	NA	NA	12	431	5	1035
<b>Averages</b>				<b>295</b>	<b>2139</b>		<b>156</b>	<b>1209</b>		<b>406</b>		<b>1079</b>

## Improving Special Education Services in the Buffalo Public Schools

**Percentage of Students with IEPs of Total Enrollment and Students with IEPs to Staff Ratio in Ascending Order**

Rank	% IEPs	Special Educators	Paraeducators	Speech/Lang Pathologists	Psychologists	Social Workers	Nurses	Occupational Therapists	Physical Therapists
1	8%	7	5.26	26	31	26	58	64	128
2	8%	7	7	44	55	40	64	75	172
3	9%	8.6	7	47	64	61.4	67	103	219
4	9%	9	7	50	79	67	68	140	241
5	9%	9	7	58	90	69	68	142	283
6	9%	10	8	59	94	73	74	147	349
7	10%	10	8	59	100	73	75	154	350
8	10%	10	8.3	60	100	75	82	154	354
9	10%	10.3	9.7	63	102	78	85	171.4	367
10	10%	11	9.7	65	110	86	89	172	383.8
11	10.3%	11	10	68	111	88	89	174	449
12	11%	11	10	71	111	89	93	180	462
13	11%	11	10	71	112	96	93	186	492
14	11%	11.4	11	73	112.5	113	94	187	523
15	11%	12	11	73	115	116	96	199	538
16	11.2%	12	11.1	74	117	124	98	205	556
17	11.3%	12	12	76	121	127	110	210	596
18	11.4%	12	12	76.8	123	134	111	219	599
19	12%	12	12.6	77	125	135	114	225	615
20	12%	12	13	78	128	140	115	231	620
21	12%	13	13	79	130	142	119	240	639
22	12%	13	13	80	134	158	119	242	659
23	12%	13	13	80	138	160	120	257	663
24	12%	13	13	80	142	165	121	300	680
25	12%	13	13	81	144	197	127	325	724
26	13%	13	13	83	150	249	127	326	761
27	13%	14	13	84	153.8	300	129	332	762
28	14%	14	14	85	155	300	144	332	772
29	14%	14	14	95	159	303	148	366	819
30	14%	14	14	96	166	312	153	367	823
31	14%	14	15	98	169	334	155	374	875
32	14%	14	15	100	178	384	162	384	885
33	14%	14	15	103	178	487	165	388	900
34	14%	15	15	105	179	495	186	408	903
35	14%	15	16	106	195	525	195	413	991
36	14%	15	16	108	199	652	217	417	1079
37	14%	15	16.4	111	210	673	220	424	1035
38	15%	15.7	16.6	111	213		241	431	1100
39	15%	16	17	112	219		245	470	1100
40	15%	17	17	112	223		248	474	1105
41	16%	17	17.6	112	225		266	477	1222
42	16%	17	18	114	232		386	494	1262
43	16%	18	18	116	233		398	518	1309
44	17%	19	19	121	240		700	525	1414
45	17.4%	19	20	127	287		834	547	1532
46	18%	19	20	133	295			550	1630
47	18%	19	20	135	300			616	1650
48	18%	19.5	20	137	319			644	1685
49	18%	20	21	140	337			702	1740
50	19%	20.6	21	144	376			713	1786
51	19%	21	22	158	396			772	1849
52	19.3%	21	22	172				810	2023
53	20%	21	24	192				1029	2187
54	20%	22	25	218				1125	2574
55	20.9%	23	26	263				1513	2574
56	21%	23.5	26	314				1685	2941
57	21%	24	27	341					
58	21%	24	33	596					
59	25%	37	56						
<b>Avg.</b>	<b>13.0%</b>	<b>14.7</b>	<b>15.5</b>	<b>118</b>	<b>186</b>	<b>295</b>	<b>171</b>	<b>434</b>	<b>1160</b>

\*Numbers in table represent Buffalo Public Schools ratios.

## Appendix C. Data and Documents Reviewed

The following data and documents were reviewed.

### *Data*

- 20010-11 Graduation Release/Graduate Rate and Outcomes
- 20011-12 Graduation Release/Graduate Rate and Outcomes
- 2009-10 Graduation Release Diplomas
- 2009-10 Graduation Release/Graduate Rate and Outcomes
- 2013-14 Class Size Overages
- 5-Year Assessment Data Grades 3-8
- 5-Year Assessment Data Grades 9-12
- All Students Assessment Data
- Attendance Report
- BPS in separate schools, non-public schools, and residential facilities for students 3-5 years old and for students 6-21 years old
- BPS Priority Schools Identification Data
- BPS Report to SED - Special Education Snapshot provided by BPS to the Council team.
- Children and Youth with Disabilities Receiving Special Education Programs Services at <http://www.p12.nysed.gov/sedcar/state.htm>
- Data for 2013 provided by BPS: OSA, 2/19/14, Infinite Campus enrollment of school-age children.
- Data for ELLs SwD Hispanic vs. Non-Hispanic
- Data of Staff Vacancies
- Educational settings by Primary Disability and by Race/Ethnicity by grade level
- ELA grades 3-8 Performance Levels by Type of Special Education Services 3 years
- ELL/SPEC ED by School and Disability
- Enrollment Outcome Summary - 2007-08 School Year by Disability Status
- FTE Count 2013-14
- Graduation Rates for Students with Disabilities and Nondisabled (4-Year Cohorts 2006, 2007, 2008, and 2009)
- Historical State-Level IDEA Data Files at <http://tadnet.public.tadnet.org/pages/712>
- ICT caseload data
- ICT & SC FTE Count by School 2013-14 Comparison
- Math Grades 3-8 Performance Levels by Type of Special Education Services 3 years

- National Data -and USDE TA&D Network Part B Child Count 2011-12
- New York State Education Department of Special Education School District Data Profile for Buffalo City School District for 2010-11
- Number of Students at Charters with an IEP 2010-11,2011-12, 2012-13, 2013-14
- NYSED by Enrollment, Classification Rate, and School District School-Age Student Reports at <http://www.p12.nysed.gov/sedcar/goal2data.htm#2011>.
- NYSED Special Education School District Data Profile for Buffalo City School District
- OSA, 2/19/14, Infinite Campus Enrollment of School-Age Children
- Pre-School Data for Students with Disabilities and Nondisabled
- Public and Nonpublic Enrollment from the New York State Education Department of Special Education
- Public School District Total Cohort Graduation Rate
- Race Ethnicity Data by Disability
- Reevaluations, Initials and Annual Reviews Due or Overdue
- Referrals for Special Education by Disability 2010-11/2012-13
- Self-Contained Special Education Programs by Building
- Special Education Data Collection, Analysis, and Reporting (SEDCAR)
- Special Education/ELL Students by disability according to Data Warehouse on January 30, 2014
- Staffing Numbers of psychologist, speech language pathologist, occupational therapist, physical therapists, other.
- State Data - NYSED Information and Reporting Services SEDCAR Data Summaries: Number of New York State
- Students with Disabilities by School
- Students with IEPs who Receive Instruction through Integrated Co-teaching
- Suspension Data for Students with Disabilities and Nondisabled
- Verification Report 3/School-Age Students by Disability and Race/Ethnicity (Receiving Special Education Services as of October 2, 2013)
- Verification Report 3/School-Age Students by Disability and Race/Ethnicity (Receiving Special Education Services as of October 3, 2012)
- Verification Report 3/School-Age Students by Disability and Race/Ethnicity (Receiving Special Education Services as of October 5, 2011)
- Verification Report 3/School-Age Students by Disability and Race/Ethnicity (Receiving Special Education Services as of October 6, 2010)
- Verification Report 3/School-Age Students by Disability and Race/Ethnicity (Receiving Special Education Services as of October 7, 2009)

***Documents***

- 504 Manual Part 1 and 2
- Alternative Assessment Samples for Elementary, Middle and High
- Behavior Intervention Plan (BIP) Form
- Behavior Intervention Plan Form
- Bilingual Education Staffing Chart 2013-14 SY
- BPS Annual Professional Performance Review\* (APPR) for Teachers
- BPS Annual Review Manual
- BPS Memo on SST Priorities
- BPS MTSS Goals 2013
- BPS Organization Chart
- Chief of Schools Teams, including List of Priority, Focus, and Schools in Good Standing
- Committee on Special Education Organization Chart
- Criteria and Documentation for Placement at BPS #84
- CSE Process Guide to Special Education
- Data Dashboard Summary
- Data Reports In IEP Direct, including 504, SST etc.
- Distinguished Educator's November 2013 Action Plan Status Update
- Draft MTSS Rollout Plan, Nov. 2013
- Due Process Hearings
- Due Process Hearings 2012-13
- Early Childhood Programs
- Early Childhood Programs as Identified by Dr. Kathleen Fennie, Buffalo Public Schools  
Supervisor of Early Childhood; Curriculum, Assessment, and Instruction Division
- ELA Grades 3-8 Performance Level by Type of Special Ed Services for 3 Years
- ICT Learning Walk Tool
- List of Data Reports of Monitor Performance of SwD
- List of Priority Schools Identified for 2012-13
- Literacy Pathways X,Y and Z
- Monitoring Performance and Hiring/Supervision Narrative
- MTSS CAI Presentation
- MTSS/SST Training Plan 2013
- NYS Intervention Report

- NYSAA Classroom Instruction Materials 2013-14 SY (Reading/Mathematics)
- Overages for Elementary and Secondary
- Process for Vocational Assessment
- Quality Review Rubric for ELA/Literacy (Grades 3-5) and ELA (Grades 6-12)
- Request for more Restrictive Environment or Special Class Form for BPS
- Sample Data Collection for IEP Goals– HS Career/Vocational
- Sample Data Dashboard Summary
- Sample IEP Forms
- Sample Progress Monitoring Form for IEP Goals
- SEDNY 2013 Accountability Status from Part B of IDEA
- Selective Enrollment Schools
- SEPAC Letter of Recommendations to CGCS Review Team 1/14/14
- SIG Schools Additional Professional Development 2013–2014
- Special Ed Assistants and Aides 2013-14 SY
- Special Ed Curriculum Report 2013
- Special Ed Professional Development December 2013
- Special Education Teachers Allocation
- Specialized Program Reading Chart
- SST Functions Principal Memo
- Staffing Allocation for Integrated Co-Teaching
- Standard Operating Procedures
- Student Achievement SMART Goal-Setting Worksheet
- Student Intervention Record
- Teacher Aide Evaluation
- Teacher Assistant Evaluation
- Tier 1 Universal Team Professional Development All High Schools 2013 – 2014
- Tier 2 Secondary Systems Professional Development
- Tier 2/Tier 3 (Secondary/Tertiary) Interventions Tracking Tool
- Tier 3 Professional Development All Elementary and High Schools
- Transition Planning Assessment Level 1

Appendix D. Team Agenda and Individuals Interviewed<sup>92</sup>

<i>Sunday, Jan. 12</i> BPS Special Education Review, January 12-15, 2014	
6:30 – 8:30 p.m.	Team dinner and meeting: Superintendent Brown, Dr. Williams, and Dr. Pauly
<b><i>Monday, Jan. 13</i></b>	
8:00 – 8:45 a.m.	Chief of Curriculum, Assessment and Instruction: Dr. Yamilette Williams
8:45-9:30 a.m.	Chief of Student Support: Dr. Will Keresztes (Attendance, Suspensions, History)
9:30 -10:30 a.m.	Directors of Special Education: Kim Curtin and Donna Jackson
10:30-11:30 a.m.	Chiefs of School Leadership: Dr. David Mauricio, Margaret Boorady, Dr. Faith Alexander, Cassandra Wright
11:30 – 12:30 p.m.	Working Lunch: Assistant Superintendent of Curriculum, Assessment and Leadership: Dr. Mary Pauly
12:30 – 1:30 p.m.	Principals: Elementary, Middle, High School William Boatwright (Makowski), Pauletta Sitines (Bennett Park Montessori 32), Dr. Schoenfeld (Sedita 30), Darlene Jesonowski (Southside 93), Dr. Gruber (Olmstead 156), James Weimer (Emerson 302), Denise Clarke (Riverside 205), Jennifer Kapsiak (EC Health Care 74)
1:30 – 2:30 p.m.	Special Education Supervisors: Heidi Schaab, Robyn Tate, Kyle Morrison
2:45 – 3:50 p.m.	General Education Teachers, including co-teachers: Gregelle Fulcher, Samantha Choma, Noah Spaulding, Genevieve DeCarlo, Alicen Krause, Maria Cruz, Theresa Colosi, Lindsay Warning, Kim MacKinnon, John Venne
3:50 – 5:00 p.m.	Special Education Teachers including co-teachers, resource, and consultant teachers representing elementary, middle and high school: Dana Moshides, Angela Beathley, Stephanie Curthoys, Jill Lardo, Sara Gunter, Michelle Brown-Kolacz, Ashli Krotz, Taisei Kikuchi, Tonya Sieracki, Kim Meissner, David Paonessa, Evelyn Arent, David Morreale, Meaghan Pacer, Cindy Steimer, Adrienne Welka, Roslynn Gaumer, Carinna Baldassare-Weber
5:00 – 5:30 p.m.	Director of Multilingual Education: Dr. Tamara Alsace
5:30 – 6:15 p.m.	Director of Revenue and Related Services: Nina Blumlein (rescheduled for a phone conference call)
6:15 p.m.	Working dinner

<sup>92</sup> This is the agenda prepared for arrival of team that was modified during visit as needed.



**Improving Special Education Services in the Buffalo Public Schools**

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<b><i>Tues., Jan. 14</i></b>	
8:00 – 8:45 a.m.	Union Representatives: Mrs. Barton, Mr. Rumore, Molly Zizzo
8:45 – 9:30 a.m.	NYS Department of Education: Barb Trunzo, Kate Milliman, Heather Marra, Karen Donahue
9:30 -9:45 a.m.	Break
9:45 -10:45 a.m.	SEPAC: Dr. Ann Rivera, Byron McIntyre Parent Network: Sue Barlow DPCC: Sam Radford, Lloyd Hargrave, Wendy Mistrata (MEAC) Parent Facilitators (3)
10:50 -11:50 a.m.	Chairs of SST and CSE: Sheila Scanlon, Ann Marie Maurer, Allison Leberer, Teresa Erazo, Julieann Galas, Ellen Noworyta, Trudy Ghosen, Christian Schwabe, Karen Phillips
11:50 a.m. -12:20 p.m.	Working lunch
12:20 -1:20 p.m.	Special Education Coordinators, Central CSE including nonpublic, charters, preschool: Debra Jacob, Dawn Haring, Lucy Emmi, Claire Rosart, Jennifer Regan SEGIS: Cindy Clark, Roseann Colburn, Jennifer Molfese Parental Concerns and Communication: Rosemarie Arnone
1:20 - 1:50 p.m.	Principal Occupational Training Center: Tom Vitale Director CTE: Kathy Heinle
1:50 - 2:30 p.m.	Related Service Providers: speech, OT, PT: Richard Steinberg (OT), Lynn Connare (Speech), Diane Miess (PT)
2:30 - 3:30 p.m.	Psychologist, Social Workers from SST: Shannon McGrath, David Nathanson, Kim Gingrich, Anita Pasquale, Jacqueline Johnson, Michelle Lash, Marcy Peterson, Tina McCrea, Amalia Caiola-Ferreira
3:30 - 4:15 p.m.	Assistant Superintendent of Accountability: Dr. Genelle Morris Special Education Coordinator for Data: Debra Jacob
4:15 – 4:45 p.m.	General Counsel and Assistant Legal Counsel for Special Education: Rashondra Jackson Martin and Nathaniel Kuzma (formerly assigned) CSE Appeals: Martha Lamparella, Lawrence Weimer, Karen Namaste
4:45 – 6:00 p.m.	Chief Financial Officer: Barbara Smith
6:15 p.m.-	Working dinner and debriefing from the day. Work on initial findings for positive areas and areas of concern.
<b><i>Wed., Jan. 15</i></b>	
8:30 a.m. – 12:30 p.m.	Prepare for meeting with Superintendent Brown. Complete work on recommendations.

**Improving Special Education Services in the Buffalo Public Schools**

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12:30 – 1:00 p.m.	Working lunch
1:30 – 3:00 p.m.	Debriefing of Superintendent and other staff, as designated by the Superintendent

## Appendix E. Strategic Support Team

The following are members of the Counsel's Strategic Support Team.

### *Sue Gamm, Esq.*

Sue Gamm, a nationally recognized expert on special education, formerly served as chief specialized services officer for the Chicago Public Schools and division director for the Office for Civil Rights, Region V (Illinois, Minnesota, and Wisconsin). She has participated on Strategic Support Teams provided by the Council of the Great City Schools for school districts in the District of Columbia (1998), Guilford County, N.C., (2003), Richmond, Va., (2003), St. Louis (2003), Charleston, (2005), Milwaukee (2007), New York City, District 75 (2008), Rochester (2008), Boston (2009), Philadelphia (2009/2010), Pittsburgh (2009), Austin (2010), Providence (2011), and Chicago (2011 and 2012). Ms. Gamm recently served as consulting attorney on the Council's *amicus* brief in support of the New York City Board of Education in *Board of Education of the City School District of the City of New York v. Tom F., On Behalf of Gilbert F., A Minor Child* (2007). Further, she consults with the Public Consulting Group and numerous school districts and state educational agencies and provides training at national, state, and local conferences on special education matters, particularly in the area of special education disproportionality. In 2006, Ms. Gamm was an expert for the plaintiffs in *Blackman v. District of Columbia, et al.*, Civil Action No. 97-1629 (PLF) Consolidated with Civil Action No. 97-2402 (PLF) in the areas of special education policies, procedures, and practices. In Baltimore, she completed a review of special education services in 2004-05 for the city's public schools and was an expert for plaintiffs *Vaughn G., et al. v. Mayor and City Council of Baltimore, et al.*, Civil Action No. MJG-84-1911. Ms. Gamm has also done extensive special education consultation on LRE issues for the Los Angeles County School District and is a consultant for the class action consent decree in Los Angeles. Finally, Ms. Gamm has provided expert advice over the past five years to the New York City Board of Education. This assistance included writing a *Principal's Quick Reference Guide to Special Education* (2003). Ms. Gamm graduated with high honors from University of Illinois with a B.A. degree in regular and special education (1970) and earned a law degree from the De Paul College of Law (1976). She is admitted to practice before the Illinois Bar, the Federal Bar, and the U.S. Supreme Court Bar.

### *Julie Wright Halbert, Esq.*

Julie Halbert has been legislative counsel for the Council of the Great City Schools for almost 19 years. In that capacity, she has served as a national education legal and policy specialist, with emphasis on special education. She worked extensively on the reauthorizations of the Individuals with Disabilities Education Act (IDEA) in 1997 and 2004. Ms. Halbert is responsible for drafting numerous technical provisions to the IDEA and providing technical assistance to Congress and the U. S. Department of Education. In 1997 and again in 2005, she testified before the U.S. Department of Education on its proposed regulations on IDEA 2004. Ms. Halbert has directed each of the Council's special education review teams, including special education reviews in the District of Columbia, Guilford County (NC), Richmond, St. Louis, Charleston, New York City, Rochester, Boston, Philadelphia, and Pittsburgh. Ms. Halbert was also the counsel of record for the Council of the Great City Schools' *amicus* briefs in the Supreme Court of the United States in (a) *Board of Education of the City School District of the City of New York v. Tom F., On Behalf of Gilbert F., A Minor Child* (2007); (b) *Jacob Winkelman, a Minor By and Through His Parents and Legal Guardians, Jeff and Sander*

*Winkelman, et al., v. Parma City School District* (2007); (c) *Brian Schaffer v. Jerry Weast, Superintendent of Montgomery County Public Schools, et al.*, (2005); (d) *Parents Involved in Community Schools v. Seattle School District* and *Meredith v. Jefferson County Board of Education* (2007) and *Forest Grove School District v. T.A.*, (2009). Ms. Halbert graduated with honors from the University of Maryland and the University of Miami School of Law. She is admitted to practice in the Federal Bar, the U.S. Supreme Court Bar, and the Florida and Pennsylvania Bars.

***Eboney Lofton***

Eboney Lofton is currently serving as the director of specially designed instruction in the Office of Diverse Learner Supports and Services within Chicago Public Schools. In her 15 years of experience with the district, she has served as an elementary school instructor, a school psychologist, a psychology manager, and a specialized services administrator. She holds a B.S. Ed. in elementary education, an M.S. in education, and an Ed.S. in school psychology and is currently pursuing an Ed.D. in educational psychology.

***Jeff Simering***

Mr. Simering has been the director of legislative services for the Council of the Great City Schools since 1994. Having been actively involved in the development of federal education legislation for over 20 years, Mr. Simering directs the federal legislative activities of the Council as well as working with the federal agencies and advising member school districts on the implementation of national legislation. He has been actively involved in the reauthorizations of IDEA since 1994 and has worked on numerous technical amendments to the IDEA regulations with the United States Department of Education. He has also provided expert advice on numerous *amicus* briefs on IDEA to the Supreme Court of the United States. Prior to joining the Council, he was the principal of a consulting firm that conducted government relations and provided other programmatic and advisory services for school districts and other public and private entities. Mr. Simering received his law degree from the University of Baltimore.

## Appendix F. About the Council and History of Strategic Support Teams

The Council of the Great City Schools is a coalition of 65 of the nation's largest urban public school systems, including Buffalo.<sup>93</sup> The organization's Board of Directors is composed of the superintendent, CEO, or chancellor of schools, and one school board member from each member city. An executive committee of 24 individuals, equally divided in number between superintendents and school board members, provides regular oversight of the 501(c)(3) organization. The composition of the organization makes it the only independent national group representing the governing and administrative leadership of urban education and the only association whose sole purpose revolves around urban schooling.

The mission of the Council is to advocate for urban public education and to assist its members in their improvement and reform. The Council provides services to its members in the areas of legislation, research, communications, curriculum and instruction, and management. The group convenes two major conferences each year; conducts studies of urban school conditions and trends; and operates ongoing networks of senior school district managers with responsibilities for areas such as federal programs, operations, finance, personnel, communications, research, and technology. Finally, the organization informs the nation's policymakers, the media, and the public of the successes and challenges of schools in the nation's Great Cities. Urban school leaders from across the country use the organization as a source of information and an umbrella for their joint activities and concerns.

The Council was founded in 1956 and incorporated in 1961 and has its headquarters in Washington, D.C. Since the organization's founding in 1956, geographic, ethnic, language, and cultural diversity has typified the Council's membership and staff.

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<sup>93</sup> Albuquerque, Anchorage, Atlanta, Austin, Baltimore, Birmingham, Boston, Broward County (Ft. Lauderdale), Buffalo, Caddo Parish (Shreveport), Charleston County, Charlotte-Mecklenburg, Chicago, Buffalo, Clark County (Las Vegas), Cleveland, Columbus, Dallas, Dayton, Denver, Des Moines, Detroit, Duval County (Jacksonville), East Baton Rouge, Fort Worth, Fresno, Guilford County (Greensboro, N.C.), Hillsborough County (Tampa), Houston, Indianapolis, Jackson, Jefferson County (Louisville), Kansas City, Little Rock School District, Long Beach, Los Angeles, Memphis, Miami-Dade County, Milwaukee, Minneapolis, Nashville, Newark, New Orleans, New York City, Norfolk, Oakland, Oklahoma City, Omaha, Orange County (Orlando), Palm Beach County, Philadelphia, Pittsburgh, Portland, Providence, Richmond, Rochester, Sacramento, Salt Lake City, San Diego, San Francisco, Seattle, St. Louis, St. Paul, Toledo, Washington, D.C., and Wichita

**History of Council Strategic Support Teams of the Council of the Great City Schools**

The following is a history of the Strategic Support Teams provided by the Council of the Great City Schools to its member urban school districts over the last 10 years.

City	Area	Year
Albuquerque		
	Facilities and Roofing	2003
	Human Resources	2003
	Information Technology	2003
	Special Education	2005
	Legal Services	2005
	Safety and Security	2007
Anchorage		
	Finance	2004
	Communications	2008
Atlanta		
	Math Instruction	2010
	Facilities	2009
Austin		
	Transportation	2010
Birmingham		
	Special Education	2010
	Organizational Structure	2007
Boston		
	Operations	2008
	Facilities	2010
Broward County (FL)		
	Special Education	2009
Buffalo		
	Information Technology	2000
	Food Services	2009
Buffalo		
	Transportation	2009
	Superintendent Support	2000
	Organizational Structure	2000
	Curriculum and Instruction	2000
	Personnel	2000
	Facilities and Operations	2000
	Communications	2000
	Finance	2000
	Finance II	2003
	Curriculum and Instruction	2004
	Bilingual Education	2009
	Curriculum and Instruction	2009
	Special Education	2013-14
Caddo Parish (LA)		
	Facilities	2004

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Charleston		
	Special Education	2005
Charlotte-Mecklenburg		
	Human Resources	2007
Chicago		
	Warehouse Operations	2010
	Special Education	2011 and 2012
Christina (DE)		
	Curriculum and Instruction	2007
Cincinnati		
	Special Education	2014
Cleveland		
	Student Assignments	1999, 2000
	Transportation	2000
	Safety and Security	2000
	Facilities Financing	2000
	Facilities Operations	2000
	Transportation	2004
	Curriculum and Instruction	2005
	Safety and Security	2007
	Safety and Security	2008
	Theme Schools	2009
Columbus		
	Superintendent Support	2001
	Human Resources	2001
	Facilities Financing	2002
	Finance and Treasury	2003
	Budget	2003
	Curriculum and Instruction	2005
	Information Technology	2007
	Food Services	2007
	Transportation	2009
Dallas		
	Procurement	2007
	Staffing Levels	2009
Dayton		
	Superintendent Support	2001
	Curriculum and Instruction	2001
	Finance	2001
	Communications	2002
	Curriculum and Instruction	2005
	Budget	2005
	Curriculum and Instruction	2008
Denver		
	Superintendent Support	2001
	Personnel	2001

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	Curriculum and Instruction	2005
	Bilingual Education	2006
	Curriculum and Instruction	2008
Des Moines		
	Budget and Finance	2003
Detroit		
	Curriculum and Instruction	2002
	Assessment	2002
	Communications	2002
	Curriculum and Assessment	2003
	Communications	2003
	Textbook Procurement	2004
	Food Services	2007
	Curriculum and Instruction	2008
	Facilities	2008
	Finance and Budget	2008
	Information Technology	2008
	Stimulus planning	2009
Greensboro		
	Bilingual Education	2002
	Information Technology	2003
	Special Education	2003
	Facilities	2004
	Human Resources	2007
Hillsborough County (FLA)		
	Transportation	2005
	Procurement	2005
Houston		
	Facilities Operations	2010
	Capitol Program	2010
	Information Technology	2010
Indianapolis		
	Transportation	2007
	Information Technology	2010
Jackson (MS)		
	Bond Referendum	2006
	Communications	2009
Jacksonville		
	Organization and Management	2002
	Operations	2002
	Human Resources	2002
	Finance	2002
	Information Technology	2002
	Finance	2006
Kansas City		



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	Human Resources	2005
	Information Technology	2005
	Finance	2005
	Operations	2005
	Purchasing	2006
	Curriculum and Instruction	2006
	Program Implementation	2007
	Stimulus Planning	2009
Little Rock		
	Curriculum and Instruction	2010
Los Angeles		
	Budget and Finance	2002
	Organizational Structure	2005
	Finance	2005
	Information Technology	2005
	Human Resources	2005
	Business Services	2005
Louisville		
	Management Information	2005
	Staffing Levels	2009
Memphis		
	Information Technology	2007
Miami-Dade County		
	Construction Management	2003
	Food Services	2009
	Transportation	2009
	Maintenance and Operations	2009
	Capital Projects	2009
Milwaukee		
	Research and Testing	1999
	Safety and Security	2000
	School Board Support	1999
	Curriculum and Instruction	2006
	Alternative Education	2007
	Human Resources	2009
Minneapolis		
	Curriculum and Instruction	2004
	Finance	2004
	Federal Programs	2004
Newark		
	Curriculum and Instruction	2007
	Food Service	2008
New Orleans		
	Personnel	2001
	Transportation	2002
	Information Technology	2003

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	Hurricane Damage Assessment	2005
	Curriculum and Instruction	2006
New York City		
	Special Education	2008
Norfolk		
	Testing and Assessment	2003
Orlando (Orange County)		
	Information Technology	2010
Philadelphia		
	Curriculum and Instruction	2003
	Federal Programs	2003
	Food Service	2003
	Facilities	2003
	Transportation	2003
	Human Resources	2004
	Budget	2008
	Human Resource	2009
	Special Education	2009
Pittsburgh		
	Curriculum and Instruction	2005
	Technology	2006
	Finance	2006
	Special Education	2009
Portland		
	Finance and Budget	2010
	Procurement	2010
	Operations	2010
Providence		
	Business Operations	2001
	MIS and Technology	2001
	Personnel	2001
	Human Resources	2007
	Special education	2011
	Bilingual education	2011
Richmond		
	Transportation	2003
	Curriculum and Instruction	2003
	Federal Programs	2003
	Special Education	2003
Rochester		
	Finance and Technology	2003
	Transportation	2004
	Food Services	2004
	Special Education	2008
San Diego		
	Finance	2006

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	Food Service	2006
	Transportation	2007
	Procurement	2007
San Francisco		
	Technology	2001
St. Louis		
	Special Education	2003
	Curriculum and Instruction	2004
	Federal Programs	2004
	Textbook Procurement	2004
	Human Resources	2005
Seattle		
	Human Resources	2008
	Budget and Finance	2008
	Information Technology	2008
	Bilingual Education	2008
	Transportation	2008
	Capital Projects	2008
	Maintenance and Operations	2008
	Procurement	2008
	Food Services	2008
Toledo		
	Curriculum and Instruction	2005
Washington, D.C.		
	Finance and Procurement	1998
	Personnel	1998
	Communications	1998
	Transportation	1998
	Facilities Management	1998
	Special Education	1998
	Legal and General Counsel	1998
	MIS and Technology	1998
	Curriculum and Instruction	2003
	Budget and Finance	2005
	Transportation	2005
	Curriculum and Instruction	2007
Wichita		
	Transportation	2009