

**FINAL REPORT**

**EXPERT ADVISORY PANEL REPORT TO THE UNITED STATES DISTRICT  
COURT, DISTRICT OF CONNECTICUT  
PJ ET AL V STATE OF CONNECTICUT, BOARD OF EDUCATION, ET AL  
RESPONSE TO THE STATE DEPARTMENT OF EDUCATION  
ANNUAL REPORT OF JUNE 30, 2005**

**Submitted by the Expert Advisory Panel  
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## OVERVIEW

The Settlement Agreement in *PJ et al v. State of Connecticut, State Board of Education, et al* (Hereafter referred to as PJ), contains five overarching goals: 1) increased percentages of “Class” students placed in general education, 2) reduce over identification of ethnic and other minorities, 3) increase school time with non-disabled students, 4) increase home school placements, and 5) increase time with non-disabled peers in extra-curricular activities.

The Expert Advisory Panel (EAP) was established to advise the Connecticut State Department of Education (CSDE) and make specific recommendations about, 1) the CSDE’s progress toward the goals of the Settlement Agreement, 2) development of statewide technical assistance, 3) targeted monitoring, 4) complaint resolution, and 5) parent training. This written comment from the EAP is submitted in response to this requirement within the Settlement Agreement that the EAP submit an annual report.

In this report, we provide, 1) an introduction, 2) commendations, 3) findings, and 4) recommendations. The CSDE is not bound in the Settlement Agreement to follow either individual advice from EAP members or consensus recommendations. The EAP is to provide written comment to the court, as well as parties to the PJ case. This report is the third of these since the first Annual Report was filed prior to substantive review and input from the EAP.

## I. INTRODUCTION

In our First and Second Annual Reports (EAP1 and EAP2) on PJ, the EAP expressed concern that there has been little to no measurable progress on the five goals of the Settlement Agreement. In this, our third annual EAP report (hereafter referred to as EAP3), while we acknowledge some progress has been made, we are, however, concerned with the verifiability of that progress. We are especially concerned with the progress reported from March to June 2005 in selected districts from among the targeted 24, as we shall describe.

With regard to the remainder of the state, CSDE made a concerted effort in the past two years to emphasize that these LEAs too must show progress on the five goals. Across all of the 145 districts that compose the remainder of the state’s total of 169 districts some local education agencies are making significant progress toward the five goals.

In EAP Report 1 and 2, we expressed grave concerns about “....resources being allocated with little return on the movement of students to desired ends.” Of the twenty-four targeted school districts some progress toward the five goals is evident in about twelve LEAs. The remaining 145 districts are as a group slightly better in the measured trend lines. As an EAP, we remain skeptical that the CSDE can reach the EAP targeted benchmarks that CSDE communicates to

local districts through Connecticut in the two years remaining in the Settlement Agreement.

## **II. COMMENDATIONS**

The EAP wants to commend both the CSDE and the Plaintiffs for forging a vision of the future for students with intellectual disabilities and their families and/or supporting school districts who have taken that vision to heart and built programs, developed personnel, and services to include those students in their classrooms, schools, and districts. All parties to the Agreement respectfully have learned to disagree as well as agree on different sets of conditions to support advances in home school placement, in schools, and in regular class placement, time with typical students, and participation in extra-curricular activities.

For the progress identified below, again we commend all the parties to the Settlement Agreement for putting together a package of incentives and sanctions to move hierarchical and bureaucratic systems to adapt to the reality of the Agreement that binds us together to find the best solutions for all the students in question.

### ***2.1 Some progress toward Settlement Goals***

(a) The CSDE has reported that eight of the original 24-targeted districts may reach the 2005 EAP goal of 40% by December 2005 for regular class placement (Goal 1) and fourteen of the 24-targeted districts may reach at least 81% home school placement before the December, 2005 target date (Goal 3). These data, if verified, will indicate that the state's efforts in implementing PJ Settlement Agreement are having some limited impact.

(b) In the group of sixteen districts, some progress is indicated in Ansonia, Bristol, Meriden, Norwich, Wallingford, East Haven, Hartford (on three goals) and Windsor.

(c) The CSDE has begun to examine the membership of the PJ class as requested by both the EAP and the Plaintiffs. After Department review, 77.8% of 171 students whose classification changed were deemed appropriate reclassifications (about 18% clerical errors) with a range of 4-6% deemed inappropriate reclassifications. These findings as well as continued analysis of the membership information on the PJ Class will better inform all parties about the results and outcomes.

(d) The CSDE is examining the post-high school exit experience that some students with an intellectual disability at the 18-21-age level are making in the Class without diploma or transition to adult services. The CSDE study on this age group is continuing. The EAP is eager to examine the methodology and results.

## ***2.2 Targeted Monitoring***

The CSDE has been strategic in focused monitoring covering eight dimensions reported in the CSDE Fourth Annual Report. The data derived from monitoring reports keeps the districts focused on the EAP targets for the five goals of the Settlement Agreement. Data analysis is an integral part of focused monitoring and the CSDE tracks a variety of data from class membership to meaningful changes in LRE statistics and trends.

The agency deserves a commendation for all of its work in this arena. Of the ten targeted districts, seven are moving downward and more intensive interventions will be required by CSDE. for Norwalk, Groton, and Windham.

## ***2.3. The Technical Assistance and Training System including the addition of Qualified Specialists***

The Technical Assistance and Training system of the CSDE grew in its scope with the addition of Educational Benefit Training (a key interest of the EAP), Coaches and Rapid Response Teams, and an even larger commitment to diversity training. The EAP commends the CSDE for its willingness to build a competitive granting process to increase the number of qualified specialists in district and throughout the state to support students, teachers, and their families. The EAP and the Plaintiffs asked for the Coaches Academy and Immediate Student Response Team in year two.

## ***2.4. Parent Training and Information***

The EAP commends the CSDE and its partners including Plaintiff parent affiliations for creating a monthly meeting to plan a comprehensive approach to reaching hard-to-get parents and guardians. Reaching out to organizations representing people of color is also encouraging. We noted innovative approaches to parents finding and connecting with key people and the right information.

We also want to commend the CSDE for including parent forums for EAP information. We have included a summary of their responses as part of our findings.

## ***2.5 Use of Data to Communicate Results***

The CSDE has made a concerted effort to communicate data on PJ Goals in a manner that enhances comprehension and supports improvement. The use of color-coded performance measures and maps readily communicate LEA's performance. Line graphs aid in the interpretation of progress or lack thereof by an LEA.

# **III. FINDINGS**

### **Meaningful Progress Toward PJ Settlement Goals**

**As stated in the Introduction, the EAP continues to be concerned with the uneven progress of the 24-targeted districts on each of the five goals of the PJ Settlement Agreement. The remainder of the state is also moving too slowly in the desired direction.**

Five districts account for the largest proportions of gains. Four of the original eight appear to have moved in a desired direction. They are: Enfield, Shelton, Windham, and New Haven in three goal areas. We are concerned, however, that some data reported for June 2005 may reflect intent, as expressed through the IEP process, rather than actual measured progress. Consider the following Table.

Reported District Changes in Regular Placement Between March/June 05

	March	June	Percent Change
Bridgeport	13.2	46.4	+33.20%
East Hartford	55.0	68.0	+13.00%
East Haven	11.5	50.0	+38.50%
Hartford	10.6	41.0	+30.40%
Milford	16.7	36.0	+19.39%
New Haven	20.5	45.3	+24.20%
Norwalk	13.6	23.2	+9.40%
Stamford	15.2	25.0	+9.80%
Wallingford	9.7	63.0	+53.30%
Windsor	20.8	76.2	+55.40%
Windham	23.5	90.3	+66/50%

The table indicates that eleven school districts averaged a nearly one third increase in the percentage of regular class placement (Goal 1) in the data reported from March 2005 to June 2005. The EAP assumes that these data reflect IEP adjustments that occurred during that period. However, Dr. Jane Nell Luster of the National Center for Special Education Accountability Monitoring notes that in her experience in two states (to date) when comparing data versus actual physical setting of students what is reported in data do not consistently match what is actually occurring in schools (personal communication, September 17, 2005). Since these increases noted in the state's report are very dramatic, verifiability of data as an accurate reflection of actual classroom practice becomes of paramount importance.

Of the group of districts with 20 or fewer students with intellectually disabilities: Cheshire, South Windsor, Middletown, Trumbull, Branford, Stratford, Fairfield,

and Greenwich clearly show a lack of progress and in the case of Greenwich, a reversal occurred in their placement rate in spite of their 3.9% plus average above the Connecticut state average. Naugatuck and South Winds also reflect reversals in three goal areas.

The CSDE reported the out of district placement for ID Class students in 2003-04 as N=413 and the preliminary data in 2004-05 as N=456. This represents a troubling 10% increase. The RESCs and the district's they serve indicate that 34.9% in 2003-2004 and 27.2% in 2004-05 with the Class are outside of their home school and in essentially separate placements. This increase and the deliberately segregated nature of the settings raise an increasingly problematic situation for the CSDE in achieving compliance with the PJ Settlement Agreement. The CSDE also reports that DCF makes placements that are more restrictive and that school districts view these independent placements as problematic.

The CSDE has made an attempt to more carefully examine the issue of disproportionality related to Goal 2 of the Settlement Agreement. . After a more comprehensive assessment by the CSDE of LEA policies, procedures, and practices and their capacity to meet all the requirements of the Settlement Agreement, LEAs still not meeting the odds ratio target are: East Hartford, Manchester, Norwalk, and Windham. While CSDE's has not set criteria for inappropriate identification of intellectual disabilities, the EAP will recommend a stricter benchmark in keeping with appropriate practices in nondiscriminatory assessment and decision-making.

### ***EAP Designated Barriers to Implementation of the Settlement Agreement***

In the EAP2, the EAP found that there were "five significant barriers to successful realization of the five goals" of PJ. In that report, we identified: 1) lack of general education's ownership and direction of the process; 2) lack of published expectations of meaningful, measured progress; 3) lack of competitive use of discretionary funds; 4) exodus from the identified class; and 5) lack of an over-all program evaluation strategy with which to estimate progress as a function of specific interventions. These same barriers continue to impede progress, so we organize our findings for EAP3 within this same framework.

### ***General Education Ownership***

The CSDE appears to agree with the EAP assessment in their own analysis of impact and challenges that remain. This acknowledgement is needed to re-start a process of engagement. Yet as we stated in EAP2, the " specifics of general education direction of the process at the level of the local district" still has not been delineated. Again from EAP2, we stated " the realization of PJ goals must be made the responsibility of superintendents first and foremost, then directors of

curriculum and instruction, and principals, with support from special educators, to get meaningful, measurable progress, in our view.”

Focused monitoring has resulted in on-site visits to targeted LEAs leading to written reports of compliance. This selective attention is intended to communicate the intent of the Settlement Agreement to the least compliant districts. These activities should continue and CSDE should communicate that the state average does not represent a desirable goal for achieving a satisfactory implementation of the PJ Settlement Agreement.

### ***Progress Expectations Communicated by CSDE to Districts***

As recommended in EAP2, the EAP benchmarks need to be part of the evaluation process and need to be made explicit in reporting of State and district progress.

### ***Parent Perceptions of Districts and Schools***

The EAP has examined data gathered from parent input sessions that reveal their perceptions of district-parent-student relationships. The summary below reflects their collective voice and perception of what is working and not working in support of the goals of PJ.

Parents, teachers, and administrators provided testimony at the May 05 meeting of the EAP. Most parents speaking acknowledged little cooperation from the district special education bureaucracy in helping them shape their child’s educational program. The IEP process for most of them was contentious and two recommended that an attorney was needed to assist them in dealing with the district. A sample of Latino parents indicated a lack of parent training by the district as well as a lack of interpreters being available to assist them in accessing the information they needed to participate in the IEP process. Principal leadership, a disposition toward inclusive practices, high expectations for student learning, and the provision of supplementary aids and services were all identified as needed and valuable for their child’s success in school. Most of these were found to often be lacking, and special education was cited as a formidable obstacle to overcome and work through.

### ***Competitive Use of Funds***

The CSDE appears to be moving closer to being able to justify the allocation of discretionary funds more aligned with the purposes and goals of PJ. The EAP has consistently recommended an outright competitive grant program to get breakout solutions that could be emulated by others, however this recommendation continues to be rejected by CSDE.

### ***Reductions in the membership of the Class***

Exodus from the Class was a primary concern of the EAP in EAP2. For emphasis, we repeat two sentences from EAP2 we consider important to note: “the lack of progress for systematically accounting for each member of the original Class and determining his or her status until exit from school subtly encourages LEAs to change classification as a convenient method of reducing liability for compliance with PJ Settlement Agreement.” At minimum, we repeat “the CSDE must account for every member of the original class, carefully investigate each instance of a change in classification, require corrective actions or compensatory education when appropriate, and report the results of these investigations.” (p.8)

The EAP agrees with a statement in the Plaintiffs response to AR4 that best describes our attitude toward class erosion, “ Every problem we are told, whether it is inadequate consideration of placement in regular classes or racial gender bias in labeling and placement, can be solved by reclassifying and removing children from the class, without examining what has happened to the children affected by longstanding discriminatory and illegal practices.” (pp.2-3)

The Class count of students in two districts, Bridgeport and New Haven, has decreased dramatically from 1998 to 2005, from 523 to 153 in Bridgeport, and in New Haven from 543 to 170. West Haven has reduced in ID count from 108 to 38 students over the same time span. This large reduction in ID Class count is of concern to the EAP, as we shall describe.

Given the data and the EAP questions about the mobility and erosion of the class (questionable reductions in Class membership), we believe CSDE needs to include a special effort to more closely examine class membership within LEAs from inception of the PJ agreement. The burden of proof lies with the local districts in ensuring that Class members receive a free and appropriate public education in the least restrictive environment but it does demand a consensus definition from CSDE of what constitutes regular class placement and time with typical students.

The EAP believes the issue of exodus from the Class was never resolved in the Settlement Agreement between the Plaintiffs and Defendants and continues to cause conflicts between the two affecting resolution of the Agreement. The Court may wish to consider bringing the parties together again to find a means of resolution.

### ***Program Evaluation***

CSDE did contract for a program evaluation study and involved the EAP in the contract specifications. What became clear to us then and now is that the agency is still reluctant to articulate its own theory of change and put into place a comprehensive, longitudinal impact evaluation study that will enable it to assess



the relative impact of interventions geared to the theory in the accomplishment of measurable outcomes referenced to each of the five goals. The EAP continues to advocate for an impact study.

### **III. RECOMMENDATIONS**

With two years left, the EAP thinks it is time to consider practicing a form of educational triage. It is time to press intransigent districts monthly (including the collection of accurate monthly data), continue to monitor advancing districts, and give those districts in between a last ditch effort to make the progress we all envisioned through this Settlement Agreement along with quarterly reviews of their progress. With this in mind, the EAP recommendations are outlined below regarding progress toward goals 1, 3a, 3b, 4, and five. Keeping in mind the five barriers indicated in EAP2, we have also organized our recommendations in this report in terms of those same themes.

#### **A. State and Local General Education Ownership**

***A.1. EAP recommends that CSDE re-constitute its targeted group of 8 and 16 into a new group of 14 districts for monthly group focused technical assistance, training, consultation, and monitoring – they are: Bridgeport – New Haven – Waterbury- West Haven – Milford – Danbury - East Hartford- Hamden – Manchester – Hartford – Stamford - Norwalk - New London - and New Britain.***

For this group of districts our concern is their progress particularly on Goal 1, or a major discrepancy in any one goal, and in some cases the movement of large numbers out of the class.

***A.2. EAP recommends that the CSDE integrate and merge functions directed to providing training and technical assistance to the fourteen districts. They require more awareness of total district transformation and reorganization of support for a more comprehensive response to ID Class students in light of their districts as a whole.system.***

***A.3. EAP recommending targeted monthly group training at the district level first, and then individual school team development of appropriate monitored plans of action in line with what we provided again here below.***

We recommended in EAP2 that CSDE needed to merge its state resources into a total district and whole school transformation plan. We are aware of no such major educational transformation of K-12. Special education on its own cannot carry whole school or district transformation or reform. We suggest that the state convene a district consortium of the fifteen Superintendents, Directors of Curriculum and Instruction, and Directors of Special Education, and begin to

engage a consensus plan of benchmark achievement on all goals in 2 years. Working with them alone has not been productive by itself.

***A.4 The EAP believes the required elements needed to be include at the district level are:***

a) a district statement developed by the superintendent and approved by the local board of education should stipulate the purpose and principles that will guide the district response to PJ. This statement should guide general education planning and practices; b) community education should be an explicit requirement of the district office including leading district level training of all parents in the district; c) district resources committed to the plan; and d) a district assessment process that uses the EAP targets should round out the plan. This district statement, or action plan, should include at least the following elements: implementation of community (off campus) instruction, particularly for ID students age 14 and over, that is tied to general education course offerings and credits; commitment of district resources to ID Class parent training; and specific assessment procedures reflecting how the district will achieve EAP benchmark targets in all five goal areas.

***A.5. The EAP believes the required elements needed to be include at the individual school level are:***

A second action plan for each school should include the following dimensions: a) the level of responsibility assumed by general education staff and a disposition to serve all students as measured by teacher knowledge, skills, and attitudes toward ID students; b) allocation and merger of resources to serve all students well year by year in the school to reduce time in transition and inconsistencies in programming from grade to grade or level to level between schools; c) level and type of principal support to be provided; d) quality of special education in support provided in the general education classroom; e) the level and type of intervention used to support students with ID and their parents; f) parent satisfaction and engagement; g) special classes for separate categories of students replaced with school wide student support services; h) use of instructional coaches who use data to form and reform groups of students for more intense services, and l) nature and type of supports needed from special education.

***A.6. The EAP recommends that CSDE convene a meeting of the EAP with Commissioner Sternberg and her Associate Commissioners, along with the PJ Settlement Agreement implementers (Anne Louise Thompson, et al.) to consider these recommendations as well as several from EAP3***

***A.7. The EAP recommends that after the above meeting, the Commissioner convene the superintendents of districts making substantive progress to produce a white paper on PJ its status and need for change, including a description of the policy and practices that have led to their district successes.***

### **B. Examine the Role of RESCs**

***EAP recommends that the RESCs, who account for 124 class members, be brought together to examine their policies, practices, and relationships to each local district in their cooperative. It is particularly troubling in light of federal requirements for least restrictive environment and the terms of the Settlement Agreement that a significant number of students with ID continue to be served RESCs. The CSDE needs to facilitate a thoughtful examination of how and when each student with an intellectual disability served by a RESC might better be supported in his or her home school. It is doubtful that the PJ Settlement Agreement can ever be fully implemented when RESCs continue to serve such a significant proportion of the PJ Class. In fact, there is consensus within the EAP that the RESCs, should with their LEA counterparts, be required to produce a similar two year plan to return the majority of the ID Class students to their local schools. In addition, the EAP recommends that the complicated and layered direct service structures, including but not limited to the RESCs, be examined as potential barrier that is costly and not consistent with the goals of the Settlement Agreement.***

### **C. Examine Role of DCF in Placements**

***EAP recommends that appropriate DCF officials meet with the EAP and the CSDE to discuss the issues and concerns of local school districts with this ID population. If other state agencies such as DOC/USD #1 place ID students, they should also be included.***

While small in number, the students identified as ID and who are placed by DCF and any other agency as opposed to the local school district should be studied to determine how placement decisions are made and the challenges these students present to the local district (pgs. 34-35 & 65 of the Fourth Annual Report). As the Table 14 on pages 34/35 shows, 74% of students are placed out of district by LEAs while DCF placed about 19.4% of this total population of students.

### **D. Impact Study of New Technical Assistance**

***The EAP recommends a Quantitative Study of Results across the five year effort, including the results of the Coaches Academy and Student Response Team.***

The EAP is particularly interested in district acceptance and rejection of intervention recommendations and whether or not those recommendations have been incorporated into each student's IEP.

### **E. Reduction in membership of the ID Class**

***E.1. The EAP recommends that CSDE consider hiring an independent auditing firm to determine where and what has happened to class members.***

The EAP is requesting that the audit firm be viewed as an extension of the Settlement Agreement and the EAP. The audit firm would work directly with the EAP to develop the verification routines and reporting formats of the data provided by the group of fifteen districts.

***E.2. The CSDE reports in their analysis of erosion of Class membership that 52.1% of those examined had resulted in “appropriate reclassification.” The EAP is concerned that these children may be in need of compensatory education or other services to best meet their needs. The EAP recommends that the CSDE require LEAs to examine the needs of these students and document their findings. These findings should be randomly audited by the CSDE to ensure that the rights and needs of the previously inappropriately identified students are addressed.***

***E.3. Given the results of the CSDE’s audit of Class erosion, the EAP believes that the CSDE should develop a procedure for systematically reviewing any reclassification of a student currently identified as having an intellectual disability. The CSDE would implement this procedure and include the results in its subsequent annual reports as part of a more careful examination of PJ Class membership.***

#### **F. Data Accuracy**

***F.1 The EAP recommends CSDE develop “verification routines” together with the EAP to determine what constitutes accurate identification of ID, regular class placement, and monitoring student placement by their individual daily schedules to determine their time with typical peers and the actual match between their IEPs and what is happening instructionally in the classroom. These verification routines will eventually become the standard of practice for what constitutes regular education class placement and time with typical peers.***

#### **G. Over-representation Benchmark**

***G.1 The EAP recommends as part of the analysis of significant disproportionality a risk ratio of 1.5 or less be established. Currently, the CSDE appears to be using a risk ratio of 2.0 and the EAP believes this sets too lax a standard for LEAs.***

***G.2. The EAP acknowledges that the CSDE uses multiple methods to determine disproportionality in the identification of intellectual disabilities.***

***G.3. The CSDE is developing Guidelines for Identifying Intellectual Disabilities and plans to issue the guidelines in the fall, 2005. The EAP would like to review and comment on the Guidelines prior to final issuance.***

***G.4. The CSDE should prepare and implement a comprehensive plan of professional development for school psychologists and PPTs regarding use of the new Guidelines that ensures rapid and full implementation. This professional development plan should include measures of implementation integrity that can be used by LEAs to determine the fidelity of implementation of the Guidelines. These measures should be made available to the CSDE as part of monitoring when it occurs.***

***G.5. Data entry errors documented by the CSDE in the audits of LEA data practices are a concern to the EAP. Identification data are at present not sufficiently accurate to ensure confidence by EAP.***

#### **H. Extra-curricular Definition**

***The EAP recommends that a definition of what constitutes appropriate access and breadth of extra-curricular activities be developed with a focus group of district administrators whose data reflect strong progress on this goal in order to set a standard of practice.***