

**EXPERT ADVISORY PANEL REPORT TO THE UNITED STATES DISTRICT
COURT, DISTRICT OF CONNECTICUT
P.J., ET AL V STATE OF CONNECTICUT, BOARD OF EDUCATION, ET AL
RESPONSE TO THE STATE DEPARTMENT OF EDUCATION ANNUAL REPORT
OF
JUNE 30, 2003
(Second Annual Report- Revised)**

**Submitted by the Expert Advisory Panel
January 30, 2004**

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The Settlement Agreement in *P.J. v. Connecticut Board of Education, et al.* (hereafter referred to as P.J.), contains five overarching goals: 1) increase percentages of “Class” students placed in general education, 2) reduce over identification of ethnic and other minorities, 3) increase in-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 or report from the EAP is submitted in response to the requirement within the Settlement Agreement that the EAP submit an annual report. In this report, we provide, 1) an introduction, 2) commendations, 3) findings, 4) recommendations, and 5) a summary. 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 P.J. case. This report is the first of these since the 2003 report was filed prior to substantive review and input from the EAP.

I. INTRODUCTION

The first meeting of the EAP in Connecticut with the CSDE, the plaintiffs and technical assistance providers occurred on August 13th and 14th, 2002. The second in-state meeting was on October 23 and 24, 2002, and the third on March 6 and 7, 2003. At the conclusion of each in-state meeting, the EAP provided consensus recommendations in a debriefing session. In between meetings, the EAP conducted numerous teleconferences and e-mail correspondence to discuss issues and reach consensus on recommendations. These discussions were in response to the draft 2002 Annual Report on P.J. and the June 30, 2003 Annual Report in addition to preparation for various meetings and information from the CSDE.

Generally, we, the EAP, are concerned that the CSDE’s second year report shows little to no measurable success. Two goals (home schools and extra-curricular participation) show statewide performance in a direction contrary to that which was intended with the interventions provided. While problems in accurate measurement of these two goals by some local school systems may explain some of the variation from year one to year two, the lack of affirmative state-level analysis of hypothesized measurement problems and appropriate interventions is troubling to the EAP. In general, the State has exhibited only modest intentions to address the significant challenges to violations of state and federal law. The lack of improvement targets have yielded minimum progress at both the State and local levels. We have grave reservations about the resources being allocated with little return on the movement of students to the desired ends. This conclusion applies to all five goals of the Settlement Agreement.

We are also concerned that the CSDE strategy has primarily directed its efforts towards the problem to be solved by the Settlement Agreement to special educators at the local level, through special educators at the State level, while not engaging general educators in their common, if not primary responsibility. If principal attention is not shifted from the exclusive purview of special educators to both general and special educators, with general educators taking the lead, we

project little sustainable progress across all five goals for the duration of the Court's and the EAP's involvement and thereafter. If access by students with disabilities to general education peers and the general curriculum are the goals of the Settlement Agreement along with home school placement, CSDE's strategy has to fundamentally change and change quickly. As recognized in the No Child Left Behind legislation, all children are general education students. The kind of integrated educational program delineated by the goals of the Settlement Agreement require "ownership" of the process by general education teachers and administrators at the local district/school levels. History has shown that such systems-change efforts cannot be accomplished through special education alone. General education at the State level will need to assume responsibility for and drive this process forward.

Finally, the role of the EAP in oversight of implementation of the Settlement Agreement must be considered. During the first year of EAP involvement, the CSDE accepted only 38% of the EAP's written consensus recommendations and 50% of the recommendations that flowed during the actual meetings of the EAP with the CSDE. While we are consistently reminded of our advising role, we have to offer conjecture as to whether a higher percentage of acceptance would have resulted in better outcomes.

II. COMMENDATIONS

The EAP wishes to commend the CSDE for its efforts on several fronts. These involve, A. the provision of data and information, B. the inclusion of preschoolers with intellectual disabilities/mental retardation as Class members, C. reaching out to parents and families, and D. technical assistants' reflection upon the strategies they have employed and their effectiveness.

A. Provision of Data and Information

First, the CSDE has always been responsive to the EAP in responding to its data requests and modifying presentations of data based on EAP recommendations. The June 30, 2003 report provided by the CSDE was formatted and written in an informative manner portraying information in a non-judgmental manner (as recommended by the EAP after our initial review of the draft document). This allowed the EAP to make determinations as to the CSDE's progress and then to make recommendations for future directions. The openness of the CSDE to this form of input is commendable.

B. Inclusion of Preschoolers as Class Members

Second, including preschoolers with intellectual disabilities/mental retardation as part of the data analysis and goal setting (in effect making these children Class members) is meritorious. The EAP projects that the issue of overrepresentation of students of varying ethnicities in the Class will ultimately be better understood and result in more effective educational interventions beginning with young children. Scientifically-based research evidence strongly suggests that preschool programs staffed with a certified teacher result in reductions in the number of children referred for special education programs in later years, especially for those children from impoverished communities.

C. Reaching Out to Parents and Families

Third, the CSDE has made an initial and continuing effort to inform and reach out to parents and families. They have provided meetings for parents and families across the state to inform them about P.J. et al, the CSDE's expectations and families' rights. The CSDE has often contracted with local parent groups to sponsor these meetings. They have also used various strategies to attempt to get feedback from parents and families about how the CSDE might attract larger numbers of parents to these meetings in order to serve them better.

D. Technical Assistants' Reflection

Fourth, the State's Special Education Regional Center (SERC) staff in Section Three of *Statewide Lessons Learned and District Results* (pages 35-38 in *Appendix 2: A Report of SERC's Technical Assistance and Professional Development 2002-03* (CSDE June, 2003 report) record 17 observations that highlight key next steps to meet the goals of the Settlement Agreement. The EAP agrees that many of the SERC's observations need serious consideration as part of the CSDE over-all technical assistance and monitoring plans. We have selected the following items from SERC's remarks in support of our forthcoming recommendations.

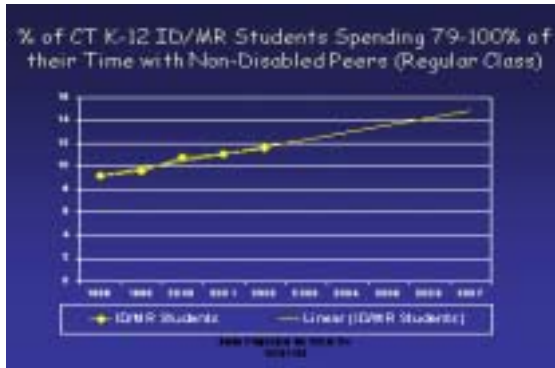
- "We've only just begun" – confronting the status quo
- Commitment of district leadership
- Local vision, capacity, and infrastructure
- General education involvement
- Knowledge and skills – proximity to the training
- Action planning
- Clarity of goals and purpose
- Explicit connections to the Settlement Agreement
- Examination of data

III. FINDINGS

The findings of the EAP can be grouped as follows: A. Depicting Data, B. Low Expectations, C. Resources, D. Leadership Focus, E. Training and Technical Assistance, and F. Involvement of Institutions of Higher Education.

A. Depicting Data

Our first finding is that the CSDE is using data in inappropriate ways to depict state-level progress while projecting unacceptably low expectations for compliance. The expected outcome 15% in 2007 of CT K-12 ID/MR Students Spending 79 – 100% of their Time with Non-Disabled Peers (Regular class) is unacceptable, which leads us to argue that the CSDE expectations are not sufficiently high to ensure meaningful compliance with federal law (see the CSDE graph below indicating 15% for 2007). The line of projection



is from approximately nine (9) percent in 1998 to 15 percent in 2007, or an increase across 10 years of six (6) percent. The CSDE provided information for discussion at the October, 2003 meeting of the EAP that contained graphs with trend lines extended through hypothetical “target” data for Years 03, 04 and beyond. Trend lines should reflect only obtained not hypothetical data. The Court is referred to the EAP’s recommendations for its acceptable benchmarks and their graphic portrayal further

into the text. The use of projected data in some of CSDE’s graphs results in misleading conclusions and this practice should *not* be used.

B. Low Expectations

Our second finding is that CSDE has low expectations for local education agencies (LEAs) in meeting the requirements of federal law and the P.J. Settlement Agreement. The expectations in the local plans submitted by the targeted 24 LEAs are too low and will not lead to significant implementation of the Settlement Agreement. Further, the CSDE does not have established criteria by which they judge the appropriateness of LEA goal setting for compliance with P.J. and federal law. The resources allocated here to the non-competitive grant process do not embody the accepted principles of systems change. After the second meeting of the EAP in Connecticut on October 23 and 24, 2002, the EAP developed a set of recommendations that included a strong proposition that a competitive incentive grant be used to stimulate district level progress on the P.J. goals. The EAP’s recommendations were forwarded to the CSDE via e-mail on December 17, 2002. Ignoring the EAP’s recommendations, the CSDE created a non-competitive grants program with less specific direct linkages to the five goals than proposed by the EAP to be implemented with LEAs. The result appears to be LEA plans in some instances with low expectations and inadequate allocation of resources. The lack of a competitive basis for grants has led to many LEA plans that will not result in a substantive change for effective implementation of the P.J. Settlement Agreement.

C. Resources

The EAP’s third finding is that the CSDE has not allocated sufficient resources to implement the P.J. Settlement Agreement. The CSDE responded to the EAP’s recommendation of a competitive grant program vs. a non-competitive program via e-mail on January 22, 2003 citing a 20% reduction in its budget due to action by the Governor and two rounds of layoffs. However, a document entitled *CSDE Report on Staffing for Settlement Agreement* was issued on August 25, 2003 indicating a continuous increase in staffing for both the CSDE and the SERC from 2001-02 to 2003-04. While this is seemingly encouraging, the staffing report includes five general education staff ranging from the Commissioner to various Department consultants whose FTE

assignments to the Settlement Agreement are listed as “NA” (or not applicable). Again this kind of information reporting is misleading.

D. Leadership Focus

Fourth, the EAP finds that the CSDE overall strategy to focus on special education to increase movement toward desired outcomes is flawed. Since general education is the base for education of all children and all State- and district-level special education personnel answer to personnel who are generally associated with the total school population that includes children eligible for special education, it is logical that significant movement on the five goals of P.J. will not be accomplished without the involvement of district as well as school level leadership and general education teachers.

E. Training and Technical Assistance

Fifth, the EAP finds that the training and technical assistance school districts have received to implement the five goals has primarily been about awareness of the needs, planning for improvement and initial technical assistance. This strategy has not resulted in movement of significant numbers of children and youth with intellectual disabilities/mental retardation into general education school and classroom environments and thus far has had the effect of reinforcing low expectations for change and substantive improvement.

F. Involvement of Institutions of Higher Education

Sixth, the EAP finds that institutions of higher education (IHEs) have not been significantly involved as important partners or targets of systems change to implement the P.J. Settlement Agreement. IHE involvement has been neglected while CSDE focused on the need for awareness of the knowledge and skills of teachers and administrators required to implement the Settlement Agreement. Without the involvement of the IHEs, and CSDE’s encouragement of the IHE programs and faculty, the State will always be in an in-service mode (i.e., training teachers on the job after they have left IHEs) because the pre-service preparation of teachers and administrators will not meet the expectations of P.J.

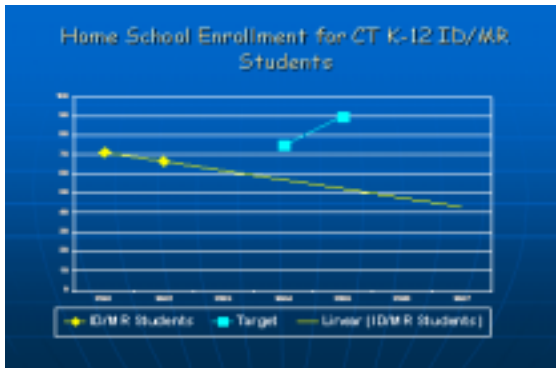
IV. RECOMMENDATIONS

The recommendations of the EAP can be grouped as follows: A. those involving benchmark data B. collection and reporting for the purposes of analyzing progress and subsequent adjustments to the strategies employed, C. locus of State and local district leadership to improve the potential for desirable outcomes and sustainability, D. building capacity throughout the State of Connecticut’s educational systems, and E. technical assistance.

A. Benchmarks

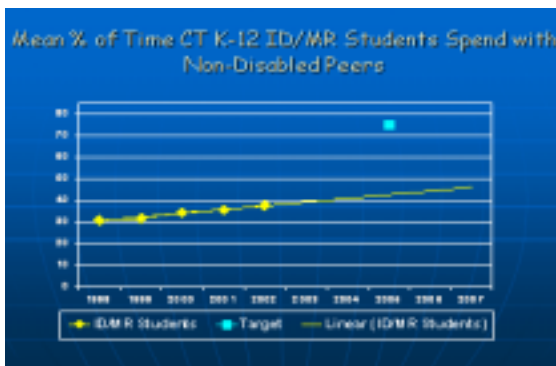
The EAP recommends measurable benchmarks for each of the P.J. goals in the Settlement Agreement for the State. For home school enrollment, mean percent of time with non-disabled peers, and the percent of students spending 79 – 100% of their time in the regular class, each recommended benchmark is accompanied by a graph illustrating the appropriate way to represent the benchmark and the actual progress being made. The squares are the desired benchmarks in the years we expect they would be met. The diamonds are the actual progress being made across the years with corresponding trend lines through obtained data on a year-by-year basis. In the absence of targets provided by the CSDE, the EAP suggests benchmarks that set high expectations for the state reflecting the spirit of full implementation of federal law. Following are the proposed benchmarks accompanied by the corresponding graph.

1. The EAP recommends that 90% of students with intellectual disabilities/mental retardation be in their home school by 2005.



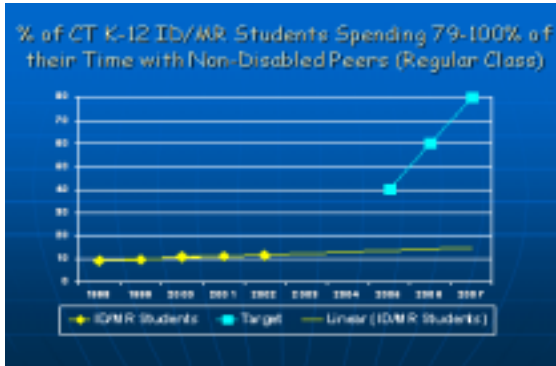
Rationale: In all but rare and complex circumstances, students with intellectual disabilities should be in the school they would attend if they did not have a disability.

2. The EAP recommends that 75% mean time be spent by Class students with non-disabled peers by 2005.



Rationale: Based on a review of the research literature, the EAP finds that 75% mean time is a modest expectation for 2005.

3. Forty percent (40%) of Class students with intellectual disabilities/mental retardation should be in regular education classes for 79% or more of the day by 2005 and 80% by 2007.



Rationale: The benchmark is graduated from 2005 to 2007 to convey that improvement on this goal must be meaningful and continuous over the years of implementation of the Settlement Agreement. Eighty percent is a reasonable target for full implementation of the Settlement Agreement.

4. The percentage of students with intellectual disabilities participating in extracurricular activities (excluding competitive activities) in each school should equal or exceed the percentage of typical students' participation.

Rationale: Students with disabilities may need more time in extracurricular activities to learn and benefit from the experience.

5. A benchmark for non-discriminatory assessment needs to be established.

6. All trend analysis should be done on the basis of actual not projected data.

B. Data Collection and Reporting

Following are the EAP recommendations for data collection and reporting:

1. **CSDE intervention with targeted LEAs** It is recommended that each school with each district targeted in the groups of eight and sixteen prepare a bi-monthly progress report on students in the Class and their movement across the goals of the Settlement Agreement for the CSDE. It is further recommended that these data be reviewed bi-monthly with the Superintendents of each district and Associate Commissioner Coleman and Chief of Bureau of Special Education Dowaliby in Hartford. Progress should be reviewed across the districts, monthly goals yet to be attained should be identified, and strategies that work for students and staff should be shared.

2. **CSDE data audits** To ensure the fidelity of district data collection, any year to year data discrepancies regarding participation in home school and extracurricular activities should be audited by the CSDE for any LEAs that show discrepancies from year to year.
3. **Disaggregation of data by ethnicity** The CSDE should annually disaggregate the data to determine the progress of ethnic groups of children on the five goals.
4. **Disaggregation of data by age** The CSDE should also annually disaggregate data by age (3-4 years, 5-11, 12-13, 14-18, and 19-21) in order to determine any trends by age group, refine LEA planning and to better ensure effective transitions between age-level buildings and programs.
5. **Analysis of changes in data** To ensure that children in the P.J. Class do not “migrate” to other disability categories, the CSDE should conduct a thorough examination of changes by age level in the data regarding disability classification.
6. **Data on due process** Data regarding the number of due process cases related to aspects of the Settlement Agreement should be presented annually to the EAP for their analysis and recommendations.
7. **Evaluation of parent/family participation** A postcard evaluation system should be developed for parents to indicate their feelings about their participation in the PPT, school-based planning and evaluation of the school implementation progress.
8. **Measurable LEA plans** The SERC needs to develop technical assistance plans that are measurable.
9. **Allocation of EAP time in-state to collect information** The EAP has determined that one-third of our time when we are in-state should be utilized to gather information and to support local implementation through site visits to schools, conference participation, etc.

C. Locus of State and LEA Leadership

To date, the locus of State leadership has been with the Bureau of Special Education. The locus at the LEA level has been with special education directors or supervisors.

1. **General education leads implementation of P. J.** The EAP recommends that the responsibility for implementation of the P.J. Settlement Agreement be moved from the Bureau of Special Education to the Associate Commissioner of Educational Programs and Services. This move is both symbolic and strategic. First, as a symbol, this movement suggests the improvement of the education of all children requires that they all be held to the same high expectations, that all of them may need some level of support to be successful, and that the merger of personnel from general and special education are more effective working in tandem than working separately. Each bring their unique resources to impact the education of all students. We suggest that this integrated ad hoc task force,

drawn from curriculum staff of Dr. Coleman in literacy and mathematics and from G. Dowaliby's staff on special assignment to P.J., oversee a statewide technical assistance system that ties district and school capacity building to individual students with intellectual disabilities/mental retardation and its implementation, monitoring, and evaluation.

2. Strategic nature of move The move is strategic because it accelerates the movement of students with intellectual disabilities/mental retardation more rapidly toward more ambitious benchmarks than those achieved in the first 14 months in the current strategy. The move will be the responsibility of P.J. in the hands of the teachers who have the curriculum and subject matter expertise supported by special education teachers who know the unique learning styles of students with intellectual disabilities/mental retardation and how to differentiate instruction appropriately to ensure higher levels of student performance. It is also strategic in that it merges resources that can impact all students. It is also an embedded form of professional development that can impact all students. It makes P.J. a part of the constellation of requirements under state and federal accountability. Research data indicate that embedded instructional support services to students with intellectual disabilities/mental retardation increases their performance while not hindering the performance of typical students. These practices do not add an additional burden to the work of general educators, but do increase the time and interaction by students with disabilities with their typical peers.

D. Building Capacity

Following are the EAP recommendations for building capacity:

1. Resources to build capacity The EAP recommends that the CSDE develop a request for proposal (RFP) to create an Instructional Coaches Academy (Academy) with an external provider. A key missing link in the State's developing technical assistance system is the lack of teacher expertise in schools to create "wrap around" services for individual Class members across the state. The Academy is designed to increase the capacity of general and special educators to provide support for P.J. identified Class members and their families. The Academy would also serve to link IHEs and their pre-service teachers with a rich field-based curriculum and practicum experiences that would likely increase the quality of their preparation and their ability to work with members of the class in their initial teaching assignments.

2. General education/special education teams Current external consultants in the State of Connecticut with extensive expertise with this Class of students should join IHE teacher education faculty in creating the curriculum and providing on-site coaching in the initial group of 24 targeted school systems. We recommend general and special education teams from the elementary, middle and high school level be invited to be the initial trainees in the Academy.

3. Program development in LEAs A cadre of 50 highly qualified professionals per year for the next three years should be developed to constitute a group of technical assistants

in the State in order to build local capacity statewide along with a cadre in each individual school district. This should result in each district identifying at least two lead program developers to work with an external team of technical training coaches to provide in-classroom coaching for all general education lead teachers and special education support teachers working to increase the quality of instruction and time with non-disabled peers for students in the class.

4. Building capacity in targeted LEAs The EAP recommends that within each of the eight and sixteen districts, at least two lead program developers be identified to work with an external team of technical training coaches to provide in-classroom coaching for all general education lead teachers and special education support teachers working to increase the quality of instruction and time with non-disabled peers for students in the Class. A suggested model is the City of Boston's literacy coaching model which uses a coaching protocol where a lead coach supports groups of eight teachers and their Principal who learn through in-classroom demonstrations how to teach language arts and English. All of this takes place in an eight-week process consisting of framing the approaches, demonstrating through actual teaching with group observation, and debriefing. The practice team is released one day a week for eight weeks to participate.

5. Technical assistance for individual student needs The EAP recommends that the CSDE incorporate a back-up system of technical assistance where skilled educators are able to respond within two working days to requests from individual districts or parents for technical assistance for individual children, their teachers and their families. Such individuals should be able to be on-site in the child's school and classroom(s) to conduct observations, demonstrate effective strategies, identify resources and meet with school personnel and families to resolve issues, that if left unresolved, might result in the child's removal from the general education classroom. These individuals should also be available to participate in individual school and district in-service training programs for general and special educators. They should keep a detailed record of the problems addressed and the strategies used to ameliorate them. This record should be posted on the CSDE website for dissemination and possible replication. This back-up system is especially important when children are returned to their home school where teachers have not had prior experience with them and where the students may have considerable needs for curricular modification, adaptations and behavioral intervention plans.

6. Funding targeted school change In order to build acceptable models for Connecticut schools, the EAP recommends the CSDE reconsider the application for the school-wide model RFP to make the funding competitive. Ideally, we would recommend that within a district, the RFP be designed to include an elementary, middle, and high school if possible, but not to exclude a single building from applying. We additionally recommend that the CSDE identify three high schools as pilot sites to create new models to implement the Settlement Agreement. High schools are often the places where the least restrictive environment provisions of the Individuals with Disabilities Education Act (IDEA '97) are not widely implemented. To what extent in Connecticut restrictive high school placements are made, will not be known until data are disaggregated by the age groups recommended earlier.

7. Build capacity in institutions of higher education To build capacity in the institutions of higher education, the EAP additionally recommends that the CSDE should,

- a. Develop a cadre of IHE faculty in partnership with local school districts that can support implementation of the Settlement Agreement. CSDE might consider providing grants to the regional universities across the state to form partnerships with the targeted districts.
- b. Develop a program approval process for IHE teacher and administrative preparation that supports a merged system of supportive education for all students consistent with P.J.
- c. Develop an IHE/school district small grant program to foster partnerships to assist in the implementation of P.J.

8. Parent involvement in building capacity Finally, the EAP recommends that parents be represented in the development and/or implementation of all the afore-discussed items. Research evidence indicates that when parents are involved, the innovation has a higher probability of being effectively implemented.

E. Technical Assistance for Instruction and Environment

This final recommendation on technical assistance builds upon lessons learned from strategies to create the incentive, knowledge and skills in educators at the classroom level to meet the goals of the Settlement Agreement. The CSDE and the SERC have worked industriously to get district and school leadership attention, awareness, and willingness to provide access to teachers regarding the goals of the Settlement Agreement and beginning knowledge and skills that should lead to successful implementation of the Settlement Agreement. The target, however, needs to be instruction and environment leading to student results; classroom instruction and environment that is welcoming and effective. These recommendations could shift the focus on to district accountability for results and away from expression of awareness, access and introductory skills. They (CSDE and SERC) would also place the focus on instruction in the classroom and on skill building related to beliefs and values. The change needed here is that both general and special education teachers see all students learning what they want them to learn and be able to see evidence of progress. Teachers need to see the learning occur in the settings where they control the time and the work they give students both in the content and social areas of the curriculum. How they create a community of learners who care about one another is ultimately one of the moral purposes of public education that requires everyone's attention.

V. SUMMARY

This EAP report is in response to the requirements of the *P.J. et al v State of Connecticut, Board of Education, et al.* It contains, 1) an introduction, 2) commendations, 3) findings, and 4) recommendations.

In the introduction, the EAP describes the nature of our meetings with the CSDE and how we arrived at our consensus recommendations. We expressed concerns about the CSDE's Second Annual Report indicating little to no measurable success thus far. We are concerned about the lack of involvement of the general education community at all levels. The fact that the CSDE accepted only 38% of the EAP's written consensus recommendations and 50% of the recommendations at the on-site meetings is problematic.

The EAP commendations includes a willingness on the part of the CSDE to, 1) supply the EAP with data and information, 2) include preschoolers in the P.J. Class, 3) reach out to parents, and 4) support SERC's provision of training and technical assistance. The EAP is cautiously encouraged that the insights garnered by the CSDE and the SERC based on data and other information will lead to the use of change strategies that are more direct and research driven.

The EAP identifies three of six findings that are especially troublesome. The first is the low expectations of the CSDE for movement on the five goals of the Settlement Agreement. Another is the CSDE's and the SERC's principal focus on implementation with special educators as the leaders when the problem is with a system that is dependent on both special education and general education at the individual school, LEA, and State levels. Third, the non use of broad-based university involvement, whether that involves the selective use of the expertise of individual faculty or the lack of availability of faculty with expertise, is a concern for the EAP. Without university expertise preparing teachers to provide the educational interventions required in P.J., the State at all levels will remain in an in-service mode unable to recruit new teachers who have the desired skills for implementation.

The EAP makes five recommendations that involve, 1) benchmarks, 2) data collection and reporting, 3) the locus of State and LEA leadership, 4) building capacity, and 5) technical assistance. Regarding benchmarks, data collection and reporting, the EAP recommends benchmarks that are significantly higher than those discussed by the CSDE in its draft projections. We also make recommendations regarding appropriate display of the actual data compared to the desired benchmarks. The EAP recommends that the locus of State and LEA leadership to implement P.J. be shifted from special education to general education emphasizing a partnership between the two. We further recommend that the CSDE creates an Instructional Coaches Academy that utilizes expertise from general and special education professionals at the local and state levels in partnership with universities across the State. A back-up system of technical assistance is important. This system should have a response time of two days or less to assist an individual child, his/her family and his/her teachers develop appropriate curricular modifications, adaptations, and a behavioral intervention plan when the child is in danger of being removed from a regular classroom placement. Further, the EAP recommends that the CSDE reconsider the application for the school-wide model RFP to make funding competitive. The EAP's final recommendation is for technical assistance that focuses explicitly on instruction and environment rather than only on awareness and access.