

**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, 2004
(Third Annual Report- including August 2004 Addendum)**

**Submitted by the Expert Advisory Panel
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The Settlement Agreement in *P.J. et al. v. State of Connecticut, State 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 second of these since the first Annual 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. Subsequent in-state meetings occurred on October 23 and 24, 2002; March 6 and 7, 2003; April 30 to May 2, 2003; October 7 to October 10, 2004; January 20 to January 24, 2004; and May 5 to May 7, 2004. At the conclusion of each in-state meeting, the EAP provides consensus recommendations in a debriefing session and in a written exchange with CSDE following each in-State meeting. In between meetings, the EAP conducts numerous teleconferences and e-mail correspondence to discuss issues and reach consensus on recommendations. These discussions also occur in response to draft Annual Reports on P.J. and the actual Annual Reports in addition to preparation for various meetings and information from the CSDE.

In our January, 2004 report the EAP expressed concern that the CSDE’s second Annual Report on P.J. showed little to no measurable success toward progress on the five goals. Regrettably, we conclude that the third annual report (hereafter referred to as AR 3) continues to reflect little or no measurable progress. Consider the eight I.D.-focused Monitoring Districts. Of the eight, only Shelton and Enfield indicated any substantive progress on measured goals. Because Shelton has fewer than 20 students, its data must be interpreted with caution, since movement of only one or two students can strongly influence percentage indicators of progress. This problem is recognized by CSDE on page 20 of the AR 3. Several of the eight districts are continuing to show *declining* percentages of regular class placement over the period from December 2003-June 2004 (Bridgeport, New Haven, West Haven). Another alarming trend in the data from these eight districts is the decrease in the percentage of I.D. class members. Between 2001 and 2004 the median reduction in the child count for the I.D. Class is 30.5%, nearly a third of the Class (range 11% - 53%). Obviously, one of the simplest solutions to the requirement

of the P.J. Settlement Agreement (hereafter referred to as PJSA) would be to reclassify the students into some other category to avoid compliance. A reduction of nearly a third of the class members of these 8 districts over a 2 ½ year period raises this phenomenon to the level of a distinct concern.

Consider the second group of 16 Focused-Monitoring ID Districts. In terms of progress toward EAP recommended benchmarks, only 3 districts: Meridan, Norwich, and Bristol reported positive trending data. The remaining thirteen reported flat (no trend) to downward (negative) trending data. Of these, East Haven, Hartford, New London and Wallingford are reporting data that are directly counter to the expectations of the PJSA. Again, the declining child count in the ID class across these 16 districts is a matter of concern to the EAP. The median percentage reduction from 2001 to 2004 is 18.5% (range: -42% in New London to +35% in Bristol). Only Bristol and Hartford showed class increases, while four of the Districts (New London, Wallingford, Hamden and East Haven) have reduced class membership by nearly one third or more.

In our first report, we expressed grave reservations about the, “. . . resources being allocated with little return on the movement of students to the desired ends” (p.2). We attributed this lack of progress primarily to the issue of special education at the State level talking to special educators at the local level, with no clear responsibility assigned to or acknowledged by the greater system of general education at the local level. We said, “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” (pp. 2-3). Implementation of the five goals of the Settlement Agreement will require *systems change* of a significant magnitude in the local district schools. Special education controls less than 15% of the teaching/learning process at the level of schools. Without “ownership” and “buy-in” of these system-change processes by general education, requisite systems change cannot realistically be expected to occur, regardless of CSDE efforts.

Our primary recommendation in the first report was “1. General education leads implementation of P.J.” (pp. 9-10). The CSDE response to this recommendation is provided on pp. 110-112 of the June 30, 2004 Report and consists of five major action plans: 1) CSDE offices for Special Education were moved from Middletown to Hartford and placed in proximity to the offices of the Bureau of Curriculum and Instruction; 2) Meetings were held by top CSDE administrators on the focus areas of policy, training, systems and families/community. *Ad Hoc* groups were to be formed and discussions held at the Commissioner’s cabinet level; 3) correspondence is now directed from CSDE to Superintendents of Schools instead of Special Education Directors; 4) SERC training underwent corrective action to require the participation of Principals and other district level personnel to develop a district level strategy; and 5) targeted monitoring of school districts is being implemented to verify data and to verify program implementation of state and federal rules and regulations, including practices that support PJSA goals. While these three efforts would seem to collectively constitute a step in the right direction, we feel that much more will be required in the short term to achieve meaningful general education ownership of the process at the local level.

II. COMMENDATIONS

The EAP wishes to commend the CSDE for its efforts on several fronts. These involve, a) the responsiveness of CSDE data analysts to EAP requests and the persistence in data mining efforts to uncover potential reasons for lack of progress; b) ongoing efforts to provide systematic monitoring of CSDE efforts locally through beginning a process of incorporating program evaluation methods; and c) efforts to involve the State Institutions of Higher Education (IHEs) in the provision of local support through troubleshooting and technical assistance.

A. Responsiveness of CSDE to requests for data mining and analysis efforts.

CSDE continues to be responsive to the EAP in responding to data requests for new looks at existing information and for presenting data in Annual Reports that afford objective examination of real progress (or lack thereof) toward the P.J. goals. EAP appreciates and commends CSDE for including EAP-recommended benchmark indicators on the Annual Report charts, even though CSDE is in clear disagreement with the EAP recommended benchmark standards. Given its objections, CSDE could have chosen to eliminate these indicators from its reporting format.

B. Program Evaluation

CSDE is making a good initial effort to respond to EAP recommendations that it adopt systematic, data-based methods to evaluate the impact of its various interventions to accomplish progress on P.J. goals. It has contracted with a local evaluator to, 1) help districts put into place participant evaluation structures to enable them to become self-evaluative over time; and 2) collect qualitative data in some districts to get participant perspectives on the *perceived* impact of CSDE initiatives with respect to P.J. The EAP considers this a good first step in using program evaluation to guide resources.

C. Technical Support to Districts

Though still at seminal stages, the CSDE has responded favorably to the EAP's recommendation to provide an ongoing structure for local technical assistance to problem districts in part, by involving regional IHEs in the process. Also, CSDE continues to monitor in a focused manner to communicate PJSA importance, verify data, directly observe program practices, and provide recommendations for further development of school progress toward PJSA goals.

Finally the EAP commends CSDE for its willingness to establish (with EAP) a formal process by which EAP recommendations can be documented and responded to following EAP in-state visits.

III. FINDINGS

As stated in the Introduction, the EAP is gravely concerned with the lack of meaningful, measured progress on the five goals. CSDE, on p. 11 of the AR 3 states, "In

summary, the State continues to realize continuous improvement on all five goals of the Settlement Agreement.” This statement suggests that a significant discrepancy continues to exist between an EAP consensus on *Meaningful measured progress* and on *reasonable expectations* on the one hand, and CSDE understanding of their obligations under the Settlement Agreement on the other. We feel that it is of the utmost importance that CSDE recognize and acknowledge that progress on the five goals is largely absent, and direct its energy and resources toward meaningful, substantive efforts to begin to obtain serious movement on the part of all but a few of the 24 Districts toward compliance with the goals of the Agreement.

We find that there are five significant barriers to successful realization of the five goals of the Settlement Agreement. These are: 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 overall program evaluation strategy with which to estimate progress as a function of specific interventions.

General Education Ownership

Movement of State-level administrative offices into greater physical proximity and starting discourses on the P.J. goals across Divisions and Bureaus is a first step. However, specifics of general education direction of the process at the level of the local districts have yet to be delineated. If local districts assume they can “stay under the radar” by reduction of Class membership and moving a few students per year into general education classrooms and settings, again, the job will not get done. To the Superintendent of a medium to large size district the relative handful of students affected by the *P.J. Settlement* must look like “small potatoes” and something that the special education director’s, as they should have done historically, should be able to handle. Realization of the P.J. goals must be made the responsibility of superintendents, directors of curriculum and instruction, and principals, *with support from* special educators, to get meaningful, measurable progress, in our view. To date, no specific actions have been undertaken to achieve this recommendation other than to invite general education teachers and to require principals to attend building-level training sessions. SERC staff continue to identify a consistent set of themes regarding LEA system commitments to integrate school improvement practices that effect each of the PJSA goals.

Monitoring. A review of monitoring practices in the Third Annual Report suggests that monitoring data and program implementation at the school level is insufficient. Given the PJSA goals, we have consistently suggested a district level intervention and recommend that a district as well as individual school capacity assessment to meet PJ goals become part of the monitoring process of CSDE.

District capacity assessment factors should include leadership purpose and commitments; infrastructure, resource, community development and education, and an assessment process to determine if individual schools are meeting their improvement targets inclusive of the PJSA. School capacity factors should include leadership and resources commitments including access to ideas and resource personnel to move the school’s staff and the community’s knowledge, skills, and dispositions forward to be inclusive of all students learning both academic and social behavior. This capacity

assessment should include whether the staff is assuming responsibility for teaching all students, using data in teams of general and special educators to judge student progress in the curriculum, and the grouping and re-grouping of students for intensive services and programming as appropriate.

CSDE needs to reconsider the focus and scope of its monitoring strategy to be inclusive of all school improvement activities and district support for them to reduce the perceived and actual fragmentation of staff and services into “yours and mine” and put the focus of PJ into the hands of general educators who are being asked to program for students with disabilities in their classrooms. This monitoring needs to proceed using a *non-categorical* standard of practice rather than a *continuum of service* practice standard. The large gaps in student achievement and behavioral performance require a new standard of practice to guide the instruction of all students.

As SERC recognizes in its Report, Technical Assistance and professional Development, 2003-2044 (AR 3 Appendix 2), the disparate and fragmented nature of the cascade of programs that particularly impact urban schools lead to a perception of the PJSA as just one more requirement to deal with. As they put it:

“While SERC remains committed to ‘scaling up’ via a district level strategy, the team has faced numerous challenges during the 2003-2004 school year in operationalizing this strategy. It appears as though this approach is new to most of the districts targeted by implications of planning strategically at the district level for responsible inclusive practice. Some appear to be interested in utilizing SERC services to simply provide isolated and fragmented training and technical assistance. However, without the coordinated efforts of a critical group of general and special education stakeholders, SERC is concerned that the district will not be successful in developing a comprehensive, coherent action plan or strategy to initiate and implement systemic change that is sustainable, supportive of, and connected to the district’s other priorities and reform efforts.

The *multiple and competing ‘initiatives’* currently in place in many of the districts make it difficult for members of the district level teams to see how they can accomplish all of what they are being asked to accomplish. Many of the Level III and Level II districts are the very same districts that are simultaneously participating in other CSDE and/or SERC initiatives, including, but not limited to, Reading First, Positive Behavior Support, SIOP (Sheltered Instruction Observation Protocol), and Institute for Learning. SERC recognizes the challenge this presents and works with the district level teams to embed the goals and objectives for each individual change effort, including inclusive practice, into the larger improvement plans.” (p. 13)

P.J. can succeed to the extent that it becomes a catalyst to accomplish major systems-change at the school building level, at least two components of which would be unifying the agendas and programs both general and special education; and coordinating all school resources in a manner that all students can benefit from the totality of all specific programs.

Progress Expectations.

CSDE asked the EAP at the outset to suggest benchmarks against which to estimate progress for the five goals. The EAP did so (with full consensus) on all but the over-identification goal. Goal 2 was to have a benchmark established later on, at CSDE request. We deliberately set high benchmarks in order to convey high expectations of local compliance and because comparable achievements of special education reform have occurred elsewhere with no known detrimental effects. There are published reports of positive outcomes for both general education and special education students resulting from fully integrated educational arrangements. We commend CSDE for continuing to indicate these benchmarks in their Annual Reports, but we are concerned that it continues to expressly disagree with the benchmarks in public. (See pp. 96-98 of the Annual Report).

If higher benchmarks are to serve to stimulate *genuine effort* at the level of districts, then such benchmarks cannot continue to be disavowed by CSDE in their published reports. The present situation is that CSDE has effectively *undermined* the EAP suggestion to set higher expectations for local districts by drawing a distinction between “EAP benchmarks” and “district benchmarks” (only ones required). Furthermore, requiring EAP in a public document to supply “scientifically based research reports” (p. 97) to back up its recommended benchmarks is superfluous and conveys a message of seeming to discredit the EAP and tacitly accepts the generally unsubstantial progress by LEAs. Published reports of research on these issues are readily available to CSDE through its own resources, particularly SERC which refers frequently to the research literature in its training materials. Secondly, the EAP membership was presumably selected on the basis of a perception by CSDE and the Plaintiffs of sufficient expertise on the requirements of the PJSA to reasonably advise CSDE. We feel that local progress in implementation will not occur until CSDE conveys measurable, strong, and high expectations of progress to the locals through endorsement of the recommended benchmarks.

Competitive Use of Funds

EAP has consistently recommended that CSDE create a competition among districts to achieve *meaningful* systems change directed to P.J. goals. We suggested that use of its “sliver grants” and other discretionary moneys could give a few districts the opportunity to jump out ahead of the pack; create innovative solutions that could be exported to other districts; gain recognition within-State and perhaps nationally for their successful efforts; and conversely, perhaps discredit recalcitrant districts that do not take the process seriously by comparison.

CSDE has consistently resisted this EAP consensus recommendation on the grounds that it violates the culture of the State-local district relationship. Its latest rejection of the recommendation (D6-1; p. 105 of AR 3) states that CSDE will “*encourage* districts to *consider* competition among their districts’ school buildings or feeder chains when determining the distribution of their grant funds” (italics ours). We respectfully reiterate that simply flowing money through to nonresponsive districts will continue to serve as a substantive barrier to fulfillment of PJSA. Our sense is that it is

precisely that culture of protectiveness and business as usual that must be changed in order to engender real progress. Further, granting money without substantive accountability for results related to P.J. tacitly accepts the generally poor results that have occurred to date.

Reductions in the membership of the Class

The EAP is gravely concerned with the implications of significant decreases in the percentages of students in the I.D. Class. In some of the larger districts, there has been a reduction in the count of class members of over a third since 2001, during a period of national increases in special education referral and identification. The implication is that the districts are, for the most part, taking the easy way out. If “Intellectual Disability” is causing problems, change the classification to something else or declassify the students. CSDE reports a new process to enable it to more closely examine trends in migration of students (AR 3; pp. 45-46) but even with errors in reporting factored in, the result is likely to be too little, too late. The lack of a process for systematically accounting for each member of the original Class and determining their status until exit from school subtly encourages LEAs to change classification as a convenient method of reducing liability for compliance with P.J.S.A. At a minimum, the CSDE must account for every member of the original Class, carefully investigate each instance of a change in classification, require corrective actions when appropriate, and report the results of these investigations.

The EAP further recommends sending a strong signal to local districts that P.J. is *symptomatic* of a larger, more systemic problem, and that the solution lies in reorganizing the *entire* delivery system for special education supports and services to bring it into a more fully integrated system that is squarely under the leadership of the general education system. It needs to be clear that it is the *student* not the label that is at issue in the P.J. Settlement Agreement.

We note here that the Plaintiff’s Comments on AR 3 address this issue as well (pp. 10-11). The EAP agrees with the Plaintiffs that CSDE should not continue to refuse “to consider any student as a class member who does not carry the label of Intellectually Disabled” p.10). The guidelines for classifying students as “multiply disabled” or “learning disabled” are insufficient to consider that these categories are mutually exclusive, reliable service groupings. This consideration will be revisited in an EAP recommendation concerning Goal 2.

Program Evaluation

As we noted in the Commendations section, CSDE has begun to adopt program evaluation strategies, both to empower local districts to become self-evaluative (at least those who choose to pursue systems change), and to gather useful data from the perspectives of those involved at the local district level. However, in our view much more needs to be done in this area. CSDE needs to articulate a coherent *theory of change* concerning the accomplishment of the goals of the PJSA and then 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. Failure to adopt and evaluate a coherent theory of change will function as a barrier to realization of the goals because CSDE will be unable to determine which strategies are successful and which, however extensive, are unlikely to produce measurable outcomes.

II. RECOMMENDATIONS

This report was delayed by mutual agreement of CSDE, Plaintiffs and the EAP to see if the addition of one more data point (June, 2004) might reflect a kind of delayed reaction to some of CSDE's major interventions. It did not. With the exception of slight progress in movement to home school; and some modest gains in extracurricular participation, the extra data points signaled no change in trend. Given where the process is in the PJSA timelines, the EAP feels that strong action is needed to overcome the five barriers we've identified in this report. For these reasons, our recommendations are grouped around each of the five identified barriers to attainment of the five goals (or, at least a trend reflecting meaningful, measurable progress for each).

A. State and Local General Education Leadership

In our first report (January 30, 2004) we offered two recommendations geared to shifting responsibility for P.J. implementation to general education with special education in a supporting role. CSDE responded by beginning a process of accomplishing the first recommended action, at the state level (EAP Report #1: Rec. #1, pp. 9-10). CSDE's actions are documented in AR 3 on pages 110-112. We note here that we respectfully disagree with the Plaintiffs' response to this item in their Comments on AR 3, wherein they state ". . . they (CSDE) have not taken any action that would materially advance the EAP recommendations." (p. 24). Our view is that CSDE has *begun* implementation of our first recommendation, but has not taken action on the second. We rephrase that recommendation here.

We recommend that CSDE immediately require the superintendents of all but a few of the 24 districts to develop action plans with two year timelines for completion showing how each district will achieve *EAP designated benchmarks* for goals 1, 3, and 4 and 5 by the conclusion of the '05-'06 school year. Communication between CSDE and district superintendents should proceed through general education channels. CSDE targeted resources and interventions for the next two years would be tailored to the needs generated by these action plans.

Further, we recommend that CSDE consider a revision of its monitoring process by fully integrating special education data and program standards into a statewide departmental function. A combined general and special education monitoring system needs to examine how schools are meeting the needs of all students. A combined general and special education statewide initiative should treat school improvement as inclusive of all students, using standards of practice that focus on how district and school capacity-building needs to be developed, implemented, and evaluated to reach high levels of student learning.

B. Published expectations of meaningful progress

In our first report, we recommended that CSDE adopt EAP reasoned benchmarks for all but goal 2. For reasons we don't understand, CSDE has resisted this recommendation, choosing to distance itself from these benchmarks in published reports. Since it is clear that CSDE is acting in good faith to make significant efforts to accomplish the goals of the PJSA in other areas, it is puzzling that it resists publication of high standards and expectations for local realization of those goals. The Plaintiffs, in their Comments on AR 3 draw attention to the same problem (p. 14). We agree with the Plaintiffs' contentions that allowing districts to set their own benchmarks will not get the job done. For that reason, we repeat here our recommendations A1 – A5 (pp. 7-8) from our January 30, 2004 Report.

“1. The EAP recommends that 90% of students with intellectual disabilities/mental retardation be placed 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 70% 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.”

We believe it is past the time to establish the benchmark for goal 2. We recommend that CSDE develop new written policy on non-discriminatory assessment; communicate that policy to local districts; design and conduct a professional development program as a topic for school psychologists on a statewide basis; and assess the impact of the new policy. The EAP agrees with the Plaintiffs' Comments (p. 15) that three years after signing the PJSA, to not have published policy and a benchmark on this goal seems unacceptable. Progress on this item was made at the May EAP visit and should continue as a high priority agenda item for the October, 2004 visit.

C. Competitive Use of Discretionary Funds

The EAP in its January 30th report recommended that CSDE “. . . reconsider the application for the school-wide model RFP to make funding competitive.” (p.13). This recommendation is acknowledged in AR 3 (D6.1; 6.2; 6.3; pp. 105-106) but rejected with the response, “CSDE will encourage districts to consider competition among their . . . school buildings . . .” (pp. 105). We do not understand CSDE’s resistance to use its discretionary funding leverage to obtain meaningful systems change at the local level. Simply flowing funds to recalcitrant districts with no real incentives to change seems to send a tacit message that PJSA need not be taken seriously. This is particularly troublesome when combined with the message that EAP benchmarks need also not be taken seriously.

To reiterate, EAP believes that CSDE is acting in good faith to implement the PJSA, but has been reluctant to engage in activities which may change the culture of its traditional relationships with its local districts. It is our view that time is running out and that CSDE should now fire the only large cannons that it has under state and federal law: use of financial incentives through competition among districts to accomplish meaningful change; and use of financial sanctions against those districts that stubbornly refuse to implement the goals of the PJSA.

EAP recommends that the next round of grants geared to P.J. implementation be: a) directed to school-wide systems change with timelines for scale-up with districts; b) increased in amount in order to create genuine incentives for large scale change; and c) strictly competitive to stimulate creative thinking and a spirit of competition across the State.

EAP further recommends that CSDE apply negative financial sanctions against districts that fail to make progress on preparation and implementation of their local action plans (if this recommendation is adopted). These sanctions should be of a magnitude sufficient to generate enough strain at the local district level to ensure that the terms of the PJSA become a local priority.

D. Reduction in membership of the I.D. Class

The EAP has expressed concern about attrition from the I.D. Class from the outset. To date, our recommendations have focused on disappointing state data to try and generate an understanding of which I.D. students are being declassified and those that are being reclassified using another disability label (Report #1, pp. 8-9). Our specific recommendations on this finer analysis of data have to date been modified (A.R. 3, B3.1; B4.1; B5.1 pp. 100-101). We are now genuinely concerned that resolution of this important piece of educational litigation may be accomplished by taking the path of least resistance, reclassification of students, leaving historical patterns of segregation of students with disabilities intact. The Plaintiffs, in their comments appear to be reaching a similar conclusion with their use of strong language (p. 10).

For this reason, the EAP is recommending: (1) a precise accounting for every member of the original PJ Class with an investigation of every class member whose classification has been changed, and (2) a substantive shift of philosophy on the part of CSDE to circumvent resolution of the PJSA by reclassification and phase-out of the I.D. category. We recommend that communication with local districts in the formulation of their action plans; grant proposals and submissions, and all other discussion relative to

PJSA place strong emphasis on non-categorical solutions. In other words, resolution of P.J. will require a focus on *all* disability categories in order to accomplish the level of systems change required at the local level to achieve the goals of P.J. Progress should continue to be estimated using data on the identified class members, as a kind of litmus test of success of effort, but the thrust should be non-categorical. We realize, and are sensitive to the legalistic arguments in favor of holding strictly to the requirements of the PJSA regarding identified class membership. On the other hand, the most likely explanation for the near total failure of local district response to CSDE efforts, is that too much change is being asked to accommodate such a small member of students.

E. Program Evaluation

The EAP recommendation to establish local district capacity to engage in participatory evaluation processes to become self-evaluative was accepted by CSDE and is underway. The second part of the recommendation, to create a longitudinal impact study at the State level, has begun to be implemented, but only in part. The EAP believes that CSDE's contractor for evaluation has excellent qualifications to conduct case study, qualitative research, but this approach will generate useful *supplementary* data rather than assess *overall resource impact on measurable outcomes*.

We recommend that CSDE solicit an overall, quantitative, impact evaluation study to begin ASAP. There are *excellent* evaluation providers throughout New England, who could deliver a credible design for such a project on short notice. Heather Weiss at Harvard, for example, would be a good source for potential contractors. A longitudinal, reflexive, impact evaluation will enable CSDE to understand the relationship of its specific systems-change strategies to achievement of measurable outcomes at the local level. These data will enable CSDE, over time, to prioritize and restructure to address the challenges of integrating special education supports and services more fully with general education curriculum, assessment and instruction.

Finally, we wish to address the issue of technical assistance training, and support to local districts. Many of the EAP's recommendations have been directed to the issue of supporting local districts' efforts to implement the goals of the PJSA. CSDE has been responsive to many, if not most of the recommendations. We note here, for example, that the percentage of EAP's written consensus recommendations and on-site recommendations has risen from 38% and 50% acceptance (AR 2), respectively, to acceptance rates of 65% and 95% respectively in AR 3.

The Plaintiffs, in their Comments (pp. 20-23), suggest failure on the part of CSDE to provide adequate training and technical assistance, and to establish a coach's academy as recommended by the EAP. We do not agree with the Plaintiffs' assertion of overall failure but we do agree with several of their points. We agree that professional development to accomplish integrated education must extend beyond SERC. If this case were solely about special education, then SERC, which is very good, would suffice. Simply having principals and some general education teachers attend special education training sessions, however, is not producing desired results. The goals of the PJSA must be incorporated into school- and district-wide general education professional development, including components of literacy, math and science instruction. Since students with intellectual disabilities must be included in standardized assessments

(except for the lowest functioning 1%) it will be important for general education teachers to begin to learn about adapted curriculum and differentiated instruction for students with disabilities, as they are included in general education classrooms and other integrated general education settings. We therefore recommend that PJSA components be developed for all ongoing general education professional development activities.

We also agree with the Plaintiffs' assertion that reliance on RESCS and CSDE staff for local technical assistance is insufficient (p. 22-23). RESC staff cannot be expected to be competent in fully integrated, collaborative educational service delivery for the I.D. population. We continue to recommend that CSDE develop a list of *outside* consultants from the New England region who have clearly-demonstrated expertise in the various component areas of integrated placement and instructional support. Districts should indicate budgeted line items for these outside personnel and CSDE should solicit evaluative information about their on-site contributions as well as their reflections on their own participation. Apart from the RESC component, the EAP recommends that CSDE move ahead with the involvement of IHEs as delineated in AR 3 on pp. 71-72. All IHE involvement should be contracted between CSDE and the Deans of the Schools of Education, to ensure that general education technical assistance *with support* from special education is paramount.

Finally, though the EAP has not addressed the issue of "cultural competence" previously, we feel it is important to mention here. We ask that CSDE examine the diversity of its technical assistance teams and all others that are working in local districts on PJ. The diversity of the staff, especially those working in the more urban districts, is essential.

III. SUMMARY

In this report we identify five major areas of concern that we believe are continuing to function as barriers to the realization of PJSA goals. We note that even with the delay that we suggested for filing this report, to allow a second 2004 data point to be added to the aggregate data summaries in case of a delayed reaction to CSDE interventions to date; the trends in the data, with the exception of a few smaller districts, remain disappointing at best.

Having identified five barriers, we then move to making, and in some cases re-making, specific recommendations to overcome the barriers. The five areas are: 1) general education ownership and direction of the PJSA process (lack thereof); 2) CSDE failure to communicate high expectations to local districts on meaningful, measured progress; 3) lack of competitive use of funds across districts to stimulate movement; 4) a significant reduction in membership of the I.D. Class; and 5) lack of a comprehensive, ongoing impact evaluation study at the State level.

We are at the mid-point of the proposed PJSA timeframe for realization of the five goals. Yet the combined efforts of CSDE, the Plaintiffs and the EAP have failed thus far to establish meaningful progress as reflected in the aggregate data. We believe CSDE is making a strong effort and is committed to success. On the other hand, its' ongoing resistance to reasonable recommendations to take tough action is puzzling. We all agree that to implement the PJSA, extensive systems-change is required of local districts. Is it not reasonable then to assume that some fairly extensive systems-change will be required of CSDE.

We recommend that a demonstrative change of course be begun immediately that will place general educators firmly in the driver's seat at *all* levels from the school buildings to the offices of CSDE, with special education in the secondary, supportive role; we recommend that CSDE exercise its legitimate leadership role in implementing PJSA and immediately adopt the EAP benchmarks. This action will send strong communications to local superintendents holding them accountable for the development of short-term action plans to realize the goals of the PJSA; we recommend that immediate benchmarks be identified for goal 2 and added to the mix, with whatever needed policy changes and professional development activities targeted to assist districts to realize this goal; we recommend that CSDE immediately exercise leverage with discretionary funds at its disposal to stimulate competition among districts to establish meaningful, measured progress toward the benchmarks, and conversely, initiate financial sanctions against districts that are clearly resisting implementations of the PJSA; we recommend that the entire problem be addressed on a non-categorical basis in order to prevent reduction in membership of the I.D. Class as a simple solution, and to signal the need to reform the entire system of the provision of special education supports and services at the local level. We no longer believe, based on our analysis of the data on implementation of PJSA, that the goals of the Settlement Agreement can be accomplished without a systems change strategy that will affect all educational and educational-support services. We recommend that CSDE immediately solicit and initiate a longitudinal, reflexive impact evaluation study, grounded in an explicit theory of change, to enable it to match resources and strategies to evidence of positive outcomes with respect to the five PJSA goals.

The EAP is optimistic that CSDE can rise to the leadership challenge it faces in fully implementing PJSA. We believe that full implementation of these recommendations in a timely manner will produce significant changes in the trends of aggregate State data reflective of PJSA progress, and that these changes in trends will be obvious by and with the June, 2005 datapoints.