

**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
EAP ANNUAL REPORT
February, 2007**

**Submitted by the Expert Advisory Panel
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OVERVIEW

This is the fourth annual report of the Expert Advisory Panel (EAP) on the Settlement Agreement in *PJ et al v. State of Connecticut, State Board of Education, et al* (Hereafter referred to as PJ). The Settlement Agreement 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 EAP was established to advise the Connecticut State Department of Education (CSDE) and make specific recommendations about, 1) the CSDE’s progress toward meeting 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), findings, 3) commendations, and 4) recommendations. It is our understanding that 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 to all parties to the PJ case. EAP Reports have generally followed the issuance and analysis of annual reports completed by the CSDE. The first EAP (EAP1, November 2003) followed the issuance of the second annual CSDE report (June 30, 2003). EAP2 (September, 2004) followed the third CSDE report (June 30, 2004) and EAP3 (September, 2005) followed the fourth annual CSDE report (June 30, 2005). The CSDE was not required to file an annual report for 2006 but has nonetheless provided progress data and information to the EAP. The EAP is appreciative of the information, including recently received information (dated January 26 and February 28, 2007), that provides the most recent data available on the status of realization of PJ.

1. INTRODUCTION

The EAP delayed its fourth report, in part, because we hoped the most recent state-wide data (collected on October 1, 2006) would have been available for analysis to validate earlier data provided by CSDE. The need for the most current data related to PJ goals is acute because the EAP anticipates that significant conclusions will be drawn from the findings and recommendations of this report. October 1, 2006 data were not available for this EAP Report.

While each of the five goals of the PJ Settlement Agreement expresses a measure and a direction by which to evaluate progress, no benchmark or target is noted for any of the PJ goals. The EAP was told that defendants and plaintiffs could not agree on specific targets as a part of the Settlement Agreement. This

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presented a problem for the EAP in its role of judging the state's progress in implementing the Settlement Agreement. The EAP addressed this problem in its first report (EAP1) by setting benchmarks or targets for Goals 1, 3, 4, & 5 that would define acceptable progress and eventual achievement of success in implementing the Settlement Agreement. The EAP believes that the EAP Targets express in a measurable way the spirit of the Settlement Agreement. Targets were set for 2005 for Goal 1 (Home School = 90%), Goal 3 (Mean Time with non-disabled peers = 75%), Goal 4 (Students w/intellectual disabilities (ID) for 79% or more of the school day = 40%), and Goal 5 (percent of students w/ID participating in extracurricular equals or exceeds typical students). An EAP Target for 2007 for Goal 4 was 80% or more of students w/ID would be with typical peers 79% or more of the school day. Goals 1, 3, 4, and 5 relate to a child with intellectual disabilities' access to typical peers and placement in the least restrictive environment. The EAP set a target for Goal 2, appropriate, nondiscriminatory identification of intellectual disabilities defined as a risk ratio of less than 1.5, in its third report (EAP3).

In our previous reports on PJ (EAP1, EAP2, and EAP3), the EAP expressed concern about the rate and magnitude of measurable progress on the goals of the Settlement Agreement. Progress for the state as a whole continued to occur in 2005-06, although at a slower than expected rate. The EAP remains concerned that the pace of change towards achievement of the targets is unacceptably slow, leading to discouragement by families who held hope for the goals of PJ. **Generally, the targets set for 2007, the projected end of the Settlement Agreement, for Goals 1, 3, 4, and 5 will not be achieved. The EAP believes it may well take three to five years of additional concentrated state effort and attention to achieve the targets.** The EAP is concerned that the level of effort exerted in the past two to three years may not be made beyond the originally scheduled conclusion of the settlement agreement. Further, the focused monitoring, technical assistance, and professional development that has proven somewhat effective will need to be sustained for some time to come in order to ensure that the desired effects of PJ for families remain following a successful completion of the Settlement Agreement.

Slow progress at the state level on Goals 1, 3, 4, and 5, as noted above, was not evidenced by all 169 local education agencies (LEAs). In EAP3, we noted a number of LEAs that required special attention due to a conspicuous lack of progress or even slippage on the targets. Many of those LEAs remain a substantial concern to the EAP and represent a failure at the state level to demonstrate leadership in implementing the settlement agreement for all LEAs. **These particular LEAs may require extraordinary interventions (described in Recommendation 4.1) in order for the state to ensure achievement of the goals of PJ in these LEAs.**

The EAP recommended during its first year that the CSDE devote disproportionate effort and resources to selected large LEAs that held promise to leverage significant change towards PJ goals. In subsequent years, the CSDE added an additional group of 19 LEAs to the initial 24 LEAs selected (total = 43

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LEAs). This approach has produced desired effects in some but not all LEAs selected by CSDE and has leveraged progress for the state as a whole. 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. However, public testimony and data reports on individual LEAs note that implementation of PJ has not been uniform or promising in those LEAs not selected. **The EAP believes that efforts must now be increased for smaller LEAs, not previously selected, that have not evidenced achievement of the EAP targets for PJ goals.**

2. Findings

The EAP has considered data and documents provided by the CSDE, EAP observations during meetings with CSDE, plaintiffs, and other meeting participants, and notes from the experiences in meeting the public during forums and submitted videos in compiling this and our other reports. All these data and information referenced against the EAP Targets for each PJ goal help form a picture of the current status of implementation of the Settlement Agreement and the progress to date.

Given the length of implementation of the PJ Settlement Agreement, data are now available for each LEA for each goal from December 1, 2001 to December 1, 2005. For selected LEAs additional data are available for March and June, 2003, March and June, 2004, and March and June, 2005, and February, 2007. These data tell part of the story of the state and local school systems' commitment to honor the Settlement Agreement.

2.1 Approaching Appropriate, Nondiscriminatory Identification of Intellectual Disabilities. CSDE reported on LEAs currently identifying more than 20 students as having an intellectual disability for four years (2002-03 to 2005-06) using a relative risk index calculation and test of statistical significance. The data indicate for 2005-06 that while the state as a whole for African-American students has an excessive risk ratio (risk ratio of > 1.50) with a statistically significant difference, just one LEA >20 (New Haven) has a high risk ratio (1.83) with a difference that is statistically significant. The data indicate a similar result for the state for Hispanic students with intellectual disabilities but no LEA >20 is significantly disproportionate. The trend is also similar for LEAs with less than 20 students with ID (either African-American or Hispanic) who would manifest statistically significant over-representation. **While the cumulative result for the state indicates a problem to be monitored, the fact that just one LEA evidences significant disproportionality signals that considerable progress has been achieved on Goal 2.** The EAP assumes that the training and follow-up that will occur following the issuance of the CSDE Guidelines for the identification of Intellectual Disability will have a constructive effect on state-level data in coming years.

2.2 Small LEAs deserve special attention related to PJ. We examined LEAs with 10 or fewer students w/ID and a second group of districts with between 10 and 20 students w/ID using the most recently available verified data

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set on which to compare all LEAs of concern (December 1, 2005). Having labeled the 0-10 group A and the 10-20 group B, we counted 41 As and 15 Bs. The mean number of students w/ID in the A group was 5.6; the mean number of students w/ID in the B group was 15.6. There were a total of 230 students w/ID in the A group and a total of 234 students w/ID in the B group for a total count of 474 students w/ID in these small LEAs.

The districts in the A group are as follows: Avon, Berlin, Bethany, Bethel, Brookfield, Brooklyn, Clinton, Colebrook, Cromwell, Darien, Deep River, Eastford, East Haddam, East Hampton, East Lyme, Easton, Ellington, Farmington, Hartland, Hebron, Litchfield, Plainville, Plymouth, Portland, Rocky Hill, Stafford, Thomaston, Vernon, Westbrook, Weston, Wilton, Woodstock, Regional #4, Regional #6, Regional #8, Regional #9, Regional #11, Regional #14, Regional #15, Regional #16, and Regional #19.

The districts in the B group are as follows: Bloomfield, Branford, East Haven, Glastonbury, Killingly, North Branford, North Haven, Putnam, Southington, Stonington, Tolland, Watertown, Westport, Windsor Locks, and Regional # 17.

In considering LEA performance on Goal 4 (percentage of students w/ID spending 79-100% of their time with non-disabled peers in '05-'06) we identified LEAs with 60% or more students in that category. We found 10 districts met this arbitrary criterion serving a total of 211 students w/ID. The mean number of students served in these 'exemplary' LEAs was 21. These districts were: Colechester, Granby, Meriden, Milford, Redding, Sprague, Suffield, Waterford, Windham, and Windsor.

Setting an arbitrary criterion of less than 20% time spent by students w/ID with non-disabled peers we found a total of 64 districts in that category serving a total of 578 students w/ID (reflecting an average of 9 students per district). The LEAs in this category were as follows: Andover, Avon, Berlin, Bethany, Bethel, Bloomfield, Branford, Brookfield, Brooklyn, Canton, Chaplin, Cheshire, Clinton, Colebrook, Cromwell, Darien, Deep River, Eastford, East Haddam, East Hampton, East Lyme, Easton, East Windsor, Ellington, Farmington, Glastonbury, Griswold, Hartland, Hebron, Kent, Killingly, Ledyard, Mansfield, Marlborough, Middletown, Monroe, North Branford, North Haven, North Stonington, Plainville, Portland, Preston, Putnam, Ridgefield, Simsbury, Southington, Stafford, Sterling, Stonington, Trumbull, Voluntown, Watertown, Westbrook, West Hartford, Weston, Westport, Wilton, Windsor Locks, Wolcott, Woodstock, Regional #1, Regional #5, Regional #6, Regional #7, Regional #8, Regional #9. CSDE conducted a similar analysis using a slightly different criterion (we comment on this analysis below in 2.3). **64 small LEAs have made little or no progress in achieving the EAP Targets for PJ.** When more recent data for the entire group of LEAs are verified and provided to the EAP a similar analysis can be conducted. However, past experience suggests that there are a substantial number of small LEAs that will have not achieved the EAP targets on Goals 1, 3, 4, and 5.

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2.3 Progress is Not Satisfactory to Meet EAP Targets on Time for Goals 1, 3, 4, & 5. EAP findings are based on data from 2001-02 to 2005-06. Data for the state as a whole on trends for Home School show no significant progress towards the EAP target of 90% of students with intellectual disabilities will attend their home school by 2005. In fact, data reported for 2005 show no significant progress towards the EAP Target. The trend for Mean Time with non-disabled peers shows progress but the EAP Target was not reached in 2005. **The trend for the state as a whole for percent of students w/ID spending 79% or more of the school day with typical peers showed improvement from 2004 to 2005 but did not reach the EAP Target.**

Generally, while the 24 LEAs selected in 2002 for extraordinary state-level assistance have made progress from 2002 to 2005, their cumulative performance, like that of the state as a whole, is beneath the EAP targets for Goals 1, 3, 4, & 5. Data for Goals 1, 3, 4, & 5 do show that the cumulative rate of progress between 2004 and 2005 for the 24 LEAs is greater than that for the state as a whole. Similar results and trends are reported for 43 LEAs selected for extraordinary attention (19 LEAs added to the original 24). We believe this demonstrates that when the state provides leadership and extraordinary effort, progress for most (but not all 43) LEAs is possible. **The range of technical assistance and training, focused monitoring, and use of sanctions is effective in producing progress but the progress, to date, is insufficient for the CSDE to meet the spirit of the goals (1, 3, 4, & 5) of PJ expressed in the EAP Targets.**

When the data for individual LEAs are examined, the general impression of positive but insufficient progress does not always apply. A common occurrence when averaging performance is that very good performance of some LEAs masks the little or no progress of others. EAP3 noted that five LEAs accounted for the largest proportions of gains. EAP3 specifically requested special technical assistance and/or sanctions due to failure to progress towards EAP targets for the following LEAs: Ansonia, Bridgeport, Danbury, East Hartford, Hamden, Hartford, Manchester, New Britain, New Haven, New London, Norwalk, Stamford, Waterbury, and West Haven. Recent data show that some progress has occurred towards EAP Targets for some of these LEAs. However, among those LEAs specifically noted in EAP3 **Bridgeport, Manchester, Stamford, and Waterbury show little or no progress** on increasing the percent of students w/ID who spend 79% or more of the school day with typical peers. Additionally, we note that Enfield, Hamden and West Haven have lost ground against EAP Targets. This lack of progress by these LEAs is particularly disappointing given all the technical assistance and training that have been made available. **What can explain what appears to be outright defiance of the PJ Settlement Agreement? Clearly, additional, perhaps yet untried, interventions are needed for these recalcitrant LEAs who stubbornly resist making meaningful progress despite repeated attempts by CSDE.**

The CSDE reports 59 LEAs have less than 24% of students with access to typical peers 79% or more of the day. This indicates that 35% of the school

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systems in Connecticut are not even half the distance to the 2005 EAP Target. 52% of LEAs (88) did not reach the EAP Target for 2005 while only nine LEAs are at the 80% (2007 EAP Target) level. **The lack of sufficient progress is shocking given the level of dissemination of information about PJ and the technical assistance and professional development that has been provided but not always accepted. While the information about PJ has been shared, including data for each LEA on the goals of PJ, these results indicate that many LEAs just do not take the goals of PJ seriously.**

The need for continuing annual analysis of each LEA's progress on Goals 1, 3, 4, and 5 towards EAP targets is made clear when slippage in performance or lack of continuous improvement is considered. For example, slippage is obvious when Bridgeport's performance on Goal 4 (percent of students w/ID spending 79% or more time with typical peers) has trended downward since 2004. The same can be said for Bristol, New Haven, Plainfield, Stamford, and Stratford. Lack of continuous progress occurs when an LEA initially evidences gains followed by a leveling off in performance. **For example, Enfield showed great promise rising dramatically from 2002 through 2004 but then showed little or no gain through June, 2005.** Similar results of a lack of continuous progress can be seen for Branford, Fairfield, Hamden, Torrington, Trumbull, and Waterbury.

2.4 Momentum towards successful completion of the Settlement Agreement. To fully implement the intent of PJ requires a fundamental change in the culture of schooling at state and local levels. Many essential elements have been developed but will need to be refined and sustained in LEAs. The EAP has commented on the limited progress made to date towards EAP Targets on Goals 1, 3, 4, and 5. In the past two years this progress has begun to evidence an encouraging momentum that, if continued, will lead to successful completion of PJ. However, the state has not yet reached a critical mass (i.e. sufficient number of LEAs meeting EAP Targets) necessary to achieve the fundamental change in the culture of schooling required to sustain the intent of PJ. The tipping point has not been reached and the danger of backsliding absent significant pressure and assistance from the CSDE looms large.

2.5 External Oversight has been critical to achieving the present level of progress. The CSDE has supported the EAP, public forums, and other forms of input on the implementation of P.J. This independent feedback to CSDE and all LEAs is critical to marshalling the level of effort necessary to make progress on PJ goals. The EAP believes that its designation of targets for PJ goals, periodic meetings with CSDE, its annual reports including analyses of data and specific recommendations have been supportive, if not critical, to the progress made to date.

3. COMMENDATIONS

3.1 General Education Leadership

The Connecticut State Board of Education has adopted a five year comprehensive plan, A Superior Education for Connecticut's 21st Century Learners, that asserts a commitment to academic achievement for all the state's students. Acknowledging that gaps continue to widen for children who differ in gender, ethnicity, and socioeconomic status, the State Board adopted three priority areas (preschool programs, high achievement in core areas, and high school reform) that will signal to communities that all children, including children with intellectual disabilities, are important to build a more unified system of education that does not differentiate educational opportunities that should be open to all students.

3.2 SERC – The State Education Resource Center

CSDE reports that recent legislative action has transformed the Special Education Resource Center, a valued resource for professional development, into a general education-oriented service agency. The EAP commends Connecticut for recognizing both the needs of all educators for high quality professional development and technical assistance and the resources of the SERC as a competent partner.

3.3 Step-By-Step Trainers in Connecticut

The CSDE reports that the state now has its own trainers in Step-By-Step, the methodology used to promote more inclusive practices among educators. This will be especially important as CSDE strives to maintain current gains and stimulate progress with other LEAs. Given the turnover of educators in the state, permanent, easily accessed professional development resources are critical.

3.4 Coaches Academy and STAR Teams

The CSDE has funded two universities to provide technical assistance and professional development for LEAs and families who want to implement the goals of PJ at local levels. This CSDE-university partnership that provides practical and, in some instance, rapid responses for assistance is a wise investment that will increase the likelihood of successful implementation of PJ.

3.5 Focused Monitoring as a Routine Exercise of General Supervision

The CSDE has developed and refined an on-site monitoring process related to PJ that has reinforced both the goals of PJ and compliance with state and federal law. This targeted monitoring has been a valuable tool for leveraging change towards the EAP Targets of PJ.

3.6 Guidelines for Identifying Children with Intellectual Disability

The nondiscriminatory identification of children as having an intellectual disability is expressed in the target for Goal 2. The CSDE undertook a substantive revision of its Guidelines (CSDE, 2000) resulting in the publication in

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December, 2006 of Guidelines for Identifying Children with Intellectual Disability: Executive Summary (CSDE, 2006). These Guidelines, with a few minor exceptions, hold promise to achieve and sustain the EAP target for Goal 2. The EAP is keenly interested in the final release of the Guidelines with all attachments and the subsequent training to be provided.

3.7 Data Verification

The CSDE has developed tools to verify data reported by LEAs and used these tools in on-site audits. Currently, the CSDE is disseminating those tools and the training to assist LEAs in verifying their own data. The CSDE is considering further data verification procedures including the matching of IEP (individual education program) descriptions with actual placements of students. These efforts will lend credibility to the reported data and support continuous improvement.

3.8 The CSDE Individual Student Database

The CSDE reports that 2006-07 is the first year of a significantly upgraded data system reporting student characteristics and performance. This data system will greatly increase the sophistication of data and allow for more complex analyses.

3.9 The Use of Graphic Representations of Important Data. The use of data maps and line graphs that illustrate and easily communicate the classes or groups of implementation by LEAs toward the EAP targets of PJ goals have made data more accessible. Progress by an LEA or group of LEAs is readily discernible to the public.

4. Recommendations

EAP Recommendations. In its role as experts the EAP was charged with the duty to observe, consider, and make recommendations to the CSDE to facilitate achievement of PJ Goals. Each EAP report (EAP1, EAP2, and EAP3) has contained recommendations offered to increase the likelihood of successful implementation of the PJ Settlement Agreement. The following table summarizes the majority of those recommendations, the results to date, and offers recommendations for 2007 and beyond.

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Retrospective Analysis of Previous EAP Recommendations

State and Local General Education Leadership

EAP Report Recommendations	Reported or Observed Progress	2006 EAP Recommendations
<p><u>EAP1</u>, 2003. “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. This recommendation has to do with the movement of the PJ Settlement Agreement out of the Bureau of Special Education to the Associate Commissioner of Educational Programs and Services. This move is both symbolic and strategic.”</p>	<p>The CSDE did not move the responsibility for the PJ Settlement Agreement out of the Bureau of Special Education but did ensure the consistent involvement of the Deputy, George Coleman and the regular involvement of other deputies and staff as required. The EAP has commended the State Board on its commitment to academic achievement for all students (3.1), including those students who are the subject of PJ. The EAP believes that successful implementation of PJ cannot occur or be maintained without strong, visible leadership from the CSDE Commissioner. The EAP is aware that CSDE will have a new commissioner in April, 2007. Any change in leadership at this level could lead to a lessening of the importance of implementing PJ as a priority in state leadership.</p>	<p>4.1 Successful implementation of PJ requires a substantial shift in the culture of schooling at state and local levels. The CSDE has noted in its professional development materials the essential changes necessary in knowledge, skills, and dispositions of educators. Integral to that substantial shift is the prominent involvement of general education leadership in the activities of PJ.</p> <p>4.1.1 The CSDE Commissioner, as the lead educator in the state, must take an active, visible role in ensuring full implementation of PJ., including interventions with local superintendents and school boards.</p> <p>4.1.2 As the PJ Settlement Agreement moves forward, the continued merging of planning for improvement of school districts should occur within CSDE to model the unified state level operations for LEAs.</p>
<p><u>EAP3</u>, 2005. “A.6. The EAP recommends that CSDE convene a meeting of the EAP with Commissioner</p>	<p>No recommendations were developed during or as a result of the meeting</p>	<p>4.2 The EAP is interested in engaging the newly appointed Commissioner of CSDE in a dialogue about this report</p>

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<p>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 EAP2.”</p>		<p>and the recommendations we feel are critical to full implementation of the settlement agreement.</p>
<p><u>EAP3</u>, 2005. “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.”</p>	<p>To the knowledge of the EAP, this was never attempted.</p>	<p>4.3 The CSDE should develop a leadership initiative with LEA superintendents who have experienced success in achieving PJ goals. This initiative should disseminate information to all superintendents to facilitate LEA leadership in accomplishing the spirit of PJ.</p>
<p><u>EAP2</u>, 2004. “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 <i>EAP designated benchmarks</i> 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.</p>	<p>The CSDE did require written plans from each of the selected 24 LEAs and required each LEA to set measurable targets. The EAP believes that data on targets for Goals 1, 3, 4, and 5 are a powerful tool in leveraging change towards successful completion of PJ. These data on targets, disaggregated to the building level, are useful in determining where success or failure of PJ is occurring.</p>	<p>4.4 Written plans for those LEAs of the 24 not achieving EAP Targets should be modified to contain school building by school building implementation targets. Progress toward these building targets should be tracked by LEAs and reported to the CSDE on a semiannual basis.</p>

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<p><u>EAP3</u>, 2005. A.1. EAP recommends that CSDE re-constitute its targeted group of 8 and 16 into a new group of 15 districts for monthly group focused technical assistance, training, consultation, and monitoring – they are: Bridgeport – New Haven – Waterbury- West Haven – Milford - Ansonia – Danbury - East Hartford- Hamden – Manchester – Hartford – Stamford - Norwalk - New London - and New Britain.</p>	<p>A re-constituted group was not formed.</p>	<p>No recommendation at this point in the settlement agreement.</p>
<p><u>EAP3</u>, 2005. “A.2. EAP recommends that the CSDE integrate and merge functions directed to providing training and technical assistance to the fifteen districts. As noted in recommendation number one, they require total district transformation and reorganization of support for a more comprehensive response to ID Class students.”</p>	<p><Status undetermined></p>	<p>4.5 Given the lack of progress, at least quarterly reviews of data and plans should be conducted for Bridgeport, Manchester, Stamford, and Waterbury, Enfield, Hamden, and West Haven due to an inability to show progress.</p>
<p><u>EAP3</u>, 2005. “A.3. EAP recommends 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.”</p>	<p><Status undetermined></p>	
<p><u>EAP2</u>, 2004. “We recommend that CSDE develop new written policy on non-discriminatory assessment;</p>	<p>An Executive Summary has been reviewed and comments were offered. The Guidelines are to be published</p>	<p>A recommendation related to training is noted below.</p>

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<p>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.”</p> <p><u>EAP3</u>, 2005. “G.3. The CSDE is developing <u>Guidelines for Identifying Intellectual Disabilities</u> and plans to issue the guidelines in the fall, 2005. The EAP would like to review and comment on the <u>Guidelines</u> prior to final issuance.”</p>	<p>and disseminated soon.</p>	
<h3>Data and Information</h3>		
<p><u>EAP1</u>, 2003. “The CSDE should annually disaggregate the data to determine progress of ethnic groups of children on the five goals.”</p>	<p>Data have been disaggregated for Goal 2 (identification of students w/ID) but not for the other four goals.</p>	<p>4.6 The CSDE should carefully examine current data to determine if children from different ethnic groups are being provided less opportunity of access to typical peers.</p>
<p><u>EAP1</u>, 2003. “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 determine effective transitions between age-level buildings and programs.”</p>	<p>Data, disaggregates by age categories, were provided to the EAP on February 28, 2007.</p>	
<p><u>EAP2</u>, 2004. “We believe it is past the time to establish the benchmark for goal 2.”</p>	<p>The CSDE adopted a risk ratio of 1.5 and a test of statistical significance. The data for 2005 indicate significant</p>	<p>A Commendation has been noted by the EAP.</p>

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<p><u>EAP3</u>, 2005. “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.”</p>	<p>progress has been made.</p>	
<p><u>EAP3</u>, 2005. “<u>F. Data Accuracy - F.1</u> 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.”</p>	<p>The CSDE reported on the results of its efforts to verify the accuracy of data. “The CSDE examined the changes in classification of students with an ID in the twenty-four targeted districts from March 2004 to June 2004. This audit revealed a total of 171 students whose classification appeared to have changed. From further investigation it was discovered that 18.1% of the changes were clerical errors in which the student was reported as ID and had not been ID, or was reported as having changed to another category but actually continued to be ID. An additional 52.1% were found by the CSDE to be appropriate reclassification based on in-depth monitoring review of student records to assure compliance with appropriate identification practices and that sufficient information was available to meet the eligibility guidelines of ID. The remaining 29.8% required corrective actions as the reclassification did not meet requirements of evaluations or guidance on determining an ID. After corrective action, 86.3% met guidelines for appropriate reclassification and 13.7% were appropriately reclassified as ID. In conclusion the CSDE identified 4.1% or 7 out of 171 reclassifications as inappropriate (which the districts reclassified these students with an ID), 18.1% as clerical errors and 77.8% as appropriate reclassifications.</p> <p>The CSDE conducted a more extensive audit during 2004-05 which more closely examined the twenty-four districts to determine if there was a</p>	<p>A Commendation has been noted by the EAP.</p>
<p><u>EAP3</u>, 2005. “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.”</p>	<p>No recommendation.</p>	

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	<p>trend in the re-classification of students as either learning disabled or multiply disabled based on consecutive years of December 1 data. This review followed a similar process requiring corrective action as appropriate to the issue. After corrective action, 72.7% met appropriate reclassification and 27.3% were appropriately reclassified as ID. The final findings revealed 6.2% or 6 out of 97 reclassifications as inappropriate (which were reclassified to ID), 25.8% as clerical errors; and 68.0% as appropriate reclassifications.</p>	
<p><u>EAP3</u>, 2005. “E.1. The EAP recommends that CSDE consider hiring an independent auditing firm to determine where and what has happened to class members.”</p>	<p>These were not implemented using an independent firm.</p>	<p>4.7 The EAP remains concerned about the status of Class members who are no longer in school or may be in school but not receiving appropriate services or, possible, compensatory educational services. In the absence of factual information to the contrary, the EAP believes that some Class members may have not received any benefit from implementation of the settlement agreement. We believe that an audit would establish a finding to resolve this issue.</p>
<p><u>EAP3</u>, 2005. “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.”</p>		
<p><u>EAP3</u>, 2005. “E.3. Given the results of</p>	<p>The CSDE did investigate the</p>	<p>No recommendation.</p>

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<p>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."</p>	<p>accuracy of changes in classification and reported on the results to the EAP.</p>	
<p><u>EAP3</u>, 2005. "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."</p>	<p>The CSDE adopted a risk ratio of 1.5 and a test of statistical significance. The data for 2005 indicate significant progress has been made.</p>	<p>a Commendation was noted by the EAP.</p>
<p><u>EAP3</u>, 2005. "<u>H. Extra-curricular Definition</u> - 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."</p>	<p>Efforts like CT's Unified Sports program are encouraging but more information needs to gathered and verified</p>	<p>4.8 The CSDE should identify practices that provide effective access and opportunities for participation by Class members in school-sponsored activities. These practices should be disseminated, encouraged, and rewarded when found present in LEAs.</p>
<h3>Building Capacity in Connecticut's Schools</h3>		
<p><u>EAP1</u>, 2003. "The EAP recommends that the CSDE develop a request for</p>	<p>The CSDE has supported the development of a Coaches Academy.</p>	<p>4.9.1 The EAP expects that the CSDE will implement the recommendations of</p>

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<p>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 PJ 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.”</p>	<p>The EAP has commended the CSDE for this effort and encouraged continuance of the technical assistance.</p>	<p>the independent evaluator concerning the Coaches Academy. 4.9.2 The EAP recommends that the CSDE develop plans that ensure the continuation of the Coaches Academy for a period of time sufficient to ensure that LEA personnel are appropriately prepared to maintain the intent of PJ.</p>
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<p><u>EAP1</u>, 2003. "We also recommend that the CSDE incorporate a back-up system of technical assistance where skilled educators are able to respond on-site 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 least restrictive environment or 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."</p> <p><u>EAP3</u>, 2005. "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. "</p>	<p>The CSDE supported the development of Student Technical Assistance Response (STAR) Teams by the university of Connecticut Center for Developmental Disabilities and Central Connecticut State University. The service provides for initial consultation and follow-up. STAR teams are available to families and local schools as of the beginning of the 06-07 school year.</p> <p>The CSDE has contracted with Dr. Michael Giangreco, University of Vermont, to conduct an external review of the Coaches Academy and the STARS Teams. The evaluation report from Dr. Giangreco gives mixed reviews. While those attending Coaches Academy trainings felt they were generally helpful, there was a concern over lack of administrative presence (e.g. commitment) and no mentoring follow-through as required. The STAR team leadership reported in February, 2007, that they had added a second follow-up visit to their protocol and that evaluation data to date indicate that recommendations made by the STAR team are implemented about 66% of the time.</p>	<p>4.10.1 EAP recommends that CSDE implement the recommendations provided by Dr. Giangreco at the conclusion of his evaluation report of June, 2006. The recommendation continues to reflect the thinking of the EAP.</p> <p>4.10.2 The EAP recommends that the CSDE develop plans that ensure the continuation of STAR teams for a period of time sufficient to ensure that families and LEA personnel are appropriately prepared and supported in implementing the intent of PJ.</p>
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Additional Issues Related to PJ		
<p>EAP3, 2005. <u>"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 by 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."</u></p>	<p>Status: This recommendation was not, to our knowledge, carried out.</p> <p>RESCs provide a way for LEAs to outplace students they would prefer not to serve. Segregated placements such as these are being phased out in many parts of the country and their considerable resources are being redistributed to provide support to serve these same students in their home schools. ACES is an example of a RESC that is continuing to receive new students with ID into their segregated placement (See data provided by CSDE February 28).</p>	<p>4.11.1 The EAP remains on concerned that the opportunity for the RESCs to provide direct services to students represents a fatal attraction for some LEAs to shirk their responsibility to provide effective services in the spirit of the PJ. The EAP strongly recommends that all RESCs begin to phase out direct service provision by no longer accepting any students for educational placements.</p> <p>4.11.1 The EAP recommends that RESC personnel be trained in the provision of education and educationally related services in LEAs consistent with the goals of PJ.</p>

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<p><u>EAP3, 2005. "C. Examine Role of DCF in Promoting Separate Placements -</u> 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."</p>	<p>Constraints were determined. Errors in data entry by LEA personnel were detected and changes have been made to the CSDE's new data system to reduce the likelihood of future data entry errors.</p>	<p>4.12.1 The CSDE should validate these data to ensure that data entry errors have been eliminated. 4.12.2 Once data are validate as accurate, the CSDE should analyze these data to determine if compliant decisions regarding least restrictive environment are being made.</p>
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Additional New Recommendations

4.12 The CSDE must develop and implement more robust interventions for those LEAs that are persistently resistant in implementing the goals of PJ. Without more robust interventions, the CSDE will never achieve the goals.

4.12.1 The EAP recommends that CSDE consider requiring the superintendents of LEAs with the poorest performance in implementing PJ to meet monthly with CSDE general education leadership to describe progress or the lack thereof towards the targets on a building level. If sufficient progress is not evidenced within six months, the CSDE should require the LEA superintendent to appear before the State Board.

4.12.2 The CSDE should develop or refine a focused monitoring protocol to investigate the compliance with requirements for making placement decisions in the least restrictive environment. This protocol would be used to investigate placement decisions made in LEAs and school buildings with the poorest performance on PJ goals. Where noncompliance is found, the CSDE should follow its procedures to require correction as soon as possible. When correction does not occur, the CSDE should implement sanctions included the directed use of federal special education funds to the LEA that ensures correction and continued compliance.

4.13 The CSDE should develop in policy a definition of 'Regular Class' as representing the natural proportions in the school.

4.14 The CSDE should modify its current definition of 'Home School' to mean the school in which the child is enrolled and would attend if not identified as having a disability.

4.15 The CSDE must develop and implement a **Small LEA Initiative** to address the implementation of PJ. Clearly families have voiced concerns regarding the lack of awareness of some schools to PJ and the needs of their children. This Small LEA Initiative should include:

- a) A public awareness campaign to ensure school personnel are aware of and understand the PJ Settlement Agreement.
- b) Required self-assessments of every LEA not currently meeting the EAP targets on PJ to determine the root causes of inadequate performance and needs to be addressed so improvement continuously occurs.
- c) Focused monitoring of small LEAs based on selection criteria to detect those LEAs farthest from the EAP Targets.
- d) Technical assistance networks and professional development based on findings from focused monitoring and/or on LEA self assessments designed to meet the EAP targets for PJ.

4.16 The CSDE should develop and implement an aggressive Preschool and Early Grades Initiative that fully implements inclusive practices in all schools.

4.17 The CSDE will produce the complete Guidelines for Identifying Children with Intellectual Disability: Executive Summary. The EAP has reviewed the Executive Summary of the Guidelines. These promising Guidelines will

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require comprehensive and well-planned professional development, especially for those assessment personnel who are not well-informed about current standards and procedures and preferred practices. A measure of implementation integrity will be the annual examination of disproportionality by ethnicity (also known as Indicator 10 of the U. S. Office of Special Education Program-required State Performance Plan).

4.18 The EAP is concerned that the CSDE new data system, while promising in so many ways, is new and unvalidated. The CSDE should ensure that data related to PJ are carefully examined and validated for accuracy.

4.19 Once the new data system is validated, the CSDE should study the relationship between educational environments and academic achievement in LEAs. These data, given effective implementation of PJ, should demonstrate that the State Board goals for academic achievement are being met and continuing improvement is occurring.

4.20 The current opportunities afforded by implementing early intervening services (including academic and positive behavior support – also known as Response to Intervention – RtI) can support the building of school capacity to both prevent inappropriate identification and assist teachers and principals in appropriate and differentiate learning opportunities for students who need additional levels of support but who may not have a disability. The multi-tier approaches of each capacity building structure will enhance learning for all students. The EAP encourages the CSDE to continue to develop the policies and procedures that would encourage greater use of these multi-tiered structures and processes coupled with rigorous accountability. The EAP also encourages the CSDE and SERC to provide extensive professional development and technical assistance to ensure such approaches flourish in the state.

Summary

This fourth report of the EAP analyzes data and information available to date on progress made towards achievement of the goals of the PJ Settlement Agreement. The EAP concludes that while some progress has been achieved, most notably with Goal 2, and that momentum is gaining, the EAP Targets for PJ have not been accomplished. The time is rapidly approaching when the goals of the Settlement Agreement should have been accomplished. Further, the EAP is concerned that current progress will not be maintained because the culture of schools has not yet shifted in a manner that the goals of PJ would be routine practices. While an infrastructure of focused monitoring, technical assistance, and professional development has been assembled it is not clear if these will remain after PJ has been achieved. If the infrastructure is weakened or eliminated, performance on PJ goals will not be maintained over time. The CSDE has demonstrated the capability and capacity to support professional development and technical assistance for LEAs. **However, the leadership necessary to ensure minimum progress in all LEAs of the state has yet to be demonstrated. This report, while hopeful in several ways, is skeptical that Goals 1, 3, 4, and 5 of PJ will be realized in the near future or that the**

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present level of progress maintained once substantial state assistance and independent oversight is no longer available.