

Still Waiting, After All These Years...

Inclusion of Children with Special Needs in New York City Public Schools

REPORT OF THE LEAST RESTRICTIVE ENVIRONMENT COALITION

New York, New York
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Participating Organizations: Advocates for Children of New York Inc.; Bronx Legal Services; Citizens' Committee for Children of New York, Inc.; The Cooke Center for Learning and Development; The Learning Disabilities Association of New York City; The Legal Aid Society, Juvenile Rights Division; Legal Services for Children, Inc.; MFY Legal Services, Inc.; New Alternatives for Children, Inc.; New York Lawyers for the Public Interest; New York Legal Assistance Group; New York State Protection and Advocacy Program for the Developmentally Disabled; Queens Legal Services Corp.; Resources for Children with Special Needs, Inc.; The Metropolitan Parent Center of Sinergia, Inc.; South Brooklyn Legal Services.

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EXECUTIVE SUMMARY

In New York City, the majority of children receiving special education services spend most of their school day in segregated placements, where they are often poorly prepared for educational success and integration into their communities. In these settings, they are typically provided with little access to either the material taught to children in general education classes or the instructional methodologies necessary to enable them to learn. As a result, educational outcomes for children with disabilities are dismal. Once students are classified as needing special education services, only a small fraction is ever declassified. Teenagers receiving special education services are four times as likely to exit special education by dropping out than by receiving a regular diploma, and are currently more likely to die between the ages of 14 and 21 than to receive a Regents diploma.

Minority children are disproportionately subject to this educational dead end. African American and Latino children continue to be significantly overrepresented in restrictive segregated placements. African American children are almost twice as likely as White students to be educated in restrictive, segregated placements. They are almost three times as likely to be recommended for such placements on their initial referral to special education, while Latino students are over two times as likely. English Language Learners are twice as likely as other children to be referred to special education.

After a long, dismal history of segregating children with special needs, New York City is finally poised to implement a new Continuum of Special Education Services that has the potential to make real the promise of the federal Individuals with Disabilities Education Act—that, to the maximum extent appropriate, children with disabilities receive an equal opportunity to learn alongside children without disabilities. It also, however, has the potential to perpetuate the second-rate education that too many children with disabilities have historically received, by dumping them in general education without adequately addressing their special needs. While recommendations for new Continuum services began last school year, new Continuum recommendations are being implemented starting in September 2001.

It is the hope of the LRE Coalition, which has authored this report, that by presenting a picture of where the New York City school system has been, where it is now, and our recommendations for moving toward a better system for educating children with disabilities, we will help move the City's schools in the right direction towards inclusion and achievement under the new Continuum initiative.

In examining where we have been, this report looks at the history of special education services in the New York City school system, particularly through the lens of changing perceptions and understanding regarding children with disabilities: from the assumption that children with disabilities should be segregated from other children and cannot contribute to society, to the recognition that inclusion, equality, and achievement

are all possible and necessary for these children to become the productive members of society.

The State Of Special Education In New York City

New York City still lags behind both the state and the nation by placing a majority of students with disabilities in segregated settings. While the City is making some progress toward including more students in less restrictive environments, educational outcomes for children with disabilities are bad and getting worse—more students are dropping out and even fewer are receiving diplomas. Despite much attention to racial and ethnic disparity in special education over the last decade, minority students and English Language Learners continue to be significantly overrepresented in certain classifications and in restrictive settings, with few signs of improvement. New York has much to achieve before it can offer children with disabilities the inclusive and quality education they deserve.

Placement in the Least Restrictive Environment

- In the 2000-01 school year, more than half (54%) of school aged special education students in New York City spent more than 60% of their time in a self-contained class in a regular school or separate facility for children with disabilities. One in eleven students (8.8%) were in wholly separate facilities and only 45.3% spent 20% or less of their time outside of a general education classroom.
- In 1997-98, children in New York City were 31% more likely than the average child in New York State to be receiving special education in a segregated setting most of the day, and 2.36 times more likely than the average child in the United States: while nationally, only 24.54% of children with disabilities spent more than 60% of the day in a segregated setting, 57.84% of children in New York City did.
- An area of significant progress has been the inclusion of preschool age students. The state percentage of preschool students served in integrated settings increased substantially, to 55.5% in 1999-00 from 32.3% in the 1995-96 school year. The State's preschool declassification rate has increased, from 10% in 1995-96 to 16% in 1999-00; while New York City lagged behind with a declassification rate of 11%, it still demonstrated marked improvement.

Educational Outcomes

Referral

- Once referred for an evaluation for eligibility for special education services, a child is likely to be classified as having a disability and recommended for special education services. Once a child receives special education services, s/he is unlikely to leave the special education system. In 1999-00, New York City

declassified fewer school-aged special education students (2.1%) and fewer preschool special education students (11%) than any other district in the State, regardless of need category.

Graduation

- Outcomes are far worse for students receiving special education services than for those in general education. The Board of Education 1999-2000 report on outcomes for high school students demonstrates that among students in general education settings (including both general education and special education students) 49.9% had graduated after four years, while only 1.7% of students in District 75 programs and only 7.4% of students in high school based segregated classes had. In other words, students in self-contained classes were seven times less likely to graduate in four years, and students in District 75 programs were twenty-nine times less likely to do so.

Dropping Out

- Educational outcomes are not improving, but have gotten worse over the last three years. In 1999-2000, students classified as needing special education services ages 14-21 were nearly four times more likely to exit special education by dropping out than by receiving a regular high school or high school equivalency diploma. Only 51 students, less than 0.1% of the 9,173 high school age students receiving special education services leaving the school system in 1999-00, received Regents diplomas.
- The “event-drop out rate”—the percentage of all students enrolled dropping out in any one year—was 48% higher for students classified as needing special education services than it was for general education students. Dropout rates, moreover, are increasing for all students, rising from 15.6% in 1998 to 19.3% in 2000, the highest point in the last eight years. Drop out rates for students with disabilities in segregated classes are increasing even faster, rising 3.5% compared to the 1.8% increase for all students.

Overrepresentation of Minorities in Special Education and in the Most Restrictive Placements

- Last spring, the New York State Education Department notified the New York City Board of Education that there was racial and ethnic disproportionality in the (1) identification of school-age students as disabled or in the identification of students by particular disabilities; (2) placement of preschool students with disabilities in separate settings; and (3) placement of school-age students with disabilities in more restrictive settings.

Disproportionality in Referral

- In 1999-2000, English Language Learners (ELLs) were more than twice as likely as other students to be referred to special education: 7.2% of ELLs were referred to special education, as against only 3.2% of non-ELLs.
- In 2000-2001, Black students composed 38.9% of the special education population, and 34% of the general education population, with a 12% overrepresentation rate.
- In 1999-2000 Hispanic students were overrepresented by 6.6%, composing 38.9% of the general education population, but 41.5% of the special education population.

Disproportionality in Classification

- Black students are 40% more likely than White students to be classified as mentally retarded.
- Hispanic students are 25% more likely than other students to be classified as having a speech/language disability, suggesting that evaluators are reacting to English language ability, rather than disability.
- Black students are twice as likely as White students to be classified as emotionally disturbed, making up 52.99% of all students so classified.

Disproportionality in Placement in Segregated Environments

- In 2000-2001, among students in special education, Black students were 85% more likely than White students to be placed in a self-contained class in a public school; Hispanic students were 73% more likely.
- White students were 49% more likely than Black students to be in a regular class for 20% or more of the day, and 29% more likely than Hispanic students.
- White students, however, were far more likely to attend private special education schools—White students were 3.4 times more likely to attend these schools than Black students, and 4.6 times more likely than Hispanic students.

Poised On The Brink Of A New Continuum

New York City is on the verge of a fundamental restructuring of this system for educating children with disabilities. Last year the New York City Board of Education (the Board) adopted a revised Continuum of Special Education Services (the new Continuum) that affirms the right of every student to be educated in the least restrictive environment (LRE) for that child.

This year, with the implementation of the new Continuum, New York City is poised to revolutionize special education by ending the unnecessary segregation of public

school children with special needs from their friends and siblings in general education. By careful planning and implementation of the City's new Continuum, New York City could put an end to much of the stigma and hopelessness felt by the thousands of children with special needs who have traditionally been educated in dead-end, segregated settings. If properly carried out, New York's "Continuum of Services" will work a revolution in our system of public education. This is an opportunity for all of our school children that we cannot afford to miss.

Implementation of the City's new Continuum is still in its early stages; it is critical at this crossroads that it be done right. If the Continuum is implemented wisely it will benefit all children with and without disabilities. No one imagines that this transition will be easy. However, some pitfalls can be anticipated and avoided as the Board of Education begins this new approach to educating all students.

CONCLUSION AND RECOMMENDATIONS

The New York City Board of Education's new Continuum offers an opportunity for all children to receive a quality education together, to the benefit of all. In the new Continuum, the Board espouses a policy committed to educating each child in his/her LRE, with appropriate services, supports and accommodations. For the Board to succeed in moving students into the least restrictive settings appropriate to meet their needs, the new Continuum must be implemented with adequate resources and appropriate staffing, sufficient professional development to support teachers, information to ensure parents of children with disabilities are informed about their children's educational needs and services, and sufficient outreach to all parents to create a welcoming atmosphere for all children. System oversight by an informed and supportive administration is critical.

The LRE Coalition looks forward to working with the New York State Department of Education, the New York City Board of Education, school administrators, teachers, parents and other advocates to support the effective implementation of the new Continuum for the benefit of all children. To that end, and in furtherance of the creation of a school system that delivers a sound, appropriate education to all of its students, the Least Restrictive Environment Coalition makes the following specific recommendations:

I. WELL-TRAINED STAFF ARE NECESSARY TO ENSURE SUCCESSFUL IMPLEMENTATION OF THE NEW CONTINUUM

A Comprehensive System of Personnel Development: The New York State Education Department should develop a system of personnel development adequate to ensure that there is a sufficient supply of trained teachers and professionals to meet the needs of children with disabilities in New York City.

Training to Prepare General and Special Education Teachers to Teach in Inclusive Settings: Training in classroom management, identification of learning disabilities,

collaborative teaching and research-based pedagogy for the inclusive classroom must be given pre-service and as on-going professional development.

Training Designed to Prepare General Education Teachers to Teach Students with Special Needs: New York State should broaden the range of requirements for general education teaching certification to incorporate training geared toward teaching students with special needs, including behavior management techniques and research-based methods of teaching differently-abled learners.

Principals and other administrators must be trained in the theory and practice of inclusive education, including efficient staffing: This training must be given to new administrators and must be part of wide-spread, on-going professional development of existing school system staff.

Training Designed to Improve the Quality of Special Education Teachers & Providers: The State should require that special education certified high school teachers also become certified in a particular subject area(s), to bring them in line with general education high school teachers.

Paraprofessionals' training must include strategies for collaborating with the teacher and working with students with different disabilities: All school staff must be trained in effective behavior management.

School-Based Behavior Management Training That is Mandatory for All School Staff: Teachers should be required to participate in significant behavior management training programs in order to become certified. Schools should implement currently available cost-effective, research-based programs designed to provide building-level training for teachers, school aids, and school administration to assist them in managing children's behavior.¹

Professional Development in Research-Based Methodologies and Strategies for Reading Instruction:

Teaching reading effectively to diverse general education students and students with special needs requires teachers to be able to adapt curricula appropriately. All teachers must learn the most successful methods of teaching reading to struggling students.

Professional Development for Board of Education Evaluators: Evaluation personnel must be trained in effective testing for all disabilities and for recommending specific instructional strategies for meeting individual goals.

Provision of Mentoring and Technical Assistance: The use of master teachers and mentors with expertise in teaching in a diverse and inclusive classroom is highly recommended to support less knowledgeable or less confident teachers in this new endeavor. District staff and principals will need on-going technical assistance from

¹ E.g. Jay Gottlieb & Susan Polirstaok, [A Schoolwide Staff Development Program to Reduce Misbehavior in Inner City Elementary Schools](#), at 3 (manuscript on file with Advocates for Children).

inclusion experts on how to provide for all the students' needs most efficiently, including staff deployment and budgeting for new staffing models.

Consultation Time: Inclusion and team teaching require time for collaborative planning between special and general education teachers, paraprofessionals and service providers, as well as other professional staff.

II. EFFECTIVE PLANNING AND ADEQUATE RESOURCES ARE NECESSARY TO IMPLEMENT THE NEW CONTINUUM EFFECTIVELY

Planning: The Board must engage in proper planning for implementing the new Continuum. As of this report, the Coalition has seen very little in the way of school wide or district wide planning, and little, if any, inter-district planning or procedures implemented to facilitate movement of children back to their neighborhood schools.

Ensure Opportunities for Inclusive Programs in the Early Grades and Continuity from Year to Year: Inclusion should start from preschool or the early elementary grades and continue year after year so a child with disabilities who is progressing well in the general education environment is not shunted into a restrictive setting and back again because of a lack of planning.

The Shortage Of School Personnel Must Be Addressed: Both New York State and New York City must develop mechanisms to address the serious shortages New York City is experiencing of certified teachers (particularly of special education and bilingual special education), principals and other educational service providers, such as speech and occupational therapists.

Resources are Needed for Instructional Materials and Assistive Technology: Instructional materials and assistive technology (such as computers and software, or adaptive devices) that provide access to the general curriculum should be made available to all students receiving special education services in self-contained classes who need them.

III. INFORMED PARENT INVOLVEMENT IS KEY TO THE SUCCESS OF INCLUSION

Parents of children with disabilities must be provided as much information as possible about the new Continuum, the issue of LRE and how to access services for their children, including their rights in the special education process. This information must be provided in languages that the parents can understand.

The whole school community – staff, students, and parents of children both with and without disabilities - should be provided information and training regarding the benefits of LRE and inclusion classes for all children.

IV. MONITORING AND ACCOUNTABILITY OF SCHOOLS AND DISTRICTS ARE VITAL TO ENSURING SUCCESSFUL IMPLEMENTATION OF THE NEW CONTINUUM

Board Oversight: The Board must exercise active oversight to ensure that District Superintendents and Committees on Special Education are committed to implementation of the new Continuum and are providing recommended programs and services to students in a timely manner.

Disaggregated Data: To promote school district accountability, the State should require the data currently submitted by New York City to be disaggregated and submitted by community school district, roving districts (such as District 75 and District 85) and High Schools by borough, rather than treating New York City as one school district.

Transparent Data: Data collected should be transparent and posted on the Board and NYSED websites and be searchable on-line.

Tracking Movement to the LRE: Reports tracking how many children have moved into less restrictive or more restrictive environments must be followed by rigorous monitoring and analysis, including intra-district analyses of how particular schools are doing.

State and federal monitoring requirements should be consolidated and standardized to eliminate duplicative paperwork.

V. THE QUALITY OF SEGREGATED PROGRAMS MUST BE IMPROVED

Self-contained classes must be improved for those relatively few children who would not academically or socially progress in a general education environment. The general education curriculum must be taught in these segregated classes and programs to the greatest extent appropriate. Expectations for outcomes in all segregated classes should be high but achievable and classes should be evaluated on their success in meeting students' goals.

The State must expand its list of funded private day and residential programs that provide services that unfortunately are not currently available in public schools. Additionally, the process to receive a seat must be streamlined to allow for improved equality.