

RCSD signs special ed agreement, promises fix

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After years of negotiations, the Rochester City School District has entered into a legally binding agreement outlining consequences if it does not take specific steps to fix its special education department over the next three years.

Those steps are still the subject of negotiation between the district and Empire Justice Center; they likely will be finalized

by the end of the month so the district can take them into account during its budget process.

There will be a series of interim benchmarks it must meet as well as final “disengagement goals” to be accomplished by the end of the 2021-21 school year.

The penalty for failure would be the appointment of a “special master” to oversee compliance, an outside monitor to guarantee accurate reporting and awarding EJC the legal fees, likely substantial, it has thus far agreed to waive.

The agreement will be entered into federal court as part of a class action lawsuit from EJC. The two sides will then agree to resolve the lawsuit

through a consent decree, to consist of the action steps they’re now formulating.

The school board ratified the legal agreement in December but did not make it public. The document obtained by the *Democrat and Chronicle* stipulates that neither party will make any public statements before the filing is made in federal court.

Instead, they wrote in a joint statement: “the agreement ... represents continued progress in what we anticipate will be a multi-year collaborative effort to resolve issues surrounding special education that have plagued the district for more than 30 years. Given that discussions and negotiations are continuing, the parties intend to keep their promise to one another not to comment on the agreement at this point.”

The steps will be based on an analysis conducted in 2018 by a community task force led by former school board member Melanie Funchess and since-retired EJC attorney Bryan Hetherington. It identified an unsurprisingly broad array of shortcomings in special education including inattention to deadlines and a faulty process for assigning individual students’ plans in the first place.

The legal agreement is unequivocal: “The district will solve the 29 areas of concern described above that were identified in the Special Committee report ...

on it no matter the cost.

“Money or no money, those changes need to be made for our young people, regardless,” Interim Superintendent Dan Lowengard said Wednesday.

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The central office of the Rochester City School District. PROVIDED

(and) will become fully compliant with all its legal obligations to students with disabilities and to those suspected of having disabilities within three years.”

Distinguished educator Jaime Aquino endorsed the consent decree in his initial report and the district, in its response, pledged to follow through