

RCSD, EJC detail special education benchmarks

Projection is to meet all standards by June 2022

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After more than two years of negotiations, the Rochester City School District and Empire Justice Center have agreed upon a set of 14 specific legally binding performance goals for improvement in special education.

Those 14 benchmarks were approved by the school board last month and soon will be placed under the oversight of a federal judge in Rochester. They represent a three-year road map to compliance and equity in the education of students with disabilities, who make up nearly a quarter of RCSD's total enrollment.

The projection is to meet all 14 standards by June 2022. The district could face additional sanction and steep legal fees if it fails, though the agreement includes the possibility of mediation or renegotiation if problems arise.

Among the 14 benchmarks for students with disabilities:

■ Proficiency on state ELA and math tests will rise from about 2% to 12% and the graduation rate will increase from 36% to 52%.

■ Long-term suspensions will be reduced by half and racial disparities will be eliminated in both the suspension and classification rates.

■ More students will be moved from self-contained classrooms to general education classrooms, and the number of students forced to switch schools or leave the district to obtain services will decline almost to zero.

■ Nearly all students will have legally compliant postsecondary transition plans, up from 63% now.

■ The percentage of Committee on Special Education meetings that are overdue will decline from 28% to 5%; parents will participate in 51% percent of CSE meetings, up from 19% currently.

■ The number of programs for bilingual students will more than double.

■ There will be fewer teachers lacking special education certification and more who are bilingual; teachers and administrators working in special education will get eight mandatory professional development sessions per year, up from one now.

In a joint statement, RCSD and EJC called those "objective and measurable standards that the district is required to achieve, and will be closely monitored



Jamie Schenk works with a small group of her kindergarten class on writing words. The World of Inquiry class is an integrated co-taught class where both the general education and special education teachers teach all students. TINA MACINTYRE-YEE/ROCHESTER DEMOCRAT AND CHRONICLE FILE PHOTO

over the next three years.”

“By the end of that time, both the district and the Empire Justice Center are convinced that the district’s special education program will at long last be what it should be for all of Rochester’s children with disabilities,” they wrote.

The district released the 14 goals as well as the interim benchmarks and context for each of them; the *Democrat and Chronicle* obtained a longer document, the 130-page draft legal filing for federal court.

The legal document is a “stipulation of settlement.” In essence, the two sides are bringing their dispute to a judge along with a pre-made agreement on how to solve it.

A doable plan

Much of the joint legal filing is dedicated to ways EJC can ensure the district stays on track. That includes opportunities to renegotiate some of the goals and submit disputes to mediators.

The document admits that even completing the 14 goals will “leave the district still short of full compliance with its legal obligations at the end of the 2021-22 school year.” The two sides believe it represents the greatest progress the district could possibly make within three years.

“There’s just so much; it was so broken,” Melanie Funchess, a former school board member who led the advisory committee that created the recommendations on which the legal stipulation is based. “I believe this is a plan that the district can achieve and that (also) meets the needs of kids.”

If the district follows through on its obligations, she said, special education — as well as general education — “will actually be a really good system.”

The history of EJC’s involvement in RCSD’s special education shortcomings dates to 1981, when it filed a class action lawsuit alleging major non-compliance with federal law.

That resulted in 19 years of court supervision, ending in 2002 even though both sides admitted the district was still out of compliance. Several reports since then have illustrated continuing problems, many rooted in the basic functioning of the CSE process as well as the availability of services in schools.

EJC first raised the specter of a lawsuit in March 2015 and has spent the last four years cajoling and threatening the district in turn. The school board commissioned the advisory committee in January 2018.

The school board approved the 14 goals at its June 20 meeting. Board President Van White said the community-based nature of the special education task force gave him confidence the agreement will succeed.

“I’m convinced this initiative can not only save us lots of money and lots of kids’ dreams, but result in appreciable increases in our graduation rate,” he said.

Many of the required improvements and procedural changes are already underway, in particular a move to provide the most common special education offerings at every school.

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