

City schools hope to change course

Leaders want to avoid special-ed history repeat

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When asked in May about a list of problems in special education compiled by the Empire Justice Center, Rochester City School District special-education chief Chris Suriano said: “Some of these items do reflect possible systemic issues, but some are very much driven by student-specific cases that Empire Justice might be working on.”

Compare that to the response from the district when the forerunner to EJC, the Greater Upstate Law Project, raised similar concerns about special education in 1981.

“It’s very, very possible that these types of things are happening ... but overall, I believe we are in compliance,” the school board president Josephine Genovese said. Genovese was wrong; the district was far from compliant. A lawsuit on behalf of the district’s children with disabilities led to court supervision from 1983 to 2002. The question now is how much the district has progressed in 35 years, and whether the two parties will reprise their roles in court. EJC represents more than 100 families a year on special-education problems in Rochester.

The initial 1981 lawsuit was on behalf of four students. It alleged each of them had been denied services to which they were entitled, including access to tutoring when they were out of school. Parents were not consulted, and various tests were not completed on time. Negotiations led to a court-enforced improvement plan announced in 1983. U.S. District Judge Michael Telesca announced it by saying it would “ensure a great improvement in the services to be afforded to handicapped children.”

Some of its components — hiring staff based on enrollment projections, notifying parents of upcoming meetings in their own language, hiring additional staff — are the same points the district has been struggling to meet as of late. The plan was renegotiated several times, last in 1997. In 2002, Telesca relieved the district of court oversight over the objections of the plaintiff organizations, who pointed out that most of the benchmarks had not been met.

At the time, EJC’s Bryan Hetherington said: “This (has been) an unusually long lawsuit, and part of the reason ... is because of the district’s history of moving into compliance and then sliding back.”

Metrics show little improvement

Seven years later, a 2009 report from the Council of Great City Schools concluded the district had in fact lost its way again. It noted confusion and miscommunication among staff, the lack of district-level leadership and the segregation of students with disabilities from general education at a too-high rate.

Since then, most metrics of student success show precious little improvement, at least until recently. The August graduation rate for students with disabilities is at 29 percent, and there are a series of state sanctions in place, particularly over the issues of suspensions and timely evaluations.

The district’s five-year plan already has produced some results, including a momentous shift in its continuum

of services. But its longer history — 20 years of court supervision followed by another decade of regression — paints a bleaker picture of progress.

Hetherington, who is again at the center of the student complaint, said the problems now are similar in scope to when the first lawsuit was filed in 1981.

“I can’t speak to why (the court supervision) was lifted because I didn’t inherit a system that was fixed as a result of that consent decree,” Suriano said. “This district has had multiple, multiple years of state oversight as well. ... There were issues that go back well before me, that this district has historically struggled with correcting.”

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