

## DOCUMENT RESUME

ED 371 494

EC 303 081

AUTHOR Autin, Diana MTK, Ed.  
TITLE "A Place for Every Child."  
INSTITUTION Advocates for Children of New York, Inc., Long Island City.  
PUB DATE 94  
NOTE 129p.  
PUB TYPE Collected Works - Serials (022) -- Viewpoints (Opinion/Position Papers, Essays, etc.) (120)  
JOURNAL CIT Advocate; spec iss Win-Spr 1993-94

EDRS PRICE MF01/PC06 Plus Postage.  
DESCRIPTORS \*Child Advocacy; \*Disabilities; Educational Change; Educational Opportunities; \*Educational Practices; Elementary Secondary Education; \*High Risk Students; \*Mainstreaming; Needs Assessment; Regular and Special Education Relationship; Remedial Programs; School Districts; Special Education; \*Special Needs Students  
IDENTIFIERS Diversity (Student); \*New York City Board of Education

## ABSTRACT

This issue of "The Advocate" is a primer on reclaiming educational opportunities to which New York City children who are at risk of academic failure, due to disability, limited English proficiency, racism, and poverty, are entitled. The report calls for the assignment of consultant teachers, paraprofessionals, and other supportive staff and services to help teachers address the wider diversity of needs that educational reform will place in the mainstream classroom. It asks that a place be found for every child to the maximum extent appropriate in the general education classroom and that appropriate, challenging, quality instruction be provided to students who require a special education setting. Section I focuses on the current state of prevention, remediation, and support services implemented by the New York City Board of Education and recommends areas of improvement. Section II describes problems with existing special education services, highlights promising pilots, and makes recommendations for system-wide special education reform. (JDD)

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A publication of Advocates for Children of New York, Inc.

# *The Advocate*

*Dedicated to the protection of every young person's right to a quality education.*

*Winter 1993 - Spring 1994*

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## "A Place For Every Child"

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*Advocates for Children* wishes to thank all the financial contributors  
that make our work possible. Our program is supported by:

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| Clark Foundation                | New York City Department of      | United Way of New York City      |
| Edna McConnell Clark Foundation | Youth Services                   | ... and the many                 |
| Ellen Fox Foundation            | New York Community Trust         | individuals and                  |
| Flom Foundation                 | New York State Division of Youth | families around                  |
| Fund for the City of New York   | Pinkerton Foundation             | the city, state                  |
| Herman Goldman Foundation       | Primerica Foundation             | and country.                     |

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## Condolences

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The Board of Directors and staff of Advocates for Children mourns the passing of our long-time staff member and friend Florence Korman.

Florence spent many years at AFC assisting parents and students. As an intake worker she was often the first person with whom a parents spoke. Her Compassion and kindness to parents was an example for all of us.

Florence came to work at AFC because she was deeply committed to ensuring that all children in the New York City public schools obtain equal quality educational opportunities. The children of New York City have lost a true friend and AFC has lost a valued staff member.

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# Making a Place for Every Child

## A Message from Galen D. Kirkland Executive Director, Advocates for Children

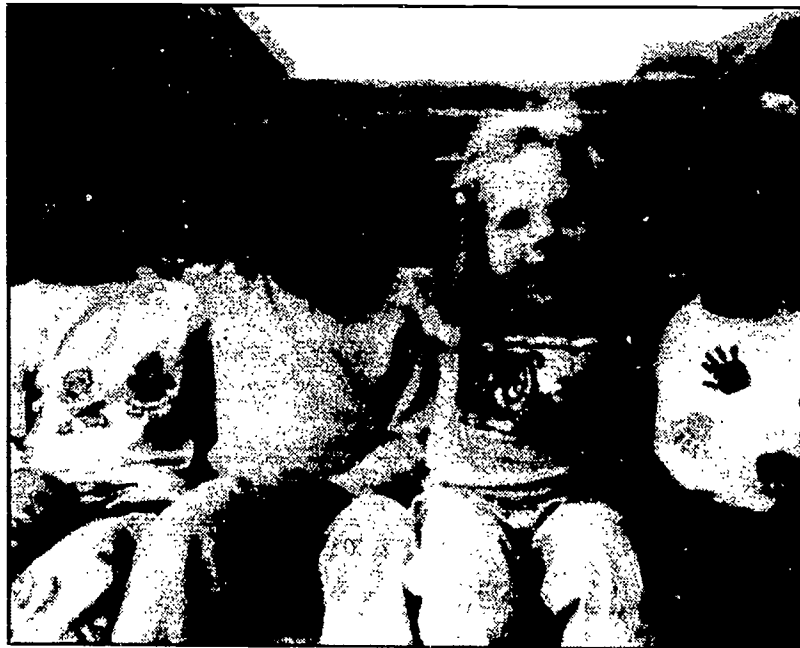
Respect for the ability of every child to learn is the premise for the educational reforms advocated by Advocates for Children of New York for over 23 years. We pay an inestimable price for the refusal of too many teachers, administrators, and policy makers to come to terms with the full potential of all children. For too long, a narrow vision of the type of child who "belongs" in the mainstream has blinded our educational system to its responsibility to teach all children. Only by embracing the range of diversity in physical, emotional, and mental characteristics can our educational system begin to fulfill its role of nurturing the intellectual, social, emotional, and physical life of all children, not just middle class children who fit a narrow set of specifications.

Yet New York City public schools reject the requirements for teaching a diverse population in the same way that a recalcitrant student rejects an appropriate task that is not to their liking. The segregation and grossly inadequate instruction of children at risk of academic failure due to physical, mental or emotional disability, limited English proficiency, racism, and poverty in special education programs is unacceptable. The children lose their chance to succeed and our society loses its most important opportunity to include these many thousands of people as constructive participants. The ground breaking report Segregated and Second Rate: "Special" Education in New York by AFC detailed the tragedy of inappropriate, special education placement for children of color and those with disabilities. This issue of **The Advocate** is a primer on how we can reclaim the educational opportunity to which these and all children are entitled. It contains an overview of the supports and services that are or should be provided to New York City public school students.

Any realistic plan for public schools to appropriately serve all children must honestly address the needs of good teachers and administrators working in a dysfunctional system. We call for the assignment of consultant teachers, paraprofessionals, and other supportive staff and services to help the teacher address the wider diversity of needs that reform will place in the mainstream classroom. The plans and recommendations that unfold in the following pages do not advocate that children with special needs be abandoned in the mainstream classroom without the supportive services that make their inclusion tenable. We ask that educators and administrators become our allies in finding **a place for every child** to the maximum extent appropriate in the general

education classroom. We also ask that appropriate, challenging, quality instruction be provided to those students who require a special education setting to meet their special needs.

The importance of fully opening the schools to students with special needs who can benefit from inclusion without undermining the education of their peers is inescapable. Children must have a secure sense of belonging in order to effectively use their intellectual powers. Segregation in inferior, stigmatizing programs destroys the self confidence of children most at risk of academic failure and stifles their sense of membership in the mainstream community. All of us should be able to remember how important it was in our youth to belong. Indeed, our need to be affiliated in adulthood is no less powerful, although masked by more complex dynamics. The recognition of the universal human need for respect and acceptance must be the basis for the collaboration that AFC seeks with you to establish the rightful place of all children, including those with special needs, in the New York City public schools. ♥





## **Section I: Prevention, Remediation, and Support Services**

*The New York City Board of Education is required to provide appropriate preventive, remedial, and support services to children in general education. While many such programs do exist, too many children fall through the cracks and end up inappropriately referred to, and placed in, special education. This section of The Advocate focuses on the current state of prevention and support services, and recommends areas of improvement.*

*Chapter 1 is the cornerstone of federal efforts to assist poor, academically disadvantaged students catch up with their peers. It provides an unprecedented — but under-utilized — opportunity for the meaningful educational reform that is so desperately needed in New York City. The following article outlines the mandates of Chapter 1, the results of AFC's initial survey of Chapter 1 programs in New York City, and our recommendations to reform Chapter 1.*

## Achieving Effective Schools

Nick Brustin

Legal Intern, Advocates for Children

Effective schools are the single most important factor for success in the lives of poor children at-risk of academic failure, and successful models across the country prove that poverty is not an insurmountable barrier to academic success. **Schools can be made to work for all children.** Regrettably, few schools are utilizing these models, and many students, particularly poor students, are not receiving the educational services they need and to which they are entitled. External factors such as limited resources and the effects of concentrated poverty influence the quality of urban schools, but these problems do not give schools, school districts, or state and federal administrators the right to ignore proven educational practices and to squander existing funds. Schools can work for all children, but we must make them responsive to children's needs.

With appropriate changes in how it is implemented in New York City, Chapter 1 can be the impetus for meeting that essential goal.

Congress amended provisions of Chapter 1 in 1988 to improve schools with high concentrations of poverty by mandating instruction in advanced skills; radically increasing parent involvement, professional development, and comprehensive school planning requirements; and generally raising school expectations. Congress intended these changes to revolutionize a program that had previously focused on teaching basic skills in supplemental settings. Unfortunately, these regulatory changes have had little impact in New York City. Chapter 1 continues to pay for inappropriate, fragmented curriculum and program models, rather than broad restructuring efforts and meaningful parent involvement activities, and there is almost a complete lack of state and federal oversight of program implementation.

New York City's failure to use Chapter 1 effectively has real human costs. Many poor, academically disadvantaged students are losing, rather than gaining, ground on their peers, and standardized test scores and graduation rates are declining for the lowest quartile students. Additionally, Chapter 1's ineffectiveness has a direct relationship to the over-referral of African-American and Latino children to special education in New York City.

Educators have largely failed to implement Chapter 1 as mandated by law, but their unwillingness to change does not limit Chapter 1's potential as a vehicle for educational reform. When properly implemented, Chapter 1 will help create schools that are truly responsive to student needs and will reduce the need for segregated special education settings. With concerned parents, advocates, teachers and administrators working together, Chapter 1 can provide the necessary catalyst for comprehensive school reform in New York City.

During the last year, AFC has carefully monitored Chapter 1 implementation in New York City. We reviewed recent federal regulation modifications and state and local evaluations; analyzed Chapter 1 applications for the first three years of New York City School-wide Projects (schools with high concentrations of children living in poverty can use Chapter 1 to upgrade the entire educational program), and the overall project implementation in particular districts; met with numerous city, state, and federal administrators in charge of monitoring and providing technical assistance for New York City's Chapter 1 programs; and analyzed promising programs and practices from around the country. Many of our findings are anecdotal (although we spoke with numerous officials) and the overall Chapter 1 picture is complex, but all of the evidence points to the same clear conclusion. By ignoring Chapter 1 regulations and mandates, New York City is wasting over \$430 million in Chapter 1 funding per year. The following barriers prevent effective Chapter 1 implementation in New York City:

- Federal regulations mandate that each school must emphasize instruction in higher order skills (reasoning, analysis, problem solving, and decision making) in their Chapter 1 programs. Despite these clear regulations, and the great weight of current educational reform research, schools continue to operate traditional, ineffective basic skill pull-out programs, while state and federal monitors overlook or encourage their noncompliance. Additionally, schools and administrators ignore qualitative monitoring and assessment regulations that emphasize the real strengths and weaknesses of the child, and continue to rely on ineffective standardized tests and infrequent, preannounced monitoring visits.
- Chapter 1 mandates extensive technical assistance, particularly to schools that qualify for Program Improvement (schools that show no improvement on norm-referenced tests or desired outcomes over the course of one year). Chapter 1 also encourages schools to utilize innovative strategies such as team teaching, coordinated curricula, and parent

involvement. These activities require extensive planning and ongoing modification, yet New York City provides virtually no meaningful technical assistance.

- Recent federal School-wide Project (SWP) regulations allow schools with high concentration of poor students to determine their own course of action, and encourages them to use Chapter 1 money to benefit the entire school population. Despite this legal mandate, New York City has not used SWP's to foster whole-school reform or establish proven accelerated programs. Many schools that qualify for SWP's are unwilling or unable to apply (there is a direct conflict between SWP requirements and New York City's School-Based Management/Shared Decision Making Program), and even schools that do apply for SWP's ignore the program's inherent flexibility and continue to implement short-term incremental school management changes that are of minimal educational value.
- Congress recognized that parent involvement is "vital" to effective school reform, and the 1988 Chapter 1 amendments mandate extensive parent involvement in all phases of the Chapter 1 program. Nevertheless, there is virtually no meaningful parent involvement in planning, implementing, or evaluating programs, and Chapter 1 officials ignore monitoring requirements.
- Chapter 1 has a number of regulations that encourage schools to explore innovative programs and strategies. New York City schools have failed to take advantage of Chapter 1's flexibility, and continue to rely on isolated pull-out programs, tiny reductions in class size, and an emphasis on drill and kill. Additionally, the New York City Board of Education unilaterally canceled Innovation Grants (Chapter 1 funds used to reward promising programs and teachers, or to experiment with innovative strategies).
- There are effective schools and programs in New York City, and around the country, but there are no mechanisms to disseminate relevant program information. These models remain isolated and unknown to the parents and teachers who need them most.

The evidence is clear. Chapter 1 is one of our most flexible and innovative funding sources, but it is being wasted. AFC is committed to dismantling ineffective Chapter 1 programs, and with your help, we can create Chapter 1 programs that work for all children.

Fortunately, we do not have to reinvent the wheel. There are a number of proven programs and strategies that are already working in many of the nation's poorest schools and they can work in New York City. But for that to happen, parents, advocates and concerned educators must implement multi-tiered advocacy strategies aimed at mobilizing large numbers of parents, teachers, administrators, community organizers, and others to resuscitate Chapter 1 as an effective tool for school-wide reform.

The remainder of this article provides a general plan of action to reform Chapter 1. This framework is broad by design, because AFC recognizes that the entire educational community, particularly parents and teachers, must play an integral role in planning and effecting any reform effort. In order to fully utilize Chapter 1 in New York City, two complimentary strategies must be implemented: first, a directed, city-wide effort to push for greater compliance with essential Chapter 1 requirements and subsequently, greater implementation of effective school programs; and second, the provision of technical assistance, training materials, and direct representation to parents and parent groups seeking to use Chapter 1 more effectively in their children's schools.

To further these objectives, and of the ten entitlements of all children outlined in the Good Common School,<sup>1</sup> AFC will focus on a five point agenda based on the deficiencies we have identified in New York City. In collaboration with other interested groups, AFC plans to:

- Continue to monitor the implementation of Chapter 1 provisions at all levels of government by analyzing applications, monitoring procedures, School-wide Improvement plans, ongoing school-wide projects, and parent involvement policies.
- Advocate for the adoption of an accelerated curriculum in Chapter 1 programs by disseminating information on effective curricula and whole school models, encouraging comprehensive staff development, tracking recent litigation challenging segregated remediation programs, and formally sharing these findings with relevant government agencies.
- Raise school expectations by advocating for the implementation of innovative "desired outcomes" (goals defined as the "advanced skills that all children will learn" in Chapter 1 programs), revised assessment procedures based on the state's New Compact for Learning and Chancellor's performance-based assessments, and effective strategies already being used by successful New York City schools.
- Provide training and support to failing schools by advocating for school improvement centers and performance-based evaluation measures, monitoring program improvement plans, and building coalitions with other organizations.
- Improve official dissemination of information on Chapter 1 programs by advocating for evaluation of parent involvement compliance, developing materials on parents' rights, and

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<sup>1</sup>The Good Common School: Making the Vision Work for All Children, by The National Coalition of Advocates for Students. See pages 6-8 of the Spring 1992 issue of The Advocate.

strengthening other parent involvement mechanisms already available in the public school system.

AFC will also provide more direct assistance to individual parents and parent groups, so they may fully utilize Chapter 1's extensive parent involvement requirements. AFC plans to:

- Produce a Parent Advocacy Manual that explains parent rights and provides specific strategies and programs that parents can utilize in their schools.
- Provide technical expertise in organizing school-wide projects and overseeing the overall Chapter 1 program.
- Disseminate information on proven reform models from around the country, and coordinate activities between specific school model assistance centers and New York City parent groups.
- Assist parents' who run into problems while pushing a local reform agenda, and help them to develop a New York City Chapter 1 parent task force.
- Facilitate coordination between local grassroots organizations and community organizers with parents groups and individual parents.
- Continue to work with organizations such as the Aaron Diamond Foundation and ACORN to develop and implement strategies that mobilize parents effectively.

Chapter 1 funding cannot magically transform ineffective schools, but Chapter 1 can provide the impetus for long overdue systemic reform. \$431 million is a lot of money to waste, particularly when it is earmarked for innovative programs and strategies that will directly impact children who are most in need. Chapter 1 represents money at the margin of the system, and this is the type of money that can truly make a difference. Currently, Chapter 1 is being used to maintain the status quo, and we are missing an unprecedented opportunity for change. By working with parents and educators and advocating for increased parent involvement, new curricula, more effective staff development, a focus on whole school improvement, and priority attention to students in the bottom quartile, we can revolutionize public school education in New York City. ♥



*The fiscal crisis in the 1970's led to devastating cuts in education, including the virtual elimination of many prevention and support services. The Principals Speak Project conducted extensive interviews with principals throughout the New York City public school system and issued an impressive report summarizing their findings on the need for expanding and strengthening the mental health/social services offered in New York City schools. AFC is working with the authors of this report, the State Communities Aid Association, and others, to implement required changes in law, regulation, and policy. The report is excerpted below.*

### **Mental Health/Social Services In N.Y.C. Schools**

## **The Supports Necessary to Learn: Principals Speak Project**

Richard Greenspan, David Seeley & John Neimeyer

### **Devastation In Seventies**

The city fiscal crisis in the seventies caused deep cuts in education, including the loss of 14,000 teaching positions and many guidance counselors.

Almost all social workers, psychologists and psychiatrists were shifted out of general education and into special education, and primarily assigned to do evaluations, when the Bureau of Child Guidance services were discontinued.

### **Guidance Counselor Cuts Never Made Up**

In the eighties, when the city's fiscal condition improved, many of the teaching positions were restored, but other non-classroom teaching positions and guidance counselors — considered "pupil personnel" positions — were not restored in proportional numbers. In 1988, the Educational Priorities Panel, a coalition of New York City civic organizations, stated that "basic pupil personnel positions remain at the same meager levels determined by the fiscal emergency [of 1974]." Starting in the very late 80's a small number of additional counselors were being brought

back into the system, but this development was stopped in its tracks, pushed back by the severe \$750 million cutbacks in the N.Y.C. educational budget for the past two years.

### **Bureau of Child Guidance Eliminated**

At its height, the Bureau of Child Guidance (BCG) employed some 300 social workers, 200 psychologists, 84 psychiatrists plus secretarial support staff. In addition there were approximately 100 social work student interns. The staff worked in individual schools and also worked in clinics the Bureau established.

At its height, BCG's budget was about \$21 million. Fifty percent of the funds came from the New York State mental health budget and 50% from city tax levy funds, with all funds funneled through the city's mental health department. Pressure for dissolution of the BCG included views held by city and state mental health officials and others in the voluntary sector that voluntary agencies could do the job more cheaply and effectively, and provide a broader range of services. It took some five years for *a portion* of the BCG's role to be taken over by services provided by the mental health agencies through the On-Site Mental Health Program. This program received and has continued to receive less than \$5 million yearly, less than a quarter of the BCG's \$21 million budget.

In 1988, shocked by the decline in the support services in middle schools found in a study they sponsored, the 26 member organizations of the Education Priorities Panel in New York City stated firmly that guidance and other support services "must be built back into the system; too many desperate social ills fester in our schools, unaddressed because the personnel to address them are not there." They specified that by other support services, they meant "licensed social workers" and workers from "community-based mental health or social service organizations."

### **The Scandal In Special Education**

One effect of these cuts in supportive services over the years has been a sharp increase of children referred to and placed in special education. These cuts took place at around the same time that the courts began mandating that schools do a better job of educating children with special needs. In 1974, the U.S. government also passed a law, P.L.92-142, to encourage special education. Federal and state monies began to be available for this purpose. As one principal said, "What was mandated got funded."

Children started being referred to special education in large numbers. The number of children labelled as "handicapped" surged, in fact more than doubled, in six years: from about 54,000



in 1979 to 116,300 in 1985. The numbers reached 119,000 in school year 1990-1991. It cannot be denied that special education has been and continues to be a life-saver for many children with special needs. However, there is striking testimony over the years that many of these additional thousands of children are being unnecessarily stigmatized as "handicapped" because of lack of supportive services in general education. This is a continuing educational scandal.

Testimony to this effect came in 1985 from the report of the New York City Mayor's Commission on Special Education, known as the Beattie Commission, which stated: "A significant number of the more than 116,300 students in New York City's special education programs are placed and remain in special education not necessarily because they are handicapped but because they need services unavailable in regular education." (Emphasis added.)

In 1988, school's Chancellor Richard Green said:

"The explosive growth of special education enrollments in the late 1970s and the early 1980s must be viewed as an expression of failure in general education. It is a recourse for parents when their children fail to make progress but do not receive adequate help. It is an outlet for teachers and schools when children require time and attention that cannot be provided due to lack of resources." (Emphasis added.)

### Dumping Ground

In 1992, a N.Y. Times article attacked the problem of New York City children being placed in special education who don't belong there: "Thousands of genuinely handicapped children belong in special classes. But too often, critics say, assignment there is not driven by a handicap, but by money and expedience. The Board of Education likes the classification because it can collect Federal and State money to pay for small classes, teachers and counselors it otherwise can't afford."

The Times also claimed that the Board's own studies have shown, "special education is too often a 'dumping ground' for laggard readers or unruly students."

The Educational Priorities Panel had summed up the scandalous special education situation by saying that "inappropriate referral to special education, with the stigma and expense attendant on it, is not an acceptable response to the inadequacy of general guidance and support services."

The Fernandez administration has been frank in conceding that there are inappropriate referrals to special education, and has come forth with research that shows a startling success rate with one special education preventive program. Fernandez's "Chancellor's Budget Request for

1992-93" forthrightly states that, "Many special education referrals reflect the absence of sufficient support services for underachievers in general education, rather than any disability on the part of the student. Reducing the number of inappropriate special education referrals would lead directly to significant educational and financial benefits. Children would not be labeled or isolated in an environment that is, unfortunately, too often equated with failure or the expectation of failure." (Emphasis added.)

The same publication notes positive results of the Summer Primary Program which provides remediation and enrichment during the summer months to students entering grades 1-3 who are in danger of being held back a grade. "The first evaluation of the Summer Primary Program indicated that referrals to special education dropped by half for at-risk students who received these intervention services. If we expanded the program and continued with this rate of success, thousands of costly referrals to special education would be avoided."

The Chancellor's budget request asked that part of a \$20 million request for additional monies be used for a preventive program for a similar group of 8,000 children during the regular school year, children "who have been historically placed in special education." The program, similar to the summer program which had a successful preventive rate of 50%, never got off the ground because the funds weren't forthcoming.

In our view, it is a tragedy if even one child is put in special ed if she/he doesn't belong there. That tragedy is multiplied by the thousands of children placed in special education classes in New York City public schools who are there because of lack of supportive services in general education. It certainly behooves officials at all levels of government to provide resources to end this outrageous and financially wasteful situation.

How one might put an end to this was suggested by Neil Lefkowitz, director of field operations for the Council of Supervisors and Administrators, testifying on March, 1993 before the New York City Council on ways to help reduce the number of children inappropriately referred to special education programs. He urged a "holistic approach — intensive guidance assistance, increased use of social workers and the augmented use of psychologists to assist troubled youngsters before they are placed in special education programs."

### **Six Mental Health/Social Services Programs**

The educational system is aware of the problem of inappropriate referrals to special education. In the mid-eighties two main "special education prevention" programs were put into place:

- ERSS — Educationally Related Support Services

- OSMHP — On-Site Mental Health Program

Below, we discuss these programs together with the following important programs that also provide what we call mental health/social services to our city's school children although on a level wholly insufficient to meet overall needs.

- Guidance Program
- AI/DP — Attendance Improvement/Dropout Prevention

- SAPIS — Substance Abuse Prevention and Intervention Programs
- PMHP — Primary Mental

## **Health Project**

### **1. Educationally Related Support Services (ERSS)**

Started by the State in 1985 as a special education prevention program, ERSS provides some supplementary counseling by guidance counselors, social workers and psychologists, and speech services to children in general education.

ERSS has had meager funding from its inception. One report criticized the funding as only "allowing a small handful of students to be counseled... in the name of special education prevention." Neil Lefkowitz of the C.S.A. calls the funding "a pittance."

Many of the professionals who provide ERSS services are on special education School-Based Support Teams whose evaluation work gets priority over ERSS prevention work. Therefore, the counseling designed to keep children from being assigned to special education is often interrupted because the counselors are called away to make an evaluation of other children being proposed for special education. One SBST social worker explained to us: "I may pick up 20 cases under ERSS and see the children regularly, like once a week, which they look forward to. Then a bunch of special ed evaluations are needed and I am unable to get back to help those children for a number of weeks."

### **2. On-Site Mental Health Program**

A more promising effort under the special education prevention umbrella is the On-Site Mental Health Program mentioned in a previous section, a good example of community-school collaboration. Evelyn Santiago, principal of P.S. 67 in Brooklyn, where the Jewish Board of

Family and Children's Services has an On-Site unit, said, "Its greatest asset has been that it's the first avenue we go to before we think of special education.'

Through this program, nineteen social service/mental health agencies are funded to place personnel in 72 of the city's 931 public schools. Most of them are in elementary schools and middle schools, with two in high schools. Their contract calls for them to provide "individual, group or family therapy, consultation and education to school personnel and parents, outreach to school children, and/or case management." Case management is defined as help with specific practical problems such as welfare, food stamps, housing, etc. The units employ mainly social workers plus part-time psychiatrists and psychologists and, from time to time, remediation personnel. The basic staffing in each school is one or two social workers. These personnel are available all year round, if not in school (as during the summer months), then at the offices of their agencies. This is often important in cases requiring a continuity of help and care.

Another advantage is that their agencies provide additional services for children and families. For example, the Children's Aid Society can offer health examinations, afternoon activities for children and even summer day camp and sleep-away camp.

### **Testimony On Staffing Shortages**

Many of the On-Site Mental Health units do not have enough staff in the schools they serve, according to Cynthia Dames, Executive Director of the Coalition of Voluntary Mental Health, Mental Retardation and Alcoholism Agencies, to which all the agencies providing on-site programs belong. "Many of the 19 agencies which supply on-site mental health services to the public schools report waiting lists for their services," said Ms. Dames. "The agencies have been asking for a 20% increase so they can fill more of the demand for their services in the schools, but they have been turned down." Of course, even worse off are the vast majority of schools that have no on-site mental health units at all.

### **3. The Guidance Program**

The responsibilities of guidance counselors are pretty well covered, although not limited to, those in the following list entitled "Role of the School Counselor," prepared by the New York State School Counselors Association:

- Crisis Intervention Services — includes counseling students in crisis, e.g., suicide prevention, child abuse, pregnancy, substance abuse.

- Transitional Services — orients students as they move from grade to grade and school to school.
- Teacher Support — assists teachers in enhancing the learning capabilities of students.
- Parent Support — includes individual conferences and group meetings with parents centered on the academic and personal growth of their children. Makes referrals of students and parents to appropriate specialists.
- Personal/Social Growth — includes counseling concerning self-esteem, communication skills, decision-making and relationship skills.
- Career/Life planning for students.
- Consultant — includes serving as a reference and resource on students and student issues for the school psychologist, the school social worker, teachers, administrators and the community, as well as for local and state agencies, mental health offices/clinics.

Guidance counselors, given their small numbers (see below), of course can't do all the things on this list for almost one million children — many with severe problems. What happens in practice is that many children, families and teachers receive very limited help. What counselors do is usually school-specific, guided by the wishes of the principal. The time of guidance counselors is particularly constricted in the final months of the school year, because of their involvement with transitional services, often referred to as "articulation" and high school application procedures. "It's difficult to make referrals to guidance counselors at the end of the year," one junior high school teacher told us. Guidance counselor time for general education students is, of course, limited because the number of counselors is limited.

### **One Guidance Counselor for Each 1,198 Elementary School Pupils!**

In relation to numbers, the most shocking statistic comes from the Board of Education concerning school year 1991-1992, the latest year for which statistics are available: The overall guidance counselor to student ratio at the elementary level in general education was one counselor to each 1198 students! Even with the addition of support staff in the special programs in this section, available support does not begin to meet the Board of Education's "Model Staffing" guidelines for elementary schools, which call for one guidance counselor for each 300 pupils.

**Middle Schools: 1 per 443**

At the middle level — Intermediate and Junior High Schools — the 1991-1992 ratio in general education was one guidance counselor for every 443 pupils — 401 guidance counselors to service 177,584 students. In contrast, Board of Education "Model Staffing" guidelines referred to above are for 1 counselor for each 250 students.

In 1988, the Board of Education's own Middle School Task Force, alarmed by the growing needs of the city's inner-city youth, had recommended that "guidance professionals be assigned responsibility for no more than 250 students." The task force also stressed the need for additional support staff in general education to deal with student problems, including school psychologists and school social workers.

**Districts' Role In Quantity**

While the Central Board determines the number of guidance counselors for high schools, each of the 32 community school districts determines how many guidance counselors should be budgeted for the elementary and middle schools over which they have jurisdiction. The funds for guidance counselors come mostly out of a lump sum of money for various types of personnel. Because of the shortage of funds, the problem becomes a disheartening choice: "Shall I give this up for that?" With it all, neither the districts nor the high schools are provided with anywhere near the amount of funds needed to have enough guidance counselors. (And social workers and psychologists who could be of great assistance are few in number).

**High School Study: Too Much Paperwork, Not Enough Resources**

A Board of Education official study of guidance in high schools for the school year 1988-89, reporting a counselor ratio of 1 to 480 students, compared to a recommended ratio of 1 counselor per 250 students, provides stark testimony of what such shortages mean: "The counselors... are swamped by excessive caseloads, and too often are frustrated by their inability to deal effectively with the serious student needs." (Emphasis added).

The study surveyed 122 New York City high school guidance departments and interviewed a sample of 36 licensed counselors. It reported that, for schools where alcohol or drug abuse counseling, other kinds of health counseling, and family counseling were considered very pressing needs, more than two-thirds of the respondents [i.e., counselors they interviewed] indicated that "most of their at-risk students were not receiving the help they needed." (Emphasis added). It also found that high school guidance departments are plagued "by too much paperwork."



Although the study was done in the 1988-89 school year, the number of counselors has not appreciably increased since. The ratio in the 1991-92 school year, according to the latest figures available, was over 400 students per counselor.

### **Schools Deprived of Social Workers and Psychologists**

While the list of responsibilities for guidance counselors presented above refers to guidance counselors serving as a resource for "the school psychologist" and "the school social worker," it hardly applies in N.Y.C. schools where there are few social workers or psychologists, except in special education. Most social workers and psychologists have been gone from general education in city schools since BCG was eliminated in the late seventies. It has been a serious loss; social workers are especially trained to work with families, they often have mental health training and can provide valuable counseling and psychotherapy. Psychologists are also trained in counseling and psychotherapy, as well as in psychological and educational testing.

The lack of social workers and psychologists for the children in general education puts more pressure on already overburdened guidance counselors, given their heavy caseloads.

What's somewhat startling is the Board of Education's omission of social workers or psychologists for general education from the Board's "Model Staffing" guidelines draft, still in effect. This omission is contrary to conventional wisdom, as well as practices in other school systems. The recommendation of David N. Dinkins Manhattan Borough President's 1989 Education Task Force report, for instance, was that there should be at least one social worker in each public school.

UFT assistant for special services, Gloria Weinman, has stated that there is a need for "at least one social worker per school and in big schools, like junior and senior high schools, there should be more." The Save Our Schools Committee during 1991-1992 estimated 1,400 additional guidance counselors and social workers were needed to adequately staff city schools.

### **4. Attendance Improvement/Dropout Prevention Program**

This program (AIDP) established "for the purpose of supporting strategies to improve attendance and high school completion rates of students with academic and attendance problems" is funded primarily by the N.Y. State Education Department. Program efforts must be targeted to those schools with attendances lower than the community school district average.

In 1992-93, AIDP funds totalled \$59 million. The major portion of the funds goes to the 32 Community school districts and the High School Division directed by the Central Board. Eleven million funds the United Way CAPS (Community Achievement Project in Schools) program which contracts for services delivered to schools by community-based organizations and agencies (CBOs). United Way contributes one million, monitors the contracts and provides technical assistance to the CBOs.

A January 1993 report on the whole AIDP program states, "A total of 7,575 elementary school students and 13,200 middle school students are being served." (That amounts to approximately 1.6% of all elementary school pupils, and 7.4% of all middle school pupils.) A total of 62 middle schools and 102 elementary schools are reported to be receiving services in 28 of the 32 community school districts, and 32 high schools. In high schools, students in general and special education identified as at-risk of dropping out of school, are selected for "counseling, support services and staff development within the basic school program," using these criteria: absences of three or more days a month and students returning after an absence of at least a month; pregnant or parenting students; over-age students; students scoring in the lowest quartile on the city-wide reading test. In addition, some of the monies are used by the community school districts for the following:

- To serve children in temporary housing. The December 1992 census "included 3,591 students [mostly elementary school children] living in temporary housing, an increase of 800, or 29%, since last year." Funds are used to provide after-school programs, counseling, parent programs and attendance outreach.
- "On-site services are provided at the shelter or hotel to assure that students are registered and attend school regularly." Also "services are provided to city-wide special education programs." The January 1993 report notes that "funds are not available for all schools needing AIDP services. Since funding is not available to support programs in all eligible elementary schools, each Community School District identified priority schools from the eligible schools for participation." (Emphasis added).

### United Way CAPS Program

In the 1992-1993 school year, the United Way of New York City CAPS (Community Achievement Project in the Schools) program reported a total of 207 community-based organizations working with 74 elementary and middle schools, and high schools as well. The community-based organizations include mental health and social service agencies, community centers and local community helping agencies.



The United Way CAPS program has laid particular stress on two things: provision of greater help to Puerto Rican/Latino agencies; and emphasis on dropout prevention in earlier grades since "intervention at the high school level is too late to significantly impact on the dropout rate."

### **Closer Relationship With Schools Encouraged**

CAPS, according to United Way, has encouraged closer relationships between schools and the community-based organizations, and has encouraged greater CBO involvement in school affairs. (They report some positive results: In 1991-1992, 91% of CBO's reported that some staff members had closer relations with schools; they had met regularly with the dropout prevention personnel in schools, "and participated in such groups as the SBM/SDM Committee, Pupil Personnel Committee, Crisis Intervention Team, Parent Involvement Committee, etc."

### **Broad Advisory Committee**

CAPS has taken special steps at upper levels to involve the broader community by establishing an Advisory Committee which includes representatives from labor, human services and government, as well as three members from United Way and four representatives of the Board of Education.

### **Sense of a CAP CBO Program**

While CBO programs vary, a description of the AIDP program operated by the Stanley Isaacs Neighborhood Center in East Harlem provides some general sense of those programs. According to CAPS material, the program provides the following services to P.S. 101: case management, help with practical problems and referrals to other agencies, parental involvement, counseling, activities to encourage school attendance, personnel for after school activities and after school activities.

The CAPS report on P.S. 101 further states that in two years its absence rate dropped from an average of 42 absences per pupil down to 26, a 40% improvement.

### **Family Outreach Stressed**

Jean Thornassess of Good Shepherd Services informed us that there is no one model for the range of services the CBOs provide for the schools, although many of them stress outreach to families:

"There is an enormous amount of outreach into the home, an enormous amount of home visiting, so it is not simply a school-based or office-based service." At the same time some of the agencies, she said "do community work to bring the families into the schools."

### **Fernandez: "Just Scratching the Surface"**

Although Chancellor Fernandez places faith in the CAPS program, he is well aware that more must be done, as seen in a March 25, 1990 interview with NBC's Today show anchor Bryant Gumble. When questioned about the relatively small size of the CAPS program, Fernandez replied: "We have concerns that we're just scratching the surface. However, if the CAPS program works, then it is much easier to go back to the Board of Education, the city and the state to request more funding."

Unfortunately not much more funding has been forthcoming and, as the January 1993 report on AIDP informed us, funds are not available for all schools needing AIDP services.

### **5. The Substance Abuse Prevention and Intervention Programs (SAPIS)**

The program has two parts: SPINS — Substance Prevention Intervention Network in Schools — in the 32 community school districts and SPARKS (not an acronym) in high schools. Chancellor Joseph A. Fernandez has called it "a comprehensive program that combines prevention and education, early intervention, crisis intervention, community involvement and activities that offer positive alternatives to substance abuse."

In 1991-1992, the N.Y.C. Board of Education's Substance Abuse Prevention and Intervention Programs (SAPIS) received \$29 million from the following sources to prevent drug and alcohol abuse: Federal, 30%; New York State, 47.5%; New York City, 21.5%; Others, 1%.

While SAPIS sponsors a variety of activities (e.g., writing workshops, theater workshops, a Junior High School Peer Leadership Training Institute, parent workshops, celebrity involvement, athletic events, art-in-counseling program, peer facilitators, peer helpers), the heart of the program is its approximately 950 drug counselors.

The major functions of the counselors are to give mandated lectures to classes of students, and provide individual and group counseling. Some of these counselors are college graduates, a few are social workers, and at least one-third have lesser qualifications. A person can be employed in the program as a Substance Abuse and Intervention Specialist with "A four year high school

diploma or its educational equivalent and two years of satisfactory full-time counseling experience."

This category of specialists has permitted this program to hire some (about one-third) essentially paraprofessionals, some of them ex-drug addicts, who often can bring valuable first-hand knowledge of the danger of substance abuse to students. However, questions have been raised, in the case of some, as to their counseling skills, with one of our guidance consultants saying that, while some were adequately trained in counseling, others were not. Principals in some of the 25 elementary schools in our study had such drug counselors in their schools. While some of the principals thought they were adequate to lecture on substance abuse and help with some counseling assignments, other principals felt they were not well enough qualified to do some of the more complex counseling in cases they undertake.

This view, in April 1993, was shared by a number of Board of Education psychologists, social workers, and guidance counselors. One social worker said that some of the drug counselors were "way over their heads" in being asked to counsel students with complex social and emotional problems. Whether this problem is widespread we cannot say. However it certainly is a quality issue for this program, which has others, as indicated by an official Board of Education evaluation of SAPIS, published in March 1992, which reported:

"Insufficient supervision and consultation time for SAPIS: SAPIS in some districts' schools reported that [SAPIS] Directors did not make themselves sufficiently available to them for case consultations, ongoing support, and training in particularly difficult areas, e.g., such as working with abused children. In districts where their Director's presence was not felt, SAPIS reported greater difficulties."

A lack of "case consultation," "ongoing support" and "training" in "particularly difficult areas" — such as "working with abused children" is, in our way of thinking, a serious problem. More support appears to be given in another program making extensive use of paraprofessionals, the Primary Mental Health Project.

## **6. Primary Mental Health Project (PMHP)**

The Primary Mental Health Project (PMHP) is a very small program in N.Y.C., making valuable use of paraprofessionals indigenous to neighborhood schools. The program was highly praised by one of our principals whose school had such a program. She said she needed another unit in her school.

Started in 1957 by noted psychologist Emory L. Cowen, and existing in many parts of N.Y. State and other states, PMHP in New York City is focused on "at risk" children in the early grades, "experiencing significant early school adjustment problems." In the city program, the children are seen one or two periods a week by a "Child Associate," a nurturing paraprofessional counselor, trained by mental health professionals and supervised by a psychologist.

According to an evaluation by the State Education Department, areas of improvement of children in the program include "reduction in shy/withdrawn behavior, reduction in aggressive acting out behavior or moodiness, and improvement in study skills and academic achievement."

In 1992, psychologist Yona Rothwax, who directs the PMHP program in District 4, where most PMHP's are located, said the program had begun to target emotionally needy foster children, a growing group in the city's schools.

District 4 started to employ the PMHP program in its school seven years ago, and they are now to be found in seven elementary schools with one Child Associate in each school. Only three other units are to be found in the rest of the city: in District 15, District 27, and a unit in a Head Start program.

PMHP is an important mental health/social services model, combining professional expertise with indigenous paraprofessional knowledge of the neighborhood and its ethnic groups. Unfortunately, it has meager funds, and there is no current commitment to its expansion.

### **Other Programs and Agencies Providing Services to Schools**

There are other agencies and programs through which mental health/social services are provided to public schools. Some social service agencies are funded by the Human Resources Administration to provide services under its preventive services mandate. Some mental health departments in hospitals provide schools with limited assistance and consultation. Also, the Ackerman Family Institute, a mental health agency, has applied its knowledge to work with a small number of schools in the public school system. There are other efforts, which work in connection with city agencies. One is the Cities-In-A-School program. This is a national program which operates in 15 schools in New York City. Caseworkers are obtained from the Human Resources Administration; recreational workers from the Parks Department, but were cut out following the 1991-1992 N.Y.C. budget cuts. The New York City Youth Board also supplies some services to schools.

**Conclusion:**

Spurred by the inner-city principals we interviewed for this study, we have attempted to make the case for the need for adequate mental health/social services in N.Y.C. public schools as essential to educational progress and effective school reform.

We hope it is clear from the above analysis that what our schools need is not just more guidance counselors, social workers, psychologists, and supporting paraprofessionals — although a sizable increase in numbers is clearly necessary, particularly for schools facing complex problems such as those troubling the schools in this study. We see, instead, the need for a comprehensive approach by schools if they are to provide the support system required for all students to be successful learners. In such an approach, mental health and social services workers will play a vital role.

Such a comprehensive plan, we believe, will observe at least the following tenets and role definitions:

1. Each school will have a plan designed on the basis of the specific needs and capabilities of that school; a uniform plan for an entire system, or large district of a system, will be avoided.
2. Within a school, teachers play a primary role in fostering, or diminishing, the emotional strength of students.
3. Because classrooms, teachers, students, and (even if only indirectly) parents function within the pervasive culture of the entire school, the governance of the school will systematically evaluate and strive to strengthen all aspects of the school as a caring, supportive environment for students, parents, teachers and other staff.
4. The school's mental health/social services staff will have the following roles:
  - a. They help teachers understand more fully the behavior patterns of students, as well as the relationship of classroom dynamics to those behaviors; and they supplement teachers by providing guidance to students individually or in groups.
  - b. They work with principals and supervisors in improving the relationships, programs, procedures, and overall culture of the school.

- c. They carry special responsibility for linking parents with the school, and act as counselors to parents who need help in dealing with some of their frustrating problems that, if not relieved, impact negatively upon their children's success in school.
- d. They act as liaison between the school and community agencies, particularly those agencies with collaborative working relationships with the school.
- e. They serve as members of whatever school governance councils may exist, and/or as members of important relevant committees of such councils. In New York City, their participation in School-Based Management/Shared Decision Making committees is essential.

We want to emphasize again that our principals have said that for schools to function in the ways indicated above there must be a dramatic increase in the availability of the services of expert mental health and social service personnel. For this to happen, it is clear that existing, as well as additional, funds — city, state, federal — must be realigned.

Finally, we as a society must realize — and act upon that realization — that success for all children depends upon schools and their communities working together to accomplish this end.

### **Policy and Action Options**

#### **1. Strong Policy Statement by the N.Y.C. Board of Education**

The New York City school system has failed to provide the mental health/social services essential for improving educational achievement of the City's children.

We therefore propose that the Board of Education adopt a strong policy statement on the need for these support services, and a pledge that it will implement this policy through actions such as those recommended in #5-10 below and through its budget and contract negotiations.

We believe the discussion of such a statement will help to focus the attention of the Chancellor, the central staff, the districts, schools, and civic organizations on the crucial nature of this element of educational reform.



## **2. State Requirement for Adequate Mental Health/Social Services**

The State's new Compact for Learning represents a shift to a much more comprehensive approach to education than in the past, but the Compact thus far does not make a strong enough provision for the support services stated as essential by the Compact itself and by the principals in this study. In the Compact's spirit of "top down leadership for bottom up reform," we recommend that each school and district level improvement plan be required to include a specific section detailing how the school or district plans to meet students' social and psychological needs so that they can achieve in school.

Such a regulation should require that the plans be developed with the participation not only of administrators, but also of mental health and social service professionals, teachers and parents.

## **3. State Funding for Mental Health/Social Services**

Because needs in this area have been so neglected in education budgets, we recommend special state funding for mental health/social services for inner-city schools. The funding should be conditional on the development of school and district level plans, as recommended above, and spent only for the implementation of such plans which may include such features as contracting with outside agencies to supplement the work of school-based personnel, teacher training in counseling, etc. The funds should be sufficient to pay for adequate levels of mental health and social services (e.g., at amounts at least the equivalent of the cost of one guidance counselor or social worker or psychologist for every 200 inner-city children).

In this respect, to assure continuity in services, so that services are not put in place in schools and then taken away in a year or two, what is needed are "long-term contracts between schools and service providers" thus assuring "confidence in programs and people" according to Bernard Mecklowitz, former Chancellor and District Superintendent on the Lower East Side.

## **4. Greater Use of Federal Funds for Mental Health/Social Services**

A recent report found that Chapter 1, the "Federal Government's main program for helping improve the basic academic skills of poor children, is failing those students and needs to be overhauled." Among its recommendations for change, the report recommends that attention be

paid to health and social services. Unfortunately, it recommended using Chapter 1 money only to coordinate health and social services: "Not provide — but coordinate," emphasized a writer of the report to a meeting of state governors. While it would be helpful to coordinate health and social services, we, and others, feel Chapter 1 funds should also be used to *provide* such services.

A U.S. News & World Report (Oct. 22, 1990) article on Chapter 1 notes that "educators increasingly question whether addressing only the academic difficulties of disadvantaged students, as Chapter 1 attempts to do, is sufficient for such students to be successful in their school careers. 'Students are coming to school with many emotional needs that must be met,' says Principal Frank Beltran of Robert F. Kennedy Elementary School in Los Angeles. 'They are full of anger and frustration. Educators have to deal with these problems if we want to enable children to take full advantage of the regular school program.' "

The article ends with these words: "As the challenge to educating the burgeoning disadvantaged population in the nation's schools becomes more complex, so too must the solutions."

We strongly recommend that federal education programs, in particular Chapter 1, be revised to allow funding of mental health and social services.

### **5. Mental Health/Social Services Team In Each School**

While each school must develop its own plans as to how to fulfill its responsibilities for mental health/social services, we strongly recommend that each school establish a team to provide for consistent and coordinated attention to the social and psychological needs of its children. The knowledge and skills of guidance counselors, social workers and psychologists, other specialists (speech therapists, etc.), teachers and administrators are needed on such a team.

New York City public schools do have a good model along these lines — Pupil Personnel Teams — but too often these teams meet infrequently. The responsibility for the organization of such teams rests with the principal and whatever joint governance mechanisms function in the school. It is our strong recommendation that administrative steps be taken in the districts to insure that such teams be organized in each school, be staffed properly and meet regularly.

Greater involvement of the community would certainly strengthen the work of such teams. We therefore suggest that such teams include a representative or representatives of major community organizations or agencies which are helping in the provision of mental health/social services. This cooperation between community agencies and organizations and inner-city schools is extremely important, given the increasing recognition that "schools cannot do it alone."



## 6. Inclusion In School-Based Management Councils

New York State regulations now require plans for involving teachers and parents in school-based decision-making. We recommend that school councils be required to include at least one mental health/social service professional. While a mental health/social services team in each school can go a long way toward helping individual children and families, and toward helping teachers and other staff deal more effectively with social and psychological problems that interfere with learning, it is also important for school planning committees to help develop and maintain a positive, supportive school climate. A mental health/social services professional can provide unique input into such an effort. This has been the experience of the Comer School Development Program model, and should be duplicated in all schools.

But for such inclusion, more than itinerant mental health/social service workers are needed. As pointed out in early 1993 by one of the principals in our study: "If the mental health/social service professional serves 3,4, or 5 schools, how can he/she make the necessary intellectual/emotional commitment to a particular school?"

## 7. Sharing of Good Practices

Although many schools and school systems have failed to provide adequate mental health/social services, there are also many good programs and practices, undertaken both by the Board of Education and community-based organizations, which have to become more widely known as schools and districts develop their plans for addressing students' social and psychological needs. In New York City, there are effective guidance counselor programs and models which include the On-Site Mental Health Program, Superstart, and the Primary Mental Health Project.

The following officials and institutions should assume responsibility for providing districts and schools with knowledge of good mental health/social service programs, and school planning teams with time and resources for visiting and studying these programs, so that they can be replicated:

1. The New York State Education Department (SED), which will be supporting schools throughout the state in the carrying out of the new Compact for Learning.
2. The superintendents of the Community School Districts.
3. The Council of Supervisors and Administrators (CSA) and the United Federation of Teachers (UFT) through their educational programs for their members.
4. The colleges and universities that prepare teachers and supervisors.

### **8. Provision of Adequate Mental Health/Social Services to People From Different Cultures**

New York City already has a population with an extraordinary range of different cultures and languages, a diversity which is growing with new waves of immigration. "The stress and trauma of the immigrant experience can have a significant impact on a child's mental health and her ability to learn," according to New Voices (Fall 1992), the excellent newsletter devoted to the problems of immigrants and peoples from different cultures.

For the schools to be able to provide the kind of mental health/social services support recommended in this report for new immigrant children and families, there is increasing need for school personnel competent in their languages and familiar with their culture, and special mental health needs.

The Board of Education and Community School Districts should make every effort to hire mental health/social service professionals with backgrounds similar to those of major immigrant groups. But when such professionals cannot be found, hiring paraprofessionals with similar ethnic backgrounds, who can work with English-speaking professionals, is necessary.

There is an important by-product of hiring paraprofessionals, according to Rena Schulman, of the Jewish Board of Family and Childrens Services, who has been an advisor to Federal government mental health commissions: "Such paras serve as important role models in inner-city schools."

### **9. Bringing Schools and Community Organizations Closer**

We have heard many complaints from social service and mental health organizations in the community and from school personnel about difficulties and conflicts in dealing with each other. Since it is vitally important that our inner-city schools work with community organizations, there is an urgent need to establish a joint ongoing forum to explore ways to improve these relationships.

District superintendents should take a leading role in this, stressing the common mission of the school system and the community in helping children become successful learners. District superintendents are in a unique position to call together agencies that are needed in this collaboration. Staff development efforts should help to prepare staff for more collaboration. The various unions and professional organizations can be of great assistance with this.

### **10. Needed: Mental Health/Social Service Coordination & Leadership at The Board of Education**

The special knowledge which mental health/social services can contribute to the education of New York City's children is not being fully and properly utilized in the education of our children. One thing that is missing is a voice at the very top levels of the Board of Education bureaucracy, particularly in the Chancellor's cabinet, to bring directly to the attention of the Chancellor the special mental health/social service needs of the city's students, parents, teachers and administrators.

As things stand now, the person in the Chancellor's cabinet who is responsible for what might be put under the rubric of mental health/social services — Student Guidance Services, Substance Abuse Prevention, Attendance Improvement Dropout Prevention, Special Ed Prevention — is also responsible for Instruction and Professional Development, Funded Programs, Bilingual Education, Special Education, Special Education City-wide Program, Adult and Continuing Education, Multicultural Education, Health. This person, the Deputy Chancellor for Curriculum and Instruction, obviously has so many responsibilities that the mental health/social service needs of our schools cannot get the attention they deserve.

Such a cumbersome bureaucratic set-up does not provide for adequate direct access to the Chancellor and the Board of Education concerning the mental health/social service needs of the city's schools. What is needed is an office, headed by an experienced mental health/social services professional, which can provide overall mental health/social service policy guidance directly to the Chancellor and to the Board of Education as to what is going on and what is needed — both short term and long term. Such an office can also oversee the programs more directly connected to the mental health/social services needs of our schools, such as the Office of Guidance Services, AIDP, SAPIS, and the special education prevention programs. Thus, the proposed office would be headed by a Deputy Chancellor for Mental Health/Social Services, serve on the Chancellor's cabinet and would be directly responsible to the Chancellor. The time is long overdue for mental health/social services to "have a seat at the table."

The office of such a Deputy Chancellor should have a mandatory advisory committee including community-based organizations, parents, professional organizations, and knowledgeable specialists. There is precedent for such an advisory committee, i.e., the one which has assisted the new director of parent affairs, who sits on the Chancellor's Cabinet.

Many mental health and social service organizations and practitioners are anxious to use their skills to help schools, and have relevant knowledge, training and experience to provide that help. Schools must find a way to utilize this expertise and desire to contribute. ♥

*If you are interested in helping in this effort, or have relevant information to share, please contact Diana Autin at AFC or Evelyn Frankford at State Communities Aid Associations (518) 463-1896.*

**Note:** For purposes of brevity, footnotes have been omitted in this excerpt from The Principals Speak Project.

**Available from The College of Staten Island/CUNY, 130 Stuyvesant Place — Room 1-733, Staten Island, NY 10314**



*The Board of Education provides a menu of funded programs to community school districts, schools, and high schools, to assist children in need of special help to succeed in school. These programs are summarized below.*

# Directory of Reimbursable Programs

## Division of Funded Programs New York City Board of Education

### 1. ACADEMIC ENRICHMENT/REMEDATION

**Program:** Chapter 1 Basic Grants

**Funding Sources:** Federal

**Eligibility:** Schools must be located in areas of high concentrations of poverty, as determined by the local education agency. Students must be educationally deprived youngsters in grades prekindergarten-12 in eligible schools. Children "most in need" must be served first.

**Program Description:** Funding is provided to improve the educational opportunities of eligible public and non-public school students by helping them to succeed in the regular educational program; attain grade level proficiency; and upgrade their levels of achievement in basic and more advanced skills. Instruction in basic and advanced skills may be funded in areas including reading, writing, math, ESL and bilingual education. Funding must supplement — not supplant — existing services.

**Allowable Activities** — Chapter 1 funds may be used to pay for authorized activities to meet the special needs of educationally deprived children, including the following:

- acquisition of equipment and instructional materials
- acquisition of books and school library resources
- employment of special instructional personnel, school counselors, and other pupil services personnel
- training of teachers, librarians, other

- instructional and pupil services personnel, and, as appropriate, early childhood education professionals who are paid for through Chapter 1 funds or work with Chapter 1 participating students
- parent involvement
- capital expenses, if necessary, for
- school facilities
- planning for and evaluation of Chapter 1 projects
- innovation and school-wide projects
- other allowable activities, including excess cost for reducing class size, extended school day, summer school, and curriculum development

**Program:** Chapter 1 Neglected and Delinquent

**Funding Method:** Federal

**Eligibility:** Eligible students include disabled and non-disabled children in institutions for neglected or delinquent (N/D) children, children attending community day programs for N/D children, and children in adult correctional institutions.

**Program Description:** Funds support programs and projects designed to provide instruction in prevocational and occupational skills, with an emphasis on linking life goals and vocational abilities designed to prepare students for the real world. Up to 10% of funds may be used for services to help students make the transition into local programs.

**Allowable Activities** — All chapter 1 activities are allowable.

**Program:** Chapter 2

**Funding Sources:** Federal

**Eligibility:** Students in grades K-12 are considered eligible for program services.

**Program Description:** Funds are provided to support programs in the following areas: meeting the educational needs of students at risk of failure and/or dropping out of school; improving the quality of instruction through acquisition and use of instructional and educational materials; implementing innovative programs designed to carry out school-wide improvements; providing training and professional development for school-based staff and school board members; implementing programs designed to enhance personal excellence of students and student achievement; and other innovative projects which would enhance the educational program and climate of the school.

**Allowable Activities** — Funds may be used to plan, implement, and evaluate programs. Allowable costs include:

- instruction
- training
- parent and community development
- model and demonstration programs
- curriculum development and dissemination
- computer hardware for instructional purposes

**Program:** Chapter 53 Special Reading and Academic Program (Categorical Reading)

**Funding Source:** New York State

**Eligibility:** All students are eligible to participate in program activities. School districts, without exception, are eligible to participate in the staff training component.

**Program Description:** Chapter 53 Reading and Academic Performance funds can be used to help improve reading and/or academic performance in other areas. Funds may be used to provide direct services to students and/or to support staff development. Allowable activities include class size reduction, co-teaching, pupil personnel services, staff development, and instructional supplies and materials in support of the program. There is no restriction against using Chapter 53 reading funds to pay for positions that were previously supported by tax-levy funds.

#### Allowable Activities

- instruction
- in class, small group
- laboratory setting
- pull-out
- after school programs
- staff development
- supplies and materials
- workshops
- demonstrations
- conferences
- curriculum development

**Program:** Public Law 89-313 (a.k.a P.L. 100-297)

**Funding Method:** Federal

**Eligibility:** Students up to 21 years of age who are or were previously enrolled in schools or programs operated or supported by state agencies or institutions for the disabled are eligible for program participation. Every eligible student must be served.



**Program Description:** Funds are provided to supplement and expand services required by a special education student's Individual Education Plan (IEP). The goal of the program is to provide students with the skills needed for daily living.

Services may utilize a variety of instructional approaches, curriculum designs and training methodologies. Students may require special schools or programs, instructional supplies and equipment, computers with adaptive peripherals and software to aid in the development of their skills in activities of daily living, career education, communication/language, development, and gross motor skills and readiness.

Records of services provided to each student must be maintained and a report of student achievement is required.

#### **Allowable Activities**

- remedial instruction
- training of staff and parents
- parent outreach
- planning and evaluation
- career education

**Program:** Pupils With Compensatory Education Needs (PCEN)

**Pupils With Special Education Needs (PSEN)**

**Funding Source:** New York State

**Eligibility:** All schools are eligible for PCEN/PSEN services.

PCEN funds can be used to meet the Commissioner of Education's mandate for remediation for pupils in grade K-12. Eligible Students include those scoring below the state-wide reference point (SRP) on PEP tests in reading and math in grades 3 and 6, and writing in grade 5; students who score below the SRP on Preliminary Competency Tests (PCTs) in reading and writing and Regents Competency Tests (RCTs) in reading, writing, mathematics, science, global studies, and United States history or government; students in grades K-2 who are identified based on uniform screening procedures; limited English proficient students who score below an SRP on an approved test in English; and students who fail in two or more academic areas (provided all of those listed above are served first.)

**Program Description:** Funds are provided to meet the remedial needs of grade K-12 eligible students. Funds can be used to address the priority areas of reading, writing, math and bilingual education.



Students identified as in need of remediation may receive PCEN services until they reach grade level. Pupil personnel services are not allowed.

#### Allowable Activities

- small group instruction
- individualized tutoring
- specialized assistance within the regular classroom using strategies appropriate to the needs of individual pupils
- an adjusted instructional program
- the use of educational technology
- after school or summer school remedial instruction
- staff development (within limits specified by SED)
- support Chapter 1 school-wide projects activities

**Program:** State Incentive Grants (Improving Pupil Performance)

**Funding Source:** New York State

**Eligibility:** Schools and students at all levels are eligible for program services.

**Program Description:** State Incentive Grants support the development and implementation of projects that strengthen educational programs and improve pupil performance. Students at all levels may participate. Funds may be used to support a wide range of activities including staff development, curriculum development, early childhood programs, pupil personnel services, arts and cultural programs, and enrichment programs.

**Allowable Activities** — There are no restrictions on allowable activities. Examples of program activities funded in the past include:

- staff development
- arts and cultural institutions
- evaluation
- early childhood

**Program:** Dwight D. Eisenhower Mathematics and Science Program

**Funding Source:** Federal

**Eligibility:** All school districts are eligible to receive Dwight D. Eisenhower Mathematics and Science Program funds.

**Program Description:** Funds are available to schools to train teachers to redevelop, maintain and expand teaching capabilities in the areas of math and science. This program emphasizes skills and training in developing math and science curricula and the design of innovative instructional delivery strategies. In addition, program services aim to integrate higher order analytical and problem-solving skills into the math and science curriculum.

The program also provides for the recruitment or retraining of minority teachers in order to expand their expertise and availability in math and science.

#### Allowable Activities

- staff development in math and science
- curriculum development
- acquisition of instructional supplies for staff development

**Program:** Individual with Disabilities Education Act (IDEA; a.k.a. PL 94-142 Part B)

#### Funding Source: Federal

**Eligibility:** General education students referred for possible special education placement and special education students referred for IEP updates, triennials, annual reviews or re-evaluation are eligible for services.

**Program Description:** Funds are provided to supplement special education programs and are specifically allocated for school-based support teams (SBSTs) and speech services. In accordance with funding regulations, Individual Educational Plans (IEPs) must be developed for each participating student.

Funds support the hiring of additional staff members of the SBST to ensure timely and appropriate assessment, treatment and instruction of youngsters who require special educational assistance as well as to provide preventive and supportive services.

In addition, funds support speech services to augment existing speech/language programs. The range of speech services includes diagnosis, daily speech therapy and remedial support.

#### Allowable Activities

- development of IEPs
- comprehensive evaluations
- bilingual assessments
- triennial evaluations
- referrals to Committee on Special Education (CSE)

- treatment in self-contained classes
- supportive and preventive services
- conferencing and educational planning
- consultation
- speech therapy
- staff development

**Program:** New York City Public Schools Pre-Kindergarten Program (SuperStart)

**Funding Method:** New York State/Federal (Chapter 1)

**Eligibility:** To be eligible to participate, children must be educationally deprived.

**Program Description:** Funds are provided to assist schools in developing and operating pre-school programs for children from disadvantaged families. The goal of the program is to provide children with a developmentally appropriate curriculum that focuses on language and concept development.

Program activities that expand language ability, auditory capabilities and the effective use of vocabulary concepts and verbal articulation are supported by supplemental services for children, staff and parents. In New York City, New York State Prekindergarten funds are used to implement the SuperStart program. In addition, funds help to support the SuperStart Plus Program with prekindergarten classes that integrate disabled and non-disabled students. A policy decision is made on an annual basis to determine whether to expand the program to include new sites.

#### Allowable Activities

- direct classroom-based instruction
- cultural enrichment
- parent outreach and involvement
- pupil support services
- staff development

## 2. LIMITED ENGLISH PROFICIENT/BILINGUAL/IMMIGRANT

**Program:** Bilingual and ESL Programs (a.k.a. Part 154)

**Funding Source:** New York State

**Eligibility:** All Limited English Proficient (LEP) students scoring up to and including the 40th percentile on the English Language Assessment Battery (LAB) are eligible for service.

**Program Description:** Funds are provided to school districts for bilingual and ESL programs which meet the needs of LEP students in accordance with State guidance.

**Allowable Activities** — There are no restrictions on allowable activities.

**Program:** Emergency Immigrant Education Act (EIEA)

**Funding Method:** Federal

**Eligibility:** Immigrant students attending school for fewer than three completed academic years are eligible for program services.

**Program Description:** Funds are provided for educational, supplemental and related services for immigrant students who are enrolled in elementary or secondary public or non-public schools. Funds must be used to facilitate access to educational opportunities by improving the academic performance of immigrant students. Program services are designed to assist limited English proficient (LEP) and English proficient (EP) immigrant students.

**Allowable Activities**

- bilingual/ESL instruction
- special English language instruction
- remedial instruction
- pupil personnel services
- staff development
- parent training
- multicultural instruction
- acquisition of equipment and instructional materials up to 15 % of allocation

**Program:** Improved School Services for Limited English Proficient Students (ISS)

**Funding Source:** New York State

**Eligibility:** Students identified as limited English proficient (LEP) are eligible to receive instructional and support services.

**Program Description:** Funds are provided to supplement existing placement, instructional and academic programs for LEP students.

To obtain funds, districts must develop a plan for the identification and placement of LEP students; a program for bilingual and ESL instruction which includes placement, grouping and organizational structure; and an assessment process which includes entry and exit criteria and a rationale for continued eligibility.

**Allowable Activities**

- modification of school improvement plans to address needs of LEP students
- bilingual or ESL instruction
- dropout prevention
- pupil personnel services
- staff development and training
- parent training
- materials development
- evaluation

**Program: Title VII — Bilingual Education****Funding Source: Federal**

**Eligibility:** Students in grades pre-kindergarten-12 who are limited English proficient (LEP) receive priority. The program can also serve up to 40% non-LEP students who would benefit from program activities.

**Program Description:** These funds supplement state and local monies to establish, operate or improve existing bilingual programs. The major program goal is the development of programs to facilitate the acquisition of English language skills for LEP students.

Title VII funds are presently used to serve LEP students from more than twenty-five different language groups, e.g., Arabic, Chinese, Farsi, French, Greek, Haitian-Creole, Hebrew, Indochinese, Italian, Iranian, Japanese, Khmer, Korean, Laotian, Nigerian, Papiamentu, Polish, Portuguese, Russian, Spanish, Yiddish, and Yugoslavian.

Projects, programs and activities proposed by districts and schools may vary according to the goals of the program; however, instructional and supplementary activities should be designed to remove educational barriers to equal educational opportunity.

**Allowable Activities**

- instructional programs
- transitional programs
- teacher training (including college tuition)
- alternative programs
- demonstration projects
- parent training
- curriculum

**Program: Two-Way Bilingual Education****Funding Source: New York State**

**Eligibility:** Students with limited English proficiency and English proficient students who speak or understand the language spoken by LEP participants are eligible.

**Program Description:** Two-way bilingual education programs employ two languages, one of which is English. The major program goal is to foster bilingualism for limited English proficient and English proficient students. Students are instructed through their native and second languages to enable them to become proficient in the second language and continue to develop skills and proficiency in their language of origin.

This program is intended to result in equal educational access, educational excellence and improved educational benefits for both LEP and EP students.

**Allowable Activities**

- direct instruction
- remedial instruction
- after-school activities
- staff development
- parent involvement
- peer tutoring
- supportive services
- enrichment services

**3. SUPPORT SERVICES****Program: Attendance Improvement Dropout Prevention (AIDP)****Funding Source: New York State**

**Eligibility:** Schools must have attendance rates that fall within the third and fourth quartiles in city-wide attendance.

Students (general education, Limited English proficient, and special education) must be at risk based on a past record of poor attendance, a high rate of academic failure, pregnancy, membership in a household that receives public assistance or residence in temporary housing, below-level skills, and/or potential of dropping out of school.

**Program Description:** Programs are expected to demonstrate improved attendance and progress toward school completion. To achieve these goals, emphasis must be placed on the improvement of



attendance. Program components include attendance, outreach, guidance and counseling, health service school-level linkages, and alternative educational programs. In New York City high schools, the AIDP program is implemented through Project Achieve! Community-based organizations also collaborate with schools on these activities.

#### Allowable Activities

- counseling
- staff development
- parent workshops
- home visits
- facilitating transition to next school level
- attendance outreach
- supervised in-school
- suspension
- alternative learning approaches
- outreach to dropouts, including robot phones
- collaboration with community-based organizations
- work experience
- using computer technology
- student support programs
- team or committee assessment/place-ment

**Program:** Educationally Related Support Services (ERSS)

**Funding Method:** New York State

**Eligibility:** Students may be in elementary or secondary school but must not currently receive special education services or be on referral. They must be able to be maintained in general education if service is provided and must be ineligible to receive the same or similar services through other local, state or federally funded programs.

**Program Description:** The purpose of this funding is to help prevent placement of students in special education by resolving short-term difficulties without disrupting existing classroom and instructional programs. Funds are provided for short-term non-career counseling services for students and for consultation services to families and school personnel.

Counseling services are provided to individuals or groups of students who have exhibited behavioral, personality, social or educational difficulties.

#### Allowable Activities

- individual and group counseling
- consultation with school staff
- crisis intervention
- outreach to families

**Program: Drug-Free-Formula Grants****Funding Source:** Federal**Eligibility:** Schools at all levels are eligible to receive funds.

**Program Description:** Funds support a variety of substance abuse and prevention activities that supplement Board of Education programs. These school-based prevention services include family and community-based programs, early intervention and peer leadership programs, advisory council activities, and the identification of substance abusers and referral for treatment.

**Allowable Activities**

- curriculum development
- dissemination of materials
- technical assistance
- research
- training
- counseling
- needs assessment
- implementation of cooperative programs

**Program: Drug Programs — DSAS****Funding:** New York State Division of Substance Abuse Services (DSAS)**Eligibility:** All schools and students are eligible for program services.

**Program Description:** Funds support the SPINS and SPARK programs serving elementary, intermediate, junior and senior high school students. Program services focus on prevention education, intervention strategies, peer group activities and involvement by parent and community groups. Activities are designed to meet the Chancellor's mandate for every pupil in grades K-12 to participate in a comprehensive substance abuse prevention program.

Programs provide and disseminate education services related to alcohol and substance abuse and should focus on the development of positive personal identities, self-esteem and self-awareness among students. Additional program strategies should aim to decrease students' use of alcohol and other substances, modify dysfunctional behavior, and develop decision-making skills.

**Allowable Activities**

- individual, group, and family counseling
- crisis intervention
- assembly programs
- classroom presentations
- discussion/rap groups
- peer leadership
- positive alternatives
- arts and multicultural events
- recreational programs
- one-to-one contact
- community linkages
- consultations
- curriculum development
- staff training

**Program: Speech Therapy for Non-Disabled Students****Funding Source: New York State**

**Eligibility:** Students in grade K-6 who manifest dysfluency; impaired articulation; and/or language or voice disorders.

**Program Description:** Funds are provided for services to students with speech and language difficulties who do not require referral to the Committee on Special Education (CSE). These services must not displace or supplant mandated speech and language services.

Districts with a high number of referrals for speech/language services are encouraged to apply. They are required to develop a speech and language plan that includes procedures for approval, provision, review and termination of services.

**Allowable Activities**

- small group or individualized instruction

**Program: Drug-Free Schools-Competitive Grants****Funding Source: Federal**

**Eligibility:** Districts are eligible to receive funds.

**Program Description:** Funds are provided for innovative drug education programs that support the district's ongoing comprehensive Substance Abuse Prevention Program and can be replicated.

**Allowable Activities**

- curriculum development
- dissemination of materials
- technical assistance
- research
- training
- counseling
- needs assessment
- implementation of cooperative programs

**4. OTHER**

**Program:** Legislative Grants/Supplemental Budget

**Funding Method:** New York State

**Eligibility:** Schools at all levels are eligible.

**Program Description:** Funds are provided to meet specific needs of school districts and students and/or to explore innovative ideas. The programs are selected by state legislators at their discretion from funds set aside for their use by the state legislature.

**Allowable Activities** — Examples of programs funded on the past include:

- gifted and talented
- early childhood programs
- special science and math programs
- guidance programs
- after school programs

**Program:** Magnet School (Federal)

**Funding Method:** Federal

**Eligibility:** All school districts are eligible to apply if they are implementing a court-ordered desegregation plan, or are implementing or are willing to implement a voluntary desegregation plan.

**Program Description:** Magnet school programs are designed to increase curricular choices and expand educational opportunities for children, as well as to enable parents and teachers to choose

schools best suited to their needs. Funds are used to support projects that are part of desegregation plans designed to bring together students of different social, economic, racial and ethnic backgrounds. Magnet programs must prevent, reduce, or eliminate minority group isolation in schools. Activities must supplement existing program.

#### Allowable Activities

- acquisition of books, materials and equipment
- promotional activities
- collaboration with institutions of higher education and/or community-based organizations
- planning and staff development activities costs (up to 10% of total grant)
- personnel (teachers) in the areas of math, science, history, English, art, music, foreign languages or vocational skills

**Program:** Magnet Schools (State)

**Funding Method:** New York State

**Eligibility:** Funds are allocated by the State Legislature for planning or implementing a magnet school or schools. Activities must supplement existing program.

**Magnet schools** must be developed in concert with a district-wide desegregation plan acceptable to the Commissioner. Programs must provide a special curriculum not generally offered in the district and must prevent, reduce or eliminate racial isolation in schools.

**Program Description:** Funds provide for the development of magnet schools and/or programs that offer a special curriculum capable of attracting substantial numbers of students of different racial backgrounds. Funds may not be used to supplant normal district expenses. Activities must be programmatically supplemental.

#### Allowable Activities

- planning
- direct instruction
- paraprofessional assistance
- acquisition of equipment, materials and supplies
- student recruitment
- conferences
- minor remodeling
- field trips
- teacher in-service
- consultants
- computer maintenance ♥

*Children at risk of being held over are entitled to additional assistance to prevent non-promotion. Chancellor's Regulation A-501 sets out the notice requirements and criteria for non-promotion, and outlines the assistance that must be provided to students at risk of being held over, or who have been retained in grade.*

## **Alternatives to "Holdovers" (Non-Promotion)**

Sara Baughan and Robert Hughes

For many children, being held over instead of promoted to the next grade does little to improve academic skills and can damage self-esteem. Simple repetition of a grade level, without modification or provision of support or enrichment services, is rarely enough to help students improve academic achievement. The Board of Education's own research reveals that children who have been held back are at greater risk of dropping out of school in later years. Moreover, promotional decisions based on standardized test scores are inherently flawed; they fail to give an accurate picture of student ability and can be culturally and racially biased. For all these reasons, it is very important that all promotion decisions be made with the full consideration of a child's strengths and weaknesses and a realistic plan for success.

Chancellor's Regulation A-501, the current promotional policy, recognizes that a child should only be required to repeat a grade as the option of last resort. In most grades, if the student's record indicates the potential to improve unlearned skills in the next grade with extra support and enrichment services, the student should be promoted. In these grades, students should be held back only if the principal and teacher decide, after considering the student's entire record, that the student will not have the potential to catch up if promoted. All decisions to promote or hold back students should be made in consultation with parents.

Each spring, all students take math and reading tests. In most grades, the promotional policy recommends that a student obtain certain minimum scores in order to be promoted to the next grade. Different minimum test scores and promotion criteria apply to Limited English Proficient (LEP) and Special Education students. The regulation fails to acknowledge that standardized tests can be biased. For that reason, schools should consider the use of alternative testing to accurately assess student ability.



Teachers and principals are required under the regulation to make a comprehensive assessment of a student's ability and potential based on the student's entire record. This means that they should consider all aspects of a student's academic performance. Parents, teachers and principals should meet and consider all factors that may have affected a student's performance during the school year. For example, was the child sick on the day of the testing? Is the child only having problems with a limited number of skills but generally strong in most other academic areas? Have problems at home — such as the death of a parent, divorce or homelessness — affected academic performance? Would support or enrichment services improve the student's year? Has the school notified the parents and provided support services to the student when the risk of holdover became known? (The regulation requires that parents be notified by January 31 if the school knows their child is at risk of being held over.)

Students in third grade and students entering high school have special rules. They must obtain certain test scores or satisfactorily complete school work to be promoted. In grade 3, a student who does not obtain the target math and reading scores will be held over unless the student agrees to attend the Board of Education's summer program and an extended day program in the upcoming year. Alternatively, if a student is unable to participate in these programs, the parent should meet with the principal before the end of the school year to develop an "alternative plan" for the child to gain skills and be promoted to the fourth grade.

Different rules (with different test scores requirements) govern the promotion of eighth and ninth grade students. If promotion means the student will be entering a high school in the upcoming year, then the student is required to have certain math and reading scores and to satisfactorily complete three major areas of academic study. In some cases, the high school superintendent can grant an exception and allow the student to begin high school. Eighth graders who reach the age of 15 and ninth graders who reach the age of 16 by December 31 of the next school year should be promoted, according to the regulations.

At any grade level, if the school decides to hold a child in the same grade, parents must receive separate written notification (not just the report card) from the school by June 15. The school should not inform a parent that a child is being held back at the beginning of the next new school year without this prior notification.

Parents have the right to appeal any holdover. The first appeal is to the principal, then to the community school superintendent or high school superintendent, and then to the Executive Director of the Division of Instruction and Professional Development. In any appeal of a holdover, a parent should be sure to obtain a copy of the student's permanent record from her/his school before the end of the school year. Every parent has the right to get a copy. The record will not be available during the summer if the school is closed.

**Attention Parents!**

If your child is at risk of being held over, it is important to get involved and ask questions! Meet with the principal, look closely at your child's record and provide information on factors that may have affected academic performance during the school year. Here are four possible areas you might examine with teachers and principals:

1. Look closely at your child's test scores. How do this year's scores compare with last year's? Your child may have scored poorly on a test because of test anxiety, poor health, or disruptions at home. More importantly, standardized tests can be inaccurate measures of a student's academic ability and are racially and culturally biased. Demand that the teacher and principal consider the child's entire school record. Demand that the school assess your child's academic ability through the use of alternative testing.
2. Highlight the strengths of your child. Does your child read at home? What types of mathematics problems can your child handle? Build a positive record about what your child can do. Push the school to create a program that can build on your child's strengths and provide help with your child's weaknesses.
3. Explore what support services can be provided to your child. Has the school provided any extra support or enrichment services to date? Some children improve rapidly when they are given extra assistance. Ask teachers and principals what services can be given to your child in the next school year to help your child catch up and succeed in school.
4. Determine whether your child has been held back in the past. Has your child been held back before? Is your child older than his or her peers? The Board of Education recognizes that children who have been held back are at greater risk of dropping out in later years. Promotion with the provision of extra support or enrichment services should be seriously considered for such a child. For a description of potential services, see the Board of Education's Reimbursable Program description set out in this issue. Talk to school officials to see if any of those services are available in your school. ♥

Any persons needing further information concerning holdovers should telephone Advocates for Children: (718) 729-8866.

**Alert! Alert! Alert!**

## **Section 504 Services Plan For New York City Public Schools**

Many children are inappropriately referred to special education because their medical or other needs are not appropriately met or accommodated in the general education classroom. Now, after 3 years of intensive Advocates for Children efforts, the New York City Board of Education is scheduled to approve a system-wide plan for provision of accommodations and services to children with disabilities protected by Section 504 of the Vocational Rehabilitation Act (see the Spring 1993 issue of *The Advocate*). The draft plan, which is currently being reviewed by members of the Section 504 Task Force (including Advocates for Children), would require each school to provide appropriate accommodations and educational and support services to children to enable them to fully participate in their school. Once implemented the plan should help avoid unnecessary referrals to special education.

The draft plan closely follows the recommendations of the Section 504 Task Force. However, it does not include three specific recommendations:

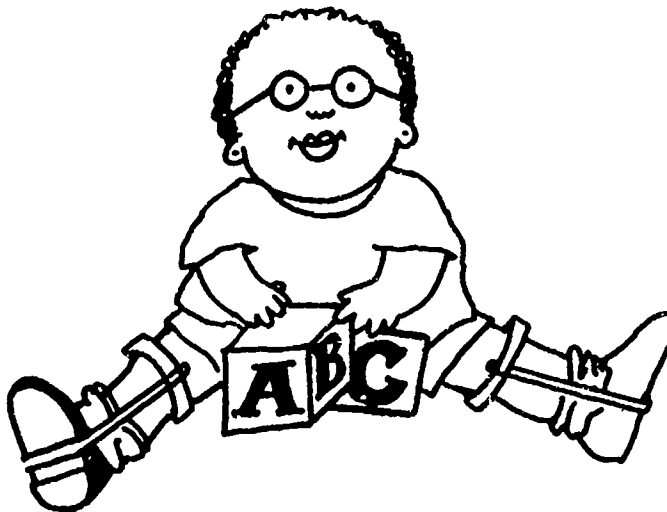
1. The designation of a Section 504 coordinator at each school to respond to parent inquiries and ensure the provision of necessary accommodations and services;
2. The assignment of a full-time nurse to each Community School District, to assist in coordination of Section 504 services in the district, to coordinate staff development and the development of individual student plans, and to help create and/or strengthen cooperative relationships with area hospitals, clinics and other health-care providers; and
3. A mandate for comprehensive staff development and parent training on Section 504, its requirements, and the new regulation, as well as staff development addressing the medical and other needs of Section 504 eligible children.

Without the commitment of these resources, the plan cannot be implemented appropriately. Please call Roberto Romero at Advocates for Children if you are interested in commenting on the draft

plan, or letting the Board of Education know that sufficient resources must be provided for this plan to succeed.

### **Section 504 Services In Pre-Schools and Day Care Centers**

In addition to the Board of Education's draft plan, advocacy by Advocates for Children has resulted in the drafting of a proposed plan to ensure that pre-schools and day care centers that receive ACD (Agency for Child Development) vouchers or other city, state or federal funds provide appropriate accommodations and services, including the provision of medication, to students protected by Section 504 of the Vocational Rehabilitation Act. AFC is in the process of analyzing the draft plan and providing comments to strengthen its provisions. If you have a child in preschool or day care who has special needs that are not being met, or if you would like to work with us to ensure that children with disabilities are not excluded from pre-schools or day care centers, please call Dorothy Wendel at AFC, (718) 729-8866. ♥



Kim McGillicuddy

*A promising new pilot combines Chapter 1 and special education dollars to prevent special education referrals for at-risk students and provide necessary supports for children in self-contained placements to transition back to a mainstream setting. Currently, the pilot exists only in schools that have elected to participate. However, the phase-in plan calls for full implementation in all schools within five years.*

## **Consultant Teacher Prevention Initiative Services**

**Anna E. Espada  
Parent Training & Information Director**

The New York City Board of Education has developed a prevention/intervention program designed to improve the chances of academic success for special and general education students in the general education classroom. The program, called Consultant Teacher Prevention Initiative Services<sup>1</sup> offers schools an opportunity to use the services of a "consultant teacher" to plan and deliver a program of direct instructional support to participating students. It also provides an opportunity for general education and consultant teachers to work together on developing and implementing instructional plans to meet the needs of participating students. This service will provide a less restrictive alternative to special education students who demonstrate readiness to move to the general education classroom and increase the options for general education students who are at risk of never graduating or dropping out of school.

Consultant Teacher Prevention Initiative services are designed for students ages 5 to 21 who attend a general education program on a full-time basis and who require additional instructional support in order to remain in the general education classroom. Services can range from short-to-long term in-classroom intervention, depending on student progress. By remaining in the general education classroom, special education students and educationally at risk general education students will not be subjected to the stigma associated with traditional "pull-out" programs.

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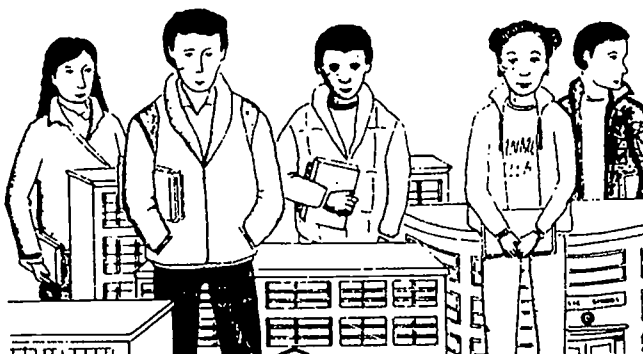
<sup>1</sup>These services are not the Consultant Teacher services set out in the Board of Education's continuum. See page 54 of this issue of The Advocate.

Consultant Teacher Prevention Initiative services are not, however, intended to replace the resource room program or self-contained settings. They are an additional service option aimed at enabling special education and at-risk general education students to participate successfully in general education and learn skills that result in academic achievement in the general education classroom.

### How Can Your Child Get These Services?

A special education student can be recommended by the school-based support team or a recommendation may be forwarded to the team for their review and determination. Physical or health conditions are not barriers to recommending a student to Consultant Teacher Prevention Initiative services. The initiative can assist students with disabilities who are likely to succeed full-time in the general education classroom with the additional support of the consultant teacher. It is available to a student who is currently in MIS I, MIS II or Resource Room, is being successfully mainstreamed for academic subjects and has demonstrated readiness for a less restrictive environment. General education students who exhibit difficulties in reading, writing, oral communication and/or math are also eligible for Consultant Teacher Prevention Initiative services. An eligible student is one who meets Chapter 1/PCEN eligibility criteria and is determined by the school to be a candidate for this service. A request for services can be made by a general education teacher, based on the needs of an individual student or students in their classroom, as well as by parents in conjunction with the teacher and other school-based personnel.

Ask about Consultant Teacher Prevention Initiative Services in your school. It may help your child to succeed. ♥



## Section II: Special Education Services

*Unfortunately, despite the programs described in Section I of this issue, too many children end up in special education programs in New York City. While the national average is approximately 10% of all students in special education, in New York City the number is 13.5%. In addition, far too many of these children end up in segregated placements where they have little or no opportunity to interact with their non-disabled peers and are not provided with challenging academic instruction to prepare them for work and community life. In this section, we describe some of the problems with existing special education services and highlight promising pilots and our recommendations for system-wide special education reform.*



*Federal law requires special education students to be served in mainstream settings unless they cannot be appropriately served even with the provision of necessary supports and services. This is an essential component of the "least restrictive environment" (LRE) requirement. Advocacy efforts in New York and around the country are expanding the meaning of this entitlement.*

## **Parental Choice: Supported Inclusive Options**

**Joan Harrington  
Associate Director of Program**

I am writing this article to acquaint parents and other care-givers with the fact that they are no longer obligated to accept a self-contained special education placement for their child. New case law now gives you a stronger right to request a least restrictive environment placement that will allow your child to remain in a general education program with direct and indirect service to your child.

There have been many changes in the options available since Congress re-authorized the federal legislation requiring state and local governments to provide free and appropriate public education for disabled students in the least restrictive environment. Parents in other states have sued their local school districts to gain the right to have their children in general education classrooms with appropriate support services.

New York State has one of the lowest percentages of disabled children in general education classes in the country. New York City routinely refers children to self-contained special education classes. When a parent requests a least restrictive environment placement they are frequently told that there is no such placement available in their school district.

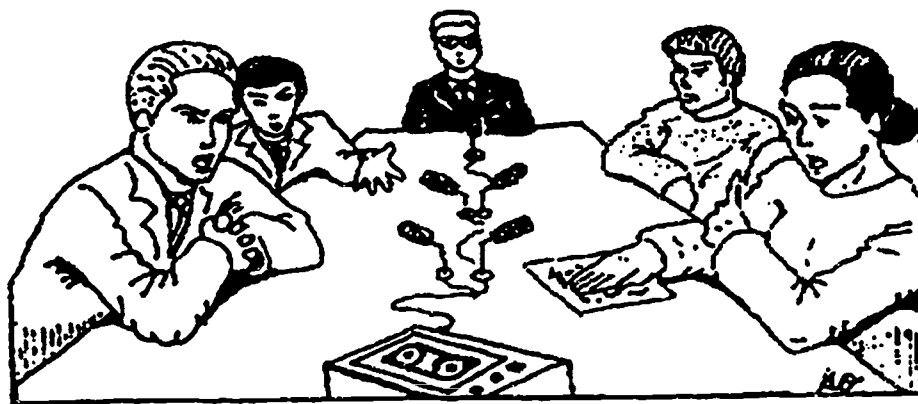
Consultant teacher services which were designed to enable children with educationally disabling conditions to function in general education classrooms are practically nonexistent in New York City. If a parent goes to their local Committee on Special Education and requests the services of a consultant teacher they are told that the district does not participate in "that program,"

confusing the Consultant Teacher Continuum service with the Consultant Teacher Prevention Initiative described earlier in this issue.

Parents should keep in mind that the choice of a program belongs to them and not just the Committee on Special Education. Under federal law you are guaranteed specific due process protections. These procedures call for the appointment of an impartial hearing officer when you disagree with a Committee on Special Education recommendation. The hearing officers are aware of the regulations that govern special education placements and will make a determination based on the specific facts in each case. Many parents have requested impartial hearings and the hearing officers have ordered the Board of Education to provide their children with least restrictive environment placements with direct and indirect support services from a consultant teacher.

Parents of children who are now placed in self-contained classes may request a least restrictive environment placement by contacting their local Committee on Special Education and requesting a review. If CSE personnel discourage you because of your child's functional levels please remember that case law does not require that a child reach specific academic milestones in order to be eligible for a least restrictive environment placement. The requirement is only that a child must be able to benefit from a mainstream placement with the provision of necessary supports and services.

If you have any questions concerning inclusion or least restrictive environment placements please contact Advocates for Children at (718) 729-8866. ♥



## Notice to Parents

- Is your disabled child not performing adequately in a segregated special education class?
- Has your child been inappropriately evaluated and placed in a special education class?
- Is your child not receiving the support services recommended in his/her individualized education plan?

If your answer to any of the above questions is yes, Advocates for Children of New York's Pro Bono/Inclusionary Education Project for Children with Disabling Conditions may be of assistance to you.

The purpose of this project is to ensure that children receive the range of procedural protections afforded by the Individuals with Disabilities Education Act, placement in the least restrictive environment deemed appropriate for their needs and the range of additional supports and services necessary for them to learn.

If you have any questions regarding this project contact Mirna St. Louis McEachern, Pro Bono Coordinator at Advocates for Children of New York.

*As a federally-funded Parent Training and Information Center, AFC is a member of the National Parent Network on Disabilities. AFC has endorsed the following two position statements on inclusive education options and school reform recently issued by NPND.*

## **National Parent Network On Disabilities**

### **Serving Children With Special Needs and Their Families**

#### **NPND Statement On Fully Supported Inclusive Education Options**

Inclusion is not a place, it's an attitude, an attitude that fully accepts all children in their schools and communities; that welcomes full participation of parents of children with disabling conditions in schools and school reform efforts; that fully includes adults with disabilities in all aspects of life and areas of civic responsibility. It is an inalienable right, not a privilege. Thus, a supported inclusive education option must be available to all children regardless of the type or severity of their disabling condition.

The goal of education must be to maximize the ability of children to learn and function at their full potential, and to grow into adults who can participate fully in our society. Toward that end, the National Parent Network on Disabilities reiterates our support for the Individuals with Disabilities Education Act and its implementing regulations, which establish a goal of providing full educational opportunities to all children with disabilities, including to the maximum extent appropriate the provision of special services to enable children to participate in general education programs. As mandated by IDEA, children with disabilities must be educated with their non-disabled peers and must not be removed or segregated unless their needs cannot be met in that environment even with the provision of all necessary supports and services. This is vital both for children with and without disabilities. Encouraging all children to accept and appreciate diversity not only better prepares all students for life in the real world, but also fosters a society undivided by race, class, language or disability.

NPND believes that fully supported inclusive education is best for most children most of the time. However, we recognize that some children some of the time require other options based on their own individualized education needs as determined by a team including their parents and

themselves if appropriate. Despite the clear language of IDEA, some states, districts and schools fail to provide fully supported inclusive education options for children. Services have been based not on student needs but merely on administrative convenience. The NPND urges more effective monitoring and enforcement by the U.S. Department of Education to remove barriers to fully supported inclusive education options based on the configuration of the service delivery system or funding mechanisms, the availability of educational or related services, the availability of space, curriculum content, appropriately trained and qualified staff and administrators, or the method of service delivery.

Acceptance and inclusion lead to empowerment and independence. Our children have a right to expect nothing less.

### **NPND Position Statement On School Reform**

In order to assure that every child in the country realizes his/her greatest potential and achieves the life role of his/her dreams, we recognize the urgent need to reform the public education system in this country. We are ready to commit our full energy, expertise, resources and spirit to strive for more positive educational outcomes for all children.

As parents of children who participate in both regular and special education programs, we are in the unique position of experiencing and valuing both. Based on our eighteen years of experience with the law that is now known as IDEA, we are committed to the belief that the protections embodied in that law are critical to assuring that all children receive a free, appropriate public education. We, therefore, urge that the basic tenets of IDEA be viewed as a role model for the education of all children. Minimally, we affirm our commitment to IDEA, oppose any revisions to it, and urge that its basic tenets be applied to the reform of regular education.

Instead, reform efforts and proposals at the federal, state and local levels have often focused on removing the essential protections of IDEA or ignoring the existence of children with disabling conditions and their parents. In the past, major federal initiatives involving school-aged children have not included specific provisions for student with disabilities. The "education report card" by the National Governors Association to assess the nation's progress toward the six national education goals briefly referred to students with disabilities but omitted any identifiable measures or indicators that specifically reflect the accomplishments of students who receive special education and related services. Some state reform efforts have eliminated special education offices and positions and have attempted to repeal specific state protections for children with disabilities and their parents. State and local education officials across the country have called for the elimination of separate funding streams for special education services.

The NPND strongly believes that these actions are based at least in part on the exclusion of parents of children with disabilities from school reform planning and implementation efforts. Parents of children with disabilities must participate fully in deciding (1) what we want students to know and be able to do, (2) what schools must provide in order to help children reach those goals, (3) the means by which schools will provide the necessary opportunities to learn, and (4) how we will assess whether schools follow through on their obligations to all children. We will not accept exclusion from or mere token participation in school reform. ♥



*As a result of the U.S. Department of Education's monitoring visit three years ago, New York State and City were found out of compliance with the least restrictive environment requirements of IDEA. As part of the corrective action plan, New York State was required to revised its definition of LRE and develop an LRE policy statement. After a series of public forums around the state, New York issued the following draft policy statement, which has been the subject of much heated opposition by the United Federation of Teachers and the New York State Union of Teachers. AFC strongly supports the proposed policy statement, although we have made recommendations for minor revisions. As a result of UFT/NYSUT pressure, a revised and significantly weaker statement has now been drafted by the State Education Department. It has not yet been circulated for comment.*

## **N.Y.S. Education Department's Policy Statement On Least Restrictive Environment**

### **I. Background**

In recent years, as discussions of school reform and restructuring have evolved, several national organizations have issued reports calling for a more unified system of education that includes, rather than excludes, students with disabilities. The following reports have made similar appeals to integrate the systems of special and general education: "Winners All: A Call About... Special Education and School Restructuring," by the Council of Chief State School Officers; and, more recently, "CASE Future Agenda for Special Education: Creating a Unified Education System," by the Council of Administrators of Special Education. This has occurred in the context of ongoing national trends in school reform and restructuring.

Similarly, the National Association of State Directors of Special Education (NASDSE) has called on the Secretary of Education, Richard Riley, to "promote the development of a national children's policy that sets forth the rights, well-being, health, education and welfare of all the nation's children." NASDSE has further recommended that objectives for the year 2000 will be:

- The needs of ALL children will be identified and met without reference to assigned labels or categories or severity of disability.



Schools will treat diversity as a strength by including:

- parents as full partners in the education of their children;
- mastery learning in outcomes-based curricula;
- and a full range of technology support so that instruction is adapted to the natural variability of ALL learners.

Paralleling these calls for reform are State reports, such as "Segregated and Second Rate — Special Education in New York," issued this past year by Advocates for Children of New York, Inc. The report makes several recommendations related to enhancing more inclusive approaches to educating students with disabilities. Central to the special education changes is the effect of A New Compact for Learning. Special education is part of, not separate from, the restructured educational system.

Through A New Compact for Learning, New York State is restructuring its educational system-based on a clear vision and mission for education that includes all students. A New Compact for Learning describes a comprehensive strategy that creates both challenges and opportunities for all students, their families, educators and community members. This strategy calls for a more inclusive approach to education arising from our society's urgent need to better prepare our youth for adult life. The goals of the Compact provide for a broad and expansive view of life and learning, including acquisition of skills, knowledge and values needed for effective participation in a diverse society and a multicultural world. This includes representation and participation of people with disabilities in all aspects of our society. As the school reform movement evolves nationally and state-wide, special education must be integrally involved in the process to improve the quality of programs and services provided to children and youth with disabilities and assure that students achieve the outcomes necessary to prepare them for post-school experiences.

This paper sets forth a policy on least restrictive environment which provides a standard upon which the decision regarding the placement of a student with a disability is based on the presumption of maximum inclusion in general education, rather than exclusion from it. Further, this paper sets forth an expectation that restructuring and change will occur to meet the desired outcomes established for all students in A New Compact for Learning.

New York State has traditionally provided many exemplary special education programs, which in many instances have exceeded federal requirements. The continuum of services for students with disabilities has ranged from placement in regular classes to full-time residential schools. However, a significant number of our students with disabilities are enrolled in programs at the more restrictive end of the placement continuum. The Fourteenth Report to Congress stated that,

although the national average for integrating students with disabilities into general education classes is around 70 percent, New York's rate was reported as 43.8 percent. It was also reported that only 6.8 percent of all students with disabilities in New York State spend their entire day in general education classrooms. Another critical issue to be addressed is the over-representation of children of color in special education programs. To effectively address both of these issues, fiscal reform is needed to establish a better alignment of State programs and funding policies.

## **II. A Unified System: Moving Toward Inclusion**

Unless students with disabilities are afforded meaningful opportunities to participate in an educational system that includes all students, they will not be able to fully realize the benefits that can be gained from interactions with their non-disabled peers. Students with and without disabilities need to learn to interact and develop interdependent relationships so that, as adults, they can successfully participate in a society that values and fully includes, rather than excludes, individuals with disabilities.

### Assumptions for Special Education Within a Unified System

The following assumptions are associated with a unified structure that can respond more effectively to the diverse needs of students and their families. The assumptions are based on the fundamental principles of the Compact.

- Students with disabilities will have equal access to a high quality program based on their individual needs to achieve desired learning outcomes established for all children. Educational placement decisions for students will first consider a general education environment in the student's home school.
- The student's home school is accountable for all students in the building.
- The removal of a student from the general educational environment occurs only when the needs of the student are such that, even with the use of supplementary aids and services, their needs cannot be met.
- The responsibility for a student's program is shared among all staff of the home school, students and parents. Parents will have an opportunity for meaningful participation in the development of the Individualized Education Program (IEP) as equal partners with school personnel.

- Students with disabilities will be fully included in all aspects of the home school program, including extra-curricular activities. However, placements in specialized environments may be made available for intensive needs students who require service in such an environment for a period of time.
- Generally, services and programs are provided to the student in the general education classroom. The education of students with disabilities is not to be provided under a separate delivery system, but rather as a continuum of services with a unified system.
- Services and programs will be made available to students based on their individual needs, without regard to classifications.
- The entities within the educational community will be proactive in accessing the services of another school/agency program before a student fails in his or her current educational placement.

### Inclusion of Students with Disabilities

**Inclusion refers to the primary instruction and provision of special educational services to a student with a disability in age-appropriate general education classrooms in his or her home school with appropriate support for the student and the student's teacher.**

For inclusion to be effective, professionals must work together to ensure that all students in the program learn and benefit from the opportunities created by an inclusive delivery system and curriculum. A team approach involving collaboration among general and special education personnel promotes inclusive practices. In a unified system, inclusion is the norm, rather than the exception.

The educational program must be developed based on the student's individual needs; however, an inclusive program does not imply that all special education services must be provided within the general education class program. Resource room support or related services may be delivered outside the classroom, within the general education class, or a combination of the two, depending upon the needs of the student, as determined by the Committee on Special Education or Committee on Preschool Special Education.

When inclusive schooling is made available to the preschool student with a disability, a coordinated approach should be considered. This would include providing services in existing early childhood programs that use an integrated service delivery model, such as those offered by public school districts, private school programs, day care and Head Start. When appropriate to meet the needs of the preschool student, itinerant services may also be delivered in the home.

### III. Statement of Preliminary Policy Considerations

A New Compact for Learning challenges school districts to restructure and to ensure that a fundamental principle is universally embraced — **All Children Can Learn**. Based on this principle, the Board of Regents proposes the following **Preliminary Policy Considerations** for educating students with disabilities in the least restrictive environment:

- All students with disabilities are entitled to special education services within a unified education system-based on their individual needs.
- Inclusion is the ultimate goal for all students with disabilities regardless of their disabilities or current placement.
- A continuum of specialized separate programs will continue to be available. Placement in such programs will be made only after a comprehensive, non-biased assessment of a student's needs. In addition, the Committee on Special Education/Committee on Preschool Special Education must document that the benefits of educating the student in a specialized program clearly outweigh the benefits of inclusion within the general education program with appropriate support for the student and the teacher.
- Over-representation of children of color in special education will be systemically addressed and eliminated.
- Funding for special education programs and services should be based on student need, not student placement. Flexibility should be built into a revised funding scheme to support and promote inclusive programs for students with disabilities.
- Pre-service and in-service programs should be redesigned to prepare professionals for their respective roles in developing and implementing inclusive programs. Parents should likewise have access to comprehensive programs to prepare them to fully participate in these processes.

### IV. Discussion of Policy Implications

A continuum of special education services and placement options, including separate public and private schools, must be available to all students with disabilities in the State. To meet the diversity of their needs, the preliminary policy considerations presume that the first consideration for a school-age student's education should be in a general education classroom in his or her

home school. For preschool students, a learning environment that is most similar to that of their typically developing peers should be considered first.

While the general education classroom is an appropriate placement for most students, any setting, including a general education classroom, that prevents a student from receiving an appropriate education to meet his or her cognitive, social, physical, linguistic, and/or communicative needs, is not the least restrictive environment for that individual student. The placement decision which provides a free appropriate public education in the least restrictive environment for an individual student must be made only after a full and complete Individualized Education Program (IEP) is developed to address the full range of the child's needs. Moreover, parents must have an opportunity for meaningful participation in the development of the IEP.

Students with disabilities who are educated in settings other than the general education classroom must be the exception. The Committee on Special Education must justify the reasons why education in the general education classroom would not be appropriate. In addition, the goals for such students must be geared for them to return to the general education classroom as soon as it is appropriate. The annual review meeting is the proper forum for this determination.

Consistent with a principle of the Compact — **Provide the means**, the Department will examine statutory funding provisions relative to least restrictive environment to determine what changes, if any, will promote the development of additional home school opportunities for students with disabilities. Some of the issues which have been identified and are under discussion include the following:

1. State funding encourages over-referrals from general to special education.
2. State funding encourages placements in more segregated settings within special education.
3. State funding lacks fiscal neutrality. In a fiscally neutral funding system, the fiscal system would reinforce the position that the child's needs, alone, should influence his or her placement.
4. State funding lacks incentives for inclusive special education programs, including stimulating initiatives for community options to prevent residential placement.
5. State funding lacks disincentives for ineffective placements in segregated special education programs.

Pre-service and in-service programs will need to be redesigned and strengthened to reflect the needs of all general and special educators within the unified system envisioned under the Compact. Such programs will need to impart, at a minimum, the following knowledge and skills:

- collaborative planning and service delivery;
- shared decision making;
- assessment and instruction of a diverse student population;
- meaningful parent involvement; and
- coordinated planning with other human services agencies to ensure the provision of necessary service in a seamless manner for individuals with disabilities from birth through adulthood.

It is expected that, if implemented, the Policy Statement on Least Restrictive Environment would significantly improve the current problem of over representation of children of color in special education.

#### **V. Time Line for Development and Implementation**

##### **September 1993**

The Department will conduct state-wide forums with educators, parents and other interested persons to solicit comment on the preliminary policy considerations.

##### **November 1993**

The Department will submit a proposed Regents Policy Statement on Least Restrictive Environment to the Regents EMSC Committee for discussion.

##### **December 1993**

The Department will submit a proposed Regents Policy Statement on Least Restrictive Environment to the Regents EMSC Committee for approval.

##### **January/June 1994**

The Department will disseminate information on the Policy Statement.

The Department will conduct training and provide technical assistance on the implementation of the Policy Statement on Least Restrictive Environment. This training and technical assistance will be provided by the Field Services Teams and state-wide Special Education Training and Resource Center networks.

The Department will conduct regional and state-wide conferences on inclusive schooling to showcase exemplary programs and practices and to encourage local replication.

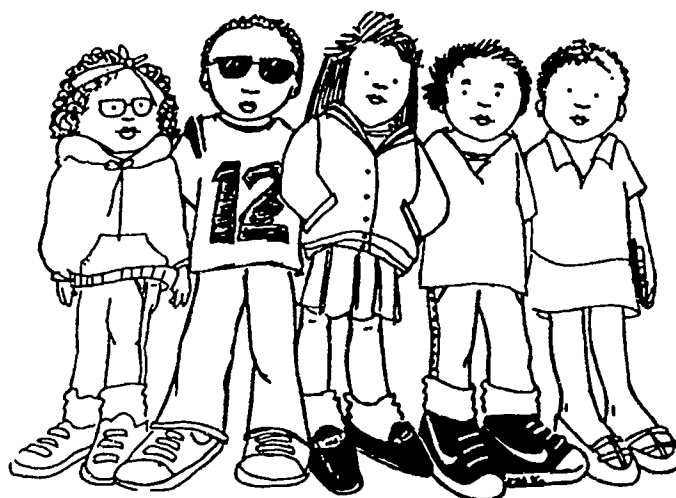


The Department will develop legislative proposals to revise statutory funding formulae in order to support the concepts of inclusive schooling.

The Department will implement and evaluate pilot programs that are alternatives to residential placements in collaboration with other State agencies.

The Department will conduct an independent study on the conditions and precursors which may lead to the over referral of students of color to special education in New York City, and the consequences and outcomes of this process. The study is being undertaken at the direction of the Regents Subcommittee on Special Education Issues in New York City. ♥

*To voice your opposition to any watering-down of this policy statement, or to discuss your specific comments on this policy statement, contact Tom Neveldine at the N.Y.S. Education Department (518) 474-5548.*





*At the September 29, 1993 public hearing in New York City on the State's proposed LRE policy statement, AFC presented the following testimony. Disturbingly, several hundred UFT members were also present at that forum to strenuously oppose the draft statement.*

## **Testimony by Advocates for Children of New York to the New York State Education Department on the**

# **LRE Policy Statement**

**September 29, 1993**

### **Introduction**

Advocates for Children of New York, Inc. (AFC) is pleased to testify before the New York State Education Department regarding its recently promulgated policy statement on the least restrictive environment. We applaud this statement as a tremendous step forward, and see it as an important sign that you are committed to bringing New York into compliance with state and federal law. As you know, placement of students with disabilities in the least restrictive environment (LRE) is a central requirement of both the Individuals With Disabilities Education Act (IDEA), and Section 504 of the Federal Rehabilitation Act (Section 504).

Let me just say by way of background that for over 23 years, AFC has provided assistance to public school children in New York City seeking quality educational services. We have worked with over 33,000 children and their families, providing community-based training, technical assistance, research, negotiation, and litigation services. Approximately one-half of our cases involve families attempting to negotiate the special education system in New York. Our most recent report, Segregated and Second-Rate: "Special" Education in New York, is based on this significant experience, as well as our status as co-counsel for plaintiffs in the Jose P. v. Sobol class action litigation.

As Segregated and Second Rate makes clear, New York State leads the nation with the highest percentage of students in separate classes, schools or residential facilities. This unacceptable situation is the result of many factors including: 1) a widespread misunderstanding as to the least restrictive environment requirement which is delineated in federal and state law and regulations; 2) a special education funding formula which encourages the segregation of special education

students; 3) a failure by New York City and the State to implement consultant teacher and other "itinerant" services, e.g., integrated related therapies for children with disabilities; 4) the exclusion of parents by Committees on Special Education (CSEs) and School-Based Support Teams (SBSTs) from meaningful participation in decision making processes related to their children, especially during the formation and implementation of Individualized Education Plans (IEPs); and 5) the inadequate monitoring of local educational agencies by city, state and federal offices.

### **The Least Restrictive Requirement**

Regarding the first factor, AFC is extremely happy to see that the proposed policy statement underscores the requirement that all school districts must first consider placing children with disabilities in general classes, with supplementary aids and services, including classroom assistants, before exploring more restrictive alternatives. As the statement points out, no student may be denied placement in a general education class unless it is demonstrated that s/he is unable to benefit from the education therein, even with the provision of necessary supplementary services. Furthermore, as emphasized by the United States Court of Appeals for the Third Circuit in the case of Oberti, this benefit must be defined broadly to include, at a minimum, potential social, psychological, emotional, and academic gains.

And yet, throughout New York City, erroneous but longstanding assumptions and practices contradict this LRE requirement. Too often, removal from general education depends upon factors such as: category of disabling condition, availability of educational or related services, available space, curriculum content, method of service delivery, configuration of delivery system, a lack of placement options, or the unwillingness of general education teachers to accept students with disabilities in their classrooms. In addition, many children are placed inappropriately in special education due to the lack of a system-wide process for providing Section 504 services and other preventive services. However, under the law, none of these factors may legitimately support denying students with disabilities the opportunity for placement in a general education classroom with their non-disabled peers.

### **The Special Education Funding Formula**

Another major barrier to the inclusion of disabled children in general education classrooms in New York City and State is New York State's special education funding formula which encourages the segregation of special education students by offering too low reimbursement rates for integrated placements, a narrow continuum of services for special education within the general education classroom, and too few program options between levels of service.

AFC has called on the Chancellor and his staff, in conjunction with NYSED, to work with the legislature to change the current special education funding formula. This process should also focus on the establishment of a new continuum of preventive services for use by students prior to special education referral. We are grateful to see that NYSED in the proposed policy statement recognizes the need to change the state special education funding formula, and to provide incentives for fully-supported, inclusive special education programs.

### **Failure to Implement Consultant Teacher Services**

Regarding consultant teacher services, our experience indicates that students with disabilities are routinely placed in separate classrooms or buildings because districts do not provide legally mandated, consultant teacher and other integrated services. Nor do they believe they are required to do so. In case after case, we often hear CSE administrators confess that although they believe a general education placement with consultant teacher services would be best for the child, they cannot "in good conscience order such a placement knowing that the service does not exist." This is asserted despite the fact that consultant teacher services have been mandated for both the city and state since 1988. However, administrators, teachers and other educational personnel are under the erroneous impression that this placement consideration (a general education classroom with consultant teacher services) is "optional." Since consultant teacher services are among the many "supplementary supports and services" which must be utilized in general education classrooms, AFC recognizes a critical need for massive training and technical assistance in this continuum option.

### **Non-Involvement of Parents In the CSE and IEP Processes**

Another critical area of widespread misunderstanding concerns the role of parents in CSE meetings, particularly in the development of Individualized Education Programs (IEPs). Under IDEA, parents have the right to be very active players in the CSE process. This is simply not the way New York City does business. On the contrary, parents arrive at CSE meetings to find placement decisions already made, and IEP's almost complete. They are afforded little, if any opportunity to influence either process, unless they themselves are extremely persistent, represented by an attorney and/or advocate, and willing to take the district to an impartial hearing. The establishment of goals and objectives must be a collaborative process involving those individuals who know the student best, and who will play an important part in the actual IEP implementation. Furthermore, CSEs should be required to develop holistic, innovative educational programs for students with disabilities which specifically address the results of students' evaluations and assessments, and include as goals decertification and movement, whenever appropriate, from more to less restrictive settings.

### **Inadequate Monitoring**

Finally, AFC is particularly concerned with the failure by New York City, the State and the federal Office of Special Education Programs (OSEP) to monitor districts with regard to non-discriminatory assessment and placement of students with disabilities in the least restrictive environment, and to force compliance with necessary corrective action plans. One clear example of this is the Huntington School District which has been found to be in violation of state and federal law. NYSED's investigation of this district revealed a pattern of over-representation among children of color and children with limited English proficiency in special education. Although NYSED apparently established compliance deadlines, little enforcement action has been taken.

Another example of inadequate monitoring is the fact that so many districts in New York City remain unaware that consultant teacher services in general education settings constitute a less restrictive placement than resource room or self-contained classrooms, and that such services must be considered regardless of whether the district believes they are currently available. Clearly, OSEP bears some responsibility for these persistent violations and must be far more aggressive when it comes to demanding compliance by New York State with its own corrective action plan.

In the meantime, we remain very eager to work with NYSED to help finalize and implement the proposed policy statement on the Least Restrictive Environment. Given the obvious resistance by many general education teachers and administrators, which, of course, cannot be allowed to deny students their educational entitlement, moving toward an inclusive system will not be easy. But New York should not delay movement on this vital course. The time line set forth in the proposed statement must be honored. In addition to the items already listed in this section of the policy paper, AFC recommends that the Department conduct at least every two years, a district by district analysis of special education placement patterns to determine whether or not school systems are adhering to the LRE requirement. The results of this study should be published and widely disseminated, and should indicate how New York compares to other states in LRE placement.

Thank you. ♥

*The New York City Board of Education's Continuum of Services describes transitional support services and the special education consultant teacher service, although these services are rarely if ever recommended for students. These are the only "push-in" (as opposed to "pull-out") services in the Board's continuum. To assist parents, educators, and evaluators in determining when these services might be appropriate for individual children, AFC excerpts the description of these two services below.*

## **Mainstream Services For Special Education Students**

Providing supportive services to students with disabling conditions who can be maintained full-time in the general education program can be accomplished in three ways: Transitional Support Services, Consultant Teacher Services, and Related Services.

When the consultative service is directly provided to teachers, it is considered a Transitional Support Service or indirect consultation within Consultant Teacher Services. When consultation to teachers is part of the delivery of a specific Related Service to students, it is done in conjunction with the delivery of a Related Service. Usually, either a Transitional Support Service, Consultant Teacher Service, and/or Related Service can effectively meet the educational needs of students with disabling conditions who can be maintained full-time in general education.

### **Transitional Support Services**

Transitional Support Services are temporary services designed to assist either a general or special education teacher in providing appropriate educational services to a student with a disabling condition who is transferring to a general education program or to a special education program in a less restrictive environment [§ 200.1 (kk)]. Transitional Support Services are specified on the Individualized Education Program and must be recommended by the Committee on Special Education/School Based Support Team. The student's present teacher(s) must be provided the opportunity to participate in the meeting of the Committee on Special Education/School Based Support Team that determines the extent to which the services are needed [§ 200.6(c)].

### Consultant Teacher Services

Consultant Teacher Services are provided to a student with a disabling condition who attends a general education program on a full-time basis. Direct and/or Indirect Consultant Teacher Services are designed to address a student's academic and/or emotional problems in the general education setting and to help the student maintain grade-appropriate levels of achievement. The services are delivered by a certified special education teacher to the student through either direct contact with the student and/or indirect contact, (i.e., working with the student's general education teachers) for a minimum of two hours per week. Consultant Teacher Services are specified on the Individualized Education Program and must be recommended by the Committee on Special Education/School Based Support Team. The student's general education teachers must be provided the opportunity to participate in planning conferences to discuss the objectives, methods, and schedules for such services.

#### Consultant Teacher Services Provides:

- a) Individual and/or group instruction focusing on learning strategies leading to completion of academic tasks.
- b) Individual and/or group instruction in learning and organizational skills/strategies leading to independent functioning.
- c) Individual and/or group instruction in the generalization and transfer of learning strategies.
- d) Individual and/or group instruction in specific behavioral/self-management/social skill areas to promote independent functioning.
- e) Collaborative consultation with general education teachers on specific strategies, modifications, and adaptations in the instructional environment to be delivered by the consultant teacher and/or the general education teacher to enable students to achieve in the general education setting.
- f) Collaborative consultation with other instructional and clinical staff to develop specific strategies, modifications, and adaptations of learning activities to enable students to achieve in the general education setting.
- g) Ongoing communication and interaction with parents to support achievement and development at home and in the community.



- h) Systematic, ongoing evaluation of students' educational needs and development.
- i) Intensive native and English language instruction to facilitate limited English proficient students' cognitive growth through a language they understand while promoting native language skills, cultural identity, and English language acquisition. ♥





*Advocates for Children has mounted a legal, administrative, and policy effort to force the Board of Education to implement consultant teacher and other supported inclusive services to children with disabilities. The following article summarizes the difficulties we have experienced in attempting to secure such services for individual children.*

## **New York City Board of Education Fails to Implement Consultant Teacher Continuum Service**

**Ellen Gallegher Holmes, Director  
Inclusive Education Project**

For the past year and a half, I have been representing parents of children with educationally disabling conditions as they attempt to obtain appropriate placements in the least restrictive environment from their respective Committees on Special Education (CSEs). Based on this experience, it is clear to me that New York City has failed to implement consultant teacher services despite the fact that such services have been mandated since 1988. In this article, I document more specifically what occurs when parents request placement of their children in general education classrooms with supplementary supports and services, including consultant teacher services, as opposed to placement in a more restrictive environment, e.g., a pull-out resource room or self-contained class.

First, virtually every CSE team I have encountered while representing students with educationally disabling conditions has been unaware of the consultant teacher services mandated by the state and described in the New York City Public Schools' Continuum of Services. Some have expressed familiarity with Special Circular No. 36, which concerns the New York City Public Schools' Consultant Teacher Services Prevention Initiative for the 1993-94 school year. However, many districts inappropriately believe that Special Circular No. 36 essentially limits their legal responsibility to consider consultant teacher services and other integrated services for all children regardless of their disability. In my experience working with the CSEs, I have often heard administrators confess that although they believe that a general education placement with consultant teacher services would be the appropriate, least restrictive environment for a particular

child, they cannot "in good conscience order such a placement knowing that the service(s) do not exist."

In fact, the Central Board has provided no guidelines as to the actual implementation of state mandated consultant teacher services. Consequently, a tremendous burden falls upon parents and advocates to educate the CSEs as to their responsibility to first consider consultant teacher services prior to ordering placement in a more restrictive environment. In the rare event that such services are ultimately ordered, they must aggressively monitor the actual implementation of these services — or they are not implemented. It is clear that all CSEs have not undergone appropriate staff development on this issue.

Consultant teacher services have been mandated by both the city and the state since 1988; the Individuals with Disabilities Education Act and its implementing regulations indicate a clear federal preference for mainstream placements with supportive services, including itinerant services. Yet no CSE has ordered consultant teacher services for a parent represented by AFC without a request for, or the threat of, an impartial hearing. In direct contrast to this New York City experience, statistics released by the New York State Education Department indicate that approximately 6,783 (or 2.35 %) of all students with disabilities state-wide received consultant teacher services in 1992/93. While this number is admittedly far below what it should be, given that over 100,000 students receive the more restrictive resource room services, it nevertheless demonstrates New York City's unquestionable failure to implement consultant teacher services.

In fact, the nonexistence of consultant teacher services in New York City is documented by the lack of any data collection system concerning how many consultant teacher services have been ordered or actually delivered. Moreover, no specific allocation exists in budget documents for the provision of continuum-mandated consultant teacher services.

In our experience representing children and their families, we are also struck by the dearth of training and information for general education administrators and teachers regarding consultant teacher services. Since the model, by definition, requires the cooperation and coordination between general education and special education personnel, such training and information must be made available to ensure effective implementation. Otherwise, resistance by general education teachers may undermine the overall experience of students with disabilities who are placed in their classrooms, and effectively deny these same students' legal entitlement to appropriate services in the least restrictive environment.

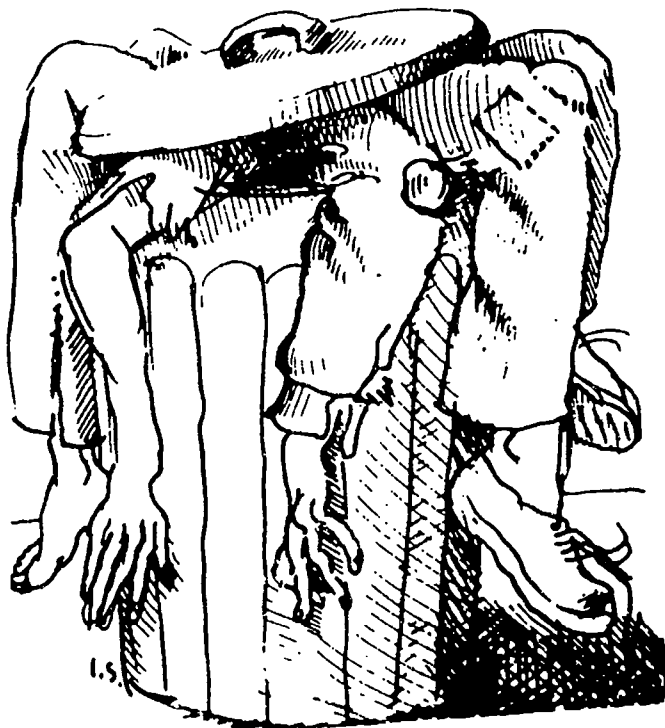
In most of the dozen cases in which we have obtained consultant teacher services over the past year, a segregated, self-contained setting was the first placement ever considered or recommended for the respective student. Many of these children were never even recommended for resource room services, but instead were directed immediately to self-contained classes. This is in clear

violation of the federal requirement that segregated settings be utilized only when it can be demonstrated that a mainstream placement with appropriate supports and services will not benefit a particular child. AFC sees hundreds of IEPs over the course of a single year; in no case since 1988 has any IEP noted that a CSE or SBST has considered consultant teacher services and rejected them. Instead, more restrictive settings are routinely recommended for children who could clearly benefit from a less restrictive placement.

These cases and others like them are prima facie evidence of the City's failure to provide appropriate supports and services, including consultant teacher services, to children in mainstream settings. **When experienced AFC staff encounter these difficulties, imagine the barriers facing unrepresented parents. This blatant violation of the law cannot be allowed to continue.**

AFC is actively involved on a variety of fronts, including our coordination of the Coalition for Inclusive, Desegregated Education for All Students (IDEALLS), to pressure New York City to immediately correct this noncompliance with federal and state law, and to fully implement the consultant teacher service option for all eligible children with educationally disabling conditions. ♥

*If you believe your child could benefit from inclusion in a mainstream class with supports and services, contact AFC.*



*While New York City's record of serving disabled children in mainstream settings is poor, there are several promising pilots being implemented around the city. This summary of those pilots includes information on how to contact project coordinators to learn how to replicate these programs in your district or school.*

## **Pilot Inclusion Programs In New York**

**Karen Shiff**  
**Legal Intern, Advocates for Children**

### **I. Superstart Plus**

Superstart began in the 1990-1991 school year to replace both Project Giant Step (1986) and the New York State Prekindergarten Program (which began over 25 years ago). Superstart incorporates health, nutrition, social services, parent involvement and staff development. In the 1991-1992 school year, Superstart Plus began; using the Superstart format, it brought special education and Chapter 1 children together in the preschool classroom. Each year since, the program has been "aged up" — for the 1993-1994 school year there will even be a Second Grade Plus classroom.

### **A. Program Initiation**

In order to establish a Superstart Plus program, a waiver must be obtained. Even though this was accomplished for the initiation of the Superstart Plus program, the process must be repeated when aging up any Superstart Plus class. For example, District 75 (City-wide programs for significantly impaired students) obtained new waivers to age up Superstart Plus children to Kindergarten Plus, and subsequently to First Grade Plus. On June 23, 1993 a waiver was granted to age up children through the fifth grade. The plan is to be implemented gradually; for the coming year the highest level will be Second Grade Plus.

**B. Number of Programs**

In 1992-93 there were 14 classes in 8 districts; this year there are 19 classes in 11 districts. Four Kindergarten Plus classes are aging up to First Grade Plus. This year there are 13 Kindergarten Plus classes.

**C. Eligibility**

General education children are selected based on age and educational need as determined by the usual Chapter 1 procedure. Special education children are placed after the usual CSE/CPSE procedures; this recommendation must be stated on the child's IEP.

**D. Composition**

The original Superstart Plus staff model included: 1 early childhood teacher, 1 paraprofessional, 2 family assistants for every 3 classrooms, 1 full-time social worker for every five classrooms, 1 prekindergarten specialist for every five classrooms, 1 special education teacher and special education paraprofessional. This format varies depending on the program.

Classes are composed of as wide a variety of special education children as possible. An extreme example of this attempted diversity is the Children's School that strives to place two severely disabled children in each class.

**E. Daily Structure**

The programs can choose to run either half or all day. For example, in District 7 all children are integrated for the first half of the day; only special education children stay for the afternoon in order to receive specialized services. On the other hand, District 30 integrates both general and special education children for the entire day.

**F. Bilingual**

When 18 or more children at a site speak the same language other than English, a bilingual class is formed. It is recommended that instruction be provided by a bilingual teacher as well as a bilingual paraprofessional. The purpose is to develop the native language along with English when learning cognitive skills.

There are 4 bilingual classes; two are housed in District 7. The bilingual program is intended to prevent the inappropriate referral of bilingual children to special education.

### **G. Funding**

General education children are funded through Chapter 1 (from the 5% available for implementation of innovative programs.) Other state early childhood dollars are channeled to the general education children as well. (Superstart Plus — preschool children — receive New York State Pre-Kindergarten Program Funds for classroom teachers; Chapter 1 funds are used to pay for all remaining costs: paraprofessionals, social workers, family assistants, etc.) Special education children are funded through special education dollars for which the district is reimbursed.

In addition to the funds which must be derived from both of the sources stated above, schools may receive grants for extra expenses. For example, the Children's School (combination of District 15 and 75) received a three-year magnet grant. The Carnegie Foundation also awarded money to District 15. (Carnegie was interested in detracking and heterogeneous groupings, not inclusion, but saw Superstart Plus as a mechanism to further their goals.)

Difficulty regarding program expansion is due to budget constraints within Chapter 1. Since there is no increase in expense for the special education children, as they are reimbursed per capita, special education funds may expand to fit Superstart Plus budget. The problem arises with Chapter 1 since the smaller classes are more expensive than regular general education classes; less children are receiving the same amount of money.

### **H. Staff Development**

Problems of territorial infringement/competition are avoided by 1) teachers working together from the outset in staff development workshops, and 2) the fact that teachers volunteer to participate in Superstart Plus and choose who they work with.

Initially, before this method was employed, the general education teacher resented the special education teacher for "imposing" upon the class. Now, these problems are avoided by teachers working together in adapting the curriculum and participating in staff development workshops.

**I. Monitoring**

Programs are monitored by both the state and city. The city is divided into five regional offices — Manhattan, Queens and the Bronx monitor their respective areas; Brooklyn has two offices that monitor both Brooklyn and Staten Island. Evaluation teams comprised of representatives from the Office of Research, Evaluation and Assessment (OREA) and the Office of Monitoring and School Improvement (OMSI) monitor together each respective site.

The OREA representatives evaluate student growth, program implementation, and give recommendations as to the overall program. OMSI is responsible for all funded programs; therefore monitors from both special education and Chapter 1 are sent to evaluate from their respective angles. The representative from Chapter 1 will observe as usual (size of the room, bathroom, materials, indoor/outdoor play area, teaching records, appropriate selection of Chapter 1 students, health history, staff development for teachers, trips planned appropriately, etc.) Monitors of special education programs are responsible for ensuring that the program is operating in compliance with each child's IEP as well as providing other necessary related services.

The regional monitoring offices are planning to coordinate with state monitoring offices this year. Up until now, both were operating on their own schedules — often overlapping or bypassing programs. With the collaborative effort underway, the two-tier monitoring project intends to be more effective.

**J. Self Assessment**

Measuring program outcomes.

Report on preschoolers aging out of Superstart Plus.

Contacts: Dr. Nancy Needle and Kathleen Powers — District 75; Ellie Ukali and Myrta Riviera — Board of Education, District 30, (718) 777-4600.

**II. District 15: 1993-94 Plan**

- A. Brooklyn's PS 321 will house the first Superstart Plus program not connected to Chapter 1 (since it is a non Chapter 1 school.) The program will service pre-kindergarten through first grade: one class per grade plus two kindergarten classes.



**B. Children's school — two programs:**

1. Superstart Plus through First Grade Plus
2. Magnet inclusion school focusing on technology; this program will draw pre-kindergarten through third grade children from all of New York City. It is a state-supported program working in conjunction with District 75. Since the special education children who will attend are severely disabled, they will be few in number. The program is funded through Superstart Plus as well as tax levy dollars and grant money from both Districts 15 and 75.

**C. PS 15 will have Superstart Plus programs for kindergarten through second grade (one class per grade.)****Anticipated classroom configuration for all programs:**

- |  |  |
|--|--|
| ● 1 regular education teacher          | ● 2 moderately to severely disabled students                 |
| ● 1 special education teacher          |  |
| ● 1 special education paraprofessional | ● 16-18 general education students at all achievement levels |
| ● 4 mildly disabled students           |  |

**Classroom strategies:**

- |   |  |
|---|--|
| ● cooperative learning                    | ● team teaching  |
| ● thematic, interdisciplinary instruction | ● all necessary services provided within the general education classroom |

**Contacts:** Larry Weintraub, District 75; Janet Price, New York Fund for Public Education; Dorothy Segal (212) 330-9300.

**IV. Satellite Academy High School — Alternative Schools**

There are four alternative high schools sites implementing inclusive programs. One in the South Bronx, another in Queens and two in Manhattan. These schools had team teaching programs of their own before three of the four adopted the Board of Education's Special Circular #36 last spring. The consultant teachers at this school are special education teachers who also work in the resource room. Out of the 190 students at each school, about 100 of them are eligible for additional support; many are even a few years below their grade level (all students have been to at least one other high school before arriving here.)

Children who would otherwise be in resource room are served in the regular classroom with a consultant teacher; all classes are heterogeneously mixed by grade and ability. For example, all children who receive Chapter 1 support are taught along with everyone else. The only pull out programs are for SIS 1 (resource room students.) The schools set aside a certain amount of time each day for team teaching.

Contacts: Sue Ann Rosch or Alan Dickter (212) 349-5350.

#### **V. IS 7 — Staten Island**

This waiver was granted in order for the school to create a resource room/consultant teacher pilot (not part of Special Circular #36.)

Contact: Nancy Myers (718) 356-3723.

#### **VI. State-Wide Systems Change**

Originally, District 75 schools were identified as implementation sites for the State-wide Systems Change project. Since the program has not been working well through District 75, during the 193-1994 school year it will be run through Community School Districts 21 in Brooklyn and 31 in Staten Island.

Few summer programs were tried in 1993, and those that tried failed. Since general education children do not attend school during the summer, it was impossible for the special education children to continue in the regular classroom.

Contacts: Mary Ford, Cathy Rikhye — District 75.

##### **A. 811K at P329 in Brooklyn**

This site will continue as a State-wide Systems Change project since it is located in District 21. This past year, 6 students with severe disabilities were completely included in general education classes at P329. Two children were in each kindergarten, first and second grade classrooms. All related services were provided within the general education classrooms.

The program involved a methods/resource teacher, who, along with a paraprofessional, circulated among the classrooms where special education children were placed. The

methods/resource teacher helped adapt the curriculum, working as a liaison between general and special education teachers and related service providers. Only when extremely necessary would the methods/resource teacher work one-on-one with students, team teach and provide related services. It is believed that territorial problems are avoided by not calling the method/resource teacher a consultant teacher, and by having this person team teach as infrequently as possible.

Contacts: Frada Kaplan (718) 769-6984; Stephen Levy — P329 principal.

#### B. IS 227Q — Coney Island

As of this year, this school will no longer be a State-wide Systems Change site. However, the school is intending to perpetuate the inclusion project on its own.

The original plan for the program was to have special education children report to their "inclusion home room" at the beginning of each day, and join the general education classroom later in the day. It was quickly discovered that this was an extremely ineffective method.

Next the school placed two groups of two special education children in with regular sixth grade classrooms for the entire day. One special education teacher from District 75 was assigned to each of the two classrooms full-time. In addition, each classroom had one paraprofessional. The special education teacher worked one-on-one with the teacher outside of class; each Monday they would sit together and adapt the lesson for the week. Team teaching, peer teaching, and working with small groups (always including both general and special education children) composed the in-class curriculum.

While this procedure worked well in one classroom, the other general and special education teachers did not "click" and had great difficulty working together.

The program has been expanded to include 10 special education children in fifth through seventh grade classrooms. For the seventh graders, there will be more indirect consultation between the general and special education teachers and less in-class support from the special education teacher.

Contact: Nira Schwartz-Nyitray (718) 335-7500.

#### C. 811Q — Little Neck

This Center for Multiple Handicapped Children in Little Neck is for SIE I students ages 4 to 20 years of age. This center has a strong emphasis on moving children to less restrictive environments. For example, there is a Job Development Program where 14 students are employed in the community under the guidance of a job developer at the school.

Sybil devised a program called "inter-streaming" where students from 811Q spend one morning per week at another school, and children from other schools come to learn at 811Q.

State-wide systems change — Sybill placed two 811Q children in PS 136Q and four in IS 227. PS 136 did not provide an appropriate site: they housed the special education children off-site in a non-barrier-free building.

Sybil began the inclusion of children in these two schools independent of State-wide Systems Change; she felt that State-wide was unacceptable since it did not have a sensitivity training component. She held her own staff development training in addition to sensitivity training seminars for staff and parents regarding the philosophy of inclusion. Eventually, Sybill came under the auspices of State-wide, but continued to implement her program components.

Contact: Sybill Schienberg or Carol Brady (718) 224-8060.

#### **D. P53K PS104K — Bay Ridge, Brooklyn**

There is one special education child and one full-time paraprofessional in each class. The special education teacher performs primarily outside adaptive consultant work, only occasionally observing in class. Last year, there were two children fully included, and one partially included. For next year, there will be up to six children fully included.

Contact: Gloria Salkin (718) 748-2041. ♥

*In the following two excerpted letters, the U.S. Department of Education clarifies that New York City and State must provide appropriate inclusive settings for preschoolers with disabling conditions. If such settings are not available in public schools, parents must be provided with the tuition for placement in integrated pre-schools and day care centers, as well as with appropriate support services.*

## **Pre-School Special Education Services Integration, Not Segregation!**

**Marilyn Wessels  
Schools Are For Everyone (SAFE)**

### **DIGEST OF INQUIRY (JUNE 12, 1992)**

Must a public agency with the responsibility for providing FAPE to preschool children with disabilities pay for tuition costs when these children are placed in non-special education preschool programs?

### **DIGEST RESPONSE**

#### **Type of Preschool Placement Does Not Affect Duty to Provide FAPE**

Regardless of whether a preschool child with disabilities is placed in a public preschool program or a private, non-special education preschool program, the public agency with responsibility for providing FAPE to the child must pay for all costs associated with the provision of special education and related services in the least restrictive environment as stated in the child's IEP.

### **TEXT OF INQUIRY**

In 1989, I wrote to you regarding clarification of a school district's responsibility for costs associated with placing a preschool youngster who is classified as disabled into a private placement.

I have been working with a family of a preschool child who placed their child into a private program which was recommended in her IEP. For example, as a goal in the IEP it was recommended that she would spontaneously initiate and sustain conversation with adults and peers in various settings, (e.g., nursery school, playground.)

As you know, in New York State, the school districts do not pay any of the costs for preschool youngsters. Instead the counties pay up front and the state then reimburses the counties for 50% of the costs. The county refused to do so in this case. I should state here that the family paid for the private nursery program because the program would not take the youngster without payment. I recommended that the family write to the State Education Department using your November 27, 1989 letter as a basis for getting the department to intervene.

On January 24, 1992 the department responded, denying payment for the non-special education preschool program even though it was clearly indicated in her IEP.

I am writing this not to argue for this family but to ask on the basis of your 1989 letter and the department's response if New York State is in compliance in general. I believe that it is not. Obviously this is a very important question because unless clarified, the department will continue to instruct the school districts not to place children in similar settings unless the parents pay for the entire program.

I must clarify here that I am not suggesting that tuition payment should be made for children with disabilities when their parents opt for an alternative setting unless the Committee on Preschool Special Education and the parents agree that the intended setting meets the needs of that individual child.

If you have any questions please do not hesitate to call me. With New York State currently segregating 93% of its preschool disabled children while the figures indicate that 83% of the same children are integrated nationally, I urge that you look into this matter as soon as possible.

### **TEXT RESPONSE**

I am writing in response to your recent letter about the problems confronting parents of preschool-aged children with disabilities in New York regarding implementation of individualized education programs (IEPs) in the least restrictive environment. The specific issue is whether the public agency responsible for providing free appropriate public education (FAPE) to preschool-aged children with disabilities is responsible for paying tuition costs when placement is in non-special education preschool programs. As you state in your letter, you are not raising the issue

of the provision of special education and related services to children with disabilities whose parents unilaterally place them in a private non-special education preschool program.

The information in my November 27, 1989, letter to you remains accurate in that whether a child is placed in a program provided directly by the public agency or in a private non-special education preschool program, the public agency is responsible for all costs associated with providing the special education and related services in the least restrictive environment as stated in the IEP. I have asked Mr. Thomas Neveldine to clarify New York's position as expressed in his letter enclosed with your correspondence.

A preschool child with a disability is entitled to all of the rights and protections guaranteed by Part B of the Individuals with Disabilities Education Act (IDEA) and its implementing regulations at 34 CFR Part 300. This includes the right to FAPE and services in the least restrictive environment.

FAPE is defined as "special education and related services which (a) are provided at public expense, under public supervision and direction, and without charge; (b) meet the standards of the State educational agency, including the requirements of this part; (c) include preschool, elementary school or secondary school in the State involved; and (d) are provided in conformity with an (IEP) which meets the requirements of 34 CFR 300.340-300.349." The IEP must include "a statement for the specific special education and related services to be provided to the child, and the extent to which the child will be able to participate in the regular educational program." 34 CFR 300.346(c).

Once the IEP is complete, a placement decision is made by a group of persons, including persons knowledgeable about the child, the meaning of the evaluation data, and the placement options. 34 CFR 300.533 (a)(3). The placement decision must be based on the unique needs of the child as set out in the child's IEP. It must be made in conformity with the least restrictive environment rules in 34 CFR 300.550-300.554 which require that to the maximum extent appropriate children with disabilities be educated with children without disabilities. 34 CFR 300.533(a)(4) and 300.552(a)(1). The various alternative placements in 34 CFR 300.551 (instruction in regular classes, special classes, special schools, home instruction, and instruction in hospitals and institutions) must be available to the extent necessary to implement each child's IEP. 34 CFR 300.552(b).

If a public agency places a child in a private preschool program for the purpose of receiving FAPE, the public agency must ensure that the private school program is provided at no cost to the parents. Therefore, if the placement team determines that full-day placement in a private preschool which integrates disabled and non-disabled children is the most appropriate placement in which to implement a child's IEP, the public agency is responsible for the tuition costs



associated with providing that placement. If the placement team determines that part-time placement in a private preschool is the most appropriate placement in which to implement the child's IEP and the parent wants the child to remain in the private preschool for longer than what is required in the IEP, the parent is responsible for any costs associated with the portion of the program not necessary to implement the child's IEP.

Your letter also raises a larger issue with regard to service delivery systems for 3-and 4-year-old children with disabilities. In New York, as well as many other States, children below age 5 are not within the State's mandated school age. As a result, public agencies do not typically operate educational programs for non-disabled children below age 5. Further, those public agencies are not required to initiate educational programs for non-disabled children below the State's mandated school age solely to satisfy the requirements regarding placement in the least restrictive environment of children with disabilities below the State's mandated school age.

Local educational agencies (LEAs) should consider alternative placement options when LEAs are not required to provide preschool programs to non-disabled children. Some of these alternatives are contained in the *Comment* following 34 CFR 300.522, and include placing children with disabilities into private programs for non-disabled children or programs that integrate disabled and non-disabled children, locating preschool programs in regular elementary schools, or providing opportunities for preschool-aged children with disabilities to participate in other preschool programs operated by other public agencies.

As you are well aware, placement of preschool-aged children with disabilities into the least restrictive environment is an issue being addressed by all States, an issue made difficult in part because there typically are not "regular educational environments" available in public school systems for non-disabled age peers. We believe that the extensive research, development of models, outreach, and intensive technical assistance to States on integrating children with disabilities into community-based settings, in conjunction with States's development of public policy and collaboration with other agencies, service providers, and parents, will continue to result in progress towards providing FAPE to preschool-aged children with disabilities with their non-disabled peers.

I appreciate your interest and advocacy for children and families regarding the placement of disabled children in environments where non-disabled children are typically found, and hope that you will continue to apprise us of problems, as well as successes, with the provision of services to preschool-age children with disabilities in the least restrictive environment. ♥

**Judy A. Schrag**  
**Director of Office of Special Education Programs**

# **New York State Office Of Special Education Services**

**Thomas Neveldine  
Assistant Commissioner**

## **DIGEST OF INQUIRY (JANUARY 29, 1993)**

What is the financial responsibility of a public agency that places a child with a disability in a private preschool program for the purpose of receiving FAPE?

May "stand alone" services be provided to a preschool child with a disability without the public agency assuming the cost of placing the child in a private preschool program?

## **DIGEST RESPONSE**

### **Entire Cost of Private Placement May be Public Responsibility**

When a public agency places a child with a disability in a private preschool program for the purpose of receiving FAPE, the entire educational program during the time that the child is placed by the public agency, including tuition, must be at no cost to the parents. To the extent that a state policy operates to limit the public agency's responsibility in these circumstances to the costs of specially designed instruction or related services, the state policy is inconsistent with Part B and must be modified.

### **LRE Considerations Prevail Over "Stand Alone" Nature of Required Services**

Part B does not refer to "stand alone" services; however, OSEP recognizes that, in certain circumstances, a placement team may make a determination that a specific service required by a preschool child with a disability, such as physical therapy, does not require interaction with other children and may be provided in a variety of settings, including the child's home, the provider's office, or a day care center. However, if the placement team determines that the least

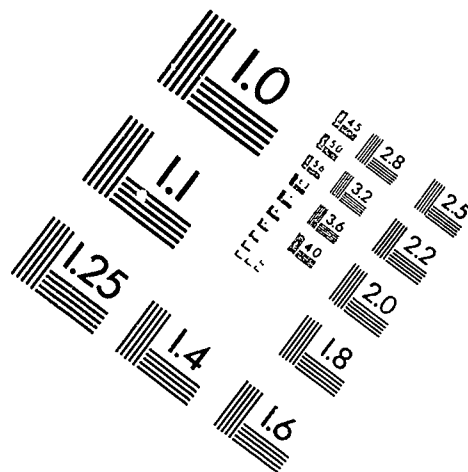
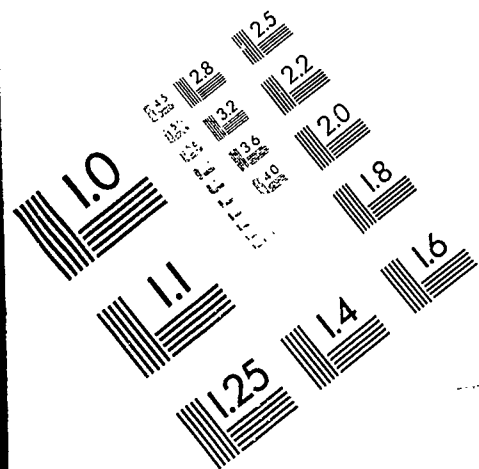


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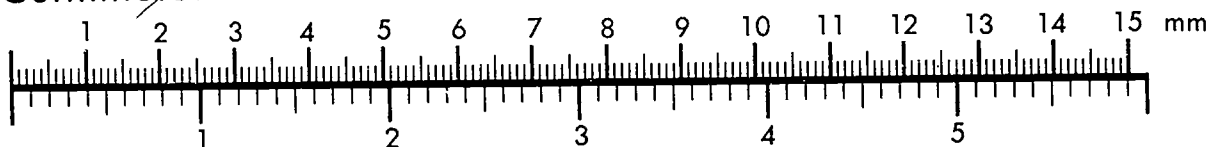
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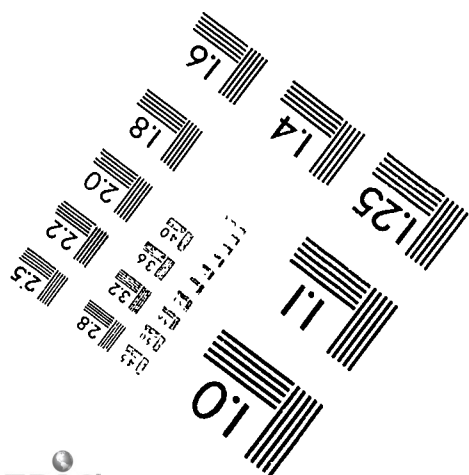
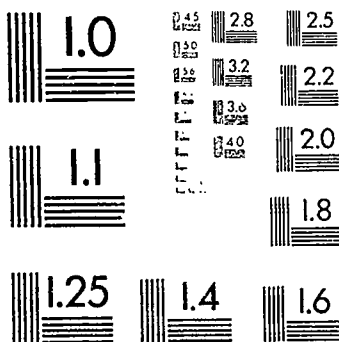
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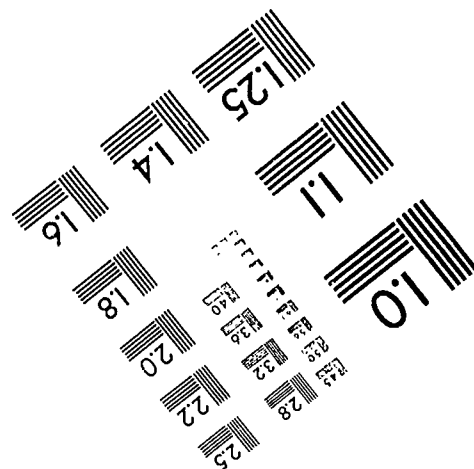
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restrictive environment requirements of Part B can only be met with a full-day or part-time private preschool placement in which children with and without disabilities are integrated, the public agency is responsible for all costs associated with that placement, regardless of whether single or multiple services are provided.

### **TEXT OF INQUIRY**

In response to the letter from your office dated November 27, 1992, I am writing to clarify the position of the New York State Education Department regarding the payment of tuition costs when special education and related services are provided to a preschool student with a disability in a private school for non-disabled children.

Consistent with State and federal law, the provision of specially designed instruction and/or related services deemed necessary by the multi-disciplinary team to meet the unique needs of a preschool child with a disability shall be made available at no cost to the parents. For example, when a public agency places a child in an approved private preschool program for the purpose of receiving a free appropriate public education, the specially designed instruction shall be provided at no cost to the parents. In other cases the specially designed instruction may constitute stand-alone services (i.e., related services, special education itinerant teacher services), which may be provided at a variety of sites (i.e., the child's home, the provider's office, a day care center, head start programs, nursery school, etc.) by either bringing the program or services to the child at the child care location where the parent has made arrangements, including the child's home, or by bringing the child to the program or service. In either case, specialized instructional program services will be provided at no cost to the parent at the location designated by the multi-disciplinary team.

### **TEXT OF RESPONSE**

This is in response to your letter dated January 29, 1993, in which you provide clarification of the position of the New York State Education Department (NYSED) regarding payment of tuition costs when a public agency places a preschool-aged child with disabilities into a private preschool for non-disabled children for the purpose of a receiving free appropriate public education (FAPE). Your clarification was provided as a result of an inquiry from this Office. Based on our review of our letter, we have some concerns about NYSED's policy, as described more fully below.

Under Part B, State and local educational agencies (SEAs and LEAs) are required to make FAPE available to all eligible children with specified disabilities within mandated age ranges. 20 U.S.C. §1412(2)(B); See also 34 CFR §300.121 and §300.300. The term "free appropriate public

education" means special education and related services which (A) have been provided at public expense, under public supervision and direction, and without charge, (B) meet the standards of the State educational agency, (C) include an appropriate preschool, elementary or secondary school education in the State involved, and (D) are provided in conformity with the individualized education program required under §614(a)(5). 20 U.S.C. §1401(a)(18); see also 34 CFR §300.8. Each public agency responsible for providing FAPE to a child with disabilities must ensure that the services and program for the child are provided at no cost to the parents in accordance with an IEP that meets the requirements of 34 CFR §300.340-§300.350.

The IEP process is the mechanism under Part B for determining the special education and related services necessary to meet a child's unique needs. The IEP must contain, among other elements, the specific special education and related services to be provided to the child and the extent that the child will be able to participate in regular educational programs. 34 CFR §300.346(a)(3). When making the individualized determination on the extent to which a child with a disability can be educated with children who are non-disabled, public agencies that do not operate programs for non-disabled preschool-aged children may consider alternative methods for meeting the child's unique needs in the least restrictive environment, including: (1) providing opportunities for the participation (even part-time) of preschool children with disabilities in other preschool programs operated by public agencies, such as Head Start; (2) placing children with disabilities in private school programs for non-disabled preschool children or private preschool programs that integrate children with disabilities and non-disabled children; and (3) locating classes for preschool children with disabilities in regular elementary schools. Note to 34 CFR §300.552.

Our first concern is with the statement in your letter that reads:

Consistent with State and federal law, the provision of specially designed instruction and/or related services deemed necessary by the multi-disciplinary team to meet the unique needs of a preschool child with a disability shall be made available at no cost to the parents.

Under Part B, the individuals responsible for determining the content of a child's special education program are the participants on the child's IEP team identified at 34 CFR §300.344. Provided that the participants on the multi-disciplinary team are the same as the participants on the IEP team described at §300.344, the above statement from your letter is consistent with Part B. We are further concerned, however, with the examples provided to amplify the above statement from your letter. Your letter states:

For example, when a public agency places a child in an approved private preschool program for the purpose of receiving [FAPE], the specially designed instruction shall be provided at no cost to parents.

Under Part B, when a public agency places a child in a private preschool program for the purpose of receiving FAPE, the entire educational program during the time the child is placed by the public agency, including tuition, must be at no cost to parents, and not just the specially designed instruction and related services. 20 U.S.C. §1413(a)(4)(B); See also 34 CFR §300.401 and Note to 34 CFR §300.753. If the placement team determines that full-day placement in a private preschool which integrates disabled and non-disabled children is the most appropriate placement in which to implement a child's IEP, the public agency is responsible for the tuition costs associated with providing that placement. Some private pre-schools offer both full-time and part-time placement options. In this situation, if the placement team determines that part-time placement in a private preschool is the most appropriate placement in which to implement a child's IEP and the parent wants the child to remain in the private preschool longer than what is required in the IEP, the parent would be responsible for any costs associated with the portion of the program not necessary to implement the child's IEP. However, the public agency remains responsible for all tuition costs associated with the part-time placement required to implement the child's IEP.

The statement in your letter implies that the public agency is only responsible for the tuition costs associated with the specially designed instruction and/or related services, and that the parents could be responsible for a portion of the tuition costs attributable to other components of the educational program occurring during the time period the child was placed to implement the IEP in the least restrictive environment. To the extent that NYSED's policy will operate not to require the public agency placing the child in the private preschool program to pay all costs associated with the placement for purposes of providing FAPE to a child in the least restrictive environment, it is inconsistent with Part B and must be modified.

Our final concern is the statement in your letter regarding "stand-alone" services. That statement reads:

In other cases the specially designed instruction may constitute stand-alone services (i.e., related services, special education itinerant teacher services), which may be provided at a variety of sites (i.e., the child's home, the provider's office, a day care center, head start programs, nursery school, etc.) by either bringing the program or service to the child at the child care location where the parent has made arrangements, including the child's home, or by bringing the child to the program or service. In either case, specialized instructional program services will be provided at no cost to the parent at the location designated by the multi-disciplinary team.

Because the term "stand-alone" services is not used in either the Part B statute or regulations, we are unsure precisely what services are included, or how the determination of the extent to which a child is placed with non-disabled children when receiving the service is made. We agree

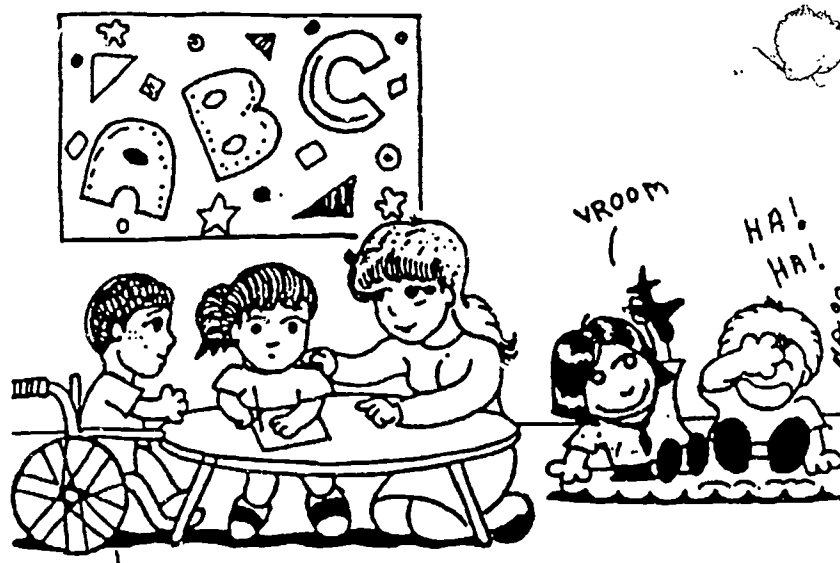


that there are circumstances where a placement team may determine that a specific service needed by a child, such as physical therapy that would not require interaction with other children, could be provided in a variety of settings (i.e., the child's home, the provider's office, a nursery school, etc.), assuming all other Part B requirements are met. In those instances where the placement team has determined that provision of that service is all that is required to provide FAPE to the child, the public agency is only responsible for providing the required service. However, if the placement team determines that LRE requirements can only be met with a full-day or part-time private preschool placement that integrates disabled and non-disabled children, the public agency is responsible for all tuition costs associated with that placement, regardless of whether a single or multiple services are provided.

To address the concerns outlined above, we believe that further clarification of NYSED's policy with respect to the above issues is needed. We are, therefore, requesting that you provide further written clarification of your policy statement based on the comments in this letter. ♥

**Patricia J. Guard**  
Acting Director, Office of Special Education Programs

*Advocates for Children has learned that the New York State Education Department continues to oppose the mandates detailed above. Our concern with the State and City's failure to provide services to preschoolers in less restrictive settings is an important element of our work on behalf of preschoolers with disabilities. If your preschool child has a disabling condition, and is awaiting appropriate evaluation, placement, or provision of services in the least restrictive appropriate setting, contact AFC immediately at (718) 79-8866.*





*A recent impartial hearing decision, obtained by AFC Associate Program Director Joan Harrington, has established an important precedent for preschoolers with disabling conditions. In this decision, the hearing officer ordered the Board of Education to pay the tuition for a private preschool that is appropriately serving a child who needs the opportunity to interact with non-disabled peers, rather than a segregated setting. The decision is summarized below.*

## **Flash, Flash, Flash! Pre-Schooler Entitled to Regular Education Services — Paid by the Board of Education**

**An impartial hearing officer has just issued the first ever order compelling the Board of Education to reimburse a parent of a preschool child for the general education portion of their preschool program. The hearing officer found that if the student were of school age he would be entitled to related services coordinated with his regular education classroom work. Since the child's disability requires that he have access to both regular education and related services it was ordered that the parent was entitled to reimbursement. This is the first time that the Board of Education has been found to be legally obligated to pay for the general education portion of a preschoolers education. If you have any questions please contact Advocates for Children at (718) 729-8866. ♥**

*The New York State early intervention system was to have been fully implemented as of September, 1993. However, as Advocates for Children has begun to represent families of infants and toddlers with disabling conditions, several disturbing issues have arisen. It is clear that the State Department of Health, the lead agency, has not developed appropriate child-find programs, nor has it even issued final regulations. Parent materials are not available in languages other than English; hotline numbers are incorrect or not functioning; and minimal parent due process rights are being ignored. AFC is currently engaged in discussions with the Department of Health and the New York City Department of Mental Health to attempt to improve the system. The following article outlines the new entitlement and how families can access appropriate services.*

## **Early Intervention: A New Entitlement for Families of Infants With Disabilities**

**Jean Zotter**  
**Legal Intern, Advocates for Children**

The ages zero to three are the most formative ones in a child's life. Intervention services at this time can affect drastically a child by lessening the impact of a disability. The federal government has recognized the importance of early intervention services by adding Part H to the federal Individuals with Disabilities Education Act (IDEA). Part H creates an entitlement for infants and toddlers with disabilities (aged 0-2) to early intervention (EI) services. This entitlement came into full effect in New York State in September 1993. Since New York has not issued the final regulations for this law, the following article describes the Early Intervention process according to the temporary regulations. It should be noted that some of the information cited below could change in the future.

The intent of Part H, the early intervention law, was to coordinate early intervention services around the nation. Congress believed that to be effective such services should involve the whole family. Since parents play the largest role in the raising of their children, Congress believed they should be key players in the early intervention process. As parents, you should be involved in all aspects of the early intervention system and should feel free to assert your rights.

### **Eligibility and the Entitlement**

For parents, the early intervention entitlement means that an infant or toddler who is developmentally delayed or has a high probability of developmental delay has the right to receive intervention services. Children with developmental delays may:

- have problems hearing, seeing, or feeding
- be slow to begin crawling, walking, or talking
- have special health needs
- have been born with a low birth weight.

Funding for these services comes from the state at no cost to you. For a child to be classified as developmentally delayed, he or she must exhibit problems in one of the following areas:

- cognitive
- physical
- communication
- social/emotion
- adaptive (self-help).

### **The Referral**

If as a parent, you feel that your child may need intervention services, you can refer your child to the Early Intervention Program. Others who can make a referral include doctors, nurses, clinicians, human service providers, school teachers, and/or administrators. Parental consent is NOT required for an initial referral to be made. However, once the referral is made, parental consent IS required for all other aspects of the program. Upon referral, an early intervention service coordinator will contact you. All communication with you should be conducted in your dominant language. The service coordinator's role is to assist you in becoming familiar with the system, scheduling appointments, and informing you of your rights.

### **The Screening and/or Evaluation**

After an initial referral, a screening and/or evaluation will be conducted with your consent. A screening is used to identify the type of evaluation needed or whether the child is developmentally delayed. You do not have to consent to the screening to have your child evaluated. Your refusal to give permission for a screening cannot bar the performance of an evaluation. An evaluation is conducted by qualified personnel to determine your child's initial and continuing eligibility for the Early Intervention Program. If your child is found to be developmentally delayed or to have a condition with a high probability of resulting in a developmental delay, s/he is eligible

for early intervention services. You should receive a summary of the evaluation in your dominant language which explains the results in a clear manner. To receive a **full copy** of the evaluation, you must request it. If your child is found to be ineligible or if you feel the evaluation is inadequate, you may request, in writing, a second evaluation. If approved, the evaluation will be conducted at no cost to you. If the request is not approved or you disagree with that evaluation, you may appeal the decision by filing for an impartial hearing.

### **The Individualized Family Service Plan (IFSP)**

Upon determination of eligibility, an Individualized Family Service Plan (IFSP) meeting will be held at a time and place that is convenient for you. The IFSP will include:

- information about your child's development and relevant family history
- expected outcomes
- how the outcomes will be achieved (EI services)
- statement re: natural environment in which the services will be provided
- other services such as medical which are not required but which are necessary to help the child
- dates and duration of services, and
- a transition plan.

You also have the right to request a different service coordinator, if so desired, from a list of approved service coordinators. As a parent, you do not have to volunteer any information that makes you feel uncomfortable or that does not seem necessary to the development of your child. Throughout the whole process, you have the right to play an active role in the forming of the IFSP. This meeting should be conducted in your dominant language and will include the evaluator, an early intervention official and the service coordinator. You have the right to bring a friend, family member, advocate, attorney or service provider. No other persons may be present without your consent. It is important to note that this meeting must be held within 45 days of the referral.

The IFSP can be changed at your request, or the request of an early intervention official, or the service coordinator. It will also be reviewed every six months and reevaluated annually. If you agree to the suggested changes and if the early intervention official also approves, the changes will be integrated into the IFSP.

### **Your Due Process Rights**

When you have a disagreement which cannot be resolved through discussion with the early intervention official or if time-lines have been violated, you have the right to ask for mediation,

request an impartial hearing or file a complaint. The uncontested services should be provided to your child in the interim. A refusal to accept certain services cannot prevent the agreed-upon services from being provided. Again, your consent may be withdrawn for all or part of the services at any time.

### **Mediation**

Mediation is one avenue of relief. This process is conducted under the direction of a Community Dispute Resolution Center. You do not have to choose mediation and can proceed directly to an impartial hearing if so desired. Also, at any time during the mediation, you can request to end the mediation and proceed to an impartial hearing. However, the state will pay for attorney fees only if mediation has first been completed. To start the mediation process, a written request must be sent to the early intervention official informing the official whether an attorney will be present. Two days after receiving the request, the early intervention official must notify the dispute center of the request. The center should convene the mediation within two weeks of the request at a time, date and location convenient for the parent. The mediation notice must be delivered in a language understandable to you. You also have the right to interpretive services if needed. It is important for a parent to know that the request for mediation, any mediation agreements and mediation reports can be used as evidence in an impartial hearing. The mediation report contains a list of any unresolved issues and states whether or not an agreement was reached. It should not contain any other information such as why no agreement was reached or place any blame.

### **Impartial Hearing**

An impartial hearing is a formal hearing process conducted by a hearing officer who will make a final decision on the resolution of the complaint. A request for an impartial hearing needs to be made in writing by you and submitted to the Commissioner of the New York State Department of Health. If the disagreement concerns a child's eligibility, the hearing request must be made within six (6) months of the evaluation. You have the right to be represented by an advocate or attorney and can bring a friend or relative to the hearing. Within 30 days, the hearing must have taken place and a written decision issued. If you are dissatisfied with the decision, the decision can be appealed to an appropriate court.

### **Systems Complaint**

A systems complaint is filed with the State Department of Health which is required by law to investigate within 60 days. You should receive a copy of the department's final report which will

contain the necessary corrective actions that are required. If you disagree with the investigation's findings, you can appeal to the U.S. Department of Education. A later review by the State Department of Health is also required to ensure compliance with the specified corrective actions.

### **Your Child's Records**

You can review your child's records at any time in the process. You may want to see these records to make sure the information is accurate. These records must be provided within five days if needed to prepare for an IFSP meeting, mediation or impartial hearing. If desired for parental review, the records must be provided within ten days of the request. If you want a copy, you may be charged a maximum of 25 cents per page. Your inability to pay, however, cannot bar you from receiving a copy. To change a record, you should make the objections to the service coordinator who must respond within 10 days. If the objection is not granted, you can request an administrative hearing. This hearing should be conducted by an unbiased municipal designee who will rule on the contested information.

All the information kept on your child and family is confidential and can only be released if you sign a release form. There are two types of release forms, a general and a selective. The general release allows information to be shared with the programs serving your child. The selective release allows you to indicate who may have access to the information regarding your child and limits the information permitted to be disclosed. You may withdraw either release at any time.

### **Important EI Phone Numbers and Addresses**

To make a referral in New York City, the number is:

**(800) 577-BABY (2229)**  
Monday - Friday; 9 a.m. - 5 p.m.

For other New York City EI information call:

**(212) 226-0434**  
Monday - Friday; 9 a.m. - 5 p.m.



**Dictionary**

**At Risk** — a term used for children who may, in the future, have problems with their development. Periodic screenings of at risk children will be conducted to detect the need for EI services.

**Cognitive** — a term that describes the process used for remembering, reasoning, understanding, and making decisions.

**Consent** — the approval a parent gives to a program or the county, generally in writing. Consent is always voluntary and a parent may revoke it at any time.

**Developmental** — pertains to the steps or stages in the growth of a child.

**Developmental Delay** — an indication that a child has not attained the expected level of development based on the child's age.

**Disability** — an indication that a child has a developmental delay or has a physical or mental condition which is very likely to result in a child having a developmental delay.

**Due Process** — procedures designed to protect a person's rights such as requirements for confidentiality, consent and complaint mechanisms.

**Dominant Language** — the language or other mode of communication that the family normally uses.

**Early Intervention Official** — the person appointed by New York City to represent them in the provision of EI services.

**Hearing Officer** — a unbiased person designated by the Department of Health to conduct an impartial hearing. Such officers may include an administrative law judge.

**Home Visits** — a visit in your home by a professional for the purpose of providing and planning early intervention services.

**Initial Service Coordinator** — the service coordinator designated by the early intervention official upon receipt of a referral.

**IFSP** — a written plan detailing the providing of early intervention services.



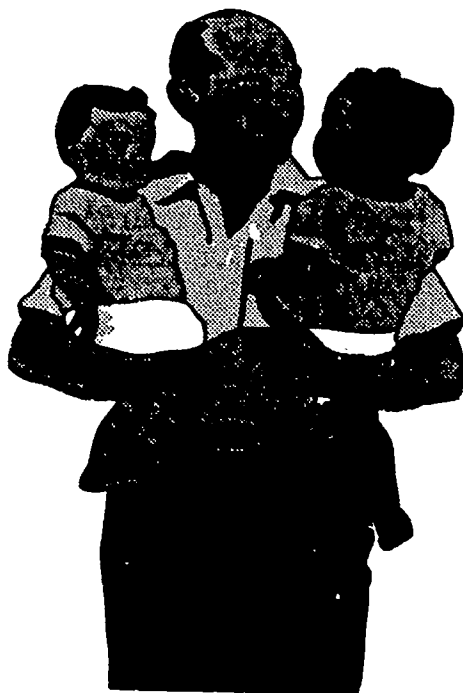
**Interim IFSP** — a temporary IFSP that is developed for children in apparent, immediate need to be used until an evaluation and formal IFSP can take place.

**Natural Environment** — a setting that will allow a child to receive services where other children without disabilities are typically served.

**On-going service coordinator** — the service coordinator designated by the parent during the IFSP meeting. This person works with the family while the EI services are provided.

**Respite** — services designed to give relief to a family under stress due to the infant's disability and needs, lack of support services, and/or economic situation. These services can include crisis day care, in-home services, or reimbursements.

**Transition** — the process where the child will move from early intervention to other programs such as pre-school general education or special education. ♥



*AFC's new Staff Attorney/Associate Director for Policy went through the New York State education system before the Education for All Handicapped Students Act was passed. Her article describes the barriers she encountered in her pursuit of an education, from elementary through law school. She now works diligently to improve the education system for other children with disabilities, calling on her own personal expertise as well as her legal knowledge and skills.*

## My Life

Dorothy Wendel

In 1970, five years before the passage of the Education for All Handicapped Children Act of 1975 (now the Individual with Disabilities Education Act), I was one of the first students with a significant disability to be mainstreamed at the kindergarten level in a New York State public school setting. I experienced the physical manifestations of spastic diaplegic cerebral palsy as well as what was later diagnosed as a learning disability which primarily affects my visual/memory tasks. I was also a twin. Being a twin influences a child and its parents because as the non-disabled child begins to reach appropriate developmental milestones, the parents and the child with a disability have a living representation of the expectations and achievement associated with normal physical, intellectual, and social development.

Recognition of these normal expectations provided the necessary impetus to push me toward the rather lofty goal of becoming an attorney. Being a full mainstreamed student during this period of time had definite drawbacks. Everything was new; support services were virtually non-existent; and children, whether able-bodied or disabled, tended to be cruel with regard to anything different — and I sure was. I required extensive at-home physical rehabilitation which could not interfere with the standard school day. In-school physical therapy or even adapted physical education courses were part of a fantasy plan that only some school districts and die-hard special educators envisioned for the future. My very presence produced a kind of culture shock as I moved from one surgery to another and this brace or that, the clicking of each step echoing through the long and winding hallways of the elementary school.

In spite of the fact that I was obviously different from my peers, I enjoyed learning and appreciated the opportunity to indulge my curiosity. I struggled to compete with my classmates in honors level college prep academic courses through high school never realizing that it was outrageous to have to spend more than an hour to write one page of an assignment. Nor did I think it unusual to read the same page again and again. I simply knew that everything was a little

more difficult for me from the word go. Perhaps the most tell-tale sign of my learning disabilities that until my junior year went completely undiagnosed was penmanship. I practiced my handwriting every day of my life over and over. Each homework assignment was carefully scrutinized and often rewritten 5 or 6 times. At some point I knew that the academic pace was too difficult to manage because of these ancillary problems of reading and writing but I persevered in the most difficult courses.

All of the aforementioned difficulties made me an unlikely candidate for the completion of high school with a scientific regents diploma, let alone for higher education, but I succeeded. The New York State Office of Vocational and Educational Services for Individuals with Disabilities didn't think I'd succeed either but I have been known to defy many accepted truths so their reaction was not new. I really don't blame them for their initial evaluation results which were used to deny my request for assistance with higher education. After all, even though I graduated ranked 78th out of 578, my last year of Regents courses that I should have finished in 10th grade were all repeated until I passed in 12th grade. To make matters worse repeated failure caused me to become insolent, truant and generally obnoxious, so who could blame them? I could, that's who! I was also living independently from my family since they didn't adjust to my shortcomings any better than I and stuck to their status quo attitude of "thou will be an able-bodied person even if it kills you!"

Despite the less than ideal circumstances I began my undergraduate education at Hofstra University still steeped in the ideals of my strenuous upbringing determined to become as proficient as any able-bodied college student, and still refusing vehemently to take advantage of the many opportunities for reasonable accommodation offered there. I was in need of student employment and so I was placed as a student aide in the Office of the Disabled Students Coordinator by Placement Services. Dean Karin Spencer was new to the position and was, I think, intrigued with my hypervocal manner and existing knowledge of the rehab system. And so my career as an advocate for the disabled began, along with a friendship with the Dean which endures to this day as a guiding force in my development as an academic and an advocate. Fueled by my insatiable appetite for knowledge and my never-ending quest to compensate enough so as to reach that which is unreachable, "normalcy," I was on my way.

After many years of both work and school-related advocacy I was becoming a success. In fact, of my professional endeavors I can say that I have never had a dissatisfied client. My self-imposed compensating techniques served me well and my need to hide even from my closest colleagues my learning disability caused me to work at a frenetic pace which when coupled with my intellectual capacities allowed me to achieve a perfect administrative hearing record. For this I have received considerable acclaim that belied my age and reputation for belligerence.

These experiences, and the encouragement of my many mentors, led me home to Hofstra University to pursue the degree of Juris Doctor. Armed with my reputation and disavowed of my previously "documented" unemployability, I again turned to VESID for financial assistance. As any community advocate will surely tell, acclaim, although well deserved, does little to alleviate the relative poverty associated with public service. Again, I made a choice to utilize the rehab system to my benefit believing that I could succeed in helping VESID to accommodate a professional with a disability who decided not to become the traditional vocational rehabilitation counselor. A lot had changed. For one thing my belligerence now had the more socially acceptable labels of "drive" and "ambition;" people considered me "unconventional" not "weird;" and I was "passionate" rather than "angry." Which only goes to show it's not what you really are that counts but what people think you are. Perception is controlling. All one really needs to do is put a law degree and color coordinated wardrobe on a grassroots advocate with a mouth and she becomes a learned passionate young professional who's determined and has a bright future.

What could go wrong? Plenty! There is an expression that basically says that you can never run away from your problems. Despite my success I still had only partially acknowledged my need for accommodation. Imagine a successful advocate for people with disabilities who refuses to ask for the same accommodation she routinely requested for her clients!

Thankfully law school (especially first year!) is a remarkably humbling experience. Everybody feels like a failure. As a result I was able to sneak by with passing grades based in part on my memory for verbal language that impressed professors with a recitation of their own words. Somehow I was able to string together whole lectures and synthesize them into a comprehensive understanding of legal theory without relying on the texts.

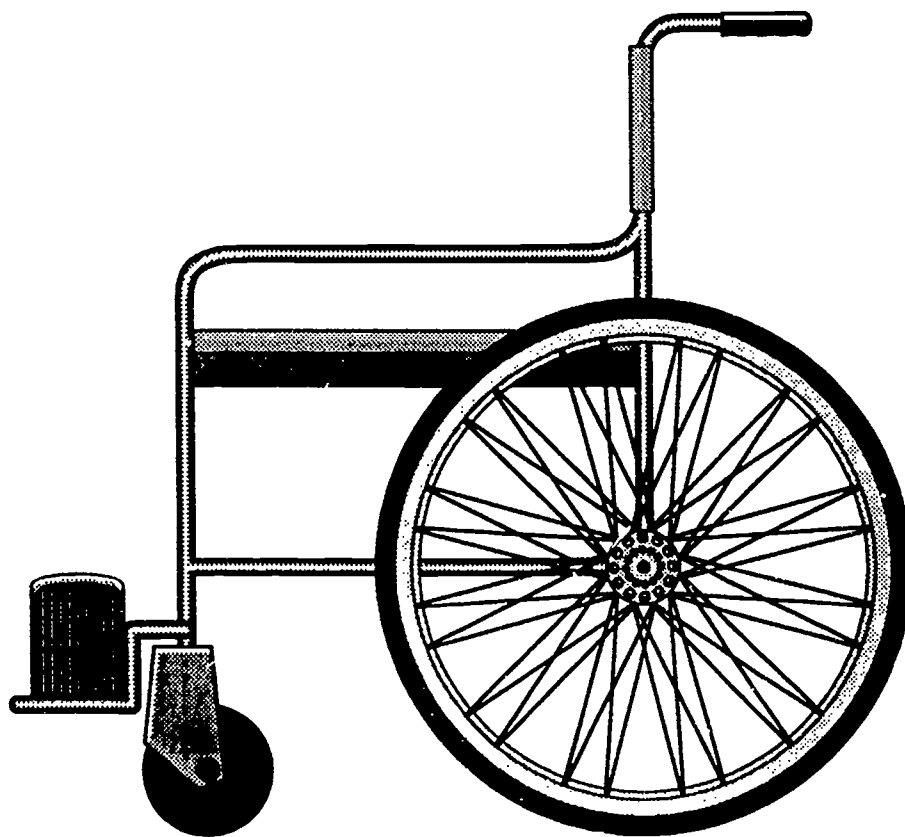
But I couldn't graduate without writing a full length scholarly research paper. There is absolutely no way to finesse your way out of this. I thought to myself the jig is up. Again I thought of my VESID connections. I really wasn't sure how VESID or Tech Reach could help but I was willing to at least consider technical support from computers if it would help me to become a more able lawyer.

After an evaluation and some initial struggling with hardware, I have learned to use my computer with some proficiency and I did complete the writing requirement (although I fell short of my own expectations). Today, I continue to use computerized programs which alleviate some of the difficulties associated with the tasks of reading and writing.

I am pleased to end this brief look at my life by saying that I did, in fact, graduate from law school and am now an Attorney for Advocates for Children of New York, Inc. (AFC), an organization that works to improve the quality of public education for all children in the New

York City Public schools. As an attorney at AFC I hope to add to the existing staff of highly motivated professionals who fight to protect the educational rights of children.

Thanks to Hofstra University, Tech Reach and Advocates for Children I have reached my first plateau and hope to reach new heights, as I assist many students at-risk of educational failure to assert their rights and reach their own goals... hopefully with more supports and services than were available to me 23 years ago. ♥



*The following articles are reprints from several organizations working nationally to implement inclusive programs. They focus on important issues such as coordination of efforts and other prerequisites for successful inclusion. The source of each pamphlet is listed below, along with contact information.*

# **Inclusive School Communities For Students With Disabilities Ten Reasons Why**

**Institute On Community Integration  
The University of Minnesota**

Some parents and educators are fearful of the many changes necessary to develop a more inclusive school system and community. The University of Minnesota has developed the following list of 10 good reasons to make those required changes despite those fears.

Inclusion of students with disabilities means their involvement in all aspects of school life alongside peers who do not have disabilities. This includes placement in general education classes and participation in extracurricular activities. In an inclusive system, special education and related support services are provided in typical school settings. For most school districts and educators this is a new way of supporting students with disabilities.

In the past, some people with disabilities were considered too "handicapped" to be members of regular schools and classes. In recent years, this belief has changed dramatically. Students with even the most severe disabilities are learning and growing with classmates who do not have disabilities. More and more families and educators are now working together to build inclusive school communities where each student belongs. Here are Ten Reasons Why....

## **1. Preparation for Adult Living**

The goal of education is to prepare individuals to be contributing members of society. Segregated and homogenous settings cannot prepare students for integrated, heterogeneous community life.



Students with disabilities and those without must grow up and learn together in school if they are to become interdependent community members. Inclusive schools provide the opportunity for all students to develop the attitudes, values, and skills required to get along with one another. By attending their local schools, students with disabilities are included in the communities where they live, can make friends with neighborhood kids, and can practice skills in the actual community settings where they're needed. This sense of belonging is essential for self-esteem and achievement.

## **2. Improved Learning**

Many types of learning occur best in inclusive schools. Students with disabilities who are placed in general education classes have an environment in which to grow socially and academically. Peers are often the best models and teachers of many socially valued behaviors. In integrated settings students with disabilities have opportunities to learn many things from students without disabilities, including problem solving, mobility, vocational, social, and communication skills. Like all children, those with disabilities need to encounter a variety of experiences. In integrated settings they are exposed to a wide range of activities, people, environments, and ideas.

## **3. Growth for Peers**

By having students with disabilities in their school and classes, peers without disabilities have the opportunity to learn the attitudes and skills needed for positive interactions with individuals who have diverse gifts, talents and challenges. This experience often leads to growth in self-esteem and interpersonal behaviors, paving the way for the formation of rewarding adult relationships with a variety of people in community, home, and work-place settings.

## **4. Effective Use of Resources**

In inclusive schools personnel can be more effectively utilized. When students with disabilities are educated in general education classes, special educators and related service personnel provide support in those settings. This affords all students the opportunity to learn from special educators, classroom teachers, and classmates. The entire class benefits from the collaboration of general and special educators; some general educators feel they have learned from special educators more effective ways to assist all students in the class. In this way, special educators and general educators support each other in meeting the educational needs of all children. In addition, districts have reported that it is no more expensive to provide an education for children with disabilities in regular schools and classes than it is to educate those same students in segregated settings.



### **5. Friendship Development**

Integration affords students with and without disabilities opportunities to become friends. Peer relationships between students with disabilities and classmates without are important now and in the future, and are essential to a successful and fulfilling life in the community. Some of the friends that students with disabilities make in school today will be their co-workers and fellow community members as they reach adulthood.

### **6. Acceptance of Differences**

People in our society have many misconceptions about persons with disabilities. The best way to overcome these is by bringing people together in shared activities. As students with and without disabilities interact as classmates and friends, their parents and teachers have the opportunity to witness successful integration in action. This new experience provides hope for a truly cooperative community and a society that accepts and values the inclusion of all persons in all aspects of community life.

### **7. Team Building**

Successful inclusion of students with disabilities requires greater collaboration between general and special education personnel. This teamwork not only results in improved instruction for students, but it also brings about increased "esprit de corps" and support among team members. As diversity in schools continues to increase, all adults and students will need to work together to build inclusive school communities where all children are welcomed, valued, and enabled to succeed. (See Collaborative Teamwork: Working Together For Full Inclusion, page 111 of this issue).

### **8. Individualized Education**

Well-designed and implemented inclusive programs allow the needs of all students to be met. A good individualized program for a student with disabilities seeks to mesh with that of the student's peers while still meeting her/his individual educational needs. The specific goals and objectives for individual students may vary greatly, but students can accomplish their individual objectives in typical settings. Frequently, a truly individualized approach to educational programming is realized to a greater degree in general education classes and other school activities.

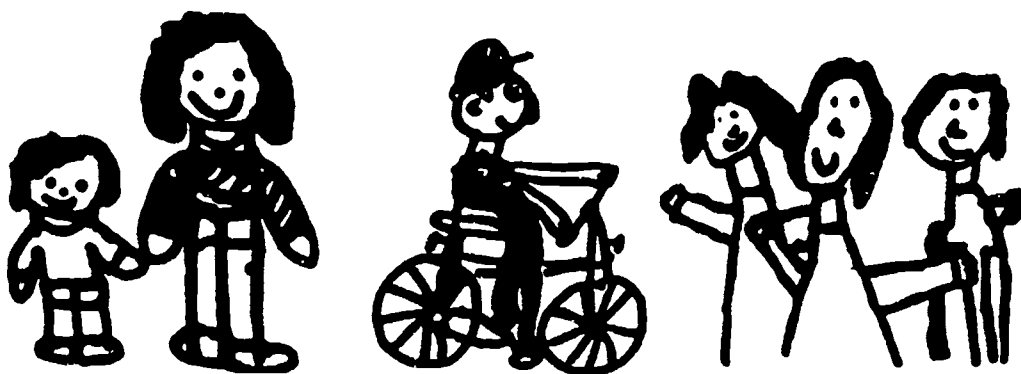
## 9. Parental Involvement

When children with disabilities are included in their local schools, parents can participate to a greater extent in that school and in the community where the school is located. Parents of included students can be a part of a support network of parents of other local children with disabilities, as well as parents of children without disabilities. Such support is more difficult to access when a child's school is a long distance from his or her home community.

## 10. Support of Civil Rights

Like all students, those with disabilities have the right to attend regular schools and general education classes, and to receive an appropriate education within those regular classes. Public Law 94-142 entitles all children with disabilities to a free, appropriate public education in the least restrictive environment. Integration is a civil rights issue. In a democratic society every person is to be afforded equal opportunities; segregated settings symbolize society's rejection of a segment of the population. Through participation in integrated schools and communities, students with and without disabilities can experience the richness of a society that values and includes all its citizens. ♥

For more information on building inclusive school communities, contact:  
Institute on Community Integration, University of Minnesota, (612) 624-4848.



*In 1988, the Board of Education agreed to develop and implement a school-based model for delivering coordinated preventive, evaluative, related, and consultive/instructional services. AFC, as co-counsel for the plaintiffs in Jose P. v. Sobol, is attempting to pressure the Board to focus on this issue. Such a model is necessary for successful inclusive placement for disabled students. The following article describes the essential elements of collaborative teamwork and provides a useful outline of the ways in which members of school-based teams for delivering coordinated services should interact.*

## **Collaborative Teamwork: Working Together for Full Inclusion**

**Institute On Community Integration  
The University of Minnesota**

Some tasks can only be accomplished through the collaboration of several people working together. Climbing Mt. Everest is one such task. It takes a team of people who share and combine skills, information, and resources to coordinate efforts in achieving a common goal.

Full inclusion... welcoming, including, and supporting all students, regardless of their abilities into their neighborhood schools, classes, and other learning environments... is another task that requires a collaborative team effort. No individual, no matter how skilled, enthused, or experienced can do it alone.

In order to successfully plan and implement an educational program to meet the individual needs of students with disabilities, a program that results in their membership and participation in their schools and communities, it is necessary to do the following:

- Bring together the key people involved in the individual's life to share information with one another. This includes the individual, family members, educators, peers, and other key people from the student's home, school, and community.
- Work together to support the individual and the people who spend time living, working, playing, and learning with the individual.

- Use collaborative problem solving methods.

Collaborative teamwork provides the structure for these important group outcomes to occur.<sup>1</sup>

### **What Are Collaborative Teams for Full Inclusion?**

**Collaborative teams are student-centered.** As the illustration on page 114 shows, the student is the team's focal point. The primary purpose of the team is to surround the student with support and assist him or her to be a successful and active member in the home, school, and community.

**Collaborative teams are family-focused.** The team recognizes the unique contribution and needs of the student's family, understands and accepts each family's priorities, and assists in providing the supports for the student to be a full participant in family life.

**Collaborative teams are comprised of significant people in the individual's life.** Team members may be drawn from the individual's family, school, and community. The makeup of the team depends on the individual needs of the student and the type of support he or she requires at a given point in time. For example, a school nurse may not always be a member of the team but may join the team as health issues become important.

**Collaborative teams are trans-disciplinary.** Teams are made up of individuals with a variety of experiences, backgrounds, and areas of expertise. Collaborative team members share traditional discipline-specific roles by exchanging information and skills across discipline boundaries with fellow team members. Those who work most closely with students through each school day must learn to integrate communication, mobility, positioning, hand use, and other strategies into daily routines. Sharing is reciprocal and all team members experience professional growth. A trans-disciplinary approach results in a more efficient use of human resources and improved educational programs.

**Collaborative team members are interdependent.** Interdependence is evident when members of the team perceive that they "sink or swim" together. For interdependence to develop, team members work together to achieve mutually agreed upon goals. There is a shared responsibility for team tasks and problems. When things get rough, team members know they are not alone and can call upon the group's collective expertise. When goals are accomplished, the entire team can also share in the rewards.

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<sup>1</sup> This pamphlet was developed through a collaborative team effort of educators, parents, and related services personnel for the Institute on Community Integration at the University of Minnesota.

**Collaborative team members are supportive of one another.** Members encourage one another, listen to one another, and support each other's ideas.

**Collaborative team members are group problem solvers.** Team members make decisions together by considering the ideas and contributions of all members and make final decisions based on team consensus.

### **How Do Collaborative Teams Work?**

In order to function efficiently as a team, there must be a structure that promotes collaboration. This includes scheduling regular opportunities for team members to collaborate, developing procedures to keep the team organized and to run meetings efficiently, employing effective decision-making procedures, and evaluating team effectiveness.

### **Team Collaboration Opportunities**

Opportunities for collaboration occur in the classroom and in meetings. Support personnel (e.g., special educators, related services personnel) have predetermined schedules to provide in-class support. Meetings are scheduled in advance, preferably, for the entire year. Some meetings are attended by all team members, others by task-related subgroups.

### **Team Organization for Meetings**

Factors related to team organization should be established by the team at the start of each school year, including:

- **Group member roles.** Roles within the group include, at a minimum, a facilitator to chair meetings and a recorder to take notes of team discussion. A time keeper to keep the agenda moving, an observer/processor to promote collaborative tasks and relationship skills, and a "jargon buster" to remind others to keep language generic for other team members may be necessary roles as well. Roles should rotate among all members.
- **Development and use of an agenda.** Having a written agenda that specifies the purpose of the meeting and items to be discussed helps the team stay on track and cover topics and issues that need to be covered within the allotted time. Estimating the time needed for each agenda item before the meeting can be helpful. All team members contribute to the agenda.

- **Task assignment and follow-up.** At the end of each meeting, follow-up tasks and timeliness are determined by the team. In this way, work can be distributed evenly and completed in a timely manner. In addition, accountability for team decisions and follow-up is established.

**Team problem solving and consensus decision making.** Collaborative team members work together to solve problems and make decisions. Problem solving involves defining the problem, diagnosing the problem, generating alternative strategies to address the problem, deciding on and implementing one strategy, and evaluating the effectiveness of the strategy selected. Some skills that make problem solving easier include: criticizing an idea not a person, integrating several opinions into a single position, building upon the ideas of other team members, and seeing an idea from another person's perspective.

**Team evaluation.** Teams need to evaluate their collaborative skills and effectiveness on an ongoing basis. For most teams, collaborative teamwork does not "just happen". In fact, teams generally go through several phases of development in becoming truly collaborative. It is normal for teams to have periods where they are working well together and other times when they are functioning less effectively. Ongoing evaluation is a method which teams can use to identify ways in which they are functioning well and things they can do to improve their operation. The Collaborative Teamwork Checklist can help in evaluating team effectiveness.

**Note:** Collaborative teams are not made up of individuals who provide services in isolation from one another or out of the context of 'real world' settings. Collaborative teams are not just groups that have meetings. In fact, what takes place between team members away from the meeting table is the team's most important function.

**Collaborative Teamwork Checklist**

Below are several factors related to collaboration and team effectiveness. Answer each question "yes" (Y) or "not yet" (NY) for your team. A "not yet" (NY) answer indicates an area your team may wish to address in order to improve team functioning.

- \_\_\_\_\_ Do all team members understand the purpose of the team?
- \_\_\_\_\_ Does the team have a common goal or vision for inclusion of all children?
- \_\_\_\_\_ Does the team identify student priorities together?
- \_\_\_\_\_ Do team members have an investment in working together to accomplish their goal?
- \_\_\_\_\_ Do team members understand the backgrounds and roles of fellow team members?
- \_\_\_\_\_ Do team members share knowledge, skills, and resources with one another?
- \_\_\_\_\_ Do team members respect and support one another professionally and personally?
- \_\_\_\_\_ Are team members willing to work with one another to complete tasks?
- \_\_\_\_\_ Do team members communicate in constructive ways and is there respect for the contributions of each member?
- \_\_\_\_\_ Do team members trust one another and feel safe in communicating?
- \_\_\_\_\_ Do team members share responsibility for successes and setbacks?
- \_\_\_\_\_ Do team members have regularly scheduled times to interact?
- \_\_\_\_\_ Is an agenda developed prior to each meeting?
- \_\_\_\_\_ Has the team decided upon a system of roles and team procedures for meeting?
- \_\_\_\_\_ Does the team have an effective collaborative process for problem solving and consensus decision making?
- \_\_\_\_\_ Does the group have an effective method for resolving conflict?
- \_\_\_\_\_ Are tasks assigned at the end of each meeting?
- \_\_\_\_\_ Is an effective record keeping and dissemination system in place?
- \_\_\_\_\_ Does the group take time on an ongoing basis to reflect on group functioning and evaluate group effectiveness?

**How Can I Learn More About Collaborative Teams?**

To learn more about Collaborative Teamwork, contact the Institute on Community Integration at the University of Minnesota. ♥



*The Institute on Community Integration at the University of Minnesota has developed the following checklist for consultant teachers and other inclusion team members to help educational team members identify potential indicators of inclusion in their schools. It can also help teams facilitate the membership, participation and learning of students with disabilities in regular education classes and other integrated school settings.*

## **Integration Checklist**

### **A Guide to Full Inclusion Of Students With Disabilities**

Increasing numbers of students with disabilities are being integrated into regular education classes. Mere presence in a regular classroom is not enough, however. To be truly integrated, students with disabilities must experience **inclusion**. They must be included in the activities, routines and social life of the regular classroom and of the school.

When initiating inclusion in regular classes, many special and regular educators ask:

- What does it mean to include students with severe disabilities?
- What should it look like?
- How can we facilitate inclusion?
- How can classmates be involved?

This **Integration Checklist** is a tool for uncovering the answers to those questions. The checklist is divided into four sections, each related to a different aspect of inclusion. Education team members can work through the checklist for each individual student in each specific class. Space is provided below each item for the recording of additional brief comments. After the team completes the checklist, items and comments can be reviewed to determine the priorities to address. Team members should not view the checklist as an absolute measure of inclusion; every indicator may not be appropriate for each student and each class. Instead, the checklist should be used to guide team planning and discussion.

**Go With the Flow**

- \_\_\_\_\_ Does the student enter the classroom at the same time as classmates?
- \_\_\_\_\_ Is the student positioned so that she or he can see and participate in what is going on?
- \_\_\_\_\_ Is the student positioned so that classmates and teachers may easily interact with her or him (e.g., without a teacher between the student and classmates, not isolated from classmates)?
- \_\_\_\_\_ Does the student engage in classroom activities at the same time as classmates?
- \_\_\_\_\_ Is the student involved in the same activities as classmates?
- \_\_\_\_\_ Does the student exit the classroom at the same time as classmates?

**Act Cool**

- \_\_\_\_\_ Is the student actively involved in class activities (e.g., asks/answers questions, plays a role in group activities)?
- \_\_\_\_\_ Is the student encouraged to follow the same classroom and social rules as classmates (e.g., hugs only when appropriate, stays in seat during instruction)?
- \_\_\_\_\_ Is the student given assistance only as necessary, and is assistance faded as soon as possible?
- \_\_\_\_\_ Are classmates, and not just teachers, encouraged to provide assistance to the student (e.g., transitions to other classrooms, within the classroom)?
- \_\_\_\_\_ Are classmates encouraged to ask for assistance from the student?
- \_\_\_\_\_ Is assistance provided for the student by the classroom teacher?
- \_\_\_\_\_ Does the student use the same or similar types of materials during classroom activities as classmates (e.g., Tom Cruise notebooks, school mascot folders)?

**Talk Straight**

- \_\_\_\_\_ Does the student have a way to communicate with classmates?
- \_\_\_\_\_ Do classmates know how to communicate with the students?
- \_\_\_\_\_ Does the student greet others in a manner similar to that of classmates?
- \_\_\_\_\_ Does this student socialize with classmates?
- \_\_\_\_\_ Is this socialization facilitated?
- \_\_\_\_\_ Do teachers and support staff give the same type of feedback (e.g., praise, discipline, attention) to the student as to classmates?
- \_\_\_\_\_ If the student uses an alternative communication system, do classmates know how to use it?
- \_\_\_\_\_ Do teachers know how to use the alternative communication system?
- \_\_\_\_\_ Is the alternative communication system always available to the student?

**Look Good**

- \_\_\_\_\_ Is the student given the opportunity to attend to her or his appearance as classmates do (e.g., use locker mirror between classes)?
- \_\_\_\_\_ Does the student have accessories that are similar to those of classmates (e.g., oversized tote bags, friendship bracelets, hair jewelry)?
- \_\_\_\_\_ Is the student's dress age appropriate?
- \_\_\_\_\_ Is clothing for activities age appropriate (e.g., napkins not bibs, "cool" paint shirts)?
- \_\_\_\_\_ Are personal belongings carried discreetly?
- \_\_\_\_\_ Is the student's equipment kept clean?
- \_\_\_\_\_ Is the student's hair combed?
- \_\_\_\_\_ Are the student's hands clean and dry?
- \_\_\_\_\_ Is the student's clothing changed as necessary to maintain a neat appearance?
- \_\_\_\_\_ Does the student use chewing gum, breath mints, breath spray?

**Other Suggestions**

- Listed below are some additional suggestions for strengthening team members' abilities to support inclusion in the classroom:
- Know **why** the student with disabilities is in the regular classroom and be able to communicate this to students and fellow professionals.
- Keep in mind that the purpose of support personnel in regular classroom is to facilitate inclusion. Because their presence can inhibit inclusion in the class activities and social life, they should fade away as much as possible.
- Empower the student to be an active participant in all classroom and school activities.
- Do things **with** instead of **for** the student when she or he needs assistance.
- Include the student in conversations. Never talk about the student in front of her or him.
- Consider the age-appropriate expectations of classmates. Treat the student as you would her or his classmates.
- Develop ways for classmates and teachers to include the student. Be a model.
- Know, follow, and enforce classroom rules.
- Be part of the class. Work with all students.
- Watch classmate and teacher reactions to a potentially disruptive student. Respond accordingly and problem-solve on the spot.
- Point out successes and positive changes for all to celebrate.

For more information on ways that educators can help facilitate successful supported inclusive education for disabled students, contact the Institute on Community Integration at the University of Minnesota (612) 624-4512. ♥

*Advocates for Children's Inclusive Education Project Director, Ellen Gallagher Holmes, is Co-Chair of New York SAFE, an affiliate of Schools are for Everyone (SAFE), a national coalition for integration of all students with disabilities through supported education. New York SAFE has developed these questions to assist families and educators to assess the level of integration of students with disabilities in their education programs.*

## **New York State Schools Are for Everyone**

### **I. How well does your school integrate students with disabilities?**

#### **Integration:**

- is the placement of students with disabilities into settings with non-disabled chronological age peers, that results in meaningful interaction;
- is students receiving instruction in their neighborhood schools, not special schools;
- is students with disabilities receiving special education services in regular classes, not special classes;
- is students with disabilities having the opportunity to interact with non-disabled peers during all school and school-related activities, not just lunch; and
- is children with and without disabilities having opportunities (and support when needed) to develop friendships with each other.

### **II. Integration can become a controversial issue when people have misconceptions about what integration means.**

#### **Integration:**

- is not dumping children with disabilities into regular classes, without the supports and services they need to be successful there;

- is not expecting regular educators to teach children with disabilities, without the support they need, to teach all children effectively;
- is not having all children learn the same thing, at the same time, in the same way;
- is not giving up the quality of a child's education or the intensive support services the child may need; and
- is not ignoring each child's unique strengths, needs, preferences and interests.

### III. Put your school to the test.

|  | YES   | NO    |
|--|-------|-------|
| 1. Does your school district have a policy that promotes the integration of students with disabilities?  | _____ | _____ |
| 2. Has your school district involved parents of children with and without disabilities in awareness, definition, development and implementation of integrated services?                | _____ | _____ |
| 3. Have administrators, teachers, related services personnel, paraprofessionals, and other building staff received training on integration values and techniques during the past year? | _____ | _____ |
| 4. Does your child attend the same school that he/she would use if not disabled?   | _____ | _____ |
| 5. Does your child use the same transportation that he/she would use if not disabled?  | _____ | _____ |
| 6. Does your child have the same arrival and departure times as other students in the schools?   | _____ | _____ |
| 7. How much time during the instructional day does your child spend with students of the same age who are not disabled?  | _____ | _____ |

Check those activities that apply:

- |  |   |
|--|---|
| <input type="checkbox"/> regular academic classes                                      | <input type="checkbox"/> field trip               |
| <input type="checkbox"/> regular curriculum extension                                  | <input type="checkbox"/> library and media center |
| <input type="checkbox"/> classes (art, music, P.E., industrial arts, home and careers) | <input type="checkbox"/> home room                |
| <input type="checkbox"/> vocational education  | <input type="checkbox"/> lunch                    |
| <input type="checkbox"/> assemblies/programs   | <input type="checkbox"/> free time                |
|  | <input type="checkbox"/> other: _____             |

8. Does your child receive needed support in regular classes?  
Check those supports that apply.

- |   |   |
|---|---|
| <input type="checkbox"/> consulting teacher                 | <input type="checkbox"/> interpreter            |
| <input type="checkbox"/> augmentative communication systems | <input type="checkbox"/> modified curriculum    |
| <input type="checkbox"/> integrated related services        | <input type="checkbox"/> modified activities    |
| <input type="checkbox"/> paraprofessional support           | <input type="checkbox"/> adapted equipment      |
| <input type="checkbox"/> peer system                        | <input type="checkbox"/> testing accommodations |
|   | <input type="checkbox"/> other: _____           |

9. Is your child's education preparing him/her to live and participate in the real world?
10. Do your child's school activities reflect his/her choices and interests?

#### IV. What can you do?

- Inform school personnel about the philosophy of integration for children with disabilities.
- Inform school personnel of the integration benefits for children with and without disabilities.
- If you are a parent, meet with your Committee on Special Education to expand integration opportunities for your child through the IEP process.
- Meet or form a group with other parents who have similar goals for their children.
- Contact experts on integration at colleges and universities for information and evaluations.
- Use due process rights under PL 94-142.

- Request your State Education Department to identify current integration models (if possible, visit these programs).

**V. For more information or assistance contact:**

NY/Schools Are For Everyone (SAFE)  
P.O. Box 583  
Syracuse, New York 132

IDEALLS (Inclusive Desegregated Education for All Students)  
Advocates for Children  
24-16 Bridge Plaza South  
Long Island City, N.Y. 11101  
(718) 729-8866 ♥





# **Americans With Disabilities Act ADA Training Available**

Advocates for Children of New York, Inc. and Resources for Children with Special Needs is sponsoring a two day workshop. The first session will include a four hour general overview of the ADA. The next day will include a second session to train trainers on the ADA.

The training will be conducted by the New Hampshire Parent Information Center which received a national grant entitled Peer and Family Training Network Project on ADA through the National Institute on Disability and Rehabilitation Research. The focus of this federal grant is to empower parents and individuals with disabilities regarding this new law.

## **Session I**

### **Open to the General Public**

Wednesday, April 13, 1994, 9:30 a.m. - 12:30 p.m.

## **Session II**

### **Limited Enrollment for People**

### **Who Are Interested In Training Others Regarding the ADA**

Thursday, April 14, 1994, 9:30 a.m. - 4:00 p.m.

To obtain a registration form and more information please contact:

Advocates for Children  
of New York, Inc.  
24-16 Bridge Plaza South  
Long Island City, N.Y. 11101  
Tel# (718) 729-8866  
Fax# (718) 729-8931

Resources for Children  
With Special Needs  
200 Park Avenue South  
New York, N.Y. 10003  
Tel# (212) 677-4650  
Fax# (212) 245-4070

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