

ANNUAL REPORT
SEPTEMBER 30, 2002

P.J., ET AL

v.

STATE OF CONNECTICUT,
BOARD OF EDUCATION, ET AL

CIVIL ACTION NO.: 291CV00180 (RNC)

Submitted to the:

United States District Court
District of Connecticut

Plaintiffs

Expert Advisory Panel

By:

CONNECTICUT STATE DEPARTMENT OF EDUCATION

Prepared By:

DIVISION OF EDUCATIONAL PROGRAMS AND SERVICES
BUREAU OF SPECIAL EDUCATION AND PUPIL SERVICES

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Overview

The **Annual Report, P.J., ET AL v. STATE OF CONNECTICUT, BOARD OF EDUCATION, ET AL , September 30, 2002**, henceforth referred to as the Annual Report, September 30, 2002, is the first report issued by the Connecticut State Department of Education (CSDE) as stipulated in the **P.J., ET AL v. STATE OF CONNECTICUT, BOARD OF EDUCATION, ET AL Settlement Agreement**, henceforth referred to as the Settlement Agreement (see Appendix 1). The Annual Report, September 30, 2002, is being issued to the Court to inform the Court of the CSDE activities to date as well as anticipated actions being taken in response to the Settlement Agreement. The report is also being submitted to the members of the Expert Advisory Panel to assist them in their capacity of advising and making recommendations to the CSDE. Also, the report is being issued to the plaintiffs to keep them abreast of the CSDE activities and the impact those activities have on the implementation of the Settlement Agreement. As importantly, the CSDE intends this report to be for the parents and guardians of class members as well as the educational staff that serves these children in schools throughout Connecticut. The CSDE intends to keep parents, guardians, and educators informed of the CSDE activities, and to send a clear message of the direction and intent for Connecticut's schools and the students' served of the need for appropriate identification of students with intellectual disabilities and the appropriate education for these students in the least restrictive environment.

After May 22, 2002, following the Court's initiation of the Settlement Agreement, the CSDE established priority activities on which to focus during the first four months of implementation. The CSDE believed the following priorities critical to establishing the foundation for a comprehensive response to the Settlement Agreement in the succeeding first year of implementation. Those critical priorities included:

1. To convene the initial meeting of the Expert Advisory Panel (EAP) within ninety (90) days of the Settlement Agreement. This entailed facilitating the selection of four individuals upon

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whom both parties agreed; coordinating the arrangements for the meeting; conducting the meeting; and coordinating financial arrangements with the EAP members.

2. To develop a focused monitoring system that examines quantitative and qualitative issues specific to the Settlement Agreement. The already data-targeted continuous improvement monitoring system utilized by the CSDE for Program Review was enhanced throughout all phases of the process to more intensely examine the evaluation process and the educational services and programs for students with intellectual disabilities as detailed in the Settlement Agreement. Through data analysis of the outcomes of the Settlement Agreement for all districts in the state, eight (8) districts were selected for focused monitoring. These districts were informed of their selection and of the expectations for their districts as a result of being selected.
3. To design and initiate development of a comprehensive system of technical assistance that can be responsive to all public school districts in Connecticut. This system, designed in collaboration with the Special Education Resource Center (SERC), has three levels of response. The system allows for eight targeted districts most in need (Level III) to have uniquely designed training and extensive in-district support tailored to the specific needs and culture of the district. The system also addresses the needs of fifty-two (52) additional districts (Level II) whose data reveals time with non-disabled peers for students with intellectual disabilities at levels significantly below the state average. These districts will receive specific individual and collective attention related to educating students with intellectual disabilities in their home school and in regular classes, and related to including these students in extracurricular activities with their non-disabled peers. All districts throughout the state (Level I) may receive limited technical assistance, training, and resources regarding continuous individual district improvements in the appropriate identification and education of students with intellectual disabilities. The focus over the past four months has been on the development of the technical assistance system for Level III and Level II districts.
4. To reorganize the personnel resources within the CSDE in order to address the implications of the Settlement Agreement. This entailed the designation of a qualified CSDE staff to

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coordinate the implementation of the Settlement Agreement and the creation of a team of five (5) consultants knowledgeable and skilled in both monitoring and the education of students with intellectual disabilities. A data/research consultant was also identified. Additionally, the CSDE initiated and conducted a hiring process to increase the core team to include eight (8) consultants to assist in implementation of the Settlement Agreement and a data/research consultant for a total of at least three full time equivalent staff members in addition to the designated coordinator.

5. To create a system of training for parents regarding the Settlement Agreement and other issues related to IEP development. This effort required the development and maintenance of a data base for coordinating mailings to the over 3600 class members' parents or guardians. It also required the need to gather representatives from multiple parent advocacy groups to jointly develop a plan for training.
6. To develop the first annual report for submission by September 30, 2002.

While the above six priorities were ambitious over a four month period, accomplishment of these priorities has allowed the CSDE to identify the following three (3) areas for intense focus during the period of September 30, 2002 to June 30, 2003, nine months hence and the date of the next annual report.

- The development and implementation of individual action plans and on-going monitoring for the eight (8) districts targeted for focused monitoring. These plans will be individually developed based on a district's data regarding students with intellectual disabilities; the results of the **School-Based Practices Profile: A Self-Assessment Instrument to Guide the Enhancement of Effective LRE Practices in Connecticut Schools (SBPP)**; information gathered from on-site focused monitoring; and other appropriate sources. The plans will specifically address the five goals of the Settlement Agreement and the issues raised in the Settlement Agreement regarding appropriate evaluation, IEP development, placement decision-making process, use of supplementary aids and services, and participation in extracurricular activities. Technical assistance, training, and resources will be identified and provided to assist each district in institutionalized implementation of the plan. Monitoring

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will occur periodically throughout the year to assess continuous improvement toward the goals.

- The development of a district specific and statewide specific data analysis and tracking system that can track interventions and their impact on the five outcomes of the Settlement Agreement for all districts, particularly the eight (8) districts involved in focused monitoring and other districts of significance.
- The implementation of the parent training plan and the development of a parent network for engaging parents on a regular basis regarding the issues and activities related to the implementation of the Settlement Agreement.

During the first year of the implementation of the Settlement Agreement the CSDE has identified additional areas for further discussion. These issues, realistically, will be addressed more fully and in significant detail during the second year of implementation, yet the CSDE anticipates a need during the first year to identify the key questions and parameters related to the development and implementation of a response:

- Identifying issues and solutions for addressing the disproportionate identification of children with intellectual disabilities in individual districts due to race, ethnicity, and/ or gender.
- Developing a sufficient pool of qualified specialists to assist districts in the short and long-term efforts of implementing the Settlement Agreement.

The following report has been organized to align with the written format of the Settlement Agreement. The Settlement Agreement is included as Appendix 1 in this report. This report also includes baseline and baseline change data from 1998-2001 on each of the five (5) outcomes of the Settlement Agreement, for each public school district and the state as a whole (see Appendices A-E). Additionally, the activities of the CSDE that have been implemented to address the Settlement Agreement to date, as well as the proposed activities of the CSDE to implement this Settlement Agreement during the next nine months, are included in Section **III. Continuing Jurisdiction**. The status of specific activities required by the Settlement Agreement is interspersed throughout, located in those sections of the report as found in the Settlement

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Agreement. Examples of such activities include: providing notice to class members' parents and guardians of the Settlement Agreement fair hearing; submission of baseline data to the plaintiffs and the EAP within sixty days of the fair hearing; convening an EAP meeting with four agreed upon members by both parties within ninety days of the fair hearing; and submission of an annual report by September 30, 2002.

If there are any questions regarding this report or the activities of the CSDE, please contact Anne Louise Thompson, Education Consultant, Connecticut State Department of Education, Bureau of Special Education and Pupil Services, 25 Industrial Park Road, Middletown, CT 06457; annelouise.thompson@po.state.ct.us; or (860) 807-2030.

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Annual Report

September 30, 2002

Connecticut State Department of Education

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INTRODUCTION

On May 22, 2002, The Honorable Robert N. Chatigny, United States District Judge, District of Connecticut, conducted a hearing regarding the settlement between the parties in the case of P.J., ET AL v. STATE OF CONNECTICUT, BOARD OF EDUCATION, ET AL. On that date, The Honorable Judge Chatigny determined the settlement (hereafter referred to as the Settlement Agreement) to be fair and reasonable. All timelines to be met as indicated in the Settlement Agreement are established from that date, May 22, 2002.

The parents and/or guardians of members of the class were informed of this hearing as stipulated in an order of the court dated March 29, 2002 (see Appendix 2). Parents and/or guardians were mailed a copy of the agreed upon notice of the hearing (see Appendix 3).

I. Class Membership

1. Class Members

For purposes of the Settlement Agreement, school-aged children are those students in kindergarten through age 21 who have not previously graduated. Tables of data for the school-aged population are titled K-12 (meaning Kindergarten through grade 12 which includes students through their age at graduation or age 21 if they have not previously graduated). Though not

required as part of the Settlement Agreement, the Connecticut State Department of Education (CSDE) is also examining least restrictive environment issues of children with intellectual disabilities ages three and older who are in preschool. This Pre-K data is provided as information only in Appendix F.

2. List of Students

The first annual report listing public school students in Connecticut who, on or after December 1, 1999, carry the label of either mental retardation or intellectual disability and who are eligible for special education is included in Appendix G of this report. Receipt of this list by the parties and the Court in this report is intended by the CSDE to satisfy its obligation to develop and distribute a listing of K-12 students with mental retardation or intellectual disability to the parties and the court.

This list was compiled from the December 2001 PCI (Personal Computer Information) child count reporting required of every local education agency (LEA) in the state on an annual basis. Additionally, parents have contacted the CSDE, Bureau of Special Education and Pupil Services (BSEPS), to inquire about their children being included in the class. The CSDE investigates these situations and, to date, identified in two of the fourteen cases that a child had not been correctly reported on the December 1, 2001 PCI child count. In these cases the two children had not been reported as having intellectual disabilities and should have been. The list of public school students referenced above, that is included in Appendix G of this report, reflects these revisions.

3. Plaintiffs Right to Data

See Section **IX. Expert Advisory Panel (EAP), Confidentiality** of this report for further specific information related to the plaintiffs gaining access to data and files relating to class members.

II. Goals and Outcomes

The Settlement Agreement states the desired outcomes for educational programs for students with mental retardation or intellectual disability consist of the five overall goals:

1. An increase in the percent of students with mental retardation or intellectual disability who are placed in regular classes, as measured by the federal definition (eighty (80) percent or more of the school day with non-disabled students);
2. A reduction in the disparate identification of students with mental retardation or intellectual disability by LEA, by racial group, by ethnic group, or by gender group;
3. An increase in the mean and median percent of the school day that students with mental retardation or intellectual disability spend with nondisabled students;
4. An increase in the percent of students with mental retardation or intellectual disability who attend the school they would attend if not disabled (home school); and
5. An increase in the percent of students with mental retardation or intellectual disability who participate in school-sponsored extra curricular activities with non-disabled students.

Baseline Data

On July 21, 2002, within sixty (60) days of the Court's approval of this agreement as stipulated in the Settlement Agreement **Section II**, the defendants (hereafter referred to as Connecticut State Department of Education (CSDE)) established statewide and individual LEA baseline data based on the December 1998 PCI child count reporting or the main goals stated above with the exception of the goal related to home school and the goal related to participation in extra-curricular activities (see Appendix A-C). The baseline data for the goals related to participation in extra-curricular activities and home school were established as a result of the December 1, 2001 PCI child count since data in these areas was not previously collected (see Appendix D and E). The Settlement Agreement allowed for the CSDE to select the date from which baseline would be set for goals #1-#3 while the Settlement Agreement established the baseline date for goals #4 and #5.

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The CSDE provided all baseline data to Margaret Dignoti, Executive Director of ARC CT, on July 19, 2002, with a revised race/ethnicity/gender/ prevalence chart mailed on July 22, 2002. Members of the Expert Advisory Panel (hereafter referred to as EAP which consists of Alan Coulter, Ph.D.; Wayne Sailor, Ph. D.; Sharon Freagon, Ph.D.; and Leonard Burrello, Ed.D.; (see Appendix 4 for a brief description of the EAP written in the ARC of CT's 2002 summer newsletter) were forwarded this material on July 22, 2002. Ms. Dignoti informed the CSDE that the material was shared with Attorney David Shaw; Attorney Frank Laski; and Ms. Ginger Spiers, President of the Coalition for Inclusive Education. Through a subsequent discussion between the CSDE and the plaintiffs in late August 2002, it was agreed that all future material to be sent to the plaintiffs or parties, will be mailed to Attorney David Shaw, Attorney Frank Laski, Ms. Margaret Dignoti, and Ms. Ginger Spiers.

The CSDE has included baseline year data (1998) and baseline changes in data for the years 1999, 2000, and 2001 in Appendix A-E. Included are baseline changes for goals #1 through #3. With respect to goals #4 and #5, reporting of baseline changes will begin as of June 30, 2003. This arrangement in the Settlement Agreement recognizes that December 1, 2002 will only be the second year of collecting data for these two goals; therefore, changes in baseline cannot be determined until after that date. Thus, changes from baseline for goals #4 and #5 will be reported during the next Annual Report scheduled for June 30, 2003.

III. Continuing Jurisdiction

This is the first annual report to be submitted for a period of four (4) years after the effective date of this agreement. The first annual report is being submitted September 30, 2002 as stipulated by the Settlement Agreement. The Annual Report, September 30, 2002, in addition to including material in other sections of this report, is to contain the following information as stipulated for this section:

CSDE Prior Activities

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This section of the report presents the CSDE activities, related to the five stated goals, as well as CSDE activities related to the implementation of this Settlement Agreement for the prior school year. As the CSDE has been aware of the substance of the complaint for approximately two years prior to the Settlement Agreement, this report will review those activities conducted for the school year July 1, 2000, through June 30, 2001, and the school year July 1, 2001 through June 30, 2002. Activities conducted from July 1, 2002 to present, and those activities anticipated for the 2002-03 school year, will be included in the section below entitled **CSDE's Proposed Activities**.

School Year 1999-2000

- In April 2000, based on analysis of December 1998 PCI child count data (most recent available at the time), the CSDE identified five (5) districts with mean time with non-disabled peers for students with intellectual disabilities (TWNIDP-ID) which was significantly discrepant from state (average 30.8%) and Education Reference Group (ERG) data (see Appendix 5 for explanation of ERG). The five (5) districts included Stamford, East Hartford, Hartford, New Britain, and Ansonia. The CSDE required these districts to respond with an explanation and corrective action as appropriate (see Appendix 6). Follow-up meetings and site visits were conducted for specified districts.
- In April 2000, based on analysis of December 1998 PCI child count data, the CSDE identified three (3) districts with prevalence rates for students with intellectual disabilities which was significantly discrepant from state (average.8%) and ERG data. The three (3) districts included New London, New Haven, and Bridgeport. The CSDE required these districts to respond with an explanation and corrective action as appropriate (see Appendix 7). Follow-up meetings and site visits were conducted for specified districts.

School Year 2000-01

- In the summer of 2000, SERC increased staff assigned to its *LRE/Inclusion Initiative* by hiring an additional fulltime consultant to coordinate the targeted district activities and complement the staff already coordinating statewide activities.

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- In the summer of 2000, SERC expanded its resources in the Library on LRE/inclusion.
- In January 2001, the Connecticut State Board of Education issued a **Position Statement on Educating Students with Disabilities** (see Appendix 8) that was mailed to all superintendents by the Commissioner of Education and to all Pupil Personnel Directors by the CSDE BSEPS. Additionally the position statement was posted on the CSDE website (www.state.ct.us/sde) and has been distributed at most trainings and technical assistance activities related to least restrictive environment (LRE) since it was issued.
- In April 2001, based on analysis of December 2000 PCI child count data, CSDE identified ten (10) districts with mean percentage of time with non-disabled peers for students with intellectual disabilities that was below the state average of 34.3%. The ten (10) districts included Ansonia, Bridgeport, Enfield, Milford, New Britain, Plainfield, Southington, Wallingford, Waterbury, and West Haven (see Appendix 9). The CSDE notified these ten (10) districts of the concern and requested an explanation and corrective action as appropriate. Follow-up meetings were conducted for specified districts. All ten (10) districts were also strongly urged to send a team to the CSDE and SERC sponsored *ABC's of LRE Summer Institute*. Please refer to the announcement of the summer institute for specific topics addressed (see Appendix 10).
- In November 2001, based on analysis of December 2000 data, which was the most recent data at the time, CSDE identified six (6) districts with prevalence rates for students with intellectual disabilities significantly below the state average of .7%. The six (6) districts included Bridgeport, New Britain, New Haven, New London, Plainfield, and Waterbury (see Appendix 11). The CSDE notified these six districts of the concern and requested an explanation and corrective action as appropriate. Follow-up meetings were conducted for targeted districts.
- In May 2001, the Connecticut Comprehensive System of Personnel Development Council (CT CSPD Council), in collaboration with SERC and the CSDE, commissioned an exploratory survey on school-sponsored extracurricular activities for students with disabilities. A random sample of 1000 parents and all Special Education or Pupil Personnel Directors in Connecticut public schools were the respondents. **The Executive**

Summary of Findings, The Study of School-Sponsored Extracurricular Activities in Public School Settings: Implications for Professional Development (see Appendix 12), was submitted to SERC and CSDE by Words & Numbers Research, Inc., in July 2001. This information was used as a baseline for determining professional development and parent education needed in this area.

- In the spring of 2001, the CSDE informed all districts through the BSEPS Update (see Appendix 13) that student participation in extracurricular activities needed to be recorded on a student's Individual Education Plan (IEP) and reported in the PCI child count data collection effective December 1, 2001.
- In the spring of 2001, the CSDE informed all districts through the BSEPS Update (see Appendix 13) that the building at which a student attended school would need to be reported in the PCI child count data collection effective December 1, 2001 to indicate whether or not the student was attending the school he/she would otherwise attend if not disabled. This was referred to as the "Board of Ed Assigned School" and has been renamed for the December 2002 PCI child count to "Home School".
- In the spring of 2001, SERC and CSDE began collaboration with Frances Stetson, Ph.D., of Stetson and Associates, Houston, Texas to develop Connecticut-based assessment instruments for preschools, school-aged programs, and leaders to guide the enhancement of effective LRE and inclusive practices.

School Year 2001-02

- In July 2001, SERC conducted the *ABC's of LRE Summer Institute* (see Appendix 10) with four (Waterbury, Enfield, Bridgeport, and West Haven) of the ten selected districts (refer to the second bullet on page 15 for a description of the selection process) and several other districts by petition. This five-day training addressed basic practices of meeting the LRE provision of IDEA '97 and increasing inclusive practices within their schools/district.
- Participating teams in the summer institute developed action plans to address LRE issues and concerns. Following the summer institute, those districts in attendance were offered

the services of SERC to provide technical assistance in the implementation steps of the action plans (see Appendix 10). The districts in attendance included Bridgeport, Enfield, Waterbury, West Haven, Hartford, and Waterford.

- In fall of 2001, the CSDE and SERC examined the need to revise the document **Least Restrictive Environment: A Series of Guiding Principles** (see Appendix 14) developed by the Connecticut State Department of Education in 1990. Upon review, it was determined that the principles continue to be appropriate and slight revisions were made to the cover letter to include information regarding access to the general education curriculum, as addressed in IDEA '97. This document is distributed at most LRE trainings and technical assistance activities.
- In November 2001 SERC's *LRE/Inclusion Initiative* published the first edition of the LRE Newsletter, **LRE NEWS** (see Appendix 15). This annual publication will afford SERC an opportunity to communicate with all the Connecticut personnel who have previously participated in professional development on LRE/inclusion through SERC. The objectives are to facilitate networking across districts; keep previously trained personnel up-to-date and informed; and encourage an on-going participation in learning activities.
- In December 2001, SERC sponsored the *Fourth Annual Conference on Educating Students with Disabilities in the General Education Classroom, Expanding Horizons* (see Appendix 16). Frances Stetson, Ph.D., of Stetson & Associates, Inc, of Houston, Texas, delivered the keynote address, Current and Emerging Trends Regarding LRE: The Necessary Conditions for Success.
- In December 2001, the CSDE and SERC conducted a focus group with SERC and CSDE consultants to assist in the development of the **School-Based Practices Profile: A Self-Assessment Instrument to Guide the Enhancement of Effective LRE Practices in Connecticut Schools** (SBPP) (see Appendix 17). This tool was developed for use by local school districts in Connecticut to assess the effectiveness of their current LRE/inclusive practices. It includes a parent survey and faculty survey in addition to the

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assessment instrument, itself. Frances Stetson, Ph.D., of Stetson and Associates, Inc., of Houston, Texas, facilitated the working session.

- In February 2002, the SBPP was completed by CSDE and SERC in collaboration with Frances Stetson, Ph.D. of Stetson and Associates of Houston, Texas.
- On April 24, 2002, CSDE and SERC provided training to CSDE's surrogate parents on the issues of the impending Settlement Agreement and effective strategies in their roles as parent surrogates for achieving a free appropriate public education in the least restrictive environment for their students.
- In April 2002, a mailing (see Appendix 3) was sent to parents and guardians of class members notifying them of the fairness hearing on May 22, 2002 regarding the Settlement Agreement referred to previously in this report in the section entitled **INTRODUCTION**.
- In May 2002, the CSDE and SERC provided a statewide introduction to SBPP to over 70 private and public school special education administrators; faculty from public and private institutions of higher education; and members of the State Advisory Council on Special Education (SAC) and Connecticut Comprehensive System of Personnel Development Council (CT CSPD Council). The audience included administrators from twenty (20) LEAs, two (2) RESCs, and two (2) private approved special education facilities; administration and faculty from three institutions of higher education; and several community/agency representatives from the SAC and CT CSPD Council. Frances Stetson, Ph.D., of Stetson and Associates, Inc., of Houston, Texas, did the training.
- In May 2002, CSDE presented information on the Settlement Agreement at the *Statewide Family Support Conference*;
- In the spring of 2002, SERC increased their *LRE/Inclusion Initiative* staff with a halftime position to further assist in addressing the technical assistance and training needs specific to implementing the Settlement Agreement and other LRE related efforts. Additionally, one hundred percent (100%) of SERC's professional staff have time allocated to the *LRE/Inclusion Initiative*, including activities specific to the Settlement Agreement. The SERC Director also allocate a portion of her schedule to these endeavors. Extensive clerical support will also be facilitated.

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- On June 12, 2002 CSDE provided training to hearing officers regarding the Settlement Agreement and the SBPP (see Appendix 18).
- The Chief of BSEPS provided information to the field through various written materials and public speaking engagements regarding the anticipated outcomes, direction, and focus of the Settlement Agreement. This included updates at each monthly meeting of the State Advisory Council on Special Education (SAC); monthly steering committee meetings of the CT CSPD Council; quarterly meetings of the CT CSPD Council; bi-monthly executive sessions of the Connecticut Council of Administrators of Special Education (CONNCASE); quarterly statewide leadership forums; and Annual Program Review Orientation Sessions.
- SERC's *LRE/Inclusion Initiative* expanded the number of statewide professional development offerings
- The CSDE BSEPS and SERC consultants and administrators convened a group to initiate the design of the technical assistance system that addresses the Settlement Agreement.
- Based on an analysis of CSDE data regarding time with non-disabled peers (TWNPD) and education location, several districts (Naugatuck, Putnam, Suffield, Hartford, and North Haven) were selected to determine their appropriateness to serve as potential "Spotlight Schools" in which promising LRE/inclusive practices are occurring. Districts were targeted across several ERGs. Consultants from SERC and CSDE conducted site visits to three of the districts from December through April utilizing the SBPP as a framework for observation and questions (see Appendix 19). These visits were intended to verify their data results, as well as to provide information regarding the challenges and successes of the school/ district in their endeavors to provide more inclusive programming. From these visits several locations and practices were identified that could be considered as "spotlight", including Putnam High School for Dimension E; and Suffield elementary and middle school for Dimension C and D.
- Eighty-two (82) hours of on-site technical assistance was provided by SERC to Bridgeport, Enfield, West Haven, Waterbury, and Hartford as follow-up to the *ABC's of LRE Summer Institute*.

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- The second year of on-going technical assistance was provided to the LRE Strategic Planning Committee of the Hartford Public Schools.
- A full day workshop was provided to the Inclusion Study Group of the East Hartford Public Schools. This group is a sub-committee of the East Hartford Public School System's Literacy Task Force. This full day session was a collaborative effort among several initiatives at SERC, including Literacy, Teaching and Learning, and Early Intervention (EIP). Each of these initiatives provided training and/or technical assistance to the East Hartford Public Schools.
- SERC contracted with Frances Stetson Ph.D. of Stetson and Associates, Inc., in Houston, Texas, to provide on-site training to Enfield and Hartford, two districts receiving on-going technical assistance from SERC.
- A stakeholder group was convened as part of the CSDE federal Continuous Improvement Monitoring Process (CIMP) to develop outcomes and a Continuous Improvement Plan (CIP) for Connecticut. The CIP includes an outcome and plan regarding students' access and participation in general education and an outcome and plan regarding preparedness for community participation (see Appendix).
- A representative of the SERC LRE/Inclusion Initiative team, presented at the final quarterly meeting of the CT CSPD Council for 2001-02. The Council dialogued on SERC's 2002-03 program; providing feedback and suggestions. The group also examined the SBPP and offered recommendations regarding training and technical assistance on its use.

Statewide and District-by-District Data and Progress On Each Stated Goal

The CSDE has compiled data reports included in Appendix A-E that report statewide and district-by-district data on the five (5) goals of the Settlement Agreement. These reports provide data from the baseline year of 1998 according to the December 1998 PCI child count for goals #1, 2, and 3 and the baseline year of 2001 according to the December 2001 PCI child count for goals #4 and #5. A description of statewide trends reflected in this data follows. District-by-

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district trends have not yet been established. The CSDE anticipates identifying these trends prior to December 2002.

Statewide there has been an increase on goal #1 since 1998, from 9.8% of students with intellectual disabilities being educated in regular classes to 11.2% in 2001 being educated in regular classes. It should be noted that the data reported for this goal includes time with nondisabled peers of 79% or greater. This range is the federally designated range of data for the federally defined term "regular class". While the Settlement Agreement identifies the federal term as 80% or more time with nondisabled peers, the CSDE will be reporting this data according to the federal definition of 79% or more defined as "regular class" (see Appendix 20). The difference in these data consists of only two students and is not considered significant enough for the CSDE to alter the reporting format. District-by-district data for goal #1 is presented in Appendix A.

% of CT K-12 ID/MR Students Spending 79%-100% of Their Time With Non-Disabled Peers (Regular Class)	1998	1999	2000	2001
CT	9.2%	9.6%	10.8%	11.1%

Goal #2 data is specific to prevalence rates and disproportionality with respect to race, ethnicity and gender. Connecticut's prevalence rate for students with intellectual disabilities has decreased since 1998 from .8% to .7% in 1999, remaining stable at .7% through 2001. This statewide data is presented below. District-by-district data for goal #2 on prevalence is presented in Appendix B.

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Identification of CT K-12 ID/MR	1998	1999	2000	2001
Prevalence	0.8 %	0.7 %	0.7 %	0.7 %

The following data on statewide identification of students with intellectual disabilities by gender has demonstrated an increase in students with intellectual disabilities identified as male since 1998 from 55.0% to 56.5% while the total student population of males has remained stable at 51.6% since 1998. District-by-district data for goal #2 on male and female identification is presented in Appendix B.

Identification of CT K-12 ID/MR	1998 State	1998 ID/MR	1999 State	1999 ID/MR	2000 State	2000 ID/MR	2001 State	2001 ID/MR
Gender-Male	51.6%	55.0%	51.6%	55.6%	51.6%	55.3%	51.65	56.5%

The percentage of students with intellectual disabilities that are Hispanic and Black are 1.5 times and 2.0 times greater, respectively, than the percentage of students in the total student population that are Hispanic and Black. However, while the percentage of students that are Hispanic and Black for the entire student population has risen slightly since 1998, the percentage of students with intellectual disabilities that are Hispanic and Black has decreased slightly in that same time period. See the chart below for data on statewide race and ethnicity. District-by-District data for goal #2 on race/ethnicity is presented in Appendix B.

Identification of CT K-12 ID/MR by Race/Ethnicity	1998 State	1998 ID/MR	1999 State	1999 ID/MR	2000 State	2000 ID/MR	2001 State	2001 ID/MR
American Indian	0.3%	0.4%	0.3%	0.4%	0.3%	0.4%	0.3%	0.4%
Asian American	2.6%	1.1%	2.7%	1.1%	2.8%	1.1%	3.0%	1.3%
Black	13.5%	31.3%	13.5%	30.4%	13.6%	29.7%	13.8%	27.5%
White	71.4%	44.6%	70.9%	45.9%	70.3%	46.8%	69.3%	49.7%
Hispanic	12.2%	22.1%	12.6%	21.9%	13.0%	21.5%	13.7%	20.8%

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For goal #3, the state’s mean time that students with intellectual disabilities spend with their non-disabled peers has continually increased since 1998 from 30.8% to 35.4%. This is also true for the state median, increasing continuously from 21.5 to 31.7%. District-by-district data for goal #3 is presented in Appendix C.

Amount of Time CT K-12 ID/MR Students Spend With Non-Disabled Peers	1998	1999	2000	2001
Mean	30.8%	31.6%	34.3%	35.4%
Median	21.5%	22.4%	30.0%	31.7%

Below is the data for goal # 4 and goal #5. Each of these data was collected for the first time in 2001. The CSDE does not expect reliable data in this first year of data collection. The CSDE is aware that some districts have had a lack of understanding regarding the definition of “extracurricular participation” (goal #5), in particular. This type of error is noted in the literature as one source of random error that occurs with data collection (Robert L. Linn (Ed.). (1989). Educational Measurement. New York: Macmillan Publishers). The CSDE will be conducting training sessions this fall and distributing information about the definition to district personnel, as was done last year, to assist with this data reliability issue. The CSDE has not had information from the districts to suspect the data collection for “home school” is as unreliable as the “extra curricular participation” data collection. District-by-district data is presented in Appendix D for home school and Appendix E for extra curricular participation.

	2001
Home School Enrollment for CT K-12 ID/MR Students	71.3%
Extra Curricular Participation by CT K-12 ID/MR Students	20.3%

CSDE's Proposed Activities

Activities that have been implemented since July 1, 2002 and are being proposed for the 2002-03 school year, to support the goals of this Settlement Agreement, are contained in this section of the report with references to other sections for more specific information.

School Year 2002-03

- In the Summer of 2002, a companion tool to the **SBPP** entitled **Leadership Practices that Support Inclusive Education (Leadership-SBPP)** was completed (see Appendix 17). This instrument is to be used by educational leaders to examine their actions in support of inclusive practices.
- The CSDE began recruiting and interviewing candidates to hire by late fall, for three new educational consultants' positions. These positions will support the implementation of the Settlement Agreement (see Appendix 21).
- During the 2002-03 school year, the CSDE upon the request of any district's Board of Education will provide a presentation on the Settlement Agreement to the district's Board of Education.
- In July 2002 the CSDE presented an overview of the Settlement Agreement to the Oxford Board of Education.
- On August 14, 2002, as stipulated by the Settlement Agreement, Dr. Theodore S. Sergi, Commissioner of Education, in his "Back to School" meeting with superintendents, provided each district with a packet including a copy of the Settlement Agreement; Circular Letter C-8: LRE Initiative for Students with Disabilities (see Appendix 22; a memorandum from George Dowaliby, Chief of the Bureau of Special Education and Pupil Services: LRE Initiative for Students with Disabilities (see Appendix 23); and the State Board of Education's **Position Statement on Educating Students with Disabilities** (see Appendix 8). Copies were provided for each superintendent and each school board member in each Connecticut school district (see Appendix 24).

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- On August 14, 2002, as stipulated by the Settlement Agreement, all hearing officers (see Appendix 24) and teacher preparation programs (see Appendix 24) received a packet including a copy of the Settlement Agreement; Circular Letter C-8: LRE Initiative for Students with Disabilities (see Appendix 22); a memorandum from George Dowaliby, Chief of the Bureau of Special Education and Pupil Services: LRE Initiative for Students with Disabilities (see Appendix 23); and the State Board of Education's **Position Statement on Educating Students with Disabilities** (see Appendix 8).
- In August 2002, the CSDE analyzed the data from the December 2001 child count of the forty (40) districts in Connecticut with twenty (20) or more students with ID, with respect to outcomes of the Settlement Agreement. The CSDE identified eight (8) districts, referred to as Level III Districts (refer to page 38-39 for further information), from this list that were "most in need" of assistance in providing appropriate services to students with ID in the LRE. These districts are Bridgeport, Enfield, Milford, New Haven, Shelton, Waterbury, West Haven, and Windham. These districts will receive targeted focused monitoring around the issues of the Settlement Agreement and be recipients of other training, technical assistance, and resources provided by CSDE and SERC. In August, these districts were informed of their status and the activities in which they would be required to participate throughout 2002-03 (see Appendix 25).
- Sixty (60) districts with data on time with non-disabled peers for students with intellectual disabilities that fell .5 or more standard deviations below the state mean were identified by CSDE (see Appendix 26). These districts, referred to as Level II Districts (refer to page 41 for further information), were notified of the CSDE's concern with their data for students' with ID and were strongly encouraged to send teams to the two-day summer LRE/Inclusion training, *Moving Forward with Responsible Inclusive Practice in CT Schools* to be held on August 19th and 20th, 2002 (see Appendix 27). Representatives of twenty-seven (27) districts were in attendance.
- In August 2002, Sarah Barzee of SERC and Anne Louise Thompson of CSDE worked with Frances Stetson, Ph.D., and other associates from Stetson and Associates, Inc., in Houston, Texas, to design and develop professional development for leadership personnel

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to accompany the Leadership-SBPP. This training was designed to ensure that school-based and district level leadership are aware of the issues which must be addressed in order to ensure that students with ID are educated in the LRE.

- In the Fall 2002, the CSDE will utilize USDOE sliver grant money as incentives for Level I districts (that are not Level II or III districts) to mentor Level II districts in educating students with intellectual disabilities with their non-disabled peers and to enhance their own implementation of LRE for students with disabilities, including students with intellectual disabilities.
- In September 2002, the CSDE BSEPS and the Bureau of Early Childhood and Social Services (BECSS) met with SERC to discuss the development of a CSDE policy statement for LRE for preschool aged children. A circular letter from the Commissioner of Education and a data bulletin of December PCI child count is under development for release in January 2003.
- On September 13, 2002, superintendents and their administrative staff from the eight (8) districts identified as “most in need” met with Commissioner Sergi. The Commissioner provided an overview of the Settlement Agreement and expressed his concern regarding appropriate identification of students with intellectual disabilities, educating these students in the least restrictive environment, and including them in extracurricular activities with their non-disabled peers. Additionally, he articulated the CSDE’s expectation that all districts will make continuous improvement toward the five (5) goals of the Settlement Agreement. An overview of the CSDE’s expectations of these districts for the 2002-03 school year was also provided. District representatives were advised as to the training and technical assistance available to them through the CSDE and SERC including fee waivers for statewide programs and individualized support for on-site, in-district work.
- On September 13, 2002, Commissioner Sergi addressed an audience of over three hundred fifty (350) superintendents, central office administrators and building principals regarding his expectations of districts in light of the Settlement Agreement. Frances Stetson, Ph.D., of Stetson and Associates, Houston, Texas, introduced the SBPP and Leadership-SBPP to

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this same audience that represented 96 districts from throughout the state (see Appendix 28).

- On September 13, 2002, Frances Stetson, Ph.D., of Stetson and Associates, Houston, Texas, conducted a workshop for central office and building principals from the eight (8) districts that will receive focused monitoring specific to the identification and services in the least restrictive environment for students with intellectual disabilities. The session described the Stetson and Associates' *Step-By-Step* training. These administrators and their school faculty will be required to participate in this program later this fall. This overview session was designed to identify issues of educating students with disabilities with their nondisabled peers and to present several effective strategies to use at the building level to address these issues (see Appendix 29).
- On September 23, 2002, Deb Richards and Anne Louise Thompson of the CSDE provided training to the BSEPS consultants involved in Program Review for 2002-03, specifically regarding monitoring of the LRE and identification of students with intellectual disabilities.
- On September 25, 2002, CSDE held a meeting with representatives of parent advocacy groups to discuss a plan for parent training regarding the Settlement Agreement.
- On September 25, 2002, CSDE held a planning meeting with the Department of Mental Retardation (DMR) to design joint training for DMR case managers and families on identification of students with ID and its implications.
- On September 28, 2002, CSDE made a presentation at the CT Association for Education of Young Children conference regarding the Settlement Agreement.
- On October 5, 2002, CSDE will make a presentation at the annual CT Down Syndrome Congress Conference on the Settlement Agreement;
- For the 2002-03 school year, SERC professional development activities offered via an expanded *LRE/Inclusion Initiative* will reflect outcomes of the Settlement Agreement. A matrix has been developed that links SERC activities with specific dimensions of the SBPP (see Appendix 30).

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- During the fall of 2002, CSDE will analyze the December PCI child count data from 1998-2001 regarding the five (5) outcomes of the Settlement Agreement district-by-district to establish individual district trends.
- During the fall and early winter of 2002-03 school year, Stetson and Associates' *Step-By-Step* professional development will be required for over thirty (30) teams from the eight (8) districts receiving focused monitoring specific to students with intellectual disabilities. The program will address the effective use of the SBPP and technical assistance regarding completion of the SBPP. Additionally the training will identify strategies to effect change in educating students with disabilities with their nondisabled peers, particularly students with intellectual disabilities with a focus on areas identified as in need via the SBPP dimensions (see Appendix 29).
- During the fall and winter, six (6) regional trainings will be conducted for school-based teams from LEAs on scoring, analyzing, and action planning using the **SBPP** (see Appendix 31).
- On October 23 and 24, 2002, the CSDE will hold the second meeting in Hartford, CT, of the 2002-03 school year, of the Expert Advisory Panel.
- On October 29, 2002, SERC will present an overview of the Settlement Agreement to the Principal's Advisory Group convened biannually as a component of SERC's *Leadership Initiative*.
- On October 25, 2002, SERC and CSDE will host the *5th Annual LRE/Inclusion Conference, Expanding Horizons* (see Appendix 32). Commissioner Sergi has been invited to do Welcome and Opening Remarks. The conference involves five (5) nationally recognized presenters addressing one or two dimensions of the SBPP.
- In November 2002, the 2nd Annual LRE Newsletter, **LRE NEWS**, will be published by SERC.
- On January 8, 2003, CSDE and SERC in collaboration with Frances Stetson, Ph.D., of Stetson and Associates, Inc., Houston, Texas, will conduct a session on the Settlement Agreement, SBPP, Leadership-SBPP, and strategies to establish a supportive, inclusive

school climate, at SERC' multi-day professional development program, *Training in Special Education Administration*, an offering of the SERC *Leadership Initiative*.

- On February 13, 2003, SERC consultants will present an overview of the SBPP to Year One and Year Two teachers participating in the SERC *Beginning Teachers' Program*.
- In the spring of 2003, leadership training will be offered in scoring, analyzing and action planning regarding the use of the Leadership-SBPP.
- In the spring of 2003, the CSDE plans to schedule an annual meeting between the parties to discuss CSDE implementation and ways to effectively increase progress towards the achievement of each of the stated goal.
- Parent training will be provided throughout the 2002-03 school year to address the Settlement Agreement. Refer to Section **VII. Parent Involvement** of this report for more information regarding the development of parent training.

IV. Responsibility

On August 15, 2002, the CSDE issued a policy letter from the Commissioner of Education, Theodore S. Sergi, Circular Letter C-8: LRE Initiative for Students with Disabilities. This circular letter reiterated the State Board of Education's **Position Statement On the Education of Students with Disabilities** affirming the right of each child with an intellectual disability or another disability to be educated with non-disabled children to the maximum extent appropriate (see Appendices 22 and 8).

In addition, a CSDE policy memorandum-LRE Initiative for Students with Disabilities (August 15, 2002) from George P. Dowaliby, Chief of the Bureau of Special Education and Pupil Services of the CSDE, was issued that reiterated the individual student decision-making process that must be followed by the Planning and Placement Team (PPT) with regard to identification of the least restrictive educational environment for each child who has an intellectual disability and other disabilities, including the requirement that the PPT consider the placement of the student in regular classes with supplementary aids and services.

The policy memorandum informed LEAs that the CSDE shall conduct oversight activities to ensure that class members, whenever appropriate, are placed in regular classes, in home schools, and in extracurricular activities with appropriate supplemental aids and services; that promising practices are used with regard to instruction in regular classes; and that, whenever appropriate, class members who are placed out of district will be returned to their home districts.

The policy memorandum informed LEAs of the joint state and local obligation to work towards the greater successful inclusion of students with intellectual disabilities in all aspects of the school program through actions such as placement in home schools and regular classes, participation in extracurricular activities with appropriate supplementary aids and services, and use of promising practices with regard to instruction in regular classes (see Appendix 23).

The policy letter and policy memorandum were forwarded together with a copy of this Settlement Agreement on August 15, 2002 to each Superintendent of Schools, each member of the school board of each LEA (via the superintendent of schools), each IDEA hearing officer, and each teacher preparation program in Connecticut on August 15, 2002. (See Appendix 24 for mailing lists.)

V. Program Compliance Review (Monitoring)

1. Targeted, Data-Based Monitoring System

CSDE has continued to develop and utilize a monitoring process that is a targeted, data-based monitoring system to facilitate continuous improvement in each of the stated goals of this Settlement Agreement. The monitoring system that has been instituted is an elaboration of the CSDE's already established *Program Review and Focused Monitoring* process. That process collects, analyzes, and uses quantitative and qualitative information and data to identify problems and provide consistent feedback to all LEAs on their performance in achieving the requirements of state and federal statutes and regulations regarding special education, including the five (5) stated goals of this Settlement Agreement (see next section entitled Program Review). This

monitoring system includes a cyclical Program Review component, as well as a Focused Monitoring component which are described below.

Program Review

The CSDE's Program Review process (see Appendix 33), occurs primarily on a six (6) year cycle throughout the six (6) Regional Educational Service Center (RES-C) regions of the state (see Appendix 34) and includes:

- (1) Collection of December PCI child count data conducted annually by CSDE on December 1, including data specific to the five (5) outcomes of the Settlement Agreement,;
- (2) Annual analysis by the CSDE each spring of specific data elements including data specific to the five (5) outcomes of the Settlement Agreement;
- (3) Selection of targeted districts based on several PCI child count data elements to determine which LEAs in the RES-C region will receive an intensive on-site visit during the year of that region's Program Review;
- (4) Written analysis (Self- Assessment and Continuous Improvement Plan-CIP) by LEAs in the RES-C region undergoing Program Review of quantitative data, (i.e.; PCI child count data) and qualitative data (i.e.; staff surveys, parent surveys, review of IEPs), including data specific to the five (5) outcomes of the Settlement Agreement
- (5) CSDE written analysis and response to each district's Self-Assessment and CIP

Program Review- ID Specific

The CSDE's Program Review process described above has been enhanced to more intentionally address the goals of the Settlement Agreement. Enhancements include:

- (1) Utilizing ID related data elements to assist the CSDE in identifying districts that would receive a more extensive site-visit;
- (2) Increasing the specificity of data analysis required by the LEA and the CSDE for the appropriate identification of a child with an intellectual disability, specifically related

- to prevalence and disproportionate identification of these students by race/ethnicity and gender;
- (3) Increasing the specificity of data analysis required by the LEA and the CSDE regarding students with ID related to the placement in the least restrictive environment including home school, regular class placement, and time with non-disabled peers;
 - (4) Increasing the specificity of data analysis required by the LEA and the CSDE related to participation in extracurricular activities for students with ID;
 - (5) Increasing the number of students with ID whose IEP services are verified by CSDE during the site visit;
 - (6) Including questions during the staff interviews specifically related to the determination of LRE and justification for removal from regular class placement, specifically for students with ID;
 - (7) Including questions during staff interviews specifically related to appropriate provision of supplementary aids and services for students with ID;
 - (8) Including questions during the staff interviews specifically related to provision of extracurricular activities for students with ID;
 - (9) Increasing the number of programs observed that provide services for students with ID during site visit; and
 - (10) Including students with ID in student interviews during site visit.
- (See Appendix 35 for on-site monitoring documents.)

Focused Monitoring

The CSDE's Focused Monitoring system was developed in 1997 following the Reauthorization of IDEA to annually monitor all districts for more select data elements specific to the implementation of IDEA: suspension and expulsion rates; participation rates in the statewide Connecticut Mastery Test (CMT) and Connecticut Academic Performance Test (CAPT); disability prevalence, including ID prevalence specifically; and time with non-disabled peers for ID students. Annually, the CSDE identifies districts that are statistically significantly discrepant

with state and/or ERG averages regarding several data elements. These districts receive a letter of concern and inquiry from the Commissioner or Associate Commissioner stating that the district needs to analyze their data and reply to the state with an explanation and/or corrective action plan. The CSDE reviews the districts' responses and determines if the responses are sufficient explanation to: (1) warrant no further action at the time; or (2) requires the CSDE to meet with the district to discuss their response and possible need for corrective action. On an individual district basis, the CSDE determines the extent to which it will provide assistance to the district in order to address the issues of concern. The assistance may include technical assistance from CSDE or SERC consultants, fee waivers for appropriate SERC trainings, and/or stipends for substitutes to attend SERC trainings. Additionally, the CSDE determines the extent to which the district requires on-going monitoring by CSDE. When a response and/or action is not forthcoming from the district, the CSDE may institute sanctions including meetings with CSDE personnel; meetings with the Commissioner; submission of a detailed corrective action plan; specific-required corrective actions; and ultimately, the potential to withhold state and/or federal funds.

For purposes of the Settlement Agreement, additional focused monitoring activities, referred to as *ID Focused Monitoring*, have been developed for those eight (8) LEAs identified as in greatest need with respect to the outcomes of the Settlement Agreement.

ID Focused Monitoring

The districts selected for 2002-03 *ID Focused Monitoring* and the process for selection are discussed in more detailed in the next section of this report, entitled **V. Program Compliance Review (Monitoring), 4. Eight (8) LEAs Most in Need**. Following are the enhancements to the previously established Focused Monitoring system described above to more intentionally address the Settlement Agreement.

- (1) Data analysis required by the LEA and the CSDE for the appropriate identification of a child with an intellectual disability, specifically related to prevalence and disproportionate identification of these students by race/ethnicity and gender;

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- (2) Data analysis required by the LEA and the CSDE of students with ID related to the placement in the least restrictive environment including home school, regular class placement and time with non-disabled peers;
- (3) Data analysis required by the LEA and the CSDE related to participation in extracurricular activities for students with ID;
- (4) Reviewing files of students with intellectual disabilities to examine identification procedures, eligibility determinations; IEPs; progress reporting; prior written notices of PPT meetings; use of LRE Checklist.
- (5) Selecting a representative number of students with ID whose IEP services will be verified by CSDE during the site visit;
- (6) Conducting staff interviews specifically related to the determination of LRE and justification for removal from regular class placement, specifically for students with ID;
- (7) Conducting staff interviews specifically related to appropriate provision of supplementary aids and services for students with ID;
- (8) Conducting staff interviews specifically related to provision of extracurricular activities for students with ID;
- (9) Observing programs that provide services for students with ID; specifically to examine use of supplementary aids and services; peer interactions; access to the general curriculum; instructional practices; classroom location; student composition of classes; and teacher/student interactions.
- (10) Conducting interviews/survey with students identified as ID.
- (11) Conducting interview/survey with parents of students with ID.

ID focused monitoring will occur at least three times throughout the year. By December 1, 2002, the initial on-site monitoring visit will have occurred; a self-assessment will have been completed by the district; and a Continuous Improvement Plan (CIP) will have been developed between the district and the CSDE to include SERC and other training and technical assistance as appropriate. The CIP will incorporate findings of the district in their analysis of their district's

data; results of the **SBPP** if completed prior to December 1, 2002 (otherwise the results will be incorporated into the plan by February 2003); and the findings of the CSDE during the initial site-visit. The subsequent two monitoring visits will assess the impact of interventions described in the CIP and help to inform any revisions needed to the CIP during the course of the year. Additionally, the CSDE will meet with the district at least three times during the year to discuss the results of the monitoring and the impact of intervention on district data specific to the five (5) outcomes of the Settlement Agreement. (See Appendix 35 for on-site monitoring documents and Appendix 33 for Self-Assessment and CIP documents.)

2. Monitoring general curriculum, out of district placements, promising practices, supplementary aids and services, and hearing officers' decisions

Participation and Progress in the General Curriculum

The CSDE will examine the participation and progress of students with ID on the CMT; CAPT; and CMT/CAPT Skills Checklist. Data will be examined by grade level for participation on any on-level or off-level CMT and/or CAPT subtest. The achievement levels will also be examined by grade level for each subtest. This data will be looked at by district as well as on a statewide basis. This review will be completed for the eight (8) focus monitoring districts by December 1, 2002 to include in the district's Self-Assessment and CIP.

Analysis of the entire state's data and interventions based on a review of the data have not yet been determined.

Out of District Placement

Each district's data will be examined annually to identify students with ID that are placed out of district and where they are being placed. This review will be completed for the eight (8) focus monitoring districts by December 1, 2002 to be included in the district's Self-Assessment and CIP.

Analysis of the entire state's data and interventions based on the review of the data have not yet been determined.

Use of Promising Practices

The CSDE has developed the SPBB and the Leadership-SBPP to assist CSDE, SERC, and school districts in identifying strengths and needs with regard to inclusive practices for students with intellectual disabilities. Use of the SBPP is required for school teams from the eight (8) *ID Focused Monitoring* districts which attend Stetson and Associates' *Step-By-Step* training. The results of a district's self-assessment when using these tools, as well as *the ID Focused Monitoring* that incorporates these tools into its design, will be utilized with those districts involved in *ID Focused Monitoring*. Other districts may choose to utilize this as part of their CIP development during Program Review, or otherwise, for school improvement.

CSDE will identify locations throughout the state that have promising practices for including students with intellectual disabilities into their home school, regular classes, and extracurricular activities and will utilize these sites for observation by other districts to enhance their own implementation of inclusive practice for students with intellectual disabilities. These promising practices may include actions or activities of individual staff, teams, school buildings, or districts.

Locations representing the use of promising practices will be identified through a multiple-step process including:

Step 1- Suggested locations will be identified through: (a) an examination of December PCI child count data for each district and within each ERG; (b) recommendations from CSDE and SERC consultants that have first-hand knowledge of locations that they consider as having promising practices in specific dimensions of the SBPP; (c) recommendations from independent consultants (known for their expertise in including students with intellectual disabilities) that have first-hand knowledge of locations that they consider as having promising practices in this

area; and (d) district self-identification of promising practices in educating students with intellectual disabilities with non-disabled peers.

Step 2- CSDE and SERC consultants will visit these locations and will use an observation rubric based on the SBPP to verify areas of promising practice.

Step 3- Results of this effort may be used to provide other districts with locations with verified promising practices sites to visit to enhance their own district's efforts in inclusive programming for students with intellectual disabilities.

Supplementary Aids and Services

Monitoring of supplementary aids and services will be conducted during ID focused monitoring activities as described in the section of this report entitled **V. Program Compliance Review (Monitoring), 1. Targeted, Data-Based Monitoring System, Focused Monitoring, ID Focused Monitoring.**

Additionally, English and Spanish versions of a written parent survey are being considered for statewide use for *Program Review and Focused Monitoring*. The survey is designed to gather information on parents' knowledge of and satisfaction with the use of supplementary aids and services in their child's special education program.

Hearing Officers' Decisions

The CSDE will monitor the implementation of hearing officers' decisions related to LRE for students with intellectual disabilities. Within fifteen (15) days of the rendering of the decision, a letter will be sent from the CSDE to both parties in the hearing (see Appendix 36). The letter will request that the parties inform the Due Process Unit of the Bureau of Special Education and Pupil Services regarding the implementation of the decision. The CSDE will review both parties' responses and will take actions, if necessary, to ensure the decision of the hearing officer is fully implemented. As necessary, the CSDE may request parties to submit documentation of implementation of the decision; order the district to implement the decision; and ultimately may

impose sanctions, including the withholding of state and/or federal funds and/or seeking a court order to implement the decision.

3. Continuous Improvement

The focus of CSDE monitoring activities will be to determine continuous improvement. Annual review of PCI child count data relative to each of the five (5) stated goals will occur. This analysis will examine districts that are discrepant from the ERG and state data, as well as the significance of change from the previous year. Additionally, other factors, such as the number of students with intellectual disabilities within a district, will be considered when making decisions about the next steps the CSDE will take with any particular district.

Districts that are then deemed not to be making satisfactory progress toward the stated goals established pursuant to this Settlement Agreement, or found deficient as a result of monitoring, will receive a focused monitoring by the CSDE. The design of the focused monitoring is to identify and provide solutions to the district's failure to make progress. This design includes a letter of concern and inquiry to the district by the CSDE with regard to each of those outcomes of the Settlement Agreement that are of question to the CSDE. The letter will require districts to submit an explanation and/or corrective action that include the identification of the area(s) of concern and provide solutions to these concerns. The CSDE will review the responses of the districts for acceptability and determine if further action needs to be taken. This determination will be based on the district's thoroughness in the analysis of the data; identification of conclusions that are linked to the data analysis; and the specificity and appropriateness of corrective action to address the identified conclusions. The CSDE may choose to accept the district's submission and then review the district's data in the subsequent year. Or, the CSDE may seek further action which may include written correspondence from the CSDE or a meeting between the CSDE and the district to seek clarification; discuss alternative analysis, conclusions, and solutions; or to order specific corrective actions.

4. Eight (8) LEAs Most in Need

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As part of its *Program Compliance Review* (PCR) for 2002-2003, the CSDE has identified eight (8) LEAs determined to be most in need, as evidenced by the CSDE's annual review of the December 1, 2001 data related to the stated goals of this Settlement Agreement. Those districts having twenty (20) or more students with intellectual disabilities were rank ordered based on the data of each of the five (5) outcomes of the Settlement Agreement. A combined ranking was determined and eight (8) districts were selected based on multiple factors including the individual data element's rank and combined rank; number of students with intellectual disabilities in the district; and amount of SERC intervention occurring already in the district. This focused monitoring activity in the eight (8) LEAs in year one is not meant to exclude other LEAs from monitoring activities required by this Settlement Agreement. Below are the specific activities for the eight (8) identified districts:

- a. Each district has been provided the relevant data reflecting identification and placement of students with mental retardation or intellectual disability in their district, ERG and state for their review and analysis.. The district will receive on-site technical assistance from the CSDE and SERC including a thorough description of the district's data relative to national, state, and ERG for prevalence, time with non-disabled peers, and education location.
- b. Each district will have at least one site visit by the CSDE scheduled prior to December 1, 2002 to begin the planning and monitoring process. The CSDE anticipates at least two other visits prior to June 30, 2003 for these purposes. The site visits will be conducted by at least one CSDE consultant assigned to the district for purposes of monitoring. The Commissioner's designated staff person will conduct at least one additional site visit to each district during the 2002-03 school year.
- c. By December 1, 2002, an initial annual improvement plan will be developed by each district in conjunction with CSDE and SERC focused on the stated goals of this agreement. This plan will be incorporated into each district's already existing Program Review Continuous Improvement Plan (CIP), if the district already has one on file with the CSDE; or if there is not a CIP already on file, the district will

develop this improvement plan as the district's CIP. As this plan is of a continuous improvement nature, the CIP may be refined throughout the 2002-03 school year to include results of the SBPP, which is required completion by February 2003, and any monitoring activities conducted by the CSDE during the 2002-03 school year.

- d. Each district's CIP will identify customized training and technical assistance for district staff in principles and strategies of effective and promising instruction in regular classes as determined appropriate through discussions among staff from the CSDE, SERC, and the LEA, utilizing the SBPP, the resource and research list and professional development matrix aligned with the six dimensions of the SBPP compiled by SERC (see Appendix 30), and other appropriate sources.
- e. Monitoring of districts' efforts toward achieving continuous improvement on the five (5) goals stated in the Settlement Agreement consistent with Section **II.** of the Settlement Agreement, will occur as described in items a-d above, and the section of this report entitled **V. Program Compliance Review (Monitoring), 1. Targeted, Data-Based Monitoring System, Focused Monitoring, ID Focused Monitoring.**

VI. Technical Assistance

1. Design and Implementation

System of Technical Assistance

A system of technical assistance has been designed and initially developed that will be available to all LEAs to enable them to extend and improve education in regular classes for students with mental retardation or intellectual disability. The system utilizes a designation for Level I, Level II, or Level III districts (see Appendix 26).

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During the 2002-03 school year, the training and technical assistance plan is initially designed to provide support to schools and districts on three levels:

Level I (One) Districts:

ALL Districts in Connecticut

- District specific ID data review (time with non-disabled peers, participation in extracurricular activities, time in general education) with follow-up focused monitoring letter as appropriate;
- Awareness level training regarding LRE provisions of IDEA '97, responsible inclusive practices;
- Assistance with SBPP self-assessment tool, interpretation of results and development of an action plan, including training needs;
- Presentations at school board meetings;
- Availability of federal "sliver grant" money as determined by CSDE.

Level II (Two) Districts

LEAs equal to or lower than .5 standard deviations below the December 2001 PCI child count state mean time with non-disabled peers for students with ID (state mean= 35.4%)

- Same activities as Level One Schools;
- Topical programming based on results of the SBPP self-assessment.

Level III (Three) Districts

Those schools identified by December PCI child count to be "in most need" of change: 20 or greater ID students and significantly discrepant data from state data for the December 2001 PCI child count on multiple goals of the Settlement Agreement

- Same activities as Level I and Level II schools;

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- Additional training and technical assistance as determined by CSDE on-site focused monitoring; SBPP; and other related needs identified by school/district;
- Additional resources, as appropriate (i.e.; independent consultants, fee waivers for SERC activities).

Given the interrelatedness of several SERC initiatives and their connections to the goals and outcomes of the Settlement Agreement, many SERC consultants will be utilized in the implementation of the training and technical assistance plan. Sarah Barzee, Co-coordinator of the *LRE/Inclusion Initiative* at SERC will dedicate the majority of her allocated training and technical assistance days to the Settlement Agreement training and technical assistance plan. In addition, other members of the SERC consulting staff will devote between ten (10) and twenty (20) days each to the training and technical assistance being provided to Level III districts. Several consultants will devote more time due to the inter-connectedness of their initiative with the dimensions of the SBPP. Each of the targeted eight (8) districts most in need will have an identified Lead Consultant from SERC who will work closely with CSDE.

The training and technical assistance plan will be further expanded during 2003-2004.

Qualified Specialists

The CSDE plans to utilize federal professional development funds to provide, as a component of the system of technical assistance, a sufficient number of qualified specialists to assist LEAs in carrying out their training, supervision, and support responsibilities specified in this Agreement. These specialists shall possess, in the CSDE's judgment, knowledge and skill in teaching students with mental retardation or intellectual disability in regular classes as well as expertise in assisting teachers and other personnel to accommodate and to support students with mental retardation or intellectual disability in regular classes, as specified in the Settlement Agreement.

Currently, the CSDE and SERC are working to identify persons from throughout Connecticut and neighboring states who have a reputation for facilitation and support for the implementation of services to students with intellectual disabilities in regular education environments and/or providing training and technical assistance to school personnel on including students with intellectual disabilities in regular education environments. With this information, the CSDE and SERC will begin to determine the number, level of qualifications, and availability of personnel to address this aspect of the Settlement Agreement. Once these persons are identified, the CSDE and SERC anticipate providing a list that includes: (1) specialists' names; (2) qualifications; and (3) area(s) identified by the individual of expertise that can assist LEAs in carrying out their training, supervision, and support responsibilities specified in the Settlement Agreement. The CSDE and SERC anticipate making this initial list available by late spring 2003, with periodic updates to be provided.

In addition, representatives of the CSDE have been meeting with a group of specialists, convened by the University Center for Excellence, to identify gaps in the number and expertise of qualified professionals in the state to provide technical assistance on issues of LRE.

The CSDE and SERC intend to have a more detailed plan in place by June 2003 to address this area of the Settlement Agreement. This plan will address questions including: (1) what constitutes a sufficient pool; (2) what makes for a qualified individual; (3) how should this pool be trained; (4) what should the training consist of; (5) who is best suited to do the training; (6) how does the CSDE and SERC deploy this pool or make them known to the LEAs; (7) what groups, organizations, or institutions are already doing this training; and (8) who should be included in the development of the plan (e.g.; University Center for Excellence, RESCs, SERC, Institutions of Higher Education).

2. CSDE Designated Staff

The State Commissioner of Education has designated Anne Louise Thompson, Education Consultant, in the Bureau of Special Education and Pupil Services, as the designated staff person

who, in the Commissioner's judgment, possesses the appropriate professional qualifications and experience, with responsibility to design, implement, and coordinate all efforts under this agreement, including technical assistance. Ms. Thompson will be facilitating and coordinating the responsibility for the progress in implementing the terms of this agreement and the good faith efforts of the CSDE in meeting the five (5) stated goals set forth in Section **II.** of the Settlement Agreement.

Ms. Thompson has been provided with administrative support including direct access to the Associate Commissioner, Division of Educational Programs and Services; Chief, Bureau of Special Education and Pupil Services; and Chief, Bureau of Early Childhood and Social Services, in addition to periodic meetings with the Commissioner of Education. Additionally, she has been provided with secretarial support, access to the Bureau's business manager, a data/research consultant and eight (8) education consultants (the equivalent of three (3) full-time consultants) to assist in performing the functions set forth. The CSDE has made available workspace, phone and computer technology, and other necessary office resources/materials. She serves as the liaison to members of the Expert Advisory Panel.

3. EAP Advice and Recommendations

Refer to **Section IX** of this report regarding the advice and recommendations of the EAP provided to the CSDE at their August 13 and 14, 2002 meeting in Hartford.

VII. Parent Involvement

In the spring 2002, the CSDE received mailing addresses for families of students with intellectual disabilities from all district in CT. A data base was created and a court approved notice of the hearing regarding the Settlement Agreement was mailed to each parent or guardian (refer to INTRODUCTION section of this report). In addition in the fall 2002, any family on the mailing list will receive a copy of SERC's *LRE/Inclusion Initiative* Professional Development

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Booklet and a copy of SERC's *Families As Partners* Booklet in the mail (see Appendices 37 and 38).

Deborah Richards, Education Consultant, Bureau of Special Education and Pupil Services, is coordinating parent involvement, with the advice and assistance of the Connecticut Parent Advocacy Center (CPAC) on education programs, to enable parents of class members to appropriately advocate for the education of their children in least restrictive environments. On going funds will be provided to CPAC to support the parent training initiative identified in this Settlement Agreement for class members and the implementation of 20 U.S.C. 1412(a)(5)(A).

Ms. Richards and Nancy Prescott, Executive Director of CPAC, Connecticut's federally-identified Parent and Training Information (PTI) Center, held an initial meeting on September 25, 2002. CPAC is required to work closely with other parent-centered groups, such as the Connecticut Coalition for Inclusive Education, in the design and conduct of this training. Parent advocacy groups throughout the state were invited to this meeting to discuss programs that will provide for continued education and training for parents in the development of IEPs, management and teaching activities and routines, and the development of active parent groups, as stipulated in the Settlement Agreement. The following groups were invited to attend: African-Caribbean American Parents (AFCAMP); CARC; Connecticut Birth-To-Three System; Connecticut Coalition on Inclusive Education; Department of Mental Retardation (DMR); Down Syndrome Congress; Family Voices; HARC-Hartford Association for Retarded Citizens; Padres Abriendo Puertas (PAP); Parents Available to Help (PATH); and University Center for Excellence (UCE). An open invitation was extended to any of these groups to invite other groups that the CSDE and CPAC may have inadvertently omitted, to participate in the September 25, 2002 meeting. This meeting resulted in the gathering of information by the CSDE and CPAC in order to develop a plan for training. This plan will be completed later this fall.

The CSDE is maintaining a mailing list data base of parents whose children are members of the class, as well as other parents who have requested to be placed on the mailing list, even though

their child is not a class member. This mailing list will be used for purposes of informing the parents of class members of training opportunities. Additionally, the surrogate parents appointed by the CSDE for purposes of educational decision-making for students who are class members have also been included in the mailing list data base.

An alert has been sent out in the newsletters of the ARC-CT, Coalition for Inclusive Education, the Connecticut Parent Advocacy Center (CPAC), and SERC providing recipients with a contact phone number at the CSDE (Deb Richards, Education Consultant, Connecticut Department of Education, Bureau of Special Education and Pupil Services), as a resource to answer any questions about class membership.

Current activities regarding the dissemination of information to parents from the CSDE regarding the Settlement Agreement have included a presentation at the *Statewide Family Support Conference* in May, 2002; a presentation at the *CT Association for Education of Young Children Conference* on September 28, 2002; a planning meeting on September 25, 2002 with DMR to design joint training for DMR case managers and families; and the acceptance of an invitation to do a presentation for the statewide *CT Down Syndrome Congress Conference* on October 5, 2002.

VIII. Complaint Resolution Process

The CSDE is currently reviewing its complaint resolution process to resolve complaints pursuant to 34 C.F.R. § 300.660 and all directives of the U.S. Department of Education regarding what is required of the complaint resolution process. The CSDE anticipates issuing revised guidelines on the complaint resolution process by the spring of 2003.

IX. Expert Advisory Panel (EAP)

An Expert Advisory Panel was established to advise the parties and the Court regarding the implementation of this Agreement. This EAP consists of four individuals agreed to by both

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parties of the Settlement Agreement. The agreed upon members include Dr. Leonard Burrello; Dr. Alan Coulter; Dr. Sharon Freagon; and Dr. Wayne Sailor (see Appendix 4)

The Commissioner of Education convened the Expert Advisory Panel in Hartford on August 13 and 14, 2002, within ninety (90) days (August 20, 2002) of the effective date of this Settlement Agreement (May 22, 2002). See Appendix 39 for the agenda of the meeting. The EAP and the CSDE has jointly developed a schedule of three more visits to Hartford, prior to June 30, 2003. These dates are set for October 23 & 24, 2002; March 6 & 7, 2003; and May 1 & 2, 2003.

The CSDE informed the EAP of their responsibilities as stipulated in the Agreement by providing them with a copy of the Settlement Agreement and a list of those responsibilities during the August 2002 meeting (see Appendix 40).

The EAP was provided an electronic version, minus the appendices, of this Annual Report via e-mail on September 30, 2002, as well as a complete copy of the text and appendices by mail.

The CSDE utilized the EAP in an advisory and resource capacity during and subsequent to the August meeting.

The CSDE provided the EAP expectations regarding confidentiality of the material to which they may have access. This was presented at the August meeting and included in the signed **Memorandum of Understanding** established with each of the EAP members. (see Appendix 41)

Confidentiality

In the Settlement Agreement, Section **I. Class Members, 3.**, the parties agreed to jointly develop procedures and protocols that will protect the confidentiality of client specific data and student records. While this calls for current procedures and protocols, there were two previously

existing court orders with respect to this case regarding disclosure that remain pertinent at this time, one is a **Protective Order** from December 11, 1992 and the other is a **Stipulated Order** from April 26, 1996.

On December 11, 1992, a **Protective Order** was issued which applied to “any computer tapes, discs, diskettes, or other computer records which the CSDE may turn over to the plaintiffs at any time during the course of this case.” The Plaintiff’s counsel was made responsible for seeing that every individual, group, or organization given access to or use of said material was provided with a copy of this order. This order explained further that no individual, group, or organization having access to these materials may disclose to anyone or make use of the following information without prior written authorization from the CSDE or the Court; (1) student names and other personally identifiable information; (2) teacher names and social security numbers; (3) test item data and any information which could jeopardize the security of test items or answer keys.

On April 26, 1996, a **Stipulated Order** was filed by the Court regarding an appropriate sample of student files to address the issues raised in the lawsuit. This order indicated that disclosure of any personally identifiable information obtained through discovery may not be disclosed to anyone other than counsel or the Court.

In addition to these two prior orders, the Settlement Agreement stipulates in Section **I. Class Membership, 3.** of the Settlement Agreement that the CSDE’s cooperation with the plaintiffs, when the plaintiffs are gaining access to data and files relating to class members, is to the extent allowed by state and federal statute. Dialogue between the parties began on August 14, 2002 regarding disclosure of personally identifiable information with respect to this clause. Currently the CSDE is seeking clarification with the U.S. Department of Education (USDOE)- Office of Special Education Programs (OSEP) and Family Education Rights and Privacy Act (FERPA) staff regarding the parameters of FERPA addressing the release of personally identifiable information in a court action and the need for parent informed consent prior to releasing that

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information. As of the date of this report, no agreed upon procedures and protocols have been jointly developed that will protect the confidentiality of client specific data and student records, nor has there been a response from USDOE, FERPA staff, or OSEP staff. Therefore, this report does not disclose any personally identifiable information of the class members.

Reimbursement

A **Memorandum of Understanding** established with the EAP members included reimbursement language addressing reimbursement for reasonable expenses, subject to prior approval and regular state procedures (see Appendix 41). As of this date three of the four EAP members have given written agreement to this understanding. The CSDE is dealing with the remaining member's employer regarding agreement to the **Memorandum of Understanding**.

X. Payment

The Defendants made a one-time payment of \$675,000.00 for attorneys' fees and costs, payable to Attorney David Shaw, attorney for the Plaintiffs, on June 20, 2002, within ninety (90) days (August 20, 2002) of the effective date of the approval of this agreement (May 22, 2002).

XI. Total Agreement

No information needed for this section.

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