



U.S. Representative • 9th CD, New York • Brooklyn-Queens

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Report

FAILING SPECIAL EDUCATION

**Education Reorganization
Has Wreaked Havoc on Special Ed**



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EXECUTIVE SUMMARY

Last April, Mayor Bloomberg "reorganized" special education by consolidating 32 special education district offices into 10 regional offices, and eliminating 1,400 staff positions. Since then, case backlogs have skyrocketed, service delays have lengthened, referrals and enrollments have declined, and

frustrated parents haven't been able to get the answers they need.

The result has been dramatic: fewer kids being referred for the services they need and fewer being enrolled, an expanding backlog of unprocessed special ed cases, long waits for services, and busy signals, unanswered phones and full voice mail boxes in the offices of the officials charged with addressing parent concerns.

HIGHLIGHTS OF THE WEINER SPECIAL EDUCATION STUDY :

- Since the Mayor's reorganization, the backlog of students who have been evaluated but who are still waiting to find out whether they need special education has grown from 12,997 to 28,640, a jump of 120%.
- The number of students referred for special ed evaluations has declined 10% since the reorganization, dropping from 134,678 in 2003 to 129,969 in 2004.
- The number of students enrolling in special education dropped 10% since the Mayor's reorganization, dropping from 21,020 in 2003 to 18,832 in 2004.
- After the reorganization, 9,956 students found to be in need of special education services were forced to wait longer than the legal time limit (60 days) to get them.
- The administrators parents are supposed to call with concerns about special ed are often impossible to reach: in a recent survey, 55% of phone calls to the Committees on Special Education and 53% of phone calls to Regional Administrators of Special Education went unanswered or unreturned.

To conduct the Weiner Special Education study, Weiner staff consulted the Mayor's recently released 2004 Management Report, media reports, and two studies conducted by the Public Advocate's Office. To ascertain the responsiveness of the Committees on Special Education and the Regional Administrators of Special Education, Weiner staff placed 117 calls to all officials in the respective regional offices.

SPECIAL EDUCATION IN NEW YORK CITY

More than 170,000 students in New York City's public schools receive some special education services. These students have a range of disabilities (i.e. emotional disturbance, hearing impairment, severe retardation, autism), and are served in a variety of ways (i.e. tutoring, extra guidance, physical therapy, separate classes, extra instruction in a general education class).

There are a number of steps in the process for receiving special ed services. Those steps are outlined below, and changes made by the Bloomberg administration as part of his "overhaul of special education" in the spring of 2003 are discussed.

Step 1: Referral to Special Education

What?

Students suspected of having a disability are referred to a multidisciplinary team called the Committee on Special Education (CSE).

A CSE includes a:

- parent of the student
- regular education teacher
- special education teacher
- school district representative with special education expertise
- individual who understands student evaluation and instruction
- parent representative (parent with child in special education)
- school psychologist
- school physician (upon request)
- others who know the student
- the student (if appropriate)

Who?

A parent, teacher, school professional, judicial officer, or another designated official in a public agency can refer a student for special education.

How?

A written statement is sent to the Committee on Special Education (CSE), housed at one of 10 regional administrative offices. Each regional office oversees approximately 120 schools.

After a referral has been received, a parent is asked for written consent in order to evaluate their child and help determine if special education services are needed.

What's Changed?

- Since Mayor Bloomberg came to office referrals to special education have dropped 10%. This includes students who have never been referred to special education before (i.e. initial) and students who have previously been referred to special education (i.e. ongoing).

Students Referred for Special Education	2000	2001	2002	2003	2004	% Drop 2000-04
Initial	34,222	29,434	30,235	32,811	31,150	10%
Ongoing	97,581	93,846	87,801	90,967	87,173	11%
Carry-Over from Prior Year	11,823	13,225	10,491	10,900	11,646	1%
TOTAL	143,626	136,505	128,527	134,678	129,969	10%

Why Have Referrals to Special Education Dropped?

- More than 40% of principals and school psychologists surveyed by the Public Advocate's office confirmed that they were instructed to keep referrals and evaluations of special education students down. Many indicated that as part of the Mayor's process of completely overhauling special education (i.e. consolidating 37 district offices into 10 regional offices, eliminating 1,400 special education administrators to focus resources more in the schools, and designating new responsibilities among remaining staff), they were told to wait on referrals until the overhaul had taken hold.

Step 2: Evaluation for Special Education

What?

The Committee on Special Education arranges for an evaluation of a student's abilities and needs. The evaluation is done

Who?

A school psychologist conducts an evaluation of a student referred to

How?

A school psychologist uses various assessment tools and strategies to determine what a child's learning difficulties may be and how those

at a child's school once written consent is provided by a parent or guardian.

Once the evaluation is completed, a meeting of the Committee on Special Education is held, including the parent, to report the findings of the evaluation and to develop recommendations for services the child will need.

As a result of an evaluation, special education services may be deemed inappropriate for a child. However, if services are needed, an Individual Education Plan (IEP) will be developed (*IEP explained in next step*).

special education.

Before Mayor Bloomberg's reorganization, evaluation was done in tandem by a psychologist and an education evaluator. The 1,100 educator evaluator positions were eliminated, leaving psychologists to evaluate children alone.

difficulties affect participation and progress in the general education curriculum.

An initial evaluation must include:

- a physical examination
- a psychological evaluation (if appropriate)
- a social history
- observation of child in current education setting
- other appropriate tests or assessments (i.e. speech / language assessment)
- vocational assessments

What's Changed?

- Since Mayor Bloomberg came to office the number of referrals that have resulted in recommendations regarding special education services has dropped 27%. Nearly 16,000 more uncompleted cases took place in the year following the Mayor's reorganization (i.e. 28,640 in 2004) than in the year before it (i.e. 12,997 in 2003). This includes students who have never been referred to special education before (i.e. initial) and students who have previously been referred to special education (i.e. ongoing).

	2000	2001	2002	2003	2004	% Drop 00-04
Uncompleted Referrals	22,608	17,177	14,145	12,997	28,640	-27%
Initial	8,485	5,792	7,223	7,491	9,603	-13%
Ongoing	16,903	12,716	10,338	9,473	20,966	-24%

Why Have Recommendations for Special Education Dropped?

- All 1,100 education evaluators, who worked in tandem with school psychologists to evaluate potential special education students, were eliminated as part of Mayor Bloomberg's reorganization. As a result, school psychologists were being required to do twice as much work and given new responsibilities, with inadequate or no formal training.
- 97% of school psychologists and 86% of principles surveyed by the Public Advocate's office indicated that Bloomberg's reorganization has negatively impacted the effort to refer or evaluate special education students.

Step 3: Creating & Implementing an Individual Education Plan (IEP)

What?	Who?	How?
The Committee on Special Education meets and creates an Individual Education Plan (IEP) for a student.	The Committee on Special Education, of which a parent is a part, develops a student's IEP.	The IEP evolves from a discussion among the Committee on Special Education that begins with how a child is doing in school and then focuses on the goals a child should be working toward.
The IEP includes the following:		

- Child's name and disability • Child's current abilities, needs, and evaluation results • Annual goals and objectives • Services which will be provided (i.e. what, how often, how long) to meet child's goals • Special equipment needed in school • Special ways, if any, for taking tests • Supports for teachers to implement IEP

Once the IEP is created, a placement officer, employed at the regional level, helps find the right services and location to implement a student's IEP. This can be in the same or different school that a child is currently in depending on available resources (i.e. therapists, special ed classes).

A placement officer works to implement the IEP within the 60 day timeline, as mandated by law from the time a parent gave consent for their child to be evaluated.

As part of Mayor Bloomberg's reorganization, 300 special education supervisors, who monitored compliance with the 60-day timeline for implementing IEPs, were eliminated.

The Committee discusses the supports and services and modifications that the child needs to reach those goals.

Finally, the Committee determines where those special education services will be provided (i.e. location and placement). The location where services will be provided and the student's placement must be in the least restrictive environment (LRE), where a student is only put in separate classes when necessary.

What's Changed?

- Since Mayor Bloomberg took office, the number of students enrolling each year in special education has dropped 14%.

Students Enrolling in Special Education	2000	2001	2002	2003	2004	% Drop 2000-04
	21,933	19,041	18,692	21,020	18,832	14%

- Under federal law, a school district must begin providing services to a child within 60 days of a special education evaluation. However, following the Mayor's reorganization (i.e. in the 2004 school year), 9,956 cases were over the 60-day legal limit for providing special education services, nearly twice as many as the 5,257 cases under the old system in 2001. Recommendations for services provided within 30 days have also dropped, 28% since the Mayor's reorganization.

Recommendations for Services within 30 days	2000	2001	2002	2003	2004	% Drop 2000-04
	64,168	68,626	69,629	72,740	52,038	19% (28% from 2003)

Why Are Fewer Students Enrolling in Special Education and Why Have There Been Greater Delays in Recommendations for Special Education?

- The positions of 1,100 education evaluators have been eliminated creating a significant backlog of the evaluation, IEP creation, and placement process.
- 300 special education supervisors, who monitored compliance with the 60-day timeline for implementing an IEP, were eliminated. The administrators overseeing special education were reduced by half.

Step 4: Annual Reviews and Triennial Re-Evaluations

What? Who? How?

At least once a year a student's IEP must be updated by the Committee on Special Education.

The Committee on Special Education, of which a parent is a part, reviews a student's IEP.

The review and re-evaluation processes are handled as they were initially when a student entered special education.

At least once every three years a student must be re-evaluated.

A psychologist re-evaluates a student as necessary.

Any changes in a student's IEP or enrollment in special education school reflect the student's evolving needs and goals.

What's Changed?

- Since Mayor Bloomberg took office, referrals for annual reviews have dropped 14% as students receiving special education services are increasingly moved out of special education programs.

Special Education Referrals	2000	2001	2002	2003	2004	% Drop 00-04
Annual Reviews	48,533	46,597	47,171	45,846	41,829	14%

- Since Mayor Bloomberg took office, the percentage of special education students dropping out has steadily grown from 45% to over 56%.

Special Education Dropout Rate Within 7 years	2000	2001	2002	2003	2004	% Increase 00-04
	45.5%	50.2%	52.6%	56.4%	n/a	19%

Why Are Students Being Moved Out or Dropping Out of Special Education?

- Schools and administrators must invest greater time, energy, and resources to students enrolled in special education. With cuts in personnel and the inadequate training that have resulted from Mayor Bloomberg's reorganization, it is not surprising that students are being served less effectively. Sadly, this has resulted in the disturbing trends of increased dropouts and the pushing of students out of special education.

Step 5: Resolving Concerns

What?	Who?	How?
Parents with concerns are encouraged to direct their concerns to school personnel, such as a teacher, guidance counselor, or assistant principal.	Parent Coordinator: each school has a paid parent coordinator intended to serve as a liaison between the school and parents	Phone numbers for parent coordinators, committees on special education, and regional administrators of special education are posted on the Department of Education's website. Some of these numbers, usually for the CSEs, are also provided in printed publications such as "Back to School Parent's Guide."
In the event that issues are not effectively addressed at the school level, parents have been instructed by the Mayor and the Chancellor to contact their:	Committee on Special Education (CSE): each region (120 schools) has a CSE to handle issues regarding special education placement and evaluation.	
1) Parent Coordinator	Regional Administrator of Special Education (RASE): each school has a RASE responsible for 10-12 schools to handle issues regarding the delivery of special education services.	
2) Committee on Special		

Education

Each region (120 schools) has a lead RASE.

3) Regional Administrator of Special Education

What's Changed?

- Parent Coordinators, regional Committees on Special Education, and Regional Administrators of Special Education have all been created as part of Mayor Bloomberg's reorganization reforms. In the course of phone calls to all CSE and RASE personnel by Congressman Weiner's staff, fewer than half yielded a person or a returned phone call. In fact, unsuccessful phone calls (i.e. unreturned call after at least 4 days, disconnected number, full mailbox, kept ringing) marked the majority of calls made to the CSEs, RASEs, and Parent Coordinators.

Unsuccessful Phone Calls	Parent Coordinators	CSEs	RASEs
	62%	55%	53%

Why Have Parent Coordinators, CSEs and RASEs Been So Unresponsive?

- For each of the city's nearly 1,200 schools there used to be 2 special education administrators. Since the reorganization there is not even 1 administrator for every school (i.e. 100 now oversee 130 schools).
- Parent Coordinators are not effectively supervised by Regional Parent Support Office Supervisors.

EDUCATORS IN THEIR OWN WORDS

- ▶ "It's imploded. They have drained so many resources from the system."
-Dr. Mary Sanford, special education coordinator, Lehman H.S. in the Bronx
- ▶ "This is the first year in more than 20 years doing this job that I've felt the administrative structure has dramatically got in the way of committed professionals trying to help kids."
-John Farago, senior state special education hearing officer
- ▶ "We did hold off on referrals. The principal said, we're so overburdened, let's hold back a few months."
-Dr. Bradley Atlas, psychologist at PS 41 in Queens
- ▶ "Some of these kids are sitting at home for weeks and weeks with no instruction, waiting for a placement."
-Christopher Tan, lawyer with Advocates for Children
- ▶ "We used to have, at the local district level last year, someone to inform the school that new children were coming in [to special education]. That system is no longer in place. We just have people coming in from the woodwork."
-Millie Baj, Assistant Principal at P.S. 277 in the Bronx
- ▶ "The phone system was not set up in a way that works. There is no switchboard,

only a menu. Some phones have voice mail, some do not. The people who used to have those phones no longer work there. Their voice boxes are full. The people who work there now do not have the former occupants' passwords, so they can't empty voice mail, and the menu has not been updated to include everyone."
-Cecilia Marchetti, psychologist at Lehman High School in the Bronx

▶ "There are so few people in the regional offices. It's the weakest link. People in the region are struggling to keep up. Callers can't get through to us; mailboxes are full."

-Dr. Krieger, a Region 3 Queens Supervisor

▶ "These kids need to be re-evaluated, they need smaller, more supervised classes, but there's no time to re-evaluate them."

-Catherine Dahlberg, psychologist at Bronx School for Career Development

▶ "Several people at the regional and school level told me to close the cases. The message was to make them disappear."

-Abigail Connolly, psychologist, P.S. 32

CONCLUSION

Over the last year, three major New York Times articles have highlighted the deficiencies in Mayor Bloomberg's reorganization of special education:

- ▶ Students and Records Overlooked in Special Education Overhaul (02.18.04)
- ▶ Gotbaum Seeks to End Backlog For Special Ed (05.03.04)
- ▶ City Retools Special Education But Pupils Slip Through Cracks (07.04.04)

In each article, representatives of the Department of Education rejected criticism of the reorganization and, in one, even claimed "it was a good year." In the wake of recent surveys and data from the Mayor's own Fiscal Year 2004 Management Report (September 2004), it is time for the Mayor to admit that students are being denied the services to which they legally entitled and parents are once again being left out of the conversation to improve their children's education.

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