

Report on Special Education Completers

In Response to Press Releases by
The New York State Education Department
On April 29, 2003



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Positive Spin

In a Monday, April 29, 2003 press release by the State Education Department a somewhat rosy picture was painted for special education children over the past 6 years. The state's press release points out ostensible victories, while placing troubling news such as the achievement gap, middle school performance and school age declassification rates on second stage.

Report Card on Students with Disabilities Shows Improvement, with Continuing Achievement Gap

(From April 29, 2003 SED press release)

The State's Report Card on special education students, released today, shows:

- For the first time ever, over half of all special education students are now placed in general education classes for 80 percent or more of the school day.
- Fewer minority students are over-represented in special education.
- Placement of students in special education declined for the first time last year.
- More students than ever are declassified out of special education in preschool, as a result of legislative reforms enacted six years ago. But school-age declassification continues to be low.
- Achievement among students with disabilities is improving in elementary school English and middle school English and math. Middle school achievement also remains unacceptably low.
- More students with disabilities are passing Regents Exams overall but the percentages are down for some exams, including English. (Special education students do not have to pass Regents Exams to graduate from high school.)
- More students with disabilities are getting Regents Diplomas (requiring eight Regents Exams) and local diplomas.
- Big gaps exist by race and ethnicity and school district wealth, and by whether students are in general education classes or not. But some of the gaps are closing.

Newspapers across the state touted the gains, most specifically the reported increases in diplomas and the decrease in the classification rate. Erika Rosenberg of the *Democrat and Chronicle* (April 29, 2003) reported in, ***More disabled pupils graduating from NY***

schools that “Thousands more disabled students are graduating from high school than were six years ago, which shows the state was right to insist on higher performance, Education Commissioner Richard Mills said Monday.”

The *Albany Times Union*’s headline read, “*Special students making the grade, State report says more getting Regents degrees, going to college.* And the *New York Times*, albeit a little more cautious, proclaimed, Slight Dip In Special Ed Students Statewide.

Problems Verifying Data

Unfortunately, SWD data is incompletely reported by the New York State Education Department, making verification of the data and complete trend analysis impossible. The 655 report to the governor and legislature that is due February 15th of each year by law will not be delivered (as usual) by no earlier than June (4 months late!). Furthermore, different data is reported in the 655 report than is presented in the School Report Cards that were released early in April. And, the information on the Special Education Report Card is not available at all. The only information that can be found by school district personnel and the public is available in press-release format, in the form of presentations using selective data. Information required under IDEA federal law in the annual IDEA report is in yet another form and either difficult or impossible to retrieve at the local and state level.

What We Do Know

Most gains reported are mitigated by profound damages to students with disabilities. While miniscule gains have been made over a half-dozen years in the areas of minority student representation, pre-school classification rates) and elementary test scores, unreported statistics (in no press releases or in readily available documents) clearly demonstrate few gains and many troubling trends.

- We know that the reported one-tenth of one percent decline in SWD classification rate has been termed a success, while in the very same year, (2002) the diploma rate decreased by 9.3%. Nearly 1000 fewer students received a diploma of any type.
- After 6 years of reform, the declassification rate has decreased, more than making up for any claimed decreases in the classification rate.
- We know that the pass rate of Regents exams has decreased, yet the state touts the increased numbers passing (Monk, Sipple and Killeen (2001,2002)).

- We know that the state claims that more students with disabilities are receiving Regents diplomas but do not have access to their test results as is done for regular education students and required by NCLB.
- We know that SED press release states that more students are getting Regents AND local diplomas combined, yet total completers are down by nearly 1000 and SED has not made available any SWD dropout statistics for 2002.

Students With Disabilities

Statistical Analysis of Completers and Dropouts

(All data extracted from SED's 655 reports, School Report Cards & Annual Report to Congress)

A	B	C	D	E	F	G	H	I	J	K
<u>Total SWD Enrollment</u>	<u>Total Completers</u>	<u>#Local Diplomas</u>	<u>%age Local to A</u>	<u>#Regents Diploma</u>	<u>%age Reg to A</u>	<u>Local + Reg Diploma</u>	<u>%age to A</u>	<u># IEP Diploma</u>	<u>%age to A</u>	<u>#Dropped Out</u>
'97 357,803	11664	7076	60.66%	623	5.34%	7699	66.00%	3685	31.59%	8610
'98 369,605	12501	7479	59.82%	774	6.19%	8253	66.01%	4031	32.24%	7556
'99 375,405	12832	7774	60.58%	864	6.73%	8638	67.31%	4039	31.47%	9276
'00 375,656	14255	7587	53.22%	1115	7.82%	8702	61.04%	4699	32.96%	8586
'01 383,315	14448	7694	53.25%	1329	9.19%	9023	62.45%	4551	31.49%	9594
'02 na	13469	7192	53.39%	1839	13.65%	9031	67.05%	4265	31.66%	na

Table 1

In spite of the claims of a decreased classification rate, we know that the total **number of students classified** as students with special needs has risen every single year listed in the School Report Card (1997-2002). In fact, there has been an astonishing increase of 25, 512 students. At the same time the state has boasted the “dramatic” increases in high-school completers of 1805 students. A more accurate read might be to look at the percentage of diploma earners in relationship to the number of students with disabilities that complete four years (column H). In 1997 the diploma rate was 66%. If we compare that figure to 2001, which the state touts as its best total completer year, the diploma completion rate has actually declined by nearly 4% to 62.45%. The diploma rate in 2002 is 67.05%. The diploma rate in 2001 also experienced a decline compared to 1997 figures (5% decline).

IEP diplomas have held a steady percentage of the completion picture. One would think that after six years of “high standards,” that there would be a significant decline in this category. Not so. In fact, the IEP ratio to completers has stayed nearly frozen, yet the numbers of IEP diplomas have increased by as much as 23% in 2001 and 15.7% in 2002.

SWD dropouts

This topic has been completely ignored in SED press releases, and for good reason. Finding these data have proven to be no small task. It is unavailable in 655 format and the School Report Card. It did not appear in any of SED presentations the week of April 29, 2003 Special Education press releases. Two federal IDEA reports produced this critical information. Since 1997 special education students dropped out in ever-increasing numbers. In 1997, 8,610 students with disabilities dropped out of school after age 14. In 2001 (the last figures available) 9,594 students dropped out. This represents nearly 1000 additional dropouts of students with disabilities or an 11.43% increase! Does the increase of 1800 diplomas justify nearly the same number of dropouts and additional IEP diplomas? Reasonable statisticians would call this a mathematical wash. Those caring for the loss of children would call the nearly 1800 additional dropouts and IEP diplomas one of the most immoral events in the history of public education.

It is a well-established fact that the dropout rate is underreported. Commissioner Mills knows this and has referred to it as fact. In the November 9, 2002 edition of the *New York Post*, Carl Campanile reported on the 160,000 students that were “pushed out” of New York City Schools. It was reported by Advocates for Children that city schools were systematically pushing kids out to avoid classification as a “dropout.” That brings us to the IDEA dropout statistical report category of “Left, but Known to Continue.” Not only have New York dropout statistics increased dramatically for students with disabilities, but the “Left, but Known to Continue” category has increased as well. Advocates for Children has since filed suit in this matter. The Advocates for Children report and the John Sipple study of 2002 lead one to believe that the dropout rate, in reality, is much higher than reported.

Other Anomalies

In the Twenty-third Annual Report to Congress on the Implementation of the Individuals with Disabilities Education Act, released on May 10, 2002, additional data can be found that is difficult or impossible to locate via SED. Since the federal government uses the age of 14 as the beginning age to start calculating dropouts, it is important to examine statistics of those 14 years of age and older.

Students With Disabilities			
All Classifications			
1999-2000 (last available data)			
	<u>14 Year Olds</u>	<u>18 Year Olds</u>	<u>%age of 18 yr. Olds to 14 yr. Olds</u>
U. S.	429,452	188,704	43.94%
N.Y.	32,281	14,187	43.94%

Table 2

It is difficult to imagine that after several years of reform and “higher standards,” the classification rate in New York, the State of Learning, is no greater than the average of all 50 states and the District of Columbia.

Students With Disabilities
All Classifications
1999-2000 (last available data)

6-17 year olds

U.S.	12.13% Classification Rate
N.Y.	11.26% Classification Rate

Table 3

The 6-17 year old age group generally consists of the beginning and end of classification for school-age children. Thus, the category as established by the federal government. Again, one would expect more progress from New York in relationship to the rest of the country. The 24th Annual Report to Congress should shed additional light on this area of concern.

As described in Table 1, the percentage of local diplomas has remained flat for the six year reporting period, yet SED press releases state that “more students with disabilities are getting Regents and Local diplomas.” Clearly that is not the case. In 1997 there were 7076 local diplomas earned with a total SWD cohort of 357,803 while in 2002 there were only 7192 local diploma earners (116 more than 1997) with a total SWD cohort of approximately 380,000 students.

The State Education Department contracted with John Supple and Kieran Killeen to study how performance standards have changed school practices. SED did not like the results. Subsequently, they began to criticize the size of the sample (107 of a pool of 643 districts). Clearly the sample is valid by statistical sampling measures.

The study revealed that:

- 27.7% of Superintendents and principals report that dropout rates are increasing in response to changes in the NY State Learning Standards
- Approximately one-half of all superintendents and principals concur that GED enrollment is increasing in response to changes in the standards
- As with GED, about one-half the administrators report increasing referrals to alternative education programs

Anecdotal information from special educators and administrators inform us that a shift in special education placements is taking place at the upper grade levels. Analysis of one Western, NY school district with average classification rates tells us that the number of high school students being classified is escalating. Interviews have told us that the reasons for this change is the pressure to get diplomas for students with disabilities. Older age classifications can and do yield more local and Regents diplomas. Sophisticated parents wanting their children to graduate with a Regents diploma will search for a classification to enable their children to take advantage of testing modifications and additional services. Those in danger of failing the ELA or Math A exams will seek classification to access the Regents Competency Tests.

Summary/Conclusion/Recommendations

The complete statistics as they relate to special education and regular education need to be reviewed and made readily and easily available for public scrutiny, in order to offer any constructive analysis and suggestions. State supplied data continue to be:

- Extremely difficult to obtain
- In different formats in different reports (School Report Card, 655 report and Annual Special Education Report to Congress)
- Disseminated too late to do any good. Several important state special education reports' newest data are 4 years old.

As Regents diplomas for special education students have increased, IEP diplomas, dropouts and the special education cohort has increased, in some cases, dramatically. GED and alternative placements have increased as well. Local diplomas have remained flat. The State Education Department has been rightly excoriated for the poor quality of the exams (unprecedented errata rate in past 5

years), harmful assessment design (bowdlerizing of 11th grade ELA three times running), the setting of indefensible cut scores for the June 2002 Physics and Chemistry exams (in litigation), altering cut scores for the 2001 eighth-grade ELA, ridiculously and progressively easier passing scores on the high-stakes Regents exams, a failure to meet legal deadlines for reporting data and most egregious, the failure of the State Review Officer to decide special education challenges within the 30 day limit set by federal and state laws. Currently, the commissioner is being sued via two class-action law suits on this last issue.

From “spun” data to improper practices, SED is mired in a position that appears to defend a failed reform at all costs. The costs are high. We are losing our students. They are failing and disappearing. We will pay dearly, as this new class of dropouts will be tomorrow’s prisoners. In a recent study cited by Jay Hubert of Columbia Law School, national statistics indicate that special education students with a diploma are about 20% likely to end up in jail, while special education students without a diploma are about 60% likely to end up behind bars. The following statistics are from the Vermont Department of Corrections:

- 95% of the incarcerated population under 22 years of age are High School “dropouts.”
- Greater than 40% of the youth incarcerated in Vermont Prisons have prior Special Education Histories.

There appears to be an integrity vacuum and a desperate need for SED to “stay the course,” as Commissioner Mills is want to repeat, regardless of consequence to our children; our future. It is imperative that all the data are made available in a timely manner and without biased “spin.” An independent investigation of the special education reporting system as well as the 655 and the School Report Cards are long overdue. Failure to correct the practices of the past six years will inevitably lead to more and continued harm to our children.