

July 14, 2005

Dr. Bruce Harter, Superintendent
Brandywine School District
1000 Pennsylvania Ave.
Claymont, DE N280

Dear Dr Harter:

In order to carry out its general supervisory responsibilities under the Part B requirements of IDEA '97, the Delaware Department of Education must monitor districts and agencies to ensure that students with disabilities are identified, evaluated, and receive a free appropriate public education (FAPE) in the least restrictive environment (LRE). The Department's goal is to make sure programs are more effective so that there are positive outcomes for students, ensure that federal and state requirements are followed, and verify that the protections guaranteed to students with disabilities and their parents are enforced.

There are numerous activities in which the DOE engages to carry out the general supervisory responsibility, including the investigation of complaints and managing the due process and mediation system, conducting yearly on-site visits in every district through the September 30 audits requiring self-assessments and improvement plans from all districts, and now, focused monitoring.

The April visit to Brandywine was informative and validated many of the strategies for improvement previously identified by the District.

The focused monitoring process is described more fully in the attached report. Please feel free to contact me or Louann Vari if you need additional information.

Sincerely,

Martha L. Toomey, Director
Exceptional Children & Early Childhood Education Group

MLT:de

cc: Cathy Cowin, Parent, Monitor
Mary Herrera, Monitor, Milford School District
Ann Hilkert, District Special Education Supervisor
Brian Touchette, DOE Education Associate
Louann Vari, DOE Education Associate
John Werner, Parent, Monitor

Brandywine School District participated in a pilot special education “focused monitoring” visit in April 2005. Focused monitoring is a term used by the federal Office of Special Education Programs (OSEP) and is described as “A process that purposefully selects priority areas to examine for compliance/results while not specifically examining other areas for compliance to maximize resources, emphasize important variables, and increase the probability of improved results.”

Given the charge by OSEP to develop a focused monitoring system, the DOE along with its stakeholder group, the Partners Council for Students with Disabilities (PCCD) selected two priority areas. The areas selected were LRE (least restrictive environment) and student outcomes. LRE was selected because placement for students with disabilities has been a compliance issue for Delaware. Delaware, when ranked against other states, “triggered” as a low performing state with a small percentage of students being served in the regular setting.

The federal Office of Special Education Programs requires yearly data collections of all states. One of those data collections concerns the placement of students with disabilities. When reviewing those data, the PCCD looked specifically at how many students with disabilities were being served in Setting A, the regular setting. These students are served outside the regular class placement less than 21% of the school day. The placement data for Brandywine indicated that fewer than 30% of students were served in Setting A.

When focusing on the second priority area of student outcomes, DSTP scores were examined for grades 3, 5, 8 and 10 specifically in reading. Districts were chosen based on poor results in three out of the five grades. Poor results were defined as students scoring either a level 1 or level 2 in reading and therefore considered not meeting the standards in reading.

For this monitoring visit and likely for future visits, the DOE constructed a team consisting of DOE staff, special education staff from a district not being monitored and a parent of a child receiving special education services in another district. Conceptually, using peers in the monitoring visit allows good ideas or practices which surface to spread more quickly into general acceptance within the state since at least four districts were affected; the two being visited and the two peer monitors. Using parents of students receiving special education services allows the perspective of the primary stakeholders in special education.

Prior to the visit, data were reviewed as described above and districts were chosen for the pilot because both priority areas were evidenced as areas of concern.

The Monitoring team of Martha Toomey and Brian Touchette, DOE; Mary Herrera Director of Student Services, Milford School District and John Werner and Cathy Cowin, Parents from Red Clay School District visited Brandywine on April 20, 21, and 22. The team visited six schools: Brandywine High School, Springer Middle School, P.

S. DuPont Elementary School, Forwood Elementary School, Carrcroft Elementary, and Lombardy Elementary.

Interviews with Principals and both special and general education staff were conducted at every school. Approximately 25 student records were reviewed including IEPs, IEP minutes and other documentation. The interview with the Principal also included an informal debriefing.

Data shared with school staff during the interview included DOE data regarding disproportionality, placement and DSTP scores.

A parent meeting was held and 47 parents attended, sharing concerns as well as recommendations or suggestions.

Priority Areas

LRE

“Each Public Agency shall ensure that to the maximum extent appropriate, children with disabilities, including children in public or private institutions or other care facilities are educated with children who are nondisabled; and (2) That special classes, separate schooling or other removal from the regular educational environment occurs only if the nature or severity for the disability is such that education in regular classes with the use of supplementary aids and services cannot be achieved satisfactorily.” IDEA regulations 34 C.F.R. § 300.550 (b) (1) and (2).

Student Outcomes

“The IEP for each child with a disability must include... (3) A statement of the special education and related services and supplementary aids and services to be provided to the child, or on behalf of the child, and a statement of the program modifications or supports for school personnel that will be provided for the child (ii) to be involved and progress in the general curriculum....” IDEA regulations 34 C.F.R. § 300.347 (a) (3) (ii).

Promising Practices

General education teachers were aware of needed accommodations and there appears to be a good system in place to ensure this information is shared at all schools. Special educators do agree that they are linked to curricular departments.

Springer Middle School is focusing on several positive initiatives including Positive Behavioral Supports, inclusion training and closing the achievement gap.

The High School appears to be moving aggressively to a team teaching model and the DOE supports this effort. One strategy identified included matching teaming partners to ensure success

Professional development has included differentiated instruction and CRISS training, PBS, IST and various curricular activities. When general education staff received training such as differentiated instruction, they reported more confidence in working with students with disabilities.

At some schools time is built into schedules for consultation between special and general educators but this was not consistent across all schools.

Recommendations and Corrective Action

Supporting Evidence

Infrastructure

Currently consultation or co-teaching models are not available in every school visited. Team taught or consultative models exist to some extent but it appears that some children are taught in more restrictive settings because of the unavailability of a continuum of placements. Communication between general and special educators occurs although it appears to be somewhat informal.

Staff in one elementary school indicated that the size of the building and number of staff were barriers in providing services in the least restrictive environment to students with disabilities. There may also be confusion between the hours of special education services and placement. Staff in one school seemed to believe that fewer special education hours of service were needed for a less restrictive placement.

Professional Development

Staff reported various degrees of comfort with teaching students with disabilities. Staff reported that professional development was needed around differentiating instruction for general educators and special educators. Staff also reported that special education teachers do not all have the content level of expertise necessary. A concern was expressed about the supports in the regular education class for students who are significantly below the standard.

Both general and special educators discussed a need for more training in instructional strategies for students with disabilities. An attitude of accepting students with disabilities in general education classes was also mentioned as an area of need and the term “fear of the unknown” was used in one case.

Professional development identified included specific strategies around reading and behavior as well as teaming and consulting. There was a concern that general education teachers may feel overwhelmed.

Another identified professional need was for disability specific topics for general educators. Needed professional development activities included observing successful

team taught classes or classes where successful consultation from a special education teacher was happening

Policies and Procedures

Data shared with principal and staff revealed a disproportionate number of African American students in special education and in restrictive settings in all schools visited.

At some schools there was surprise regarding disproportionality and what strategies or initiatives might be needed to attend to this issue.

During record reviews at Carrcroft Elementary, it was noted that the placement of students with disabilities had been changed without IEP meetings.

Daily Practice

Discussion around curriculum and materials indicated that students with disabilities had curriculum described by staff as “watered down” in some instances and staff were unsure if curriculum had been aligned with standards.

Staff were inconsistent in their reports regarding what curricular materials are used for students with disabilities although staff agreed that access to the general education curriculum was critical.

During record reviews, there were instances when identified needs such as behavior were not addressed on the IEP, either through accommodations, supports and services, or measurable annual goals and objectives.

A concern was expressed about the pace of instruction in general education classrooms and the effect that may have on some special education students. Another concern was regarding the materials used. Although students with disabilities were using the same curriculum and texts, there was a concern that supplemental materials of a less complex nature were needed. Time was also mentioned as a factor for some students. A comment was made that for many students, the general curriculum will work appropriately with accommodations; for some students, modification and more time will be needed.

Parent Meeting

A public meeting was held on Tuesday April 20th. Forty-two parents signed the attendance sheet. The monitoring team was introduced and the focused monitoring process was briefly explained. The two parent team members led the discussion.

In general, parents were concerned that students were being moved into general education classes or team taught classes without the necessary supports. A number of parents identified a lack of trust with district administration as a concern. Other issues and concerns are summarized:

- There were several statements regarding students with learning disabilities or reading disabilities and the adequacy of reading instruction.
- Proposed partnering with the medical community in a more explicit way was recommended.
- Students with disabilities with very diverse needs are grouped together when resource or small group instruction is needed.
- Uncertainty regarding the preparation of general education teacher to teach students with disabilities was voiced.
- There were concerns raised about transition, specifically understanding what the next setting will look like for their children with disabilities.
- Questions were asked about the types of professional development all staff were receiving and differentiating instruction and appropriate support in the general education classroom were identified as needs.
- Concerns were raised about the options for high school students. Several parents stated that the only choice seems to be community based instruction or general education without enough supports.
- There was generalized discussion about inclusion and the proposed plan. There were various degrees of comfort expressed about inclusion and whether the supports necessary for success would be in place.

Conclusions

Your Improvement Plan submitted in the spring of 2004 described a number of improvement strategies to ensure that students with disabilities were educated with children who are non-disabled and that removal from the regular educational environment occurs only if the nature or severity for the disability is such that educational in regular classes cannot be achieved satisfactorily. The district has been reorganizing services to address this requirement under the IDEA, and significant changes have been made. However, our focused monitoring in the spring of 2005, including staff interviews and parent comments from the public meeting, revealed the need for more options for all students to receive special education in the regular class setting.

In your Annual Performance Report (APR) you will report on the status of your improvement strategies and outline what steps will be taken to ensure that a continuum of placements, including the regular class placement, is available. A continuum need not exist in every school; there are times when students might need to be grouped in a way that is outside of their home school. However, **all IEP teams must consider the supplementary aids and services that are to be provided in the regular class before removing students to a special class. Within 45 calendar days of receipt of this report, please provide whatever written policy or other guidance the District will use to ensure that IEP teams understand this IDEA requirement.**

It is recommended that you explain to IEP team members in writing the difference between hours of special education service and placement. **Please provide us a copy of the explanation in your APR.**

Your Improvement Plan specifies that special education teachers will participate in co-teaching professional development activities and in the Inclusive Schools Initiative. Staff reports confirm that some training has occurred, but more is needed. The area of differentiating instruction is clearly one that should be considered in planning future training. Additionally, parent comments indicate a strong concern about reading disabilities and the need for adequate and appropriate instruction to address those disabilities. Staff also report in some instances that curriculum for students with disabilities is not aligned with the standards. In your APR please detail the additional training that has occurred and that is planned to address staff and parental concerns. Also please detail any other activities that will improve access to the general education curriculum for students with disabilities.

Data revealed a disproportionate number of African American students identified for special education and placed in more restrictive settings. **The District must develop a plan for reviewing and revising its policies and procedures to address disproportionate identification. The plan must include how the District will review school level use of policies and procedures for non-compliance. The plan must be submitted to DOE within 45 calendar days of receipt of this report.**

Record reviews indicated procedural IEP errors around changing placement without an IEP meeting and developing IEPs without addressing all identified needs. Federal and state regulations require that placement decisions are made by the IEP team. Changes to the IDEA have become effective since the focused monitoring visit that may affect meeting requirements. Parent participation, consent and approval remain critical to placement decisions. Current state regulation requires that IEPs include a statement of measurable annual goals, including benchmarks or short term objectives related to meeting the child's needs that result from the child's disability to enable the child to be involved in and progress in the general curriculum and meet each of the child's other educational needs that result from the child's disability. **The district must ensure that all staff understand these requirements. Please submit whatever written memo, guidance or plan for training the District will use to ensure that IEP teams understand these IDEA requirements within 45 calendar days of receipt of this report.**

Finally, many parents attended the public meeting and offered thoughts on a number of issues. Several parents spoke positively about District teachers and their own experiences in the District. However, many other parents voiced specific concerns about the reorganization plan and how it will affect students with disabilities. The District may already have addressed, or have a plan to address, some of these concerns. It is important, however, that the District continue its efforts to include parents in the process of improving services to children with disabilities and that it communicate effectively with parents about special education services in general and the reorganization plan in particular. In addition, it is critical that the District use the input it receives from stakeholders to identify areas that need continued improvement, and that the District actively engage stakeholders in planning improvement activities. **Please detail in your**

APR how the District will use stakeholder input to improve student outcomes and reduce the risk of non-compliance.

End of Report