

2601 Bransford Ave. • Nashville, TN 37204 • 615/259-8419 • Fax: 615/214-8850

MEMORANDUM

TO: Board Members

FROM: Pedro E. Garcia, Ed.D.

DATE: December 7, 2007

RE: Board Letter

SANDRA TINNON, ASSISTANT SUPERINTENDENT CURRICULUM AND INSTRUCTION

Special Education, December, 2007

There are several issues that have been publicly discussed during the past weeks. Each is identified and discussed below. In areas where documentation parallels the discussion, attachments are included:

1. In a recent Tennessean article, Dr. Connie Smith stated, “A high number of students – 13.3% last school year – designated as special education students. Not all of them may need the designation.”
 - This percentage of students with disabilities (SWDs), as indicated on the State Report Card (2007) for Davidson County, is 13.3%.
 - According to the National School Board Journal, January, 2007, the national percentage of public school children (6 million) receiving special education services is 14%.
 - According to the State Report Card (2007), 15.4% SWDs were identified in the state of Tennessee.
 - During the 2006-2007 school year, MNPS was monitored by the State Department utilizing the Cyclical Performance Review (CPR). According to the Effective General Supervision/Child Find criterion, school districts were required to write a Performance Improvement Plan (PIP) if the school system has identified **over 18%** as SWDS or identified **under 12%** as SWDs.
 - MNPS falls below the state and the national percentage for SWDS. MNPS fell within an acceptable percentage of SWDs as defined by the CPR process.
2. **Mathematics has been targeted as an area for improvement for SWDs.**
 - The percentage of MNPS SWDs in 2007 scoring proficient or advanced on TCAP in Grades 3 through 8 was 46%. This was an increase from 44% in 2006. This yielded a +2%.
 - MNPS successfully met its K-8 adequate yearly progress (AYP) targets for all areas in Reading, but fell short for SWDs in mathematics. Despite a 4% increase in math proficiency, SWDs fell 1% short of the requirement for Safe Harbor. As a result, MNPS moved from School Improvement 2 to Corrective Action.

Action Steps: The MNPS Department of Special Education purchased materials for intervention in Mathematics, targeted for selected middle schools where AYP was not achieved by SWDs. Voyager *V-Math* materials and training totaling \$80,000 were purchased for the following middle schools: Cameron, Jere Baxter, Donelson, Brick Church, Madison, HG Hill, Neely’s Bend,

Murrell, and Ewing Park. Training was conducted on November 12th, with a make-up training date scheduled for December 10th, 2007. At the training session, teachers received all materials for the grade levels they teach so immediate initiation of the intervention could begin. Teachers attending the make-up training session will also have immediate access to all materials. There are plans to extend this intervention to additional schools, pending funding.

3. **There have been discussions that MNPS is disproportionate in all or many disability categories. Information supplied to MNPS from the State Department as a monitoring component is used as the data source. A relative risk ratio is used to indicated how likely one subgroup is to be identified as compared to all other ethnic groups in order to calculate disproportionality. A relative risk ratio of 2.00-2.99 is considered potentially disproportionate. A relative risk ratio of 3.00 is considered disproportionate.**

MNPS 06-07					
Risk Ratios for All Children with Disabilities, Ages 6 Through 21					
	American Indian/ Alaska Native	Asian/Pacific Islander	Black (not Hispanic)	Hispanic	White (not Hispanic)
All Disabilities	0.85	0.31	1.65	0.41	0.87
Risk Ratios for Disability Categories					
	American Indian/ Alaska Native	Asian/Pacific Islander	Black (not Hispanic)	Hispanic	White (not Hispanic)
Mental Retardation	0.70	0.29	1.74	0.39	0.83
Specific Learning Disabilities	0.91	0.19	2.16	0.37	0.67
Emotional Disturbance	0.96	0.00	2.12	0.20	0.79
Speech or Language Impairments	1.24	0.54	1.43	0.54	0.91
Other Health Impairments	0.78	0.07	1.33	0.23	1.24
Autism	0.00	0.84	0.84	0.39	1.63

Key to table: In the category of all disabilities, Blacks (not Hispanic) would be 1.65 times more likely than all other ethnic groups to be identified as a SWD.

MNPS has **not** been identified as disproportionate by the State of Tennessee in any eligibility category. Refer to the statistics cited above and to the attached email from Lisa Ventura, Compliance Consultant, that states, “Your Comprehensive Application serves as the proof your LEA is NOT disproportionate.” Had MNPS been deemed disproportionate, it would have been mandatory to set aside 15% of funds to address disproportionality issues.

The Psychology Department continues to monitor areas of concern that have reached a relative risk ratio of 2.00 or higher. These areas are: the relative risk ratio of 2.12 for Blacks in the category of emotional disturbance, and the relative risk ratio of 2.16 for Blacks in the category of specific learning disability. The Psychology Department provides annual training on culturally competent assessment practices to ensure equitable identification of SWDs.

4. **During the 2006-2007 school year MNPS suspended 451 SWDs for ten days or more. IEP Teams are required to meet to determine services to be provided for students who suspended over ten days. Some IEP Teams deemed it appropriate to send homework and**

class work home while having the work graded by the classroom teacher. This resulted in grades being provided during out of school suspensions.

- On November 6th, 2007, Bill Wilson, State Attorney, addressed MNPS principals regarding the rules and regulations regarding suspensions of SWDs under and over ten days. A question and answer session was hosted. The purpose of this meeting was to ensure all principals understood the rules and regulations regarding suspensions for SWDs.
- The MNPS Department of Special Education identified all SWDs who were suspended for over ten days during the 2006-2007 school year and failed a content area class and/or were retained. A letter has been sent to all parents asking if they want compensatory services for their son/daughter. Parents must respond by December 10th. (See attached letter.)
- MNPS Department of Special Education developed a “tracking sheet” to obtain information as to how services will be provided to students who are suspended over ten days. This sheet will be sent to the State Department on a monthly basis, housed in the student’s cumulative record, and faxed to the Department of Special Education to be recorded. Consulting Special Education Teachers (CSETS) have been given this sheet to be distributed to local schools. (See attached tracking sheet.)
- A log of students suspended over 10 days will be sent to the State Department, distributed to CSETS to share with local schools, and given to the Chief Administrative Officer and the Assistant Superintendent of Curriculum and Instruction to be discussed on a monthly basis with principals of specific schools where these offenses have occurred.

Action Steps: MNPS received written correspondence from the State Department that it had misinterpreted IDEIA regulations permitting “home instruction” when suspensions occurred over ten days for a SWD. The measures above have been instituted to track suspensions and to provide appropriate services to SWDs.

NCLB - Supplemental Educational Services (SES)

Supplemental Educational Services are additional academic instruction designed to increase the academic achievement of students in schools identified for school improvement. Supplemental educational services must be provided outside of the regular school day. Supplemental educational services must be high quality, research-based, and specifically designed to increase student academic achievement. Students from low-income families who are attending Title 1 schools that are in their second year of school improvement (have not made AYP for three or more years), in corrective action, or in restructuring status are eligible to receive these services.

The State Department of Education is required to identify organizations that qualify to provide these services. The State developed criteria for approving SES providers:

- Spring application process is open yearly promoting the maximum number of providers to ensure as many choices for parents as possible.
- SES providers may be any public or private entity that meets the criteria as evidenced in their application/proposal.
- LEA’s that have been identified for improvement may not be SES providers.
- SES services must be of “high quality and research-based,” must be aligned and consistent with the State’s academic content and achievement standards, must share the same focus as the LEA.
- The State strives to identify more than one SES provider for each LEA.
- The State approval process consists of three readings/ratings of each proposal by a diverse panel of readers. The State collects the rating information and determines the applications for approval.

Within the application:

- Each potential SES provider determines in their proposal the number of students they are capable of serving.
- Each potential SES provider determines the number of hours they will offer each student each year.
- Each potential SES provider determines what their hourly rate for instruction should be.

However, rate per hour is determined by the State per pupil allocation each year. The per pupil allocation fluctuates yearly (2005 = \$1347.00; 2006 = \$1274.00; 2007 = \$1272.00). The per pupil allocation is divided by the number of hours a provider stated they would provide each student per their State approved application/proposal and that becomes their rate.

Once a student has used their \$1272.00 allocated for them for the year, they are no longer eligible for SES services until the following year.

An SES provider cannot be paid over the \$1272.00 allocated per student.

PEG/mrb