

THOMAS HEHIR & ASSOCIATES

San Diego
Unified School District
Special Education
Issues Document
Final Report

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Prepared by
Thomas Hehir, Ed.D.
and
Eduardo Mosqueda, Ed.D.

**SAN DIEGO
UNIFIED SCHOOL DISTRICT SPECIAL EDUCATION
ISSUES DOCUMENT**

INTRODUCTION

This report presents a compilation of major strengths and concerns regarding the special education program in the San Diego Unified School District (SDUSD). These were identified in accordance with the contract between Thomas Hehir and Associates and SDUSD. The overall purpose of this consultancy was to conduct an overview of the special education service delivery system. This report is based on interviews with approximately 50 key central district staff, 12 principals, 12 school site administrators of special education (SBDRT), as well as input from members present during 3 meetings with the Community Advisory Committee for Special Education (CAC). Data for this report was also gathered through site visits to 15 schools, and included interviews of teachers and service providers, extensive review and analysis of district data relevant to special education, a review of documents provided by parent advocates and an attorney involved in a family's on-going special education dispute with the district, and a review of other documents relevant to special education issues previously experienced by the SDUSD. These activities took place over the last 15 months.

Though we have tried to be as comprehensive as possible with available resources, we recognize that there may be important perspectives that we have missed, given the limited number of people involved in the data-gathering stage. Therefore, we decided to issue a draft form of this report with the intent of obtaining feedback from important stakeholders

including district leadership, school based staff, and parents. We issued the draft report in June and received important input from the CAC and various leadership personnel in the district. Given the limited number of sites visited and persons interviewed, this report has relied heavily on quantitative statistical data and less on qualitative data such as interviews. We have used qualitative interviews and observations to help identify issues of importance, and then we have sought quantitative data to inform and validate our understanding of these issues. In most instances we have been successful in utilizing this approach; when we had questions or gaps in our understanding, we have made appropriate notes to that regard in this report.

Ultimately, we sought to arrive at a manageable set of serious issues that require that the district needs to address in order to improve educational opportunity for students with disabilities. Toward that end, we hope that this report will serve as a springboard to begin discussions among district personnel and parents with the hope that the district and parents can proceed collaboratively with important reforms.

Our original proposal called for four documents:

- (1) An overview of special education service delivery
- (2) An overview of the management of the special education program, including both central and school-based functions
- (3) A critical issues document that identifies major challenges facing the district in improving educational opportunities for students with disabilities
- (4) A comprehensive set of recommendations for improving educational opportunities for students with disabilities.

After collecting data, however, we have decided to address the first three topics within this single report, instead of creating three separate reports. We believe that organizational issues concerning how special education is managed, both centrally and at the school level, are critical to the issues identified in this report. Also, we have been impressed with the active engagement of parents and advocates within the city and with their desire to work with the district to promote meaningful change, particularly those involved in the Community Advisory Council (CAC). We have thus concluded that identification of critical issues should occur sooner rather than later so that the district can begin to address some of these issues during the next school year, hopefully with the active support of the CAC.

Following the issuance of the report, we intend to issue a comprehensive set of recommendations that address the central findings contained in this report. These recommendations will be issued first in draft form for the district and the CAC to respond to in the same manner in which we issued the issues report. We will be doing this in this manner to help assure that the final recommendations are consistent with the overall efforts of the district's improvement efforts and to make sure that our recommendations are realistic from a budgetary and pragmatic perspective. Further, we will seek to get parent input on the relative urgency of areas needing improvement. We will issue these recommendations prior to the start of school year.

We would like to thank the many employees within SDUSD who have worked with us on compiling data for this report, particularly SDUSD's Special Education Director, Roxie Jackson, and her staff, as well as the many principals and teachers who welcomed us into their schools and classrooms. We would also like to thank the parents and advocates with spoke with us, sharing their stories as well as providing important contextual background. It is our hope that both the district and advocates can come together to support one another in improving educational opportunity for students with disabilities throughout the SDUSD.

OVERVIEW OF THE DISTRICT'S SPECIAL EDUCATION SERVICE DELIVERY

This section of the report provides a brief overview of special education services in SDUSD. Major points will be explained in greater detail within the findings sections later in this report. Understanding the context of SDUSD's special education is an important and necessary first step before discussion of findings and recommendations for future action.

The SDUSD educates 16,418 students with disabilities in special education programs. This represents 12 percent of students served in the district, in all grades K-12. In addition, SDUSD serves 994 Preschool students. In terms of rough percentages, San Diego is comparable to other large urban school districts in the United States. For instance, the percentage of students receiving special education services is 14.78 percent in Chicago public schools (Chicago Public Schools, 2005)¹, 11 percent in New York City (Hehir, Figueroa, Gamm, Katzman, Gruner, Karger, & Hernandez, 2005), and 11 percent in Clark County Nevada (Las Vegas) (Garcia, 2004).

As required by the Individuals with Disabilities Education Act (IDEA), which is federal special education law, SDUSD serves students in thirteen disability categories (see Table 1). It should be noted that staff in the district reported feeling that the large presence of military personnel in the district created a higher population of students with significant disabilities. This is because when the military is making transfer decisions, it takes into account whether a family has a child with significant disabilities. However, comparing the incidence figures in San Diego with those of the nation as a whole, there does not appear to be any evidence for this contention. One would expect that, if the military were keeping families in San Diego for disability-related reasons, there would be large numbers of students with significant disabilities such as mental retardation, deafness or multiple disabilities. However, in each of these categories the district is serving less than the national average. (See Table 1 and Figure 1.)

The budget for special education in SDUSD is approximately 18 percent of the school district's overall budget. This is comparable to budgets of other large urban school districts nationwide (Chambers, Parrish, and Harr, 2004).

¹ Calculated with data available online from the Chicago Public Schools Office of Specialized Services and the Office of Research, Evaluation, and Accountability (Chicago Public Schools, 2005).

Services for children with disabilities in San Diego are based largely on the children’s disability categories. That is, both how and where students are educated is heavily influenced by the types of disability they have. Students are served in both integrated settings (i.e., general education with nondisabled students) and segregated settings (i.e., settings with only disabled students). Compared to similar districts in the U.S., San Diego relies much more on segregated settings for students with disabilities than the norm. Segregation does not only apply to classrooms; when calling the district’s main phone line for student assignment, parents of students with disabilities are directed to a different line than those without disabilities. (See the SDUSD special education program description in Appendix A.)

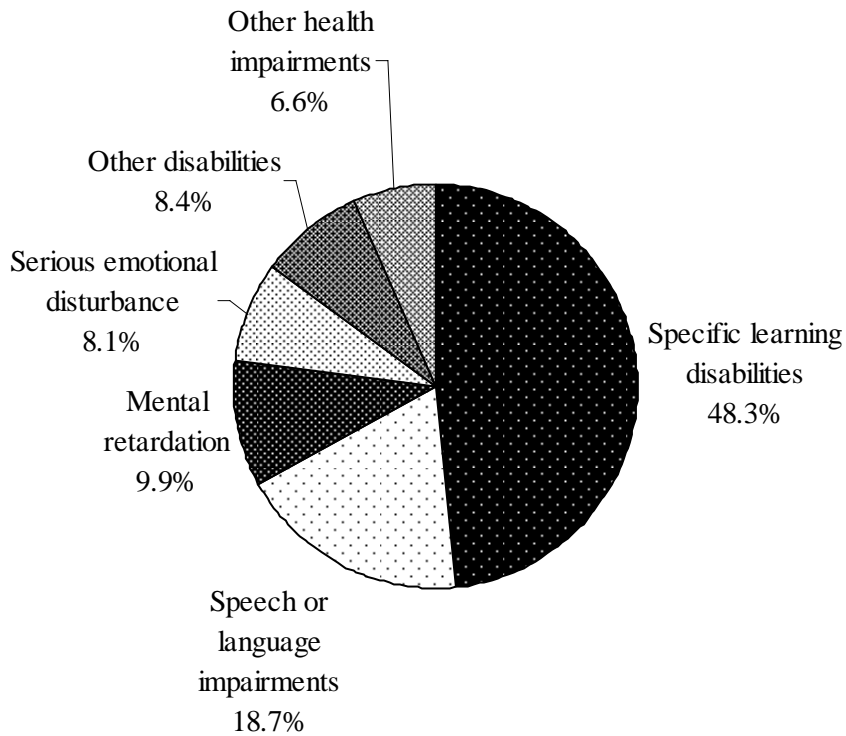
Table 1. San Diego Unified School District K-12 students in special education, by specific disability type and percentage, compared with federal averages of all students served under IDEA (Part B) in 2002.

Disability Type	Student Total in SDUSD	Percent of SDUSD Students	Federal Average in 2002 ²
Autism (AUT)	696	4.6%	2.0%
Deaf/Blind (DB)	5	0.0%	0.03%
Deaf (DEA) / Hard of Hearing (HH)	349	2.3%	1.2%
Emotional Disturbance (ED)	971	6.4%	8.1%
Mental Retardation (MR)	796	5.3%	9.9%
Multiple Disabilities (MUH)	102	0.7%	2.2%
Other Health Impairment (OHI)	1572	10.4%	6.6%
Orthopedic Impairment (OI)	346	2.3%	1.2%
Specific Learning Disability (SLD)	6963	45.9%	48.3%

² (U.S Department of Education, 2004, p. 21).

Speech and Language Impairment (SPL)	3244	21.4%	18.7%
Traumatic Brain Injury (TBI)	56	0.4%	0.4%
Visual Impairment (VI)	59	0.4%	0.4%
Total Proportion of Students with Disabilities			
	15160	12.0%	

Figure 1. U.S. disability distribution for students ages 6 through 21 served under IDEA, Part B during Fall, 2002 (U.S. Department of Education, 2004, p. 21).



THE ORGANIZATIONAL STRUCTURE OF SPECIAL EDUCATION

The organizational structure of special education in SDUSD is heavily centralized. Most programs are run from the central office and many support personnel (over 400) report to central supervisors either directly or indirectly. Even many school-based staff, such as school-based Resource Teachers, are funded by and report to the central office. For instance, teachers of students with disabilities in charter schools are assigned and supervised by a special education “principal” who works out of the special education office.

The assignment of a large number of special education students is done centrally (see organizational flowcharts in Appendix B). Further, at times the central office personnel intervene in Individual Education Plan (IEP) meetings in which staff anticipate contentious issues will be raised. This practice is particularly problematic to parents who claim that the presence of these people serves as “gatekeepers.” In their view, this inhibits the individualized decision making process required by law. The district contends that this practice allows for the infusion of specialized expertise at meetings where many of the providers may be novices.

This centralized structure is in contrast to other school districts, such as Chicago or Los Vegas, where special education staffs are more based in individual school buildings. The SDUSD organizational structure is consistent with a categorically-driven (by disability type) special education structure. Staff contends that this structure may have been influenced by earlier enforcement actions brought forth by regulatory agencies such as the California Department of Education (CDE), or The Office for Civil Rights (OCR) of the U.S. Department of Education.

The advantage of the current structure is that it has served to ensure that the procedural aspects of special education law (the evaluation and identification of students with disabilities and the provision of special education and related services) is conducted according to regulatory requirements. The existing structure serves those needs well, as it appears that San Diego’s procedural compliance is high.

San Diego’s existing structure also provides programmatic expertise within the schools. There are program specialists, knowledgeable about curriculum and methods, who bring expertise and experience to the schools. We observed such staff in our visits to schools and were impressed with their professionalism.

The disadvantage of this type of structure is that it tends to insufficiently involve principals and other general education staff in the education of children with disabilities. Given the need to improve the educational performance of students with disabilities under No Child Left Behind (NCLB), as well as the imperative in IDEA to promote the integration of students with disabilities appropriately in general education environments, this current structure does not position San Diego well to meet these current challenges. Further, maintaining a large centralized structure has a significant administrative cost associated with it.

The current structure has thus served the needs of some students well, while at the same time contributing to certain shortcomings in meeting the needs of others. The impact of these organizational issues is apparent in many of the findings in this report.

FINDINGS: AREAS OF STRENGTH

Finding 1: San Diego has a significant number of committed and competent special education leadership staff, at both the central and building levels.

Throughout our school visits and interviews we were impressed with the level of commitment and competence exhibited by large numbers of special education and related services personnel. The Director of Special Education, Roxie Jackson, is deeply committed to her work and has been recognized outside of the district for her success in bringing the OCR and CDE agreement to a successful conclusion. In addition, her efforts to improve services to students with mental health needs have received praise from advocates. School-based staffs also speak favorably about her competence, support, and follow-through.

We were impressed with many staff at the building level, as well. Many of the Site-Based Diagnostic Resource Teachers (SBDRTs) we met were hard-working, knowledgeable about best practices in special education, and deeply committed to their work. Many carry enormous responsibilities with minimal support. This building-based network of special education leaders is an asset upon which future progress can be built.

We were also impressed with numerous teachers and related services personnel we met. In many situations we observed high-quality instruction by professionals who know their craft. Most school districts around the country are seeking quality special education staff. San Diego is fortunate to have so many in its employ.

Finding 2: San Diego has an active and capable parent Community Advisory Committee (CAC) that is committed to improving special education by working with the district and parents of children with disabilities.

We were also impressed with the level and quality of parent involvement represented by the CAC. Activist parents have been central to the improvement of educational opportunity for students with disabilities, and research has demonstrated that active involvement by parents positively influences educational results for children with disabilities (Newman, 2005). San Diego has a core of parent activists who seek greater involvement in shaping the future of special education.

The CAC has been instrumental in shaping this report by providing us with reports and documentation. The level and accuracy of data provided by the CAC has been impressive. Though we have not incorporated all of their input, many findings in this report have been the result of triangulating CAC information with other sources of data.

Another important asset that the CAC brings to the district is their desire to work with the district on systemic improvement. One member told us, “We are not interested in hiring lawyers over issues of non-compliance... That would be a waste. We want the money to go to improving education.” This statement came from a parent who had to fight to get her son quality inclusive services. Also, the level of knowledge about special education among the members of the CAC is impressive. This group has served to educate many parents in San Diego about effective programs for students with disabilities and should be viewed as another asset upon which future progress can be built.

Finding 3: San Diego has begun to integrate mental health services into its schools with a creative and cost efficient model utilizing Medi-Cal funds, an approach which holds great promise.

Two of the most vexing concerns facing educators are how to meet the mental health needs of students, and how to provide those students with access to a quality education. Actually, the two issues are closely intertwined, with successful education being dependent on the provision of mental health services (Ebert, Sugai, Smith, & Scott, 2002; Wagner, Newman, Cameto, Levine & Marder, 2003).

San Diego has begun a creative process of integrating mental health services in schools through a model utilizing Medi-Cal funding with school department resources. This combining of resources is an important aspect of the program, in that it minimizes the cost borne by the district while at the same time connecting mental health providers with the schools. This increases the likelihood that schools, parents, and community providers will work in tandem.

One mental health advocate described this as the best model she had ever seen. She noted, “These kids are provided better services here than anywhere in southern California.” We observed a middle school in which caring and competent educators were providing both quality services and good teaching to students with significant emotional disturbance. These students are often the most difficult for school districts to serve, and San Diego should be commended for their efforts.

Finding 4: San Diego’s special education budget is in line with that of comparable U.S. school districts and it appears to be well in control.

In interviews with budget staff, they expressed concern over the cost of special education, but we did not find data that supports this contention. Special education costs more than general education nationally—a little over twice as much per pupil as general education (Chambers, et al., 2004). This is an average cost and can vary a great deal by individual student or groups of students. For example, providing services for students with significant disabilities costs far more than providing services for students with mild disabilities. In general, special education accounts for typically 20-25 percent of school districts’ budgets (Chambers et al., 2004). Data provided by district budget staff indicate that San Diego spends approximately 18 percent of its resources on special education, but these special

education expenses overall comport with those of the country as a whole, as well as within comparable districts.

Though SDUSD's overall budget seems well in control, there are areas where efficiencies can be obtained, such as the over placement of minority students in special education (for more details, see the areas of improvement section that follows). There are other areas where additional investments will be required, including staff development. (These will be addressed in greater detail in the recommendations report.)

Finding 5: San Diego is able to produce comprehensive data relevant to special education management.

I, Dr. Thomas Hehir, have worked in several cities, in Boston and Chicago as Special Education Director, as well as Washington DC, Baltimore, Los Angeles, and New York City as a consultant. I have not found any of these cities to have the data management capacity of San Diego when I first starting working with them. I have been impressed with the ability of the district to provide the data we requested from them. This is important to the administration of special education because the program serves such a diverse population of children and who require significant resources to educate appropriately. (It should be noted that it was not in the purview of this consultancy to audit the accuracy of data. However, none of our site visits or CAC data revealed inaccuracies.) It should be noted, however, that some parents have complained that the computerized data management system, the Encore system, does not allow for enough flexibility or for the collection of important narrative information at the child level. Staff acknowledges some problems in this regard and is working to remediate them.

Finding 6: San Diego appears to conduct its procedural processes associated with special education (e.g., evaluations, re-evaluations) in accordance with IDEA.

As one would expect in a district that has emerged from regulatory oversight, San Diego appears to have its procedural house in order. We found no evidence that large numbers of students were not evaluated and placed in a timely manner. This has probably been aided by using Encore to manage this process.

Finding 7: San Diego sends relatively few students to out-of-district and private residential placements and serves relatively few students in totally separate settings.

According to the most recent statistics San Diego places 344 students in out of district placements. This is down from 498 in 2001 and is approximately 2.2 percent of the special education population. In addition San Diego runs three separate school programs within the district that serve 180 students. The total number of students served in totally separate settings, private and public is 524 or 3.5 percent. This compares with 6.5 percent in Chicago, 8.4 percent in Los Angeles and 9.4 percent in New York (Hehir, et al., 2005). . It is important to note here that although San Diego serves too many students in segregated classes, (See areas of improvement section.) the fact that relatively few are served in separate

schools will enable further progress to occur more easily. For instance, we observed a program for students with profound disabilities in a typical middle school in which these children had a good deal of contact with general education students. In many districts, students with this level of disability continue to be served in segregated schools or are in home or hospital settings.

In addition, segregated school placements tend to be very expensive, and in most cases they preclude integration of disabled students with nondisabled students. For some school districts this is a significant management challenge, but San Diego seems to have this well under control

Finding 8: San Diego has a relatively low rate of due process filings.

San Diego has relatively few due process filings. For instance, in 2005-2006 SDUSD had 111 filings, which is equivalent to 1 filing per 145 special education students. This contrasts with New York City, where the rate was 1 per 44 in 2004-2005, and Los Angeles, where the rate was 1 per 71 special education students for that same year (Hehir et al., 2005). Last year, the number of due process filings in San Diego dropped to 68, or 1 per 234 special education students. Though there are districts with much smaller rates (e.g., Chicago with 1 per one per 328) (Hehir et al., 2005), SDUSD rates are similar to the California statewide average, which had a rate of 1 per 248 special education students in 2006-2007³.

Keeping due process hearings down should be an important management goal as they are expensive and create poor relationships between the district and parents.

Possible Additional finding

San Diego appears to be making headway in reducing special education drop-outs. Preliminary data analysis indicates that San Diego may be making progress in reducing its drop out rate of students with disabilities and that the drop out rate of these children may be lower than other comparable districts. This is based on the relatively low decrease in the numbers of 17 and 18 year olds compared with 16 year olds. We are currently doing additional data analysis to verify this potential finding. If we find that this is the case we will amend the report accordingly. District leadership believes that the expansion of the Trace Program may have helped reduce drop outs. This program has expanded from 128 students in the 2002-03 school year to 393 during the 2006-07 year.

FINDINGS: AREAS NEEDING IMPROVEMENT

Finding 1: SDUSD student performance on the California Standards Test (CST) has been relatively flat for students with disabilities, compared to the achievement of students in general education.

³ Determined using data from the California Department of Education's DataQuest database and quarterly due process reports from the Office of Administrative Hearings, available at <http://www.cde.ca.gov/>

Compared with nondisabled students' scores, SDUSD students with disabilities have not performed as well on the CST. On average over the past 5 years, 65.2 percent of students with disabilities scored at a basic level or below in English Language Arts (ELA) (See Figure 2) and about 67.2 percent scored at a basic level or below in mathematics on the CST, on average (See Figure 3).

Both the five-year trend data and the 2005-06 performance level data (see Table 2) should give rise to significant concern regarding the degree to which the SDUSD is preparing students for the future. Though the five-year trend data indicates that some progress is being made by general education students, students with disabilities (as a group) are not progressing. This is in contrast with other national-level data indicating that students with disabilities are showing strong performance gains in many areas related to standardized tests and academic performance (U.S. Department of Education, 2004; Wagner, Newman, & Cameto, 2004).

It should be noted, however, that compared with other large districts in California, SDUSD performance approximates that of San Francisco and exceeds that of Los Angeles (see Figure 4). It is also important to point out that while Los Angeles has greater numbers of students from low-income backgrounds than San Diego, San Francisco has over 13 percent fewer low-income students than San Diego (See Table 3). It is also important to note here that although some students with disabilities have mental retardation (and thus cannot be expected to score in high ranges), most students with disabilities have intelligence within normal ranges. These low performance levels should be considered unacceptable.

Figure 2. Average California Standards Test (CST) proficiency levels for 2001-2006 in English Language Arts (ELA), for SDUSD general and special education students in grades 2-7.

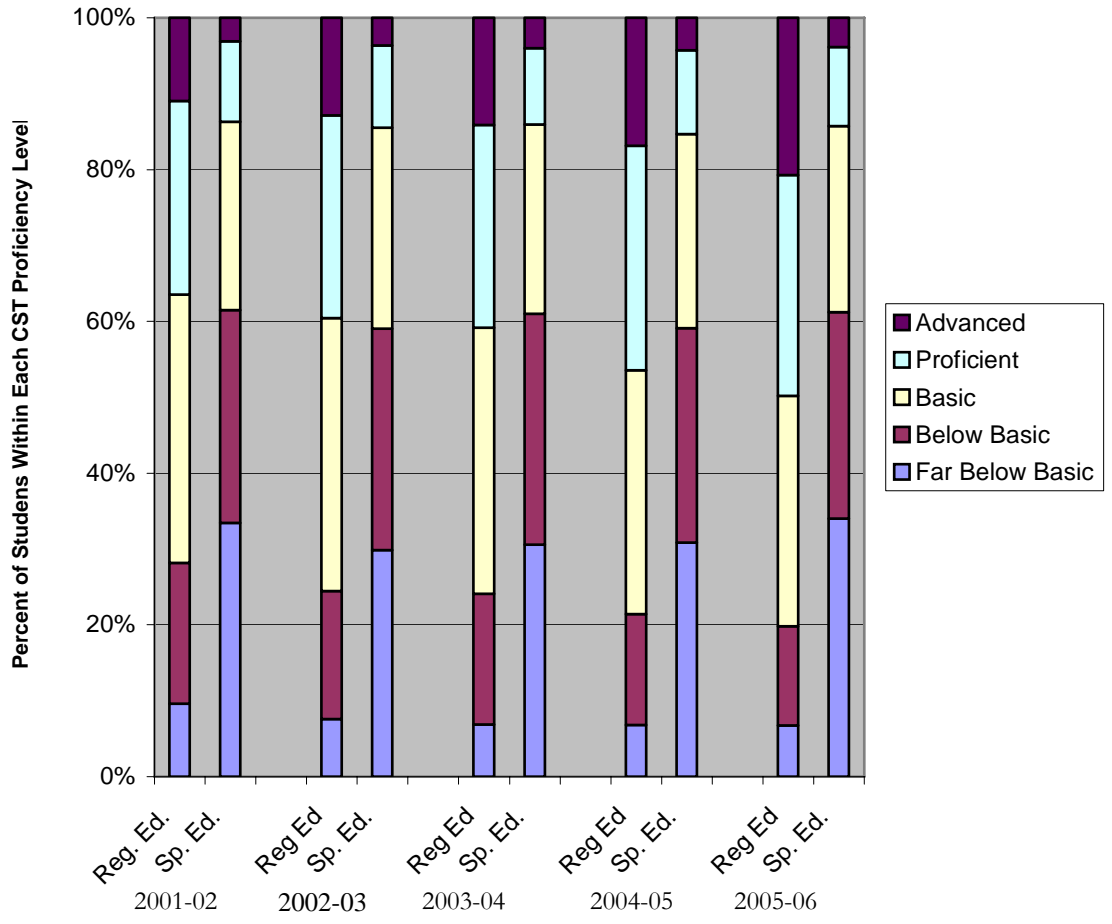


Figure 3. Average California Standards Test (CST) proficiency levels for 2001-2006 in mathematics, for SDUSD general and special education students in grades 2-7.

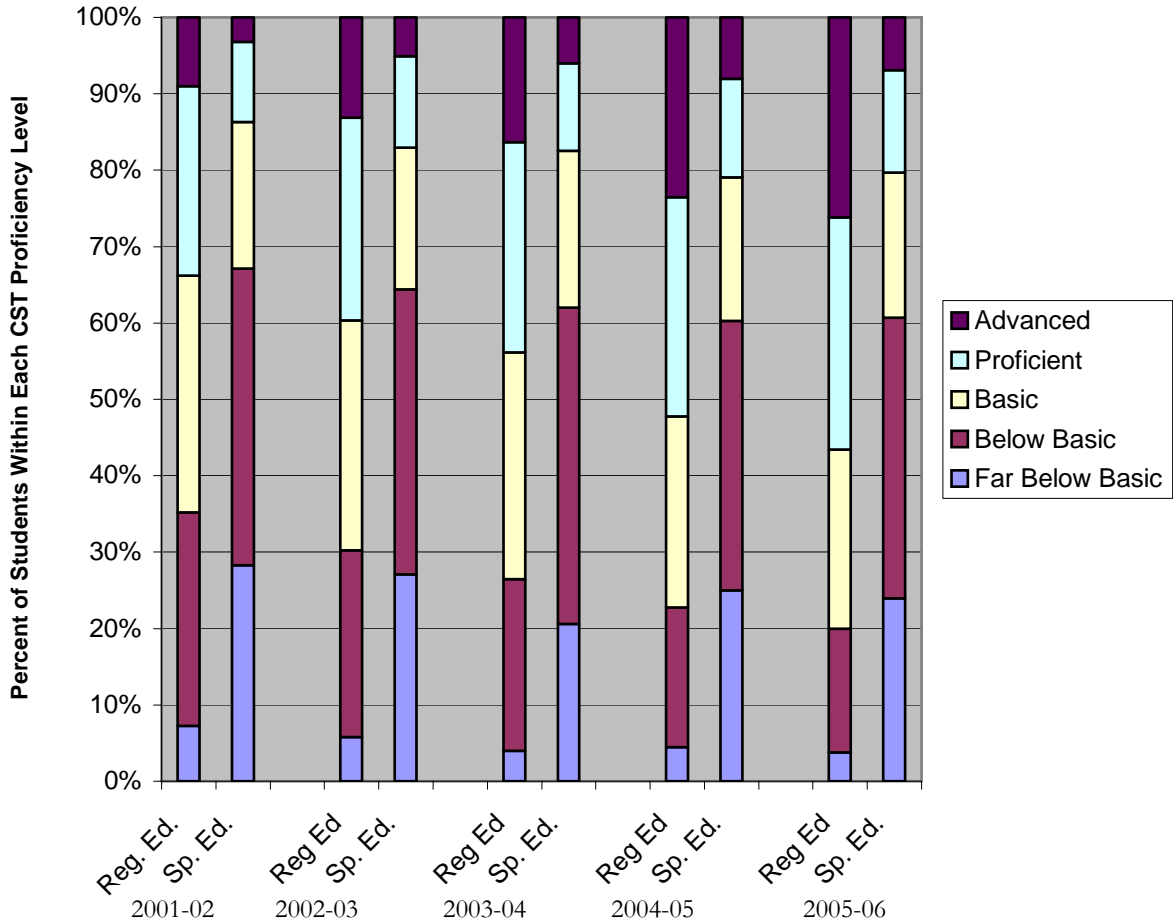


Table 2. SDUSD students' performance on the California Standards Test (CST) in 2005-2006, for special education and general education students.

	<u>Reading</u>				<u>Mathematics</u>			
	<u>Gen. Ed.</u>	<u>%</u>	<u>Sp. Ed.</u>	<u>%</u>	<u>Gen. Ed.</u>	<u>%</u>	<u>Sp. Ed.</u>	<u>%</u>
Advanced	16667	21.0	301	3.2	14468	18.2	388	4.1
Proficient	21866	27.5	835	8.8	19361	24.4	924	9.7
Basic	23749	29.9	2187	22.9	18355	23.1	1514	15.9
Below Basic	11126	14.0	2792	29.3	18618	23.4	3609	37.9
Far Below Basic	6072	7.6	3418	35.9	7933	10.0	2794	29.3
Totals	79480	100	9533	100	79480	100	9533	100

Figure 4. 2005-2006 California Standards Test (CST) English Language Arts (ELA) performance levels of students with disabilities in SDUSD and other comparable large urban districts in California.

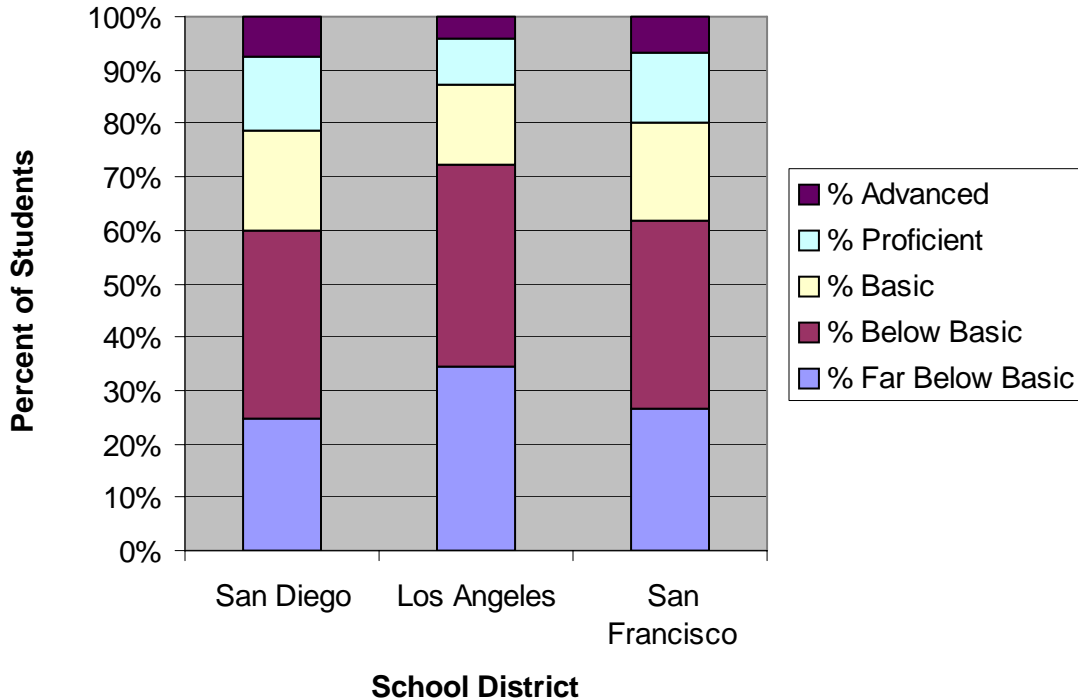


Table 3. Enrollment of low-income students in SDUSD and other large comparable urban districts.

<u>California School District</u>	<u>Percent of Total Enrollment</u>
San Francisco Unified	55.10%
San Diego Unified	68.50%
Los Angeles Unified	77.30%

Finding 2: San Diego inordinately segregates too many students with certain disabilities, particularly those with cognitive disabilities.

A major complaint of parents was that San Diego did not embrace inclusive practices for many students with disabilities, particularly those with cognitive disabilities or mental retardation. One parent stated, “Over the course of the past few years, staff has reported that they were told ‘inclusion’ was inappropriate for students with significant cognitive deficits.” Indeed some parents report that strong inclusive efforts, begun by the district in the 1990s, have largely been curtailed.

IDEA has always promoted integration of all students with disabilities, and studies have consistently shown that integration is associated with better outcomes for students with disabilities, including higher academic performance, higher likelihoods of being employed, higher participation rates in postsecondary education, and more integration within communities (Hebbeler, 1993). Further, integration allows students to develop social relationships with nondisabled children, which are critical to development and community integration (Biklen, 1992). Integration also promotes the goal of creating an inclusive community in which all people are valued (Biklen, 1992; Hehir, 2005; Kliever, Fitzgerald, Meyer-Mork, Hartman, English-Sand, and Raschke, 2004).

Qualitative interviews and site visits, as well as quantitative data, support these parent complaints. As stated in the introduction, inordinate segregation is particularly pronounced for students with mental retardation, other health impairments, orthopedic disabilities, and emotional disturbance.

Of particular concern is the amount of segregation experienced by students with mental retardation, with almost 85 percent served in segregated settings (compared to 58.5 percent nationally) (U.S. Department of Education, 2004). This is a large population of students, with over 1000 identified and only 100 in integrated settings, many of whom are integrated only as a result of parent advocacy. Parents should not have to fight for their children to receive integration—the district should provide it. Most parents do not have the means to hire lawyers and advocates. Further, the failure to provide quality integration is a source of much anger and frustration among CAC members. This large population of students appears to be ill served by current practices. It should be noted that in general, urban districts have more children in segregated placements than other districts (Hehir, 2005). However, it should also be noted that several urban districts have had class action litigations filed against them for failure to integrate students including New York, Chicago, and Los Angeles.

Children with mental retardation benefit from typical models of behavior and language in order to develop maximally. Yet for many, this is denied by the district. We witnessed a school in which these children were segregated even for lunch. A special education professional commented, “Look at this!” as she pointed to the students with mental retardation who were sitting at a separate table, each accompanied by a para-professional. “These kids need typical language models and they are not getting them. Talk about a lost opportunity.” We approached the students and asked them some basic questions like, “What is your name?” In each case, the para-professionals answered for the child while declaring them “non-verbal.” The professional accompanying us questioned how they would ever become verbal if adults were constantly answering for them.

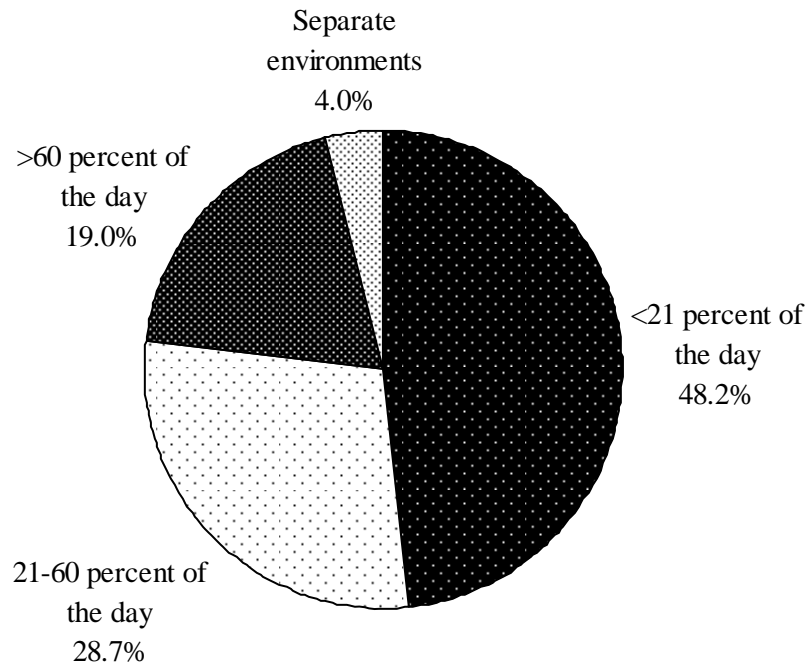
Also of note is the fact that San Diego serves very few students in partially integrated programs (20 to 60 percent of their day in special education settings). Nationally, 28.7 percent of students are served in such settings (U.S. Department of Education, 2004), while San Diego only serves 8.3 percent of its students with disabilities in these settings. This data lends credence to parent complaints that, particularly for students with learning disabilities, the choice is either the general education class or a separate class. For students with learning disabilities, the national average for this type of placement is 38.6 percent, compared with

San Diego where only 8.4 percent are served in these types of settings (See Table 4). It is important to note here that, although integration is supported by the research literature, targeted interventions for some students outside the classroom may be needed (Shaywitz, 2003; Vaughn & Fuchs, 2003). It would therefore be a mistake to say the literature supports “full inclusion”. It appears that San Diego uses the option of partial integration least.

Table 4. Least Restricted Environment (LRE) placement for SDUSD students with disabilities disaggregated by their Least Restricted Environment (LRE) Placement (K to 12th grade students)

	0-20% in Special Ed			21-60% in Special Ed			61-100% in Special Ed			Total n
	n	SDUSD Average %	U.S. Avg. %	n	SDUSD Average %	U.S. Avg. %	n	SDUSD Average %	U.S. Avg. %	
Autism (AUT)	195	28.0%	24.7%	53	7.6%	17.8%	448	64.4%	57.5%	696
Deaf (DEA)	25	19.8%	17.6%	23	18.3%	20.1%	78	61.9%	62.3%	126
Emotional Disturbance (ED)	262	27.0%	28.8%	94	9.7%	23.0%	615	63.3%	48.2%	971
Hard of Hearing (HH)	175	78.5%	43.0%	32	14.3%	19.3%	16	7.2%	37.7%	223
Mental Retardation (MR)	90	11.3%	10.9%	44	5.5%	30.5%	662	83.2%	58.5%	796
Multiple Disabilities (MUH)	16	15.7%	11.6%	10	9.8%	17.3%	76	74.5%	71.1%	102
Other Health Impairment (OHI)	1005	63.9%	49.5%	123	7.8%	31.4%	444	28.2%	19.1%	1572
Orthopedic Impairment (OI)	122	35.3%	----	23	6.6%	----	201	58.1%	----	346
Specific Learning Disability (SLD)	4833	69.4%	46.9%	584	8.4%	38.6%	1546	22.2%	14.5%	6963
Speech and Lang. Impairment (SPI)	2774	85.5%	87.0%	96	3.0%	7.5%	374	11.5%	5.5%	3244
Traumatic Brain Injury (TBI)	24	42.9%	28.5%	7	12.5%	34.8%	25	44.6%	36.7%	56
Visual Impairment (VI)	37	62.7%	52.5%	8	13.6%	17.3%	14	23.7%	30.2%	59
Total and Percentage of Total	9559	63%	48.2%	1097	7%	28.7%	4504	30%	23.0%	15160

Figure 5. Percentage of time each day spent outside of the general classroom for students with disabilities in the U.S., ages 6 through 21, served under IDEA, Part B: Fall 2002 (U.S. Department of Education, 2004, p. 30).



Finding 3: Building principals and their supervisors are insufficiently involved in operating special education in their buildings, and are insufficiently held accountable for special education in their schools.

As mentioned in the introduction, the management of special education has been highly centralized. As a result, general education administrators from the central office in the school buildings are not sufficiently involved in the education of students with disabilities nor are they given the necessary authority to run special education in their buildings. In general, the placement of special education classes is a central decision and building-based administrators have relatively little input in budgetary decisions. The result is that building-based staff has been largely relieved of important accountability for special education. This has enabled some to violate the rights of students while at the same time not allowing those who wish to improve their special education options the sufficient authority or resources to do so.

In one building we visited, for instance, special education staff was not even allowed to use the Xerox machine or to get secretarial help to keep special education records up-to-date. One school-based staff member told us that she was aware of an illegal exclusion of a student with disabilities from a high school. When she brought this to the attention of the principal she was told that the student was expelled and “that was that.” A parent reported going to a principal’s supervisor to complain about her son’s program. She was told by the

administrator, “Special Education is not my job. See Roxie (the district’s Special Education Director).” One parent recounted years of frustration attempting to get a quality inclusive program for her daughter. She stated, “Principals and administrators need to be held responsible for the education of all students on their campus.” She did not feel this was the case for her daughter.

On the other hand, we met principals who took a great deal of responsibility for their building’s special education programs, with some devoting additional discretionary resources to the programs. However, these principals expressed some frustration with the lack of authority they had over their special education program. One expressed his feelings of being hampered in supervising building staff that “don’t report to me.” Another principal expressed concern over the district’s lack of support for inclusion. She stated, “It’s the best thing for the kids. Yet the district does not support it.” Several stated that the lack of input over budgetary decisions reduced their ability to improve instruction.

Finding 4: Most charter schools are serving very few students with disabilities and most are not serving students with significant disabilities.

Related to the lack of sufficient responsibility and accountability of building-based principals is that relatively few students with disabilities are served by the large charter school network within the city.

Table 5. Proportion of all disabled and nondisabled SDUSD students attending charter schools.

	<u>n</u>	<u>%</u>
Attend SDUSD charter schools	12,519	9.1%
Attend other SDUSD schools	124,623	90.9%

Nearly 10 percent of all San Diego children are served by charter schools (See Table 5). Though there is considerable variability among charter schools, as a whole only 6.8 percent of charter school students have disabilities (see Table 6). If one factors out previous district schools that have been converted to charters (i.e., schools that already had special education programs), the percentage of students with disabilities drops to 4.1 percent, a little over a third of the percentage of students served by non-charter schools in the district (see Tables 6A and 6B). The non-conversion charters also serve very few significantly disabled students. For instance only 3 children with mental retardation are served in these schools, while the other district schools serve over 1000 of these students (See Table 7 and Table 8).

This failure to serve large numbers of disabled students is serious. First, parents of students with disabilities should be able to freely choose charters for their children. This is a clear requirement of federal law, as disability discrimination is illegal. Further, charters are funded using an average per pupil cost that includes the cost of special education. Finally, the failure to serve an equitable share of students with disabilities means the district schools must serve more students, with associated attendant costs and administrative issues.

Table 6A. Proportion of SDUSD charter school attendees enrolled in special education, by school.

<u>Placement of Students</u>				
<u>Charter School</u>	<u>General Ed</u>	<u>Special Ed</u>	<u>Total Enrollment</u>	<u>% Special Ed</u>
School 1	322	27	349	7.74%
School 2	306	17	323	5.30%
School 3	375	28	403	6.95%
School 4	453	22	475	4.60%
School 5	295	18	313	5.75%
School 6	128	3	131	2.30%
School 7	274	1	275	0.40%
School 8	415	83	498	16.70%
School 9	685	125	810	15.40%
School 10	131	4	135	3.00%
School 11	145	7	152	4.60%
School 12	392	17	409	4.20%
School 13	18	0	18	0.00%
School 14	110	5	115	4.30%
School 15	62	2	64	3.10%
School 16	1561	60	1621	3.70%
School 17	513	48	561	8.56%
School 18	205	20	225	8.90%
School 19	270	13	283	4.60%
School 20	469	36	505	7.10%
School 21	261	15	276	5.40%
School 22	1168	171	1339	12.80%
School 23	1109	121	1230	9.80%
School 24	156	19	175	10.90%
School 25	315	23	338	6.80%
School 26	73	6	79	7.60%
School 27	136	12	148	8.10%
School 28	292	40	332	12.05%
School 29	324	34	358	9.50%
School 30	271	20	291	6.90%
School 31	295	7	302	2.30%
School 32	135	12	147	8.20%
Total	11664	1016	12680	8.01%

Table 6B. Proportion of SDUSD charter school attendees enrolled in special education, by school (excluding charter school Conversions).

<u>Placement of Students</u>				
<u>Charter School</u>	<u>General Ed.</u>	<u>Special Ed.</u>	<u>Total Enrollment</u>	<u>% Special Ed.</u>
School 1	322	27	349	7.7%
School 2	306	17	323	5.3%
School 3	375	28	403	6.9%
School 4	453	22	475	4.6%
School 5	295	18	313	5.8%
School 6	128	3	131	2.3%
School 7	274	1	275	0.4%
School 8	131	4	135	3.0%
School 9	145	7	152	4.6%
School 10	392	17	409	4.2%
School 11	18	0	18	0.0%
School 12	110	5	115	4.3%
School 13	62	2	64	3.1%
School 14	1561	60	1621	3.7%
School 15	513	48	561	8.6%
School 16	205	20	225	8.9%
School 17	270	13	283	4.6%
School 18	261	15	276	5.4%
School 19	156	19	175	10.9%
School 20	315	23	338	6.8%
School 21	73	6	79	7.6%
School 22	136	12	148	8.1%
School 23	292	40	332	12.0%
School 24	324	34	358	9.5%
School 25	271	20	291	6.9%
School 26	295	7	302	2.3%
School 27	135	12	147	8.2%
Total	7818	480	8298	5.8%

Table 7. SDUSD charter school enrollments of students with disabilities, by disability type (all charter schools).

<u>Type of Disability</u>	<u>Number of Students</u>	<u>Percent of Students with Disabilities</u>
Autism (AUT)	14	1.6%
Deaf/Blind (DB)	0	0.0%
Deaf (DEA)	2	0.2%
Emotional Disturbance (ED)	31	3.6%
Established Medical Disability (up to 3yrs old)	0	0.0%
Hard of Hearing (HH)	10	1.2%
Mental Retardation (MR)	37	4.3%
Multiple Disabilities (MUH)	4	0.5%
Other Health Impairment (OHI)	99	11.6%
Orthopedic Impairment (OI)	17	2.0%
Specific Learning Disability (SLD)	513	60.0%
Speech and Language Impairment (SPL)	123	14.4%
Traumatic Brain Injury (TBI)	3	0.4%
Visual Impairment (VI)	2	0.2%
Total	855	100%

Table 8. Students with disabilities served by SDUSD charter schools (excluding charter school conversions).

<u>Disability Type</u>	<u>Number of Students</u>	<u>Percent of Students with Disabilities</u>
Autism (AUT)	2	0.6%
Deaf (DEA)	2	0.6%
Emotional Disturbance (ED)	13	4.1%
Hard of Hearing (HH)	6	1.9%
Mental Retardation (MR)	3	0.9%
Multiple Disabilities (MUH)	2	0.6%
Other Health Impairment (OHI)	51	16.0%
Orthopedic Impairment (OI)	2	0.6%
Specific Learning Disability (SLD)	152	47.6%
Speech and Language Impairment (SPL)	85	26.6%
Visual Impairment (VI)	1	0.3%
Total Students with Disabilities	319	100.0%

Finding 5: San Diego disproportionately places African American students in programs for students identified as emotionally disturbed and learning disabled.

The over-placement of minority students in special education, particularly African Americans, is a longstanding issue (for discussion see, e.g., Harry and Klingner, 2006; Losen and Orfield, 2002) As Table 9 shows, African American students are 70 percent more likely to be placed in programs for students with learning disabilities, and three times more likely to be placed in programs for emotionally disturbed children.

This is a significant issue in that being identified as a special education student carries stigma, and may result in lower expectations and segregation of students (Hehir, 2005). Research also notes that over-representation can be associated with the failure of general education to address general needs of these students, particularly in the areas of reading and behavior (Harry and Klinger, 2006).

In an effort by Congress to address this long-standing problem, the 2004 authorization of IDEA (IDEA 2004) required states to monitor and enforce this issue, giving states broad discretion to impose sanctions on Local Educational Authorities (LEAs) (i.e., districts). In addition to the concerns about potential harm to children from over-representation in special education, the SDUSD also risks Department of Education (DOE) enforcement action if this problem is not adequately addressed.

Table 9. Results from a fitted logistic regression model for predicting the odds-ratio for African American and Latino student placement in special education in the San Diego Unified School District, compared with Caucasian students (n=137,142).

	<u>African American Students Odds Ratios</u>	<u>Latino ELL Students Odds Ratios</u>
Emotional Disturbance (ED)	3.035***	0.518***
Mental Retardation (MR)	1.279***	1.138*
Specific Learning Disability (SLD)	1.706***	1.326***
Speech and Language Impairment (SPI)	1.016	1.106**

* $p < .05$. ** $p < .01$. *** $p < .001$.

Finding 6: San Diego disproportionately places Latino English language learners (ELLs) in special education.

Interviews and observations in the schools raised the question of whether ELLs were being inappropriately placed in special education. In every school we visited, we asked school staff their opinion about whether nondisabled students were being referred to special education because they were having difficulty learning to speak English. The vast majority of staff answered affirmatively.

We therefore ran risk ratios to determine if this might truly be the case. We compared Latino non-ELLs with Latino ELLs to control for race and found that Latino ELLs were significantly over-represented in special education, with an odds ratio of 1.728. This indicates that the odds of being placed in special education are over 70 percent higher for Latino ELLs than Latino non-ELLs (See Table 9). Another way to interpret risk ratios is to relate each odds ratio with the comparison group. For example, as shown in Table 9, African American students are slightly more than 3 times more likely than Caucasian students (the comparison group) to be diagnosed as emotionally disturbed.

This issue needs to be addressed for all the same reasons that African American over-placement must be addressed. There also needs to be other alternatives in general education for nondisabled Latino students struggling to learn English. This is particularly important in a district where there are so many ELLs.

Finding 7: San Diego is not prepared to implement Response to Intervention (RTI) requirements of IDEA 2004.

A major thrust of IDEA 2004 is the requirement that districts implement Response to Intervention (RTI) programs in the primary grades, for students who are experiencing reading difficulties. This movement is based on research showing that improved early reading instruction can reduce the number of students needing special education services, while simultaneously providing earlier support to those who might have learning disabilities (Vaughn & Fuchs, 2003). As previously mentioned, this particular issue is also directly related to the over-placement of minority students in special education, since many of those students also lack sufficient support in reading.

Through both interviews and observations, it is clear to us that the SDUSD is ill-prepared to implement these programs. On the positive side, we visited a school in which we did see an RTI program in place, with impressive instruction carried out by two special education teachers. This had been initiated by the special education department in response to a high number of special education referrals.

It should be noted, however, that RTI as developed in IDEA 2004 envisions this as a general education responsibility, not a duty of special education instructors. Interviews with both special and general education staff indicate that this initiative continues to largely be led by special education. Indeed, the special education department is drawing up a budget for this. It is in the deep interest of the district and the children it serves for general education to take responsibility in this area and to use special education's expertise and experience to help guide the effort.

CONCLUSION

This draft has identified both major strengths and challenges of the special education program in San Diego. There is much that is positive about the existing efforts being undertaken by teachers, related services personnel and administrators. However, there are some serious issues that need to be addressed if educational options are to be improved for the 16,000 students with disabilities in the SDUSD. We will provide a comprehensive set of recommendations for each area of deficiency by the start of the school year. In the meantime, we hope this report can be used as a basis upon which serious reforms can begin.

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