

# THE SPECIAL EDUCATION MUCKRAKER

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(Well, somebody's got to do it.)

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## **OOPS! ALBANY'S SPECIAL EDUCATION SPINMEISTERS WORK THEIR WILES. AGAIN. MANY DISABLED KIDS LEFT BEHIND: MORE LEFT OUT!**

In a rousing display of sped-u-talk, the NYS Education Department just released *some (but not all)* of the data required by the No Child Left Behind and Individuals with Disabilities Education Acts, 18 days after the IDEA mandated it do so. Albany always was known for doing things late.

**THE SPECIAL EDUCATION MUCKRAKERS** think you've been good - so good that you deserve a custom translation from Albany sped-u-talk into plain English. So we've prepared the following to guide you in your eternal, fruitless, search for complete, accurate, mandated special education data on the 12% of kids in New York classified as "disabled."

Here's what Deputy Commissioner Gloeckler had State Ed. put on line. Media take note: Deputy Com'r. Gloeckler maintained in a formal investigatory finding letter dated March 2003 that his on-line Reports to the Regents are not reports to the public. Apparently, neither are Commissioner Mills' press conferences. So, those of you who have been dutifully reporting this stuff to the public have been doing it all wrong. The **MUCKRAKERS** are not impressed.]

TO: THE HONORABLE THE MEMBERS OF THE BOARD OF REGENTS  
FROM: LAWRENCE C. GLOECKLER  
TITLE OF ITEM: UPDATED SPECIAL EDUCATION DATA  
DATE OF SUBMISSION: APRIL 16, 2003  
RATIONALE FOR ITEM: UPDATE ON PROGRESS TOWARDS REGENTS GOALS FOR RE REFORM OF SPECIAL EDUCATION AND RESULTS OF VOCATIONAL REHABILITATION  
SUMMARY:

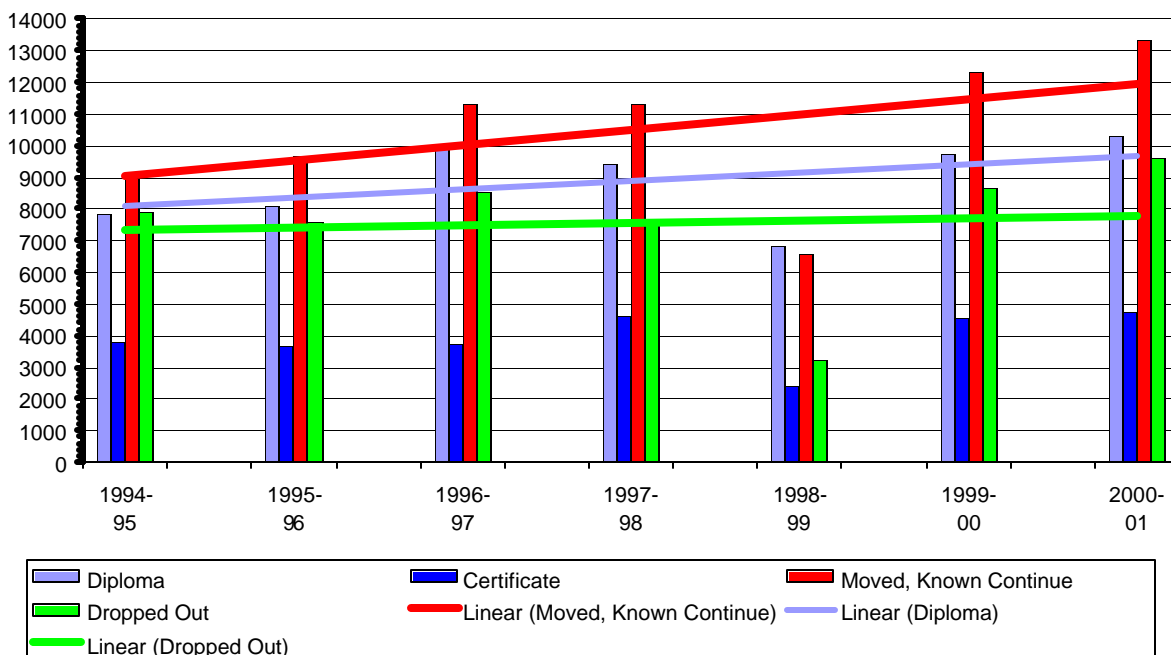
**"School-age declassification has decreased by 0.3 percentage points from the previous year to 3.7%."** Translation: It would take the average NYS kid with disabilities longer to get declassified as disabled than it would to finish school. A lot longer! And it's getting worse!

Kids with disabilities are not receiving the special education and services they need – via research-validated methodologies of remediation and behavior management/modification – and thus are leaving the Special Education Swamp in fewer and fewer numbers. And, only kids "classified" as disabled, including those in "regular" mainstream schools, can "earn" local high school diplomas, IEP diplomas, and Certificates of Attendance. Non-disabled kids must earn full Regents diplomas. So there's an NCLB incentive for districts not to de-classify kids in States like New York which do not run effective special education programs.

**“Of students with disabilities who completed high school, 67.6 percent earned a high school or high school equivalency diploma. This rate is 2.0 percentage points higher than the previous year’s rate.”** Translation: We’re not going to give you the overall numbers of disabled high school-age kids who received each kind of diploma – including IEP diplomas, which are universally acknowledged as having no value outside the public school world. And, we’re not going to give you the numbers of disabled high school kids who stopped going to school – via graduation, dropout, or who became “Disappearados,” nor the overall numbers and percentages of kids with disabilities who earned any recognizable high school credential whatsoever.

Now why would the Albany sped-u-crats withhold this kind of information? Hmnn. The muckrakers analyzed the available official federal data and found some interesting data. Most important, the percentage of NYS disabled high school exiters who exited school via receiving any high school credential whatsoever increased from only 32% to only 33% from the 1994-95 through 2000-2001 school years.

**NYS Special Ed. Exiting: '94-'95 - '00-'01**



(data source: US Dept. of Education, Office of Special Education Programs)

Not a pretty picture. And it may be getting worse. The fastest growing category of high school exiters in New York State is the “moved, known to continue” category.

What do we know about school district use of the “moved, known to continue” category? If disabled high school exiters were accurately placed in this category, the **MUCKRAKERS** would advise you to run quick and buy stock in Allied Van Lines ‘cause it’s clearly a growth industry. The **MUCKRAKERS** think not.

In 2001 and 2002, the Inspector General of the US Department of Education audited four states (unfortunately, not NY) to see if local districts and states were using the “moved, known to continue” category properly. Not! The OIG found that many districts used this grab bag as their default category, in which they stick some, or many, disabled high school kids who just stop

coming to school. Other districts just had no documentation supporting the numbers of kids they placed in this group. So nationally, “moved, known to continue” often really means “kids we don’t want to count as dropouts.”

What do the **MUCKRAKERS** know about the “moved, known to continue” category in individual districts in New York State? And,

### **WHO ARE THE NYS DISABLED DISAPPEARADOS?**

Lets start small. The NYS Education Department’s Comprehensive District Report for the Onteora Central School District, March 2003, for the 2001-2002 school year, at <http://www.emsc.nysed.gov/reprcd2003/cir/621201060000.pdf>, says this district had a total of 7 disabled high school students who did not continue through graduation in 2001-2002, either because they dropped out or left to enter a GED program. It also reports that a total of 3 disabled high school kids graduated with some kind of credential. But rooting around a little in this report, one finds the Average Grade Enrollment table for disabled high school students, which tells a far different story:

#### **THE INCREDIBLE SHRINKING NUMBER OF DISABLED HIGH SCHOOL STUDENTS IN ONTEORA**

Disabled High School Students in 9<sup>th</sup> grade in 2000 = 30  
The next year, Disabled High School Students in 10<sup>th</sup> grade in 2001 = 15  
The year after, Disabled High School Students in 11<sup>th</sup> grade in 2002 = 14  
So, the group of Disabled High School Students who started high school in Onteora shrank from 38 to 14 over the next 3 years.

Disabled High School Students in 10<sup>th</sup> grade in 2000 = 38  
The next year, Disabled High School Students in 11<sup>th</sup> grade, 2001 = 27  
The next year, Disabled High School Students in 12<sup>th</sup> grade, 2002 = 3

38 down to 3. Now that’s an accomplishment! The shrinkage is enormous and replicated in district after district throughout New York State. State Ed. doesn’t release the numbers for each district’s disabled high school “moved, known to continue” students, but . . . they do disappear.

New York City’s numbers are almost as bad: In the 2000-2001 school year, 26% of NYC disabled high school exiters were categorized as “moved, known to continue” and 39% more were listed as “dropped out.” Yet longitudinal studies of NYC disabled high school dropouts consistently show that less than 1/3<sup>rd</sup> ever graduate with any paper at all. And this is for longitudinal studies 7 years after these students started high school, because New York State “guarantees” high schooling to disabled students through age 21! (Source: NYCDOE PD forms.)

In fact, the “moved, known to continue” category is growing at a faster rate for New York State as a whole than for New York City. Onteora’s numbers may tell you something about why.

## WHAT ELSE DO WE KNOW ABOUT NEW YORK STATE'S DISABLED HIGH SCHOOL DISAPPEARADOS?

Advocates for Children, the NYC non-profit advocacy organization, recently published a report with the NYC Public Advocate, Betsy Gotbaum, entitled “**Pushing Out At-Risk Students: An Analysis of High School Discharge Figures,**” at <http://www.advocatesforchildren.org/pubs/pushout-11-20-02.doc/>.

*“[They] reviewed discharge data published by the New York City Department of Education (DOE) and found that over 160,000 high school age students were discharged during the 2000-2001, 1999-1998, and 1998-1997 school years.*

*Anecdotal evidence collected by both offices suggests that many of these discharges may be forced “push-outs” by school administrators of students, who have a legal right to remain in public schools. Both students and parents complained that there was no process for the discharge, that they were never informed of their rights to stay in school until the age of 21, and were not offered support services to improve academic performance or attendance.”*

**MUCKRAKERS** have communicated with folks at Advocates, and people in the Office of the Assistant Commissioner of Investigations for the NYC School District (when the late, well-loved Ed Stancik held this job) and found that many NY disabled high school students are, in fact, pushed out of school and kept on the books so they bring in federal and State per capita funds. Then, they just disappear. The United States Department of Education’s Inspector General audited 4 states’ use of the “moved, known to continue” category for disabled high school exiters in 2001-2002 and found that this category was improperly used for disabled high school dropouts in a substantial number of cases.

Advocates found that many NYC mainstream high schools “discharged” more students than they graduated. Carl Campanile, in *The NY Post*, reported that a NYC school official stated that “discharged” students aren’t counted as dropouts for NCLB purposes. “Discharged” disabled students are most frequently reported in the “moved, known to continue” category by NYS. And an investigator at Ed Stancik’s office told a muckraker that almost all the Brandeis High School “ghost students” in “phantom classes,” i.e., pushed out kids fraudulently kept on attendance rolls to secure unwarranted extra funds, “were special education kids.” Note: Brandeis used the excess funds to pay for part-time no show teachers and fictitious administrative positions – 2 Deans of the Cafeteria! Allied Van Lines, here we come.

The Gloeckler summary goes on: “of 8<sup>th</sup> grade students with disabilities, 83.3 percent were tested on the general 8<sup>th</sup> grade ELA examination, compared to 81.9 percent in 1999-2000.” Oops! There we go again. What happened to the other 16.7%? Did somebody forget to test them? Did they disappear? If they were given the alternate assessment for severely disabled kids (the IDEA requires that they be given the regular tests or the alternate assessment), why aren’t their scores reported. They are supposed to be. And: “Grade 8 mathematics examination: of 8<sup>th</sup> grade students with disabilities, 82.4 were tested, compared to 84.7 percent in 1999.” Oops again! They forgot to test 2.3 percent more disabled kids, and they don’t want to tell you whether it was the kids scheduled to take the regular test or the alternate test for severely disabled kids whom they forgot.

Now gentle readers, the **MUCKRAKERS** think you should hear about a study done by the NYU Graduate School of Education in 1997. Professors Gottlieb and Alter found that disabled kids in mainstream schools scheduled to receive resource room “services” stopped showing up in middle school in significant numbers, and by high school, only 50% of the kids scheduled to receive this service went to their resource rooms at all. Nobody ever did a follow up study to see if the kids who didn’t attend resource rooms just didn’t attend school. Ghost students, phantom classes, anyone? ( See: An Evaluation Study of the Impact of Modifying Instructional Group Sizes in Resource Rooms and Related Service Groups in New York City, Gottlieb, J., Ph.D. and Alter, M., Ph.D., New York University School of Education, Department of Teaching and Learning, July 1997. Conducted for NYS Education Department, Office of Vocational and Educational Services for Individuals with Disabilities, Office for Special Education Services).

### **WHO’S ON FIRST: WHO’S BATTING OUT?**

**“The percentage of students with disabilities scoring at level 3 and above on the Grade 8 ELA examination decreased 0.1 percentage points since 1999, from 9.3 percent to 9.2 percent.** Oops! Conversely, the percentage of disabled students failing the Grade 8 ELA exam increased from 90.7% to 90.8%. **“The percentage of students with disabilities scoring at Level 3 and above on the Grade 8 Mathematics examination increased 6.9 percentage points since 1999, from 7.8 percent to 14.7 percent.”** Aha! The percentage who failed decreased from 93.1% to 85.3%. And at a rate of improvement of 2.3% per year, disabled kids will pass the 8<sup>th</sup> grade math exam in decent numbers in . . . Well, you’ve got the idea. Is the glass half empty, or half full? Neither. In New York, with these percentages, it’s always almost empty. [A **MUCKRAKERS NOTE**, gentle readers: levels 3 and 4 are passing; something Deputy Com’r. Gloeckler’s Summary doesn’t tell you.]

Now, NCLB requires that State Ed. Departments publish 2-year comparisons of scores. But not in New York! Apparently, 2000-2001 was not a vintage school year in New York.

Regents exams: New York’s gold standard. How many disabled kids *really* passed the various NY Regents exams? Hard to tell. New York has a “safety net for disabled students” which will allow them to continue “passing” Regents exams with a grade of 55 for many years to come, while non-disabled kids will have to score 65 or above, starting next year. Why the difference? State Ed. has said in the past that it’s necessary while they “study” disabled kids’ test score results. Actually, it’s because a huge proportion of disabled kids who pass these tests do so with grades between 55 and 64. In fact, the passing score may be kept at 55 for all kids for the foreseeable future because a huge proportion of minority, poor and Hispanic students also score between 55 and 64.

### **AND THE REALLY BAD NEWS IS . . .**

**“Compared to the two previous cohorts, a lower percentage of the 1998 cohort met the English and Math graduation requirements by achieving a score of 55-100 on the Regents examinations.”** Oops! And this doesn’t even include the Disappearados. The **MUCKRAKERS** know that studies show that students who take more than 4 years to graduate rarely do so.

**“Regents competency tests: compared to 1996, fewer students with disabilities took each regents competency test. Of the students who took the rct’s, the percent of students with**

*disabilities passing some rct's decreased compared to the previous year, while passing rates for others increased or remained constant.*

### WHAT ARE REGENTS COMPETENCY EXAMS, ANYWAY?

Translation: In a memorandum to the Regents dated April 15, 2003, State Ed.'s Deputy Commissioner James Kademus wrote as follows:

#### ANALYSIS OF SCHOOL REPORT CARD RESULTS FOR 2002

Why higher standards and Regents exams?

- Beginning in the late 1980s, the public said that standards in many schools were too low. They said students were not well-prepared. Employers said jobs are requiring higher skills, while many new job applicants lacked high school reading, writing and other skills. While over 80% of New York State graduates attend college, colleges found that students had to take remedial courses to make up for what they did not learn in high school.
- While some students took rigorous courses and Regents exams, others were tracked into low-level courses and received a local diploma by passing competency tests set at the 8<sup>th</sup> grade level.
- In 1995, the Regents created a set of learning standards that were based on what students need to know and be able to do in order to complete higher education coursework without remediation and to obtain high-level jobs. Seven years later, President Bush signed into law the No Child Left Behind Act that required all states to establish such standards.
- In 1996, the Regents decided to phase out the competency tests and require Regents exams for all students to be phased-in over a nine-year period. The Regents exams measure students' ability to read and write at the high school level; understand and apply algebra and geometry; understand historical facts and trends for world history and U.S. history, as well as geography and government; and to acquire core scientific knowledge needed for the 21<sup>st</sup> century. The Regents also decided to test students at the 4<sup>th</sup> and 8<sup>th</sup> grade levels to measure their progress on the learning standards in reading, math, science and social studies.

### WHAT HAVE BEEN THE RESULTS TO DATE?

- The previous two-track system of education in New York which had low expectations for high need students has been eliminated. Virtually all high school students now take the Regents exams.

**MUCKRAKERS** arise! How can Deputy Commissioner Kademus say that the “two-track system of education in New York which had low expectations for high needs students has been eliminated” while Deputy Commissioner Gloeckler’s Summary says – the very next day - that *“substantial numbers of students with disabilities still took these examinations in 2001-2002 to qualify for a local high school diploma”*? Since State Ed. didn’t give out the numbers of kids with disabilities who exited high school with local diplomas, the **MUCKRAKERS** can’t tell you how many were graduated with these diplomas which are “set at the 8<sup>th</sup> grade level. “ But State Ed. doesn’t give you the numbers of disabled kids who took, passed, or failed, specific RCT

exams, which measure skills and knowledge at the 8<sup>th</sup> grade level, either. So you figure it out, gentle reader. Is the two-track system of public education in New York State really gone or not? Spin? Sped-u-talk? Or schizophrenia.

The **MUCKRAKERS** know much when they read it, and this is muck of the first order. No Child Left Behind? High standards for all kids? In New York State? We don't see it.

### **AND THE MISSING SCHOOL REPORT CARDS ARE . . .**

New York State has 91 publicly-operated all-special education schools. Now you'd think, gentle reader, that these schools would have individual School Report Cards because New York State's federally-approved No Child Left Behind workbook says that "all schools" will have them, but, gentle reader, you'd be wrong. Which part of "all schools" doesn't State Ed. understand?

The majority of these all-special education schools are run by the Big Five City School Districts (NYC, Buffalo, Rochester, Syracuse and Yonkers). New York City's all-speducation schools alone "educate" over 22,000 kids. There are no individual School Report Cards giving all the "mandated" data for these Big City-operated all-special ed. schools. Compare the "School Report Card" Comprehensive Information Report for Buffalo's all-special education occupational training center, <http://www.emsc.nysed.gov/reprcd2003/cir/140600010042.pdf>, PS 42, with the Comprehensive Information Report for Buffalo's Bennett High School, at <http://www.emsc.nysed.gov/reprcd2003/cir/140600010099.pdf>. Or with the Comprehensive School Report for any other non-special education high school in New York State. State Ed. has set no separate test score accountability targets for this school, or any other all-special education school, and no graduation/dropout accountability standards for any of them, either.

Gobbledegook *cum laude*. State Ed. "explains" this substantial omission by claiming that the scores of kids in publicly operated all-special education schools will be reported in the aggregate numbers for all disabled kids in their home districts. It's No Child Left Behind application says it will have School Report Cards and accountability standards for "all schools." Now, is it that State Ed. thinks that publicly-operated all-special education schools aren't "really" schools? Or that their students "really" aren't students? Or that how they do, and whether they graduate with any credential whatsoever, doesn't count and thus shouldn't be counted? Sped-u-think?

The United States Department of Education's NCLB folk say that State Ed. must have School Report Cards and accountability standards for the all-special education schools run by the Big Five Cities. And probably for those individual all-special ed. schools run by the 38 NYS Boards of Cooperative Educational Services, too.

Will the United States Department of Education step up to the plate and insist that all New York State's disabled kids be counted, properly, because what happens to them counts? Time will tell, gentle readers. Only time will tell. **THE SPECIAL EDUCATION MUCKRAKERS** certainly hope so.

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