

# Urban Perspectives

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**SAVE THE DATE:**  
**DECEMBER 1-5, 2003!**

## A Consent Decree Primer for District Administrators

**Arun K. Ramanathan**

### Introduction

Over the last 20 years, advocacy groups and parents of children with disabilities have filed a series of class action lawsuits against urban school systems charging them with failure to comply with the Individuals with Disabilities Education Act (IDEA) and state special education laws. When confronted with these lawsuits, most school districts have chosen to avoid litigation and instead have entered into a settlement. These agreements, known as consent decrees, have set forth a series of goals that a school district must achieve.

A consent decree is typically monitored by an external, court-appointed official often referred to as a court monitor or special master. As a rule, the court can modify or reassess the agreement based on a school district's progress in meeting the decree's goals. Because consent decrees often require major changes in school districts' educational programs as well as administrative infrastructure, they can result in many years of effort and sizable expenditures.

Over the past year, I have studied six of the longest-running special education consent decrees: *Felix* in Hawaii, *Blackman-Jones/Petties* in Washington D.C., *Vaughn G.* in

Baltimore, *Chanda Smith* in Los Angeles, *Corey H.* in Chicago, and *Jose P.* in New York (average length is 12 1/2 years). Each of these districts has spent tens of millions of dollars and, in some cases hundreds of millions, to meet the goals of their decrees. Court oversight has ranged along a continuum from moderately to highly forceful with federal judges taking dramatic steps to motivate compliance with a decree.

In Washington D.C., the district judge leveled millions of dollars in fines against the school district for its repeated failure to meet deadlines for compliance with the *Blackman-Jones* and *Petties* consent decrees. Over the last ten years, Hawaii, the nation's only statewide school district, has spent more than a billion dollars to comply with the *Felix* consent decree. During this time, the federal court became increasingly forceful in its interventions in the Hawaii Department of Education, at times threatening to place the entire system in federal receivership.

The failure of Baltimore City Schools to comply with the *Vaughn G.* consent decree resulted in citations of contempt against the Baltimore City superintendent. The *Jose P.* consent decree in New York, one of the longest running consent decrees in the

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## Special Education Leadership in the Era of Standards-Based Reform

*Lessons from the Work of Dick Elmore*

**Tom Hehir, Senior Policy Advisor**



**Tom Hehir**

As we face the formidable challenge of improving student performance within the context of standards-based reform, the work of special educator Dick Elmore, a colleague of mine at Harvard, stands out. Two of his recent papers, published by the Albert Shanker Institute, provide a compelling vision for leaders in education at this time. The first piece, “Building a New Structure for School Leadership,” begins with the stark observation that schools are not prepared to meet the demands of standards-based reform. It then provides a strong argument for what Elmore refers to as “distributive leadership.” In the other piece, “Bridging the Gap Between Standards and Achievement: Report on the Imperative for Professional Development in Education,” he develops a cogent argument for investing in effective practitioner development focused on teaching and learning.

According to Elmore, the challenge is to figure out how to improve teaching and learning in whole systems as opposed to isolated schools or classrooms, and this will require a dramatic change in how we conceptualize our role as leaders. It is no longer good enough to run schools that are successful for *some* students. School systems must demonstrate improved academic performance for *all* students. The key lies in improving the ability of teachers and administrators to engage in increasingly effective practice.

Not long ago, most students with disabilities were not even part of national (National Assessment of Educational Progress), state, or school district testing programs. Accountability in special education was largely defined as complying with procedural aspects of laws. That all changed in a relatively short time as students with disabilities were included in the larger standards-based reforms with the 1997 amendments to the Individuals with

Disabilities Education Act (IDEA), and reinforced further by No Child Left Behind.

We now have data emerging on how students with disabilities are performing academically, and the focus of special educators is increasingly drawn to improving performance. At the same time, the performance of students with disabilities is emerging as a more general concern. It is moving beyond the desks of special education directors as school systems and states seek to bridge the achievement gap. Although the data emerging is mixed, with some districts and schools showing marked improvement in performance, the bulk of students with disabilities are not measuring up to state standards. Given that large numbers of students with disabilities are not performing adequately on academic measures, the role of special education leaders will be more demanding and, potentially, more rewarding. Redefining our role and understanding how we “fit” within our districts’ overall improvement efforts will be essential.

Elmore’s principle of distributive leadership begins with defining “improvement” as the ability of an organization to demonstrate that it can make progress toward a goal by “doing certain things; and it engages people in analyzing and understanding why some actions seem to work and others don’t.” Elmore moves away from the traditional notions of heroic, charismatic leaders and defines school leadership as the ability to guide instructional improvement. Teachers, those who are responsible for delivering instruction, have the best grasp of how to improve it with the leader guiding and providing direction.

Given the complex, knowledge-intensive nature of teaching and learning, instructional improvement is more likely to occur when organizations recognize the different kinds and levels of knowledge that are necessary for instruction. Under distributive leadership, the challenge is to harness these varied skills so that they complement each other, and if there is not enough expertise within the organization, to

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## Collaborative Spring Meeting

The Collaborative's spring meeting in Nashville, Tennessee, "Intervention-Based Approaches to Eligibility Determination," May 15-17, provided members and associates an opportunity to hear two keynote speakers' research, as well as "problem-solving" approaches from colleagues in 10 member districts.

Keynote speaker Robert March of New York University, who has been working with several Collaborative member districts, shared the research and implications for practice of whole school behavior support systems as a vehicle for reducing inappropriate referrals to special education. Joseph Witt of Louisiana State University addressed the need to replace the traditional "wait to fail" model of identifying children at risk with proactive universal screening and early intervention approaches. His research and work indicate that such initiatives result in 1) faster services to students, 2) improved relationships among faculty, 3) more accurate problem identification, 4) fewer inappropriate referrals, and 5) increases in teacher skills.

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seek help from outside. Elmore goes on to assert that this complex work is enhanced when the responsibility of leadership is distributed, creating a common culture around instructional improvement for all students and a common set of values regarding how to approach the task.

Although collaboration and collegiality are central to Elmore's theory of distributive leadership, they are insufficient in and of themselves. Leadership must seek to parcel out responsibility and authority for guiding instruction, thereby increasing the likelihood that the decisions of teachers and administrators will result in benefits in student learning. Elmore further asserts that "Standards-based reform creates the enabling context for all this."

Elmore's model of distributive leadership consists of two tasks: 1) describing the ground rules that leaders would have to follow to carry out large-scale improvement and 2) describing how leaders would share responsi-

A highlight of the bi-annual Collaborative meetings is always the district-to-district sharing opportunities. Serving as presenters/discussion leaders of the spring meeting's concurrent sessions were representatives from school districts in Chicago, Las Vegas, Cincinnati, Flossmoor, Humble, Long Beach, Miami-Dade, Milwaukee, Pittsburgh, and Yonkers. Each team generously volunteered their time to develop thoughtful presentations that focused on "what's working" in their districts in the area of intervention-based approaches to eligibility determination. Specifically, they shared information on the approaches they have adopted that aim to ensure that:

- 1) When a child is referred for special education evaluation he or she has been exposed to or participated in general education supported intervention programs/initiatives
- 2) Interventions are research-based
- 3) The impact of the intervention(s) is measurable, measured, and recorded so that school professionals and families have a record that can effectively and efficiently determine the best next steps. ■

bility. He goes on to generate principles for effective distributive leadership:

- 1) The purpose of leadership is to improve practice and performance.
- 2) Improvement requires continuous learning by both individuals and groups.
- 3) Leaders lead by exemplifying the values and behaviors they want others to adopt, meaning that leaders should expect to have their own practice subject to scrutiny.
- 4) People cooperate with one another in achieving their goals when they recognize other people's expertise.
- 5) Leaders are responsible for helping to make possible what they are requiring others to do.

Elmore ends this paper by emphasizing that the demands of standards-based reform require fundamental changes in the institutional practice and structure in public schools. In this context, those in leadership roles have

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*Judith Green from Flossmoor leads a small group session at the Spring Meeting.*



*Collaborative Executive Director David Riley thanks Joyce and Doug Little, of JDL Associates, Inc., for sponsoring the meeting reception.*

### Members Mark Your Calendars!

#### Fall 2003 Meeting

### *Leading for Results and Accountability*

**Oct. 30 -  
Nov. 1, 2003**

**Marriott  
Rivercenter  
San Antonio, TX**

## NCCRESt's Bibliography of Critical Literature on Culturally Responsive Education

### NCCRESt's Recommended Readings Related to Disproportionality

"Opportunities Suspended" (Advancement Project & Harvard Civil Rights Project, 2000)

"Culture in Learning" (Artiles, 2002)

"The Dilemma of Difference" (Artiles, 1998)

"Special Education's Changing Identity" (Artiles, 2003)

"Disability and the Dilemmas of Education and Justice" (Christensen & Rizvi, 1996)

"Meeting the Multicultural Needs of Hispanic Students in Special Education" (Fradd, Figueroa, & Correa, 1989)

"Cultural Reciprocity in Sociocultural Perspective" (Rueda & Kalyanpur, 1999)

"Challenges for the transformation of special education in the 21st century" (McLaughlin, Artiles, & Pullin, 2001)

"The Special Education Paradox" (Skrtec, 1991)

*Abstracts and descriptions of these publications are available on NCCRESt's Web site: <http://www.nccrest.org>.*



**NCCRESt**

As featured in the previous issue of *Urban Perspectives*, the Collaborative is pleased to be assisting with the launch of the first-ever technical assistance

center to focus on the disproportionate representation of culturally and linguistically diverse students in special education: the National Center for Culturally Responsive Educational Systems (NCCRESt). The Collaborative provides critical planning, networking, and dissemination functions in support of the five-year project's mission to support state and local school systems to ensure a quality, culturally responsive education for *all* students. Funded by the U.S. Department of Education's Office of Special Education

Programs (OSEP), NCCRESt is led by four co-principal investigators: Drs. Elizabeth Kozleski of the University of Colorado, Denver; Alfredo Artiles of Vanderbilt University; Janette Klingner of the University of Colorado, Boulder; and Cheryl Utleby of the University of Kansas' Juniper Gardens.

One of the project's first initiatives was to examine the literature related to disproportionality and develop a recommended list of readings for education professionals interested in learning more about the issue. While the list will grow over time, the publications detailed to the left are considered foundational. ■

*Abstracts and descriptions of these publications are available on NCCRESt's newly launched Web site: <http://www.nccrest.org>.*

## New Resources Examine Accountability



The Education Policy Reform Research Institute (EPRRI), a five-year project of

the Office of Special Education Programs, is conducting research into the impact of new educational accountability systems on students with disabilities and special education programs. EPRRI addresses the research needs of policymakers and other stakeholders through the development and dissemination of products that are based on research in the field. EPRRI's newest products are described below:

### ***Topical Review Five: Preparing Educators to Teach Students with Disabilities in an Era of Standards-Based Reform and Accountability***

A quality education for students with disabilities in a standards-based environment requires high-quality teacher preparation and training. For systemic reform to succeed there needs to be a focus on rigorous standards for both teaching and

learning, requiring alignment between teacher education programs and standards-based reform efforts in schools across the United States. This topical review addresses the challenges inherent in a shift to standards-based systems for special educators and students with disabilities, and how state and national policy and practice is evolving to meet these challenges.

This review presents a proposed set of skills, identified by a variety of stakeholders, that teachers need to effectively promote the achievement of students with disabilities within the current era of standards-based reform and accountability. These skills are then presented within a comprehensive account of systems that prepare new and experienced teachers to effectively educate all students, including students with disabilities, in standards-based environments. Current teacher preparation and training practices are described generally, with models from four states examined in greater depth.

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## 2nd IDEA Summit Features Presentations by the Collaborative

Hundreds of practitioners, families, advocates, and policymakers gathered June 19-21 for the “2nd National Summit on the Shared Implementation of IDEA” in Arlington, Virginia, to discuss a variety of topics related to the implementation of the Individuals with Disabilities Education Act (IDEA). The summit was sponsored by the IDEA Partnerships of the U. S. Department of Education’s Office of Special Education Programs (OSEP). The IDEA Partnerships consists of four groups (see side bar), that have worked together for the past five years to inform professionals, families, policymakers, and the general public about IDEA ’97 and promote strategies to improve educational results for children and youth with disabilities.

The Collaborative, a primary partner of ILIAD, was pleased to offer two sessions at the summit: “Effective Collaboration with Families of Children in Need of Mental Health Support and Services” and “Promoting a National Dialogue on Inclusive Practices.”

During the mental health session, participants were invited to share their thoughts on how school administrators could better support children and youth with mental

health issues. The Collaborative’s Project Coordinator Bonnie Johnson Barry facilitated the discussion. Betsy Bounds, a retired special education leader in Tucson, AZ; Trina Osher of the Federation of Families for Children’s Mental Health; and David Yamamoto, former director of special education for the Ann Arbor Public Schools in Michigan offered real-life stories to demonstrate practices administrators can employ to better address the needs of children with mental health issues and their families. Presenters and participants focused their discussion on a few key issues: the importance of having high expectations for children and youth with mental health needs, understanding the critical need for a trusting relationship between the school and the family, and having the necessary school staff supports. These and other ideas generated during the session will help shape a “tip sheet” for administrators that the Collaborative is developing in conjunction with ILIAD. The tip sheet will be released later this summer on the Collaborative’s and IDEAPractices’ Web sites.

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### IDEA Partnerships

- Associations of Service Providers Implementing IDEA Reforms in Education (ASPIIRE)
- IDEA Local Implementation by Local Administrators (ILIAD)
- Families and Advocates Partnership for Educators (FAPE)
- Policymaker Partnership (PMP)



## Mark Your Calendars NOW!!!



### 3rd Annual LASER Urban Education Research Conference

December 3-6, 2003 • Houston, TX

#### Conference Highlights

**Invited Presenters** - Alfredo Artiles, Geneva Gay, Theresa Perry, Francisco Rios, Christine Sleeter, and Martha Thurlow  
**Cultural Night** (Youth Talent Showcase)

**Research Marketplace**  
**Town Hall Meeting**  
**Reality Teaching Workshop**  
**Professional Issue Debate**

For more information, contact: Ms. Anh-Kay Pizano at 813-974-3195 or via email at [Apizano@tempest.coedu.usf.edu](mailto:Apizano@tempest.coedu.usf.edu) or visit our Web site at <http://www.coedu.usf.edu/LASER>.





Arun K. Ramanathan

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## A Consent Decree Primer for District Administrators

country, resulted in the hiring of thousands of additional staff. The *Chanda Smith* consent agreement in Los Angeles also resulted in the hiring of thousands of additional staff and the expenditure of over \$200 million dollars over a seven-year period. Lastly, the *Corey H.* consent agreement resulted in systemic changes at both the district and state levels, including a school-by-school restructuring process, a new state teacher certification model, and thousands of dollars in additional funding for individual Chicago schools.

Despite the many changes and millions in expenditures, none of these districts have been released from court oversight. To some degree, the longevity of these decrees can be traced to obstructionism or lack of motivation of school district administrators. In another sense, this longevity derives from an unfortunate combination of overly ambitious objectives with insufficient institutional capacity. Regardless of the reasons, most of these districts would probably have preferred to avoid the vicious cycle of escalating failure and sanctions that has characterized the history of their respective consent decrees.

Realizing this, a school district that is considering the possibility of entering into a consent agreement may benefit from the experiences of urban school districts that have lived with the effects of a consent decree.

With this goal, the Urban Special Education Leadership Collaborative conducted a series of semi-structured, hour-long interviews with district-level administrators from four of these school districts. Interviewees were asked to respond to the question, "What lessons have you learned from your experience with a consent decree?" Their responses have been organized into categories, each of which is discussed below.

### A Coordinated, Hands-on Approach

The history of each consent decree reveals that superintendents who ignore the specifics of their consent agreements do so at their own peril. The courts have not hesitated to levy fines against districts and issue contempt citations against superintendents.

Administrators from Los Angeles noted the critical necessity of involvement "at the highest level," including both the superintendent and board of education. Los Angeles referred to starting "with the superintendent in the room" and making sure that both the superintendent and school board were educated about special education and the possible effects of a consent decree.

Chicago administrators referred to the importance of ensuring a role for the central office. The central office received none of the funding associated with the consent decree yet was expected to fix problems that arose using its own resources. The agreement did not provide a mechanism for building administrative and institutional capacity, particularly in the area of oversight.

### Retain the Big Guns in Special Education

The counsel for the plaintiffs in each of these consent decrees typically remained the same throughout their histories. In contrast, the school district counsel often changed. Further, the district counsel often approved agreements that lacked measurable goals and objectives or did not account for school district capacity, particularly when setting timelines for compliance. This often placed a school district at a disadvantage when it attempted to comply with a decree or prove that it had achieved compliance.

Because of this, administrators from Los Angeles and Washington, D.C., stressed the importance of hiring attorneys with expertise in special education and urban school systems. Washington, D.C., also

warned against using a school district or city counsel because of the dangers of turnover in those offices. Instead, Washington, D.C., advised school districts facing special education class actions to “hire the big guns who have the energy and resources to look at every single, little piece along the way, and who will stay with the case over the long term.”

Washington, D.C., also asserted that it is important to develop a more legalistic, confrontational mindset as opposed to an educational mindset. “We’re educators. We’re used to a kid needing something and you try to give it. You need to develop the kind of mindset [when in a lawsuit] to be able to say ‘No, that is unreasonable.’” To be able to do this, Los Angeles noted the importance of having an attorney “who understands the school system and special education.”

### Limit the Scope of the Court Monitor/Special Master

In all of these consent decrees, the monitor or court master has used his or her power to recommend sanctions to the court when the district failed to meet its deadlines. These recommendations often had the effect of broadening the scope of the consent decree.

Administrators from Chicago and Washington, D.C., recommended that a school district carefully consider the authority granted to any special master’s office that is formed as part of a consent decree. For example, in Chicago, the monitor’s office has the sole authority to approve school-developed, voluntary, least restrictive environment plans. Washington, D.C., noted that a school district has to be extremely attentive to the concerns of the special masters, even when it believes other issues are of greater priority.

### Prevent “Consent Decree Creep”

Administrators from all four school districts referred to the importance of preventing the consent decree from moving beyond its initial areas of focus. Nearly every administrator referred to the litigation taking on “a life of its own.” Noted Baltimore, “litigation is costly in finances

and resources. Lawsuits have a tendency to creep.” Chicago stated that a decree will “impact every part of your district. You have to restructure your entire district.”

To prevent “consent decree creep,” all the districts referred to the importance of defining the co-leadership role of the special education department in managing change. They also referred to the importance of building this office’s capacity to provide effective special education oversight. The difficulties emerged from the agreement being too dependent on an existing organizational structure in the school district and on specific personnel. Los Angeles advises that “the decree can’t be tied to a specific organization or person. It needs to be tied to the law and to the education of children.”

Washington, D.C., noted the importance of making sure that reform was not “always associated just with the settlement agreement” and that “something needs to be written in that really requires the institutionalization of these changes to bring stability.” Baltimore stated that “it was really important to establish the mechanisms to correctly monitor ourselves.” Without these mechanisms, “others can too simply make pronouncements about the things you are doing.”

Los Angeles warned that the broad language of the agreement contributed to expanding the agreement’s scope by forcing the district to attempt to achieve impossible targets. “Be careful of words such as ‘ensure’ and ‘all.’ An attorney needs to look at the agreement realistically. Every word needs to be understood.”

Los Angeles also noted the role of mechanisms such as “meet and confer” in expanding the scope of the decree. They stated that, “what you need is one overall plan.” Furthermore, “the plan needs to be written by the school district, i.e., the people who are going to have to implement it.”

### Choose Your Experts Carefully

Throughout the consent decree process, districts and plaintiffs use experts for a

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*It is clear that the impact of special education consent decrees extends far beyond special education.*

## Indianapolis Public Schools Blazes Trail for School-Based Systems of Care



Jeffrey Anderson



Mary Jo Dare



Knute Rotto

**Jeffrey Anderson, Ph.D., Indiana University; Mary Jo Dare, Ed.D., Indianapolis Public Schools; and Knute Rotto, Choices Inc.**

According to the National Institute of Mental Health (NIMH), at least 1 in 5 American children and adolescents has a behavioral, emotional, or mental health challenge at any given time. At least 1 in 10 may have an emotional disturbance serious enough to disrupt his or her ability to interact effectively with family, at school, and in the community. NIMH also estimates that during any school year, a teacher with an average class can expect at least two of his or her students to struggle with a diagnosable behavioral, mental health, or emotional issue.

At the core of caring for these children and keeping them out of restrictive settings and in the community is school. School is the one system in which every child is involved, and it is often where behavioral challenges are first discovered.

As our knowledge of serious emotional disturbances develops, community providers are realizing that children and their families can receive effective, accessible treatment and support through community-based systems of care instead of more restrictive, expensive settings.

A community-based system of care includes a wide range of mental health and related services and supports that work together to provide coordinated, integrated care. It is designed to help children and adolescents with serious emotional disturbances, with the core involvement of their families, get the services they need without being placed out of their home and community. Currently, there are more than 60 federally funded demonstration sites across the country working to build systems of care in local communities. Many of them are members of the Urban

Special Education Leadership Collaborative (the Collaborative). A 2002 report of the Surgeon General on children and mental health suggests that effective systems of care can:

- Improve school performance and attendance
- Reduce the number of costly hospital and out-of-home residential treatment placements
- Improve how children behave and function emotionally
- Reduce violations of the law
- Provide services to more children and families who need them

In Indianapolis, Indiana, more than 700 families have received help from the Dawn Project, which is a federally and locally funded system of care. The project's mission is founded on the belief that children and their families are remarkably resilient and capable of positive development when provided with community-centered support, truly defined by what is in the best interest of the child. The project's goal is to coordinate the delivery of mental health services and supports to children and adolescents with serious emotional disturbances and their families who are involved with more than one service system.

"A true systems of care approach has one central question: What do this child and family need to make their life better?" said Knute Rotto, chief executive officer of Choices, Inc., the care management organization that administers the Dawn Project. "We're working to find the right mixture of systems, services, and supports for children and families who need them the most."

In mid-2002, the Dawn Project developed a pilot project tailored to the Indianapolis Public Schools (IPS). The pilot expanded the number of referral sources and helped fill the gaps in services.

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## Hehir Commentary

to be change agents who engage people in learning new forms of practice.

In “Bridging the Gap,” Elmore goes beyond the theory of distributive leadership to address the need for vastly improved professional development. This paper addresses a variety of factors needed to transform schools into higher functioning organizations—from accountability and incentive systems to effective professional development embedded in the work of teaching and learning. It is impossible to do this paper justice in this amount of space other than to say that it adds significantly to Elmore’s previous work on distributive leadership and large-scale improvement in schools. Therefore, I highly recommend that you and your staffs read both pieces together. They are located on the Shanker Institute Web site: <http://www.shankerinstitute.org/education.html>.

We in special education have seen the importance of collaborative, practice-based problem-solving to our work. We know that effective approaches for our students, who almost always require non-standard approaches, require problem-solving from a variety of people with different perspectives and backgrounds, including parents. Further, we know the work is often uncertain. Good, inclusive schools provide many opportunities for professionals to work together to improve curriculum and instruction for students with disabilities, and many of these schools have extended this approach to all students. There is emerging evidence that good, inclusive, urban schools are among the best performing schools in urban districts.

Effective urban special education administrators have learned that we foster real change in instruction through, and with, teachers and principals. “Command and control” centralized bureaucracy may have been effective in putting processes and programs in place, but it is proving inadequate to the task of fundamental instructional improvement.

Most important, we have seen the failure of accountability systems in education that siphon off non-achieving students inappropriately into

special education. Too often in the past, regular education simply redefined school failure as a disability problem and used special education to remove children from instructional accountability who were difficult to teach. The experience of special education over the past two decades lends strong support to Elmore’s theory and his call for fundamental change.

Finally, we need to consider Elmore’s work seriously because regular education is paying close attention to it. The number of “hits” on the Web site for the two papers described above is very high. In the past year I have spoken with two large city superintendents about which leaders’ work they pay attention to. Without hesitation, both said Elmore first. Therein lies a great opportunity for us as special education leaders. Standards-based reform is providing a level of scrutiny over the achievement of all students that we have never experienced. If we use this scrutiny to move us toward collective responsibility for student outcomes and applying effective principles of professional development based on concepts of distributive leadership, we will position ourselves to truly “bridge the gap between standards and achievement.” ■

### Professional Development Conference *School-Wide Behavior Support Systems*

October 14-15, 2003 • Worcester, MA

Sponsored by Urban Special Education Leadership Collaborative

This two-day institute is designed for school-based teams of administrators, general and special teachers, and related service providers in general and special education. The institute will focus on the foundations of school-wide behavior supports with presentations of research, discussions of practical strategies, and options for serving even the most challenging students. Participating teams will learn practical skills for creating positive, effective learning environments. Teams will also have the opportunity to participate in follow-up trainings that will culminate in the development of an implementation plan for the following school year.

**Register by September 12, 2003. Space is limited.  
\$295 per person**

*For more information, visit our Web site at  
<http://www.urbancollaborative.org>, or contact Charlene Bemis  
at 617-618-2189 or via email at [cbemis@edc.org](mailto:cbemis@edc.org).*

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## Indianapolis Public Schools' Systems of Care

"Referring a student to a community service before the launch of the IPS pilot could take 30, 60, or 90 days, which substantially delayed services that the students needed now—not three months from now," said Dr. Mary Jo Dare, director of the Special Education/Student Services Department at IPS and a member of the Collaborative. "Through the pilot, our students receive treatment tailored to their needs and the needs of their family in a matter of days."

Jeffrey Anderson, co-principal investigator of the external evaluation for the Dawn Project, said that more than 30 students have been involved in the IPS pilot so far and the outcomes appear to be positive. Students may be accepted into the program any time from kindergarten through 12th grade. However, according to Dr. Anderson, "The average age of enrollment for the regular Dawn Project is 13 and the

average age of enrollment for the IPS pilot is 11. Thus, the IPS pilot is allowing us to reach kids when they are younger. This focus on earlier intervention is an important aspect of a community's comprehensive programming," he said.

In the fall of 2003, several IPS schools that are already using school-wide positive behavioral support systems and differentiated curriculum and instruction will implement another pilot by bringing systems of care directly into the schools. The School-Based Systems of Care model creates three tiers of support and programming within a home-school partnership: prevention, early intervention, and comprehensive intervention.

The primary goal of the model is to build and sustain a home-school collaborative culture that focuses on preventing and quickly intervening in any emotional and

behavioral difficulties in children, while at the same time promoting safe, nurturing learning environments for all children. The model also includes a comprehensive interagency approach to working with children who are already exhibiting high levels of emotional and behavioral challenges.

"We have a wonderful collaboration in Indianapolis," Dr. Dare said. "I truly believe we all have the same passion to care for our children in the best possible way. The successes of the youth are a direct result of full participation and collaboration by community team members accomplishing the ultimate goal: keeping kids *at home, in school, and out of trouble.*" ■

*For more information about the Dawn Project or Choices, Inc., please email Dr. Dare at [DareM@mail.ips.k12.in.us](mailto:DareM@mail.ips.k12.in.us), visit <http://www.kidwrap.org>, or call 1-888-kid-wrap.*

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## 2nd IDEA Summit Features Collaborative Presentations

The Collaborative's Executive Director David Riley led the session on promoting a national dialogue on the benefits of inclusive schools. The session focused on *National Inclusive Schools Week*, an initiative of the National Institute for Urban School Improvement, a Collaborative partner project funded by OSEP. Dr. Riley, together with his Collaborative colleagues—Project Coordinator Bonnie Johnson Barry, Research Associate Jennifer Quinlan, and Associate Director of Professional Development Kristen Layton—shared how the National Institute launched *National Inclusive Schools Week* in 2001 and that it has attracted the participation of thousands of schools and communities across the nation and around the world.

Representatives of the Fairfax County Public Schools (FCPS) in Fairfax, VA, served as co-presenters of this session, providing participants with concrete images and examples of the many ways in which one district celebrated *National Inclusive Schools Week* for the past two years. Alice Farling, Assistant Superintendent of Student Services and Special Education and Collaborative Member, explained that she was able to obtain an official proclamation from her school board designating the first week of December as *Inclusive Schools Week*. She explained how this event reinforces a message to all in the district and community that Fairfax was working to build inclusive schools and community.

According to Wendy Boehm, Lead Inclusion Facilitator in FCPS, the school district celebrates the *Week* as a way to honor the hard work of both general and special educators. Special educators share examples of inclusive practices and lesson plans with general educators, and children create artwork with themes, such as "Everyone is Welcome Here." Finally, as a parent of four children in the district, Mary Zempolich shared how an inclusive school system has given her two children with disabilities opportunities to thrive both academically and socially, and thereby helped make her entire family feel at home in their community. More about the *3rd Annual National Inclusive Schools Week*, December 1-5, can be found on page 12 of this newsletter. ■

*For more information about ILIAD, please visit <http://www.idea practices.org>.*

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## A Consent Decree Primer for District Administrators

variety of purposes: to assess the school district's special education program, develop "improvement" plans, assess progress, etc. Los Angeles stressed the importance of picking experts who understand urban school systems and have operational experience in urban schools and special education.

### The Road to Disengagement is Paved with Good Data and Measurable Goals

While many of the benchmarks or goals of these consent agreements can be legitimately criticized as too broad, other goals, such as meeting timelines for assessments, have been possible to achieve. The ability of a school district to prove that it is in compliance with these goals has been dependent on its ability to effectively collect and manage special education data.

Baltimore, Los Angeles, and Washington, D.C., referred to the critical importance of accurate data and a quality data collection system. Baltimore stated, "without good data it's always a matter of opinion whether you're improving or not." Washington, D.C., stated, "what's important is having accurate data and also being able to use it in multiple ways. You need to be able to break down data—to disaggregate it and aggregate it so that people can really see the complexity of what you're trying to do and the progress you are making."

Baltimore noted that quality data was the first part of a response. The second part was having measurable goals. In 1999, Baltimore's consent decree shifted to an agreement with specific measurable goals. Baltimore noted that "if they could have skipped to the outcomes with measurable goals, this case would not have gone on as long as it has."

### Weighing the Advantages and Disadvantages

Lastly, administrators from Washington, D.C., Los Angeles, and Baltimore noted that there were some advantages from a consent agreement. Both Baltimore and Washington, D.C., stated that their special education departments gained attention or resources that they lacked before their decrees. In Los Angeles, one of the advantages was "getting kids more services."

On the other hand, administrators noted that these advantages were tempered by the disadvantages of prolonged litigation. Stated Washington, D.C., "There is sometimes a real benefit of getting what you need put in these class action suits, but the overall shifting of priorities can wreak havoc."

### Conclusion

It is clear that the impact of special education consent decrees extends far beyond special education. Urban school districts that face a special education class action or are considering entering into a consent decree should consider this fact both before negotiations and during the negotiation process.

It is also clear that districts can avoid class action by voluntarily correcting the deficiencies in their special and general education programs that are the source of most class actions. Such steps should include meeting assessment, placement, IEP and hearing timelines, and increasing the percentage of students at every level of disability whose primary placement is general education in their home school. They should also include providing for the timely transfer of records between schools, reducing suspension rates, providing quality services in a timely fashion, reducing racial disproportionality, and increasing the graduation rates. By completing these steps voluntarily, a

school district can take control of the improvement process rather than having it controlled by the courts. ■

*Collaborative members will receive a full copy of this study, "A Compilation of Leadership Briefing Papers on Special Education Class Action Law Suits and Some Lessons Learned by Urban Special Education Leaders" (June 2003).*

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## EPRRI Update

### Issue Brief Four: How Do Students with Disabilities in Ungraded Programs Participate in Large-Scale Assessments? Results of a Survey of School District Administrators

This issue brief investigates how a sample of urban school districts in the United States includes students in ungraded or multi-grade classes or programs in state and district large-scale assessments. Accountability for the achievement of all students toward challenging grade level academic content standards is at the core of Title I of the No Child Left Behind Act (NCLB) of 2001. NCLB requires the participation of all students in state and district assessments in English, language arts, and mathematics at the grade level in which they are enrolled, with science to be added in 2007-2008.

A survey was conducted in a non-random sample of large school districts that are members of the Urban Special Education Collaborative (the Collaborative). The survey was administered during May 2002 with 175 special education directors, assistant superintendents, and supervisors in 80 school districts that are members of the Collaborative. ■

*Free downloadable copies of these products will be available on EPRRI's Web site at <http://www.eprri.org> later this summer.*



### **Urban Perspectives**

is a publication of the *Urban Special Education Leadership Collaborative*. The Collaborative is a leadership development and networking organization for urban special education leaders.

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## **Celebrate the 3rd Annual National Inclusive Schools Week Dec. 1-5!**

The *3rd Annual National Inclusive Schools Week* will be celebrated in classrooms, schools, and communities throughout the country during the first week in December 2003. The purpose of the *Week* is to highlight the progress of our nation's schools in providing a supportive and quality education to an increasingly diverse student population, most particularly those with disabilities, while offering educators, students, and families an opportunity to discuss what else needs to be done to ensure that their schools successfully educate *all* children.

The National Institute for Urban School Improvement, a federally-funded partner project of the Urban Special Education Leadership Collaborative, will support the *3rd Annual National Inclusive Schools Week* with an updated Celebration Kit. The kit will contain publications that speak to the benefits of inclusive schools, suggested readings for children and adults, meaningful celebration ideas and lesson plans, and materials to use in promoting the *Week* and inclusive practices in your community.

The kit, a list of events, and a new Web site will be available in September. In the meantime, school professionals and family members can:

- Check out the National Institute's Web site at <http://www.inclusiveschools.org>

to learn more about the *Week* and how thousands of educators, families, and students have taken to this idea of celebration and reflection.

- Introduce the idea of celebrating the *Week* to colleagues and family members.
- Direct colleagues and friends to the National Institute's Web site at <http://www.inclusiveschools.org>, and share a copy of last year's popular Celebration Kit. It's free and available for downloading. ■

For more information, contact the National Institute at [niusi@edc.org](mailto:niusi@edc.org) or 1-877-332-2870.

## **Welcome New Member Districts**

The Collaborative currently links 84 school districts from 25 states plus the District of Columbia and the U.S. Virgin Islands. Two new member districts have joined the Collaborative since April 2003. Please join us in welcoming:

- **Atlantic City Public Schools, Atlantic City, NJ**
- **Cumberland County School District, Fayetteville, NC**

For contact information pertaining to each member district, please visit our Web site: <http://www.urbancollaborative.org/members/dist.html>.

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