

July 2013

The Blue Sea Educator

NEW APPR LINKAGE RULES & ENHANCED GROWTH MODEL

Should the Board of Regents adopt new linkage rules for the State-provided growth measures and implement an “enhanced” growth model for the 2012-13 and 2013-14 school years, and a value-added growth measure for the 2014-15 school year? These questions are before the Board of Regents, including whether the Board should amend the Rules relating to definitions of teacher and principal student growth percentile score, and value-added growth score.

After the first year of experience with the growth measures used in the 2011-12 school year, the APPR Regents Task Force has proposed the following enhancements to the statistical model for the 2012-13 and 2013-14 school years, and to recommend that the Board of Regents approve a “value-added model” for use in the 2014-15 school year and thereafter:

- Modify the approach “linking” students to teachers and schools for State-provided growth measures.
- Add students growth measures for principals of schools with grades 9-12.
- Recommendation to use an Enhanced “Growth Model” in 2012-13 and 2013-14 and to implement the Value-Added model in 2014-2015 and thereafter.
- Impact of Enhanced Growth Model instead of a Value-Added Model on approved APPR plans.

Memo detailing changes is available at www.nysed.gov . See additional NYSED news stories on page 2.

SPECIAL EDUCATION BILL PASSES NYS SENATE

A special education bill passed the NYS Senate that expands the rights of parents to place children in external special education programs before a district CSE determines whether the placement is justified, which leaves districts open to pay for costly tuition, and that leads critics to deride the bill as “the mother of all unfunded mandates.” A similar bill passed both houses in 2012 and was vetoed by Gov. Andrew Cuomo. Opponents of the bill cite the cost to public schools and the fear that private and religious schools will abuse the placements. In floor debate Sen. Cecilia Tkaczayk refused to accept Senate Education Committee Chairman John Flanagan’s explanation that the bill would not cause new costs for school districts. She said, “you are forcing schools to pay for tuition at other situations, other programs that may not be educationally appropriate and a final decision hasn’t been rendered.” To track bill progress visit www.nysenate.gov/legislation and reference the following: A.7786-B (Weinstein) and S.5842-A (Felder).



Sen. John Flanagan (R-Suffolk Co)

PRE-K OVERSIGHT BILL ON CUOMO'S DESK In response to widespread abuse and fraud uncovered by State Comptroller Thomas Napoli by contractors providing preschool services to children with disabilities, legislation was drafted to help more closely monitor more than 300 preschool special education providers in NYS. The bill, sponsored by Sen. John Flanagan and others was passed in both the Senate and Assembly unanimously at the end of the session. The Education Department believes this legislation is a good first step in implementing strong reforms and increasing oversight and reducing fraudulent behavior by special services providers. Last fall, the Regents approved reforms to enhance oversight of these programs, and these reforms are underway. Dennis Tompkins, spokesman for the New York State Education Department said the "Regents and the [Education] Department will continue to advance additional proposals to ensure responsible fiscal practices and provide quality special education services for our students."



EDUCATION QUOTE... *"It is easier to build strong children than to repair broken men."* [Fredrick Douglass](#)

EDUCATION REGULATORY UPDATES

NYS DEPARTMENT OF EDUCATION

- STATEWIDE HIGH SCHOOL GRAD RATES STAYS AT 74% DESPITE HIGHER STANDARDS** NYSED released graduation rates for the 2008 cohort. Overall statewide graduation rates remained stable at 74% despite increased rigor required for graduation phased-in over the past four years. The 2012 graduates were the first cohort for which a local diploma was not available for general education students. However, Regents Chancellor Merryl Tisch and NYSED Commissioner John King expressed concern over the low percentage of students graduating college and career ready, particularly students of color, ELLs, and students with disabilities. The performance gap between high- and low-need districts continues to be nearly 30%. King said also that the graduation rate for white students is nearly 28 percentage points higher than the rates for Black and Hispanic students. The college and career gap is even greater. Tisch said it is clear to the Board of Regents that continued urgent action is imperative.
- PROPOSED AMENDMENTS TO SECTIONS 155.2, 155.12 and 200.0 RELATING TO SPECIAL EDUCATION SPACE REQUIREMENT PLANS** NYSED proposes to amend these sections to (1) repeal regulations that require 5-year special education space requirement plans and (2) to add that all school districts must consider the needs of students with disabilities for placement in the LRE and for the stability and continuity of program placements when making changes to space allocations for special education programs.
- PROPOSED AMENDMENT TO SECTIONS 200.7 and 200.15 "PROTECTION OF PEOPLE WITH SPECIAL NEEDS ACT"** NYSED proposes to amend these sections to conform regs which enact into law various provisions of legislation for the protection of people with special needs, and the regulations, guidelines and procedures established by the



Justice Center. The purpose of the change is to ensure students attending residential schools are protected against abuse, neglect and significant incidents that may jeopardize their health, safety and welfare. NOTE: a memo relating to the act was issued that included a [Code of Conduct for Custodians and Notice to Mandated Reporters](#) that is effective June 30, 2013.

● NYS CAREER DEVELOPMENT & OCCUPATIONAL STUDIES COMMENCEMENT

CREDENTIAL The NYS Board of Regents approved regulations that establish a new exiting credential for students with disabilities. Overview of the NYS DOS Commencement Credential as follows:



- The CDOS Credential is effective with the 2013-2014 school year and replaces the “IEP Diploma”
- The certificate can be awarded to a student with a disability as a supplement to a regular high school diploma, or as the student’s exiting credential.
- The NYS CDOS Credential is not a regular high school diploma.
- If the CDOS is awarded to a student with a disability, they continue to be eligible for a FAPE until the end of the school year in which the student turns 21, or until the receipt of regular HS diploma, whichever shall occur first.
- For students exiting HS prior to 07/01/2015, the credential may be awarded to a student who has not met all the §100.6 requirements provided the school principal, in consultation with relevant faculty, has determined the student has otherwise demonstrated knowledge and skills relating to the commencement level CDOS learning standards.
- For students who transfer from another LEA within the State or another state, the principal, after consultation ... evaluates the work-based learning experiences and coursework on the student’s transcript or other records to determine if the student meets the §100.6 requirements.
- If an LEA awards this credential to more than 20% of the students with disabilities in the cohort, where it is not a supplement to a regular HS diploma, it shall be required to use a portion of its Part B IDEA grant funds for targeted activities, as deemed necessary by SED, to ensure that students with disabilities have appropriate access to participate and progress in the general education curriculum necessary to earn a regular HS diploma.
- District monitoring will be incorporated into NYSED’s monitoring of transition planning.

REQUIREMENTS

- Student has developed and annually reviewed his/her career plan.
- Student demonstrates knowledge and skills at the commencement level of the CDOS standards, and completes a minimum of 2 units of study (108 hours each for a total of 216 hours) in career-related courses and/or work-based learning experiences.
- At least one employability profile has been completed.

Or, in lieu of the above requirements:

- The student has met the requirements for one of the nationally-recognized work-readiness credentials, such as: SkillsUSA, the National Work Readiness Credential, the National Career Readiness Certificate – (ACT) Workkeys and the Comprehensive Adult Student Assessment Systems Workforce Skills Certification System.

Link to the NYSED memo: <http://www.p12.nysed.gov/specialed/publications/CDOScredential-memo-613.htm>

US DEPARTMENT OF EDUCATION

- **THE U.S. DEPTS OF HEALTH & HUMAN SERVICES & EDUCATION ISSUE JOINT LETTER RE NEW “UNINTERRUPTED SCHOLARS ACT” WHICH AMENDS FERPA.** The Uninterrupted Scholars Act (USA) which was enacted Jan. 14, 2013 amends FERPA to permit educational agencies and others to disclose a student’s education records, without parental consent, to a caseworker or other representative of a State or local child welfare agency authorized to access a student’s case plan “when such agency or organization is legally responsible ... for the care and protection of the student.” The Act also allows educational agencies to disclose a student’s educational records pursuant to judicial court order without requiring additional notice to the parent by the educational agency. USDOE will provide additional technical assistance to further explain the FERPA amendments requirements and outline how education and child welfare agencies may share information.
- **U.S. AGRICULTURE WEIGHS IN ON STUDENT SNACK FOOD** The U.S. Agriculture Department effectively banned the sale of snack food like candy, cookies and sugary drinks, making it harder for students to avoid the now-healthier school meals by eating snacks sold in vending machines. The new rules were required under the recently enacted Healthy, Hunger-Free Kids Act passed in 2010 with broad bipartisan support.
- **DUNCAN ANNOUNCES LETTER & PAMPHLET ON SUPPORTING ACADEMIC SUCCESS OF PREGNANT & PARENTING STUDENTS UNDER TITLE IX** This pamphlet updates and expands upon the pamphlet on this topic issued in 1991. See <http://www2.ed.gov/about/offices/list/ocr/letters/colleague-201306-title-ix.pdf>

FOCUS ON BEHAVIOR

SCHOOL-JUSTICE PARTNERSHIP TASK FORCE ISSUES REPORT

May 2013. The NYC School-Justice Partnership Task Force released a report outlining a plan of action for the next mayor to lead a city-wide effort to keep kids in school and out of court. The task force, under the leadership of former New York Chief Judge Judith Kaye, spent the last two years examining the issue of harsh or excessive discipline in the city’s public school system as well as alternative from across the city, state, and country. An important finding in the report is that most schools in NYC handle misbehavior without resorting to suspensions, summonses or arrests much if at all. Instead it is a small percentage of schools that are struggling, generating the largest number of suspensions, summonses and arrests, impacting the lives of thousands of students. Data echoes findings from other jurisdictions indicating that suspension and school arrest patterns are less a function of student misbehavior than a function of the adult response.

Research shows that youth with a first arrest are almost two times more likely to drop out compared to peers with no arrest. Recent research also shows students who are suspended are more likely to be retained a grade, more likely to drop out, less likely to graduate and more likely to face involvement in the juvenile justice or criminal justice systems, thereby placing them at higher risk for poor life outcomes. Most worrisome are patterns of suspensions for students with disabilities and students of color in New York City and across the nation. In NYC alone during school year 2012, students receiving special education services were almost four times more likely to be suspended compared to their peers not receiving special education services. Black students were four times more likely and Hispanic students were almost twice as likely to be suspended compared to White students. NYC Black students were also 14 times more likely, and Hispanic students were five times more likely, to be arrested to schoolbased incidents compared to White students. The full report, entitled “Keeping Kids In School and Out of Court” can be found at:

<http://www.courts.state.ny.us/IP/justiceforchildren/PDF/NYC-School-JusticeTaskForceReportAndRecommendations.pdf>



LEGAL BRIEFS

U.S. SUPREMES RULE IN FISHER v. UNIVERSITY OF TEXAS AT AUSTIN

The U.S. Supreme Court ruled in a 7-1 vote that *Fisher v. University of Texas at Austin*, a case involving race-based college admissions and affirmative action policy, would be sent back to the 5th Circuit Court of Appeals for reconsideration. Both sides claimed the ruling as a victory despite the lack of a resolution on whether race-based admissions is constitutional. The suit, brought by undergraduate Abigail Fisher in 2008, asked the Court to declare the University's race-conscious admissions inconsistent with a previous case (Grutter) which had in 2003 established that race had an appropriate but limited role in the admissions policies of public universities. While reasserting that any consideration of race must be "narrowly tailored," the Fisher the Court did not overrule Grutter, a relief for those who feared the Court would end affirmative action.

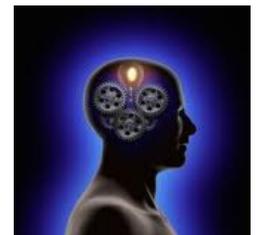


USDOE Secretary Arne Duncan issued a statement in reaction to the decision: "I am pleased that the Supreme Court ruling preserves the well-established principle that colleges and universities have a compelling interest in achieving the educational benefits that flow from a racially and ethnically diverse student body, and can lawfully pursue that interest in their admissions programs. As the Court has repeatedly recognized, a diverse student enrollment promotes cross-racial understanding and dialogue, reduces racial isolation, and helps to break down stereotypes. This is critical for the future of our country because racially diverse educational environments help to prepare students to succeed in an increasingly diverse workforce and society. The Department continues to be a strong supporter of diversity, and will continued to be a resource to any college or univeristy that seeks assistance in pursuing diversity in a lawful manner. "

M.F. v. NYC Bd. Of Educ. Update SDNY reversed an SRO denial of tuition reimbursement. The parent prevailed at the hearing, and the SRO decision was reversed. The NYC DOE conceded that it failed to provide the child a FAPE and thus, the appropriateness of the DOE's placement and program recommendations were not at issue. The SRO found that the parental placement, the Aaron School, was not appropriate. The Court held that "in mechanically comparing the IEP's requirements to what the Aaron School provided, the SRO ignored the 2nd Circuit's instruction that a private placement need not offer every service listed in an IEP" and "that the SRO applied a more rigorous standard than that required by the case law, mischaracterized what the IEP required, and held the Aaron School responsible for a failure to offer summer services that it was not obligated to provide." With respect to summer services, the Court found that it was the DOE's responsibility to provide these services in July and August, and it makes no sense to find the Aaron School an inappropriate placement because it offered only a 10-month program.

CLINICAL CORNER

STUDY LINKS AUTISM TO IMPAIRED BRAIN RELAY STATION In the June issue of the journal BRAIN, researcher Aarti Nair conducted a study which is the first to combine MRI and diffusion tensor imaging to examine connections between the cerebral cortex and the thalamus in individuals with autism. The study associates autism with weak connections between the brain's thalamus and its cerebral cortex. The thalamus is the deep-seated part of the brain that relays incoming sensory information. The brain's outer cerebral cortex coordinates responses to this input. Since the thalamus is a kind of "relay station" for incoming information, the compromised connections may help explain the wide range of impairments that affect many individuals with autism. These include not only social and language disabilities, but also sensory and movement issues. Insights in brain biology behind autism symptoms are crucial for advancing the current



state of diagnostics and treatment of autism. Autism Speaks Director of Discovery Neurosciences Dr. Daniel Smith commented, "this research exemplifies the kind of work we need in our quest to understand the core social impairments and underappreciated sensory processing differences in autism."

SPECIAL EDUCATION CROSSWORD PUZZLE

Across

- 1 OHI diagnosis often
- 5 Preminger of films
- 9 No one of this left behind
- 14 Brown or black
- 15 Non-truth teller
- 16 One time homerun king
- 17 Countertop finish
- 18 Iron
- 19 Width times height
- 20 Therapy unit
- 22 It's either you or ____
- 24 Boils
- 28 Many sided figures (geometry)
- 34 A teacher's plan
- 35 Adam's mate
- 36 St. Laurent of fashion
- 37 Farm structure
- 38 Sped
- 39 Shut up, as with feelings
- 40 Yes opposite
- 42 Much ____ About Nothing
- 43 ____-Magnon
- 44 Three in espanol
- 45 Tooth Vocation
- 47 Before CPSE
- 49 Short musical poem
- 50 Ill-tempered tennis player nickname
- 56 Explosives (plural)
- 57 Great lake
- 58 Leaning Tower town
- 61 Student with a disability's plan changes
- 64 Sm, Med or ____
- 65 Famous Mozart Requiem

- 66 Ova
- 67 State Education Department abbrev.
- 68 Military Alliance

Down

- 1 Swedish pop group
- 2 This in the headlights
- 3 Possess
- 4 Really cute
- 5 Spanish cheers
- 6 Reap is one
- 7 Labels
- 8 Minerals
- 9 Author Truman
- 10 Horse equipment
- 11 Anger
- 12 ____ Angeles
- 13 Domain Name System, abbrev.
- 21 Long _____
- 23 Mid East Country
- 25 Continent
- 26 Fungi
- 27 Charlie Brown's pet friend
- 28 Statistical term
- 29 Female reproductive output
- 30 Jay of 'The Tonight Show'
- 31 Done

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- 32 Real Housewives actress Leakes
- 33 Very fast jets
- 41 Poems
- 46 Bunked on
- 48 Units
- 51 Famous auto product name
- 52 Despots
- 53 IDEA's "unique _____"
- 54 Golfer Palmer
- 55 Triangle is three _____
- 59 Lake _____, Lombardy, Italy
- 60 Know your _____
- 62 IRS Employer ID , abbrev.
- 63 Gun lobby group

Solution to Puzzle can be found on our website at at <http://blueseaeeducation.com/>

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