



## 2023-2024 Consent Decree Annual Report on Final Goals/Benchmarks and Remedial Action Notice November 2024

### Summary

As the Rochester City School District ("RCSD") embarks on the fourth year of monitoring under the Consent Decree, we maintain our commitment to student achievement by ensuring *all students* have equitable access to a high-quality education and fostering students' individual talents and abilities in a nurturing and inclusive environment. The District continues to focus on addressing gaps in services and the academic performance of students with disabilities ("SWDs") while maintaining and improving compliance of state and federal regulations. It is our intention, over time, to meet the goals of the Consent Decree. It is imperative that the Consent Decree benchmarks are achieved through a common understanding and collaboration with the Empire Justice Center and our dedicated staff. As we enter the 2024-2025 school year of the Consent Decree, we are working diligently to improve the special education department's compliance and outcomes for our students.

The District continues to face challenges in filling vacant special education teacher positions despite the ongoing recruitment efforts of our Office of Human Capital. During the 2023-24 school year, there were over 56 special education teacher retirements and/or resignations in the Rochester City School District. We continue our concerted efforts to provide students with disabilities services by certified special education teachers and related service providers. We must look at innovative ways to provide services from certified special education teachers and related services staff members, even while the global prognosis for recruitment and retention promises continues to decline. This will be a major focus for this school year.

The academic performance and social-emotional well-being of all our students remain the District's priority. This includes improving all students' academic performance through a focus on reading, writing, and math skills. By way of the Superintendent's directives, and through the work of the RCSD Department of Teaching and Learning and the Office of Special Education, we are working to ensure that explicit, specialized instruction is provided in each classroom. Based on the experience of other similar districts, and the prediction of experts in the field, we recognize that it may take time to improve academic performance. Meanwhile, we continue to emphasize grade-level, high quality curriculum and interventions. All educators in the District must focus on a plan to elevate the performance of all students. However, this is difficult to achieve without high quality instruction provided by certified teachers. In addition, our teaching staff face the day-to-day challenges of student absenteeism. Failure to attend school may lead to wider learning gaps already impacted by post-pandemic learning losses.

We continue to train and utilize restorative practices to reduce our suspension rate. We have made concerted efforts to address the ongoing social-emotional needs of our students while educating them on strategies for independence and control over their decisions. This year a "Hub" was created and made available as a critical resource for mental health support for families. In addition, additional resources applied to the careful review of long-term suspension requests and revised building level process to address cumulative removals over 10 days, has significantly reduced our suspension rate for students with disabilities.

The Consent Decree progress for the 2023-2024 school year shows much to celebrate, but also highlights continuing challenges. We continue to move forward by using data to inform our decisions. We are pleased to report that Goals 5, 6, 8a, 9, and 10 were achieved in the 2021-22 school year and maintained in the 2022-23 school year. Consequently, we have agreed to a partial disengagement agreement with Empire Justice Center for these goals. On November 1, 2024, the Hon. David G. Larimer signed the Stipulation for the partial disengagement of these goals. Per the terms of the Consent

Decree, whenever the District has achieved compliance with one or more, but not all, of the Final Goals, the District will be entitled to seek an Order of Partial Disengagement, in partnership with Empire Justice, on the achieved Final Goal(s) provided the performance has been verified through the monitoring/reporting provisions, and the District has maintained compliance with any of those Final Goals for a period of an additional twelve (12) months. The District must continue to report on any Final Goals from which it has disengaged, during the pendency of any remaining Goals that have not yet been achieved (See *Stipulation Par. 102, pg. 40*). Partial achievement of a multiple part goal, even when part is achieved, may require a Remedial Action Plan (RAP) to be developed, outlining the District's plan for continuous improvement in the target areas.

Together with the Empire Justice Center, we continue to envision a special education system that provides regulatory compliance and high-quality service to RCSD's special education students. For the 2023-2024 School Year, we have met fourteen (14) of the twenty-one (21) 2023-2024 Interim Benchmarks and/or subsets of Goals. Two additional benchmarks (4a, 4b) although not achieved, are within the allowable 5% measure (remedial action plan not required). For the first time we have met goal (7) of not more than 5% of overdue CSE meetings. We have also met goal 3a and 3b for the suspension rate and racial disparity index for our black/brown students vs. our white students. As we work to improve our curriculum and instruction, we continue to struggle with meeting the ELA and Math performance rate of proficiency for all students, and this year we did not meet the graduation rate requirement. This is partially due to the State's discontinuation of the exemptions provided to Districts through Covid relief.

Please see the summary chart and full report below for actual measurements, progress towards achieving the Interim Benchmarks/Final Goals, in the 23-24 school year, and action steps taken. Our efforts to ensure compliance in the delivery of quality programs and services for students with disabilities have yielded positive results. The District remains committed to the work required for continuous improvement in student outcomes.

This document also serves as a notification to Empire Justice that Remedial Action Plans will be required and developed for goals 1a, 1b, 2, 11 and 12. [Consent Decree Historical and Current Data Charts](#)

Goal # Reporting Schedule	Goal Description	Final Goal (Disengagement Standard/Year)	2023-24 Benchmark	2023-24 Result Reported
1-a Annually	Percentage of SWDs with Proficient Level ELA Scores	≥8% (23-24 SY)	≥8%	2.9% <sup>1</sup> RAP required
1-b Annually	Percentage of SWDs with Proficient Level Math Scores	≥9% (23-24 SY)	≥9%	4.7% <sup>2</sup> RAP required
2 Annually	SWD June Graduation Rate	≥52% (22-23 SY)	≥52% (23-24)	46.4% <b>District Estimate Not yet verified by NYSED RAP required</b>

<sup>1</sup> The District notes that state-wide, 23-24 ELA scores dropped by 2.6%. The reasons for this state-wide downward trend are unknown currently. It is further noted that common core was removed in 2022 and replaced by the State's Next Gen Standards in 23-24.

<sup>2</sup> The District notes that state-wide, 23-24 Math scores rose by 3.5%. The District also saw growth in Math scores, including students with disabilities. The reasons for this state-wide upward trend are unknown currently.

Goal # Reporting Schedule	Goal Description	Final Goal (Disengagement Standard/Year)	2023-24 Benchmark	2023-24 Result Reported
3-a Quarterly, Annually	Long Term Suspension Rate for SWDs	$\leq 2\%$ (22-23 SY)	$\leq 2\%$ (23-24)	0.47%
3-b Quarterly, Annually	Racial Disparity Index of African American/Black and Hispanic SWDs Subject to Long Term Suspension versus White SWDs	$\leq 1.0^3$ (22-23 SY)	$\leq 1.0^4$ (23-24)	0.907
4-a Annually	Percentage of SWDs in the General Education Setting More than 80% of the Time	$\geq 65\%$ (22-23 SY)	$\geq 65\%$ (23-24)	63.4% Not Achieved, continue to target goal – RAP not required within 5% of benchmark
4-b Annually	Percentage of SWDs in the General Education Setting Less than 40% of the Time	$\leq 17.6\%$ (22-23 SY)	$\leq 17.6\%$ (23-24)	17.7% Not Achieved, continue to target goal – RAP not required within 5% of benchmark
5 Quarterly, Annually	Percentage of SWDs Changing Schools Following a CSE Recommendation	$\leq 1\%$ (22-23 SY)	$\leq 1\%$ (23-24)	0.74%
6 Quarterly, Annually	Percentage of SWDs with Legally Compliant Transition Plans	$\geq 95.3\%$ (22-23 SY)	$\geq 95.3\%$ (23-24)	100%
7 Quarterly, Annually	Percentage of Overdue Initial, Annual, and Reevaluation Review CSE Meetings	$\leq 5\%$ (22-23 SY)	$\leq 5\%$	3.30%
8-a Quarterly, Annually	Number of Variances by Commissioner Approval Due to Lack of Capacity	$\leq 2$ (24-25 SY)	$\leq 2$ (23-24)	0
8-b Quarterly, Annually	Percentage of Related Service Providers Reporting Services in Frontline	$\geq 87\%$ (24-25 SY)	$\geq 84\%$	95.98%

<sup>3</sup> Or the standard deviation for the LTS rate as calculated by New York State, whichever is high

<sup>4</sup> Or the standard deviation for the LTS rate as calculated by New York State, whichever is higher.

Goal # Reporting Schedule	Goal Description	Final Goal (Disengagement Standard/Year)	2023-24 Benchmark	2023-24 Result Reported
9 Quarterly, Annually	Percentage of Annual Review CSE Meetings with Parent Participation	≥51% (22-23 SY)	≥51% (23-24)	85%
10 Quarterly, Annually	Number of Special Education Bilingual Programs	≥51 (22-23 SY)	≥51 (23-24)	58
11 Annually	Number of Special Education Teachers in Classrooms Who Are Not Special Education Certified in New York State	≤21 (22-23 SY)	≤21	43.5 RAP required
12 Annually	Racial Disparity Index of Newly Classified African American/Black and Hispanic SWDs versus White SWDs	≤1.0 (22-23 SY)	≤1.0	1.3 RAP required
13 Quarterly, Annually	Number of Mandatory Professional Development Trainings Required of Special Education Staff	≥8 (22-23 SY)	≥8	18 SPED Teachers  18 for LEA Representative and Administrators
14-a Annually	Percentage of bilingual special education positions filled with a fully certified educator/educators working on certification extension on BEDS Day and first day of second semester.	≥39% (23-24 SY)	≥35%	68%
14-b Annually	Percentage of bilingual special education school vacancies known by July 15 filled on Day One with a fully certified educator and educators working on certification extension.	≥36% (23-24 SY)	≥32%	58%
14-c Annually	Percentage of effective bilingual special education educators retained on Day One who worked in the prior year <sup>5</sup>	≥95% (23-24 SY)	≥95%	96.4%

<sup>5</sup> Exclusive of those who are terminated, relocate, are promoted within RCSD or retire.

### Goal 1 Benchmark Analysis (2023-2024 School Year – Annual Report/Remedial Action Notice)

The District will increase the percentage of SWDs who demonstrate proficiency on ELA and Mathematics assessments, by 3 percentage points per year during the years in which NYSED administers ELA and Math assessments, up to and including the 2023-2024 school year, as set forth in the table below.

Goal 1 Current Status				
Goal Description	Goal # Reporting Schedule	Final Goal (Disengagement Standard/Year)	2023-24 Benchmark	2023-24 Result Reported
1a - Percentage of SWDs with Proficient Level ELA Scores	Annually	≥8% (23-24 SY)	≥8%	2.9% <sup>6</sup> RAP required
1b - Percentage of SWDs with Proficient Level Math Scores	Annually	≥9% (23-24 SY)	≥9%	4.7% <sup>7</sup> RAP required

#### What actions has the District taken to achieve the benchmark?

- All SPED students participated in iReady diagnostic screening for Fall, Winter, Spring and individualized instruction via their personalized learning path for 45 minutes weekly for ELA and math, combined.
- Students with disabilities in grades 3-6 special classes and integrated co-taught (ICOT) received a tier 3 foundational literacy intervention via Really Great Reading for 30 minutes daily (schools 2, 7, 8, 16, 39, 42).
- NorthEast, NorthWest and NorthStar used Read 180 as a tier 3 intervention for students with disabilities (50 minutes every other day of hybrid instruction- direct teacher instruction and online personalized learning).
- Monthly professional development was provided to building interventionists and coaches via Literacy Leaders regarding specially designed instruction, direct instruction and equitable learning approaches.
- Use of tier one SEL curriculum (Second Step) occurred for grades K-8 for 30 minutes, weekly.
- Use of Unique Learning Systems (tier one curriculum for students designated New York State Alternative Assessment eligible - NYSAA) in grades 3-12.
- Use of ReadtopiaGO (supplement to tier one curriculum for SWDs with significant cognitive delays in grades K-2).
- NYSED Regional Partnership provided professional development and coaching for literacy instruction in special classes in seven targeted elementary schools.
- Refined and strengthened the Multi-Tiered Systems of Support (MTSS) process in all buildings, including available interventions.

#### Teaching and Learning Toolkit

Creation and roll-out of a [Teaching and Learning Toolkit](#) to support teachers and administrators in delivering high-quality instruction to all students. This toolkit includes:

- An [Instructional Vision](#) to create a coherent understanding of the instruction that all students should receive every day, in every class, at every school.

<sup>6</sup> The District notes that state-wide, 23-24 ELA scores dropped by 2.6%. The reasons for this state-wide downward trend are unknown at this time. It is further noted that common core was removed in 2022 and replaced by the State's Next Gen Standards in 23-24.

<sup>7</sup> The District notes that state-wide, 23-24 Math scores rose by 3.5%. The District also saw growth in Math scores, including students with disabilities. The reasons for this state-wide upward trend are unknown currently.

- Delineation of [Instructional Support Services](#) that buildings can request to support their individualized needs.
- Core Instructional Actions and Core Student Practices for each subject-area which delineate instructional commitments and high-leverage strategies to be employed in classrooms to support achievement.
- Development of K-6 Weekly Curriculum snapshot documents to provide easier access to District curricular materials for common branch teachers.
- Accountability measures in the form of unannounced observations and walk-through tools (The New Teacher Project - TNTP Rubric) were formalized by the Office of Teaching and Learning to assist building principals.
- Full implementation of Illustrative Math in grades 6-8.

#### **District-Wide Professional Learning**

- 2023-24: The district planned and implemented a 5-session series of mandatory District-based citywide professional learning focused on using District curriculum to engage students in grade-level content and how to “scaffold up” to give all students, including students with disabilities and Multilingual Learners, equitable access to that content. Sessions take place after school; teachers are grouped by subject-area 7-12 and by grade-level PK-6.
- The implementation of the Panorama Student Success Platform which warehouses all Academic Intervention Services (AIS) plans, provides a playbook (strategies for academic, behavior and social emotional needs) and integrates data for data-based problem-solving processes.

#### **Did the District meet the benchmark?**

No/RAP required

#### **What steps or resources are needed to meet the next benchmark/Remedial Action Plan?**

- Continue action items noted above in addition to items listed here.
- All students who took the iReady diagnostic benchmark assessment will continue to be assigned a personalized learning path (both in math and reading) of online lessons based on the results of their diagnostic assessments which provide practice in areas where they need the most support. Each week students are expected to complete at least one math and one reading lesson on their MyPath. Teachers can also assign additional lessons to the personalized learning path for their students. Special education teachers are using the data obtained from the diagnostic tool to plan for teacher directed explicit instruction using the teacher toolbox.
- The District will continue to work with staff from the Office of Special Education Quality Assurance’s (SEQA) Regional Partnership Center (RPC) to address literacy skills for our students. All Rochester City School District Elementary Schools will be receiving literacy support from RPC during the 2024-2025 school year. The District will facilitate collaboration between the RPC Literacy Coaches and RCSD Special Education teachers along with our Director of ELA and Director of Reading to continue closing the gap between Special Education and the Office of Teaching and Learning.
- Mandatory 5-session series has been planned and will be implemented to focus on [Teacher Clarity](#) - specifically using standards to create Learning Intentions, Success Criteria, and Relevance for Learning that serve as the foundation of highly-effective learning experiences.
- Continued Language Essentials for Teachers of Reading and Spelling (LETRS) training to maintain and expand teacher capacity
- Implementation of Impacting Mathematical Knowledge in Teachers (iMAKeIT) training for elementary Math teachers (similar to LETRS, but for Math)
- The District is continuing its work to strengthen the MTSS/RtI process for all school buildings.

#### **Instructional and Student Supports**



- Support teachers with instructional coaches or math specialists who can model best practices, provide feedback, and co-plan lessons to improve instruction quality.
- Monthly centralized training for Instructional Coaches, Reading Teachers, and Interventionists.
- Analyze assessment data at the District, school, grade, and individual student levels to identify trends, patterns, and areas for improvement. Provide teachers with training and tools for data analysis and interpretation to inform instructional planning and student support strategies.
- Provide training and support for teachers to effectively integrate technology into instruction, including strategies for blended learning, flipped classroom models, and online assessment tools.
- The District has provided Reading Teachers for all schools K-8.
- Focused Coaching: The District employs a student-centered coaching model to support teachers in delivering high quality instruction to all students. This year, K-8 coaches focus squarely on literacy and math, while 9-12 coaches are part-time release teachers who focus on specific content areas of Math, Science, English, and Social Studies (and bilingual education, where appropriate)

**Curricular & Instructional Materials to Support Students:**

- 2024-25 implementation of Amplify CKLA as Tier I curriculum program for K-2 foundational skills.
- 2024-25 implementation of new Language Arts curriculum in grades 6-8 (EL Language Arts)
- 2024-25 availability of additional intervention resources to all schools (Ufli K-2, Really Great Reading 3-6, Lexia PowerUp 7-12)
- Continued refinement and addition of standards and curriculum-based district-wide common assessments
- Further explore the continued use of Read 180 as an intervention platform for middle and high school students

**Consideration of a proposed revision to this Goal along with an extension of the Final Disengagement year. Research indicates that academic improvement in reading and math can take several years before substantial progress is realized.**

**Goal 2 Benchmark Analysis (2023-2024 School Year – Annual Report/Remedial Action Notice)**

The District will increase the June graduation rate of SWDs by a minimum of 4% per year and achieve a graduation rate of at least 52% in the 2021-2022 school year, as set forth in the table below.

Goal 2 Current Status				
Goal Description	Goal # Reporting Schedule	Final Goal (Disengagement Standard/Year)	2023-24 Benchmark	2023-24 Result Reported
SWD June Graduation Rate	Annually	≥52% (22-23 SY)	≥52% (23-24)	46.4% District Estimate Not yet verified by NYSED RAP required

### **What actions has the District taken to achieve the benchmark?**

Release of NYS-embargoed June 2024 graduation data is anticipated for February 2025. Embargoed data has historically remained under embargo for 6-8 months following the assessment in question. Graduation results for the 2023-24 school year will be provided to Plaintiff's counsel, pursuant to Protective Order. However, preliminary internal data suggests that RCSD's anticipated June 2024 graduation rate is approximately 46.4% and the anticipated August 2024 graduation rate is approximately 50.4%. National and local teacher shortages and student absenteeism impact the District's progress on this Goal.

- Grade recovery interventions, including staffing Online Credit Recovery and Marking Period Recovery programs with Special Education Teacher Assistants.
- Student with Disability Graduation Pathways and Transcript reviews.
- Ongoing Professional Development was provided to all school counselors and Associate Directors on Graduation Pathways and Transcripts.
- All high schools participated in transcript reviews of students with disabilities and students with Section 504 plans. These meetings were facilitated by the Special Education Department's transition team.
- Quarterly reviews of potential graduates, on grades, attendance, discipline reports and credits towards graduation. Review early warning signs of students in danger of not meeting graduation requirements.
- Collaboration with Teaching and Learning to ensure continued student exposure to high quality, grade level curriculum. A strong MTSS/RtI system was elevated across the District. The District will continue SDI (specially designed instruction) support for special education teachers.
- Transition Team development and participation in transcript reviews, IEP reviews and career assessment reviews at our large high schools, to include the Associate Director, Teacher Committee on Special Education, Transition Team member and Special Education Staff from the school. The Transition Team coaches building staff and students on quality engagement and IEP development. Teams then follow up with students and staff regarding reengaging students in school so they can progress towards graduation.

**Did the District meet the benchmark?** No/RAP required

### **What steps or resources are needed to meet the next benchmark?**

- Continue with activities noted above.
- Adding new career assessment software to assist in developing courses of instructional study.
- A second Transition Specialist was added to the special education department.
- Further training and support to Associate Directors (CSE chairs) to continue ensuring that transition sections of IEPs are completed compliantly and are meaningful to each student's future and in alignment with their graduation goals. Staff must check IEPs prior to finalizing documents. Special Education Directors review this data at 1:1 Associate Director meetings.
- District transition specialists have office hours available to support Associate Directors and/or teachers.
- Provision of professional development to secondary staff regarding graduation pathways available to students with disabilities.
- During the 2024-25 school year, there is a concerted effort to ensure that all 9<sup>th</sup> grade students earn a minimum of five credits. The percentage of scholars earning the 5 credits is correlated with the 12<sup>th</sup> graduation rates.  
[24-25 9th grade Strategic Plan - Action Planning.pdf](#)

**Consideration of a proposed revision to this Goal along with an extension of the Final Disengagement year.**



### Goal 3 Benchmark Analysis (2023-2024 School Year – Annual Report)

The District will decrease the number of SWD subjected to long-term suspension (LTS) by 0.5 percentage points per year, bringing the overall SWD LTS rate to 2% by the end of the 2021-2022 school year. Furthermore, the District will eliminate any significant discrepancy between the number of African American or Hispanic SWDs and White SWD who are subject to LTS by the 2021-2022 school year, as set forth in the table below.

Goal 3 Current Status				
Goal Description	Goal # Reporting Schedule	Final Goal (Disengagement Standard/Year)	2023-24 Benchmark	2023-24 Result Reported
3a - Long Term Suspension Rate for SWDs	Quarterly, Annually	≤2% (22-23 SY)	≤2% (23-24)	0.47%
3b - Racial Disparity Index of African American and Hispanic SWD LTS Rate Versus White SWD LTS Rate	Quarterly, Annually	≤1.0 (22-23 SY)	≤1.0 (23-24)	0.907

#### What actions has the District taken to achieve the benchmark?

- The District has provided training to building Principals regarding Part 201 of the Commissioner's Regulations addressing the discipline of students with disabilities. In addition, the District is tracking suspension data to provide interventions and support to students and continues to work with the NYSED Regional Associates on disciplinary processes for students with disabilities.
- Implementation of the revised Code of Conduct to enhance enforcement of intervention measures and to discourage exclusionary practices.
- Development of the “Hub” center to offer school support available to families experiencing children with behavioral challenges. Description of “Hub”
  - Mediation for Students, Adults, Families & Community
  - Restorative Training for Students, Adults & Community
  - Student Re-engagement: Suspension/Incarceration
  - Teacher Wellness Activities
  - RCSD Proactive Outreach for Restorative Work
  - Meeting & Facilitation for Community Partners
  - Collaborative Space for RocRestorative & Community Partners
- All long-term suspension requests were reviewed by the Deputy Superintendent for Administration and Supports for the purpose of ensuring the robust use of intervention measures prior to removal. This has resulted in a significant reduction of these requests.
- Eliminated the LYNX location where students were assigned for long term suspensions. Poor student attendance combined with poor evidence of rehabilitative effectiveness, and ineffective use of staff resources were behind this decision. Staff were reassigned to schools in need of critical staffing. Each school is now responsible for arranging FAPE support within their school or through virtual learning for the duration of the suspension period.
- The District has updated Manifestation Determination Review protocols and processes. Functional Behavior Assessment and Behavior Intervention Plan processes have also been updated. Progress monitoring of Behavior Intervention Plans is conducted at a minimum of every 10 weeks.

- The District added a 0.5 social worker to each 8:1:1 classroom for the 2023-2024 school year to further support students with special education management and socio-emotional needs.
- Implemented “Second Step” social emotional learning curriculum in all K-8 buildings.

**Did the District meet the benchmark?**

Yes, for suspension rate and racial disparity index.

**What steps or resources are needed to meet the next benchmark?**

- The District will continue to offer PD on Functional Behavior Assessments (FBA) and Behavior Intervention Plans (BIP) to school administrators, special education, mental health teams and general education teachers.
- The District will continue to review building level behavior support plans prior to determining the need for an FBA/BIP. This includes a revised process for stakeholder input in the Determination of Evaluations Needed process for evaluations (initials and reevaluations).
- Maintain ongoing Restorative Practice training and expectations for each school in the District.
- Continue to provide training on the revised Code of Conduct to new building administrators.
- Continuation of the use of the “Hub” center to offer school support available to families experiencing children with behavioral challenges.
- Explore the secondary version of Second Step curriculum to determine the structure and implementation. Determine if this will fit the needs of the District.
- Continue the Deputy Superintendent for Administration and Supports or designee’s review of all long-term suspension requests to ensure requests align with the requirements of the revised Code of Conduct and to ensure the length of suspensions are appropriate and consistent across the District.
- Provide School Chiefs with suspension data indicating the number of students with disabilities who are suspended compared with their general education peers.

**Goal 4 Benchmark Analysis (2023-2024 School Year – Annual Report)**

The District will increase the number of SWDs who receive instruction in general education classrooms for at least 80% of their day, by 3.3% each year, bringing the total percentage of SWD who receive their instruction in general education classrooms more than 80% of the day, to 65% by the end of the 2021-22 school year. The District will also decrease the number of SWDs who receive instruction in general education classrooms less than 40% of their day by 1.5% a year, bringing the total percentage of students who receive their instruction in general education classrooms less than 40% of their day to 17.6% by the end of the 2021-2022 school year, as set forth in the table below.

Goal 4 Current Status				
Goal Description	Goal # Reporting Schedule	Final Goal (Disengagement Standard/Year)	2023-24 Benchmark	2023-24 Result Reported
4a - Percentage of SWDs in the General Education Setting More than 80% of the School Day	Annually	≥65% (22-23 SY)	≥65% (23-24)	63.4% Not met, continue to target goal – RAP not required within 5% of benchmark
4b - Percentage of SWDs in the General Education Setting Less than 40% of the School Day	Annually	≤17.6% (22-23 SY)	≤17.6% (23-24)	17.7% Not met, continue to target goal – RAP not required within 5% of benchmark

**What actions has the District taken to achieve the benchmark?**

- The District evaluated the continuum of services for the 2023-24 school year and made adjustments to better align programs and services by District Zones. Consideration of least restrictive settings is always a priority. This included reviewing current special classes and rethinking options for mixed continuums (partial day in general education).
- The District CSE Chairpersons have used a guidance document to determine Least Restrictive Environment (LRE) for students.
- The District continues to increase the availability of the Integrated Co-Teaching service delivery model.
- The District worked with the NYSED SEQA regional associates to enhance our documentation of the decisions that impact time out of regular class (TORC).

**Did the District meet the benchmark?**

No, for in the general education setting for more than 80% of the time, but within the 5% allowance of benchmark (no RAP required).

No, for less than 40% of the time in the general education setting but within the 5% allowance of benchmark (no RAP required).

**What steps or resources are needed to meet the next benchmark?**

- The District will continue to provide mandatory training for all Associate Directors, CSE chairpersons, special education teachers and related service providers on least restrictive environment, program recommendations, and the benefits of individualized continuums that take into consideration inclusionary practices. This should include guidance on a decision-making matrix for determining LRE.
- Ongoing revisions for the continuum of services to create a more efficient and effective continuum within each of the District's geographical Zones.
- The District will continue to study 15:1, 12:1:1 academic programs and 12:1:1 social communication programs to determine if Integrated Co-Teaching Models or Consultant Teacher Models for at least part of a student's day can be implemented as a lesser restrictive environment for those students who demonstrate growth.
- Continue training to Associate Directors on the appropriate codes for time out of regular classroom (TORC).
- Collaboration with Building Principals on the importance of and effectiveness of LRE programs for students with disabilities.
- Continue to train building administrators in effective ICOT practices, so they may provide formal and informal feedback to teachers regarding their implementation of models of effective teaching techniques.

- Continue to set clear expectations for ICOT teaching teams for their roles and responsibilities.
- Continue to develop an understanding of the positive impact of inclusionary practices, amongst staff and administrators.
- Coach CSE chairs to maximize the use of supplemental aids and services on the IEP to allow students to participate in general education settings.
- Principals and registrars need to work together to align schedules so that special education core classes are at the same time as general education core classes to provide additional opportunities for students to enroll in least restrictive placements without disruption of a complete schedule.

**Consideration of a proposed revision to this Goal along with an extension of the Final Disengagement year.**

### Goal 5 Benchmark Analysis (2023-2024 School Year – Annual Report)

The District will decrease the percentage of current District SWDs who change or are transferred from the school they are attending because of the lack of necessary classrooms or programs recommended by the CSE from approximately 7.3% to 1% by the end of the 2021-22. Efforts to minimize students moving schools include having a continuum that is inclusive of Consultant Teacher and Resource Room Services, Integrated Co-teaching, special class options and related services.<sup>8</sup>

Goal 5 Current Status				
Goal Description	Goal # Reporting Schedule	Final Goal (Disengagement Standard/Year)	2023-24 Benchmark	2023-24 Result Reported
Percentage of SWD changing schools following CSE recommendation (153E)	Quarterly, Annually	≤1% (22-23 SY)	≤1%	0.74%

Since the disengagement benchmark for this goal was reached in the 2021-22 school year and maintained in the 2022-23 school year the District has made a request for partial disengagement from this goal. The District does have the responsibility of maintaining the benchmark and reporting data annually until such time as all the disengagement goals have been met, and an Order of Full Disengagement has been granted by the Court.

- On October 29, 2024 a stipulation of Partial Disengagement for goals 5,6, 8a, 9 and 10 were submitted to the court by the District and Empire Justice Center.
- On November 1, 2024, the Hon. David G. Larimer signed the Stipulation

<sup>8</sup> District SWDs who have high or very specialized needs, or who change schools or transfer to attend the following programs, will not be included in the reported percentage: Autism Spectrum Disorder (“ASD”) 6:1+4, ASD 6:1+2, ASD 6:1+1, ASD Connect, Social Communication 12:1+3, Social Communication 12:1+1, Language Enriched Integrated Co-Teaching, School to Employment Programs (“STEPS”), New York State Alternate Assessment (“NYSAA”) 12:1+1, NYSAA 8:1+2, NYSAA 12:1+3, Diagnostic Transition Program 8:1+3, Growth and Education for Students with Multiple Disabilities (“GEM”) 12:1:(3:1), and all bilingual special education programming.

### Goal 6 Benchmark Analysis (2023-2024 School Year – Annual Report)

The District will increase the percentage of SWDs with legally compliant transition plans by 8% per year, bringing the overall number of transition plans to 95.3% by the end of the 2021-2022 school year, as set forth in the table below.

Goal 6 Current Status				
Goal Description	Goal # Reporting Schedule	Final Goal (Disengagement Standard/Year)	2023-24 Benchmark	2023-24 Result Reported
Percentage of SWD with Compliant Transition Plans	Quarterly, Annually	≥95.3% (22-23 SY)	≥95.3%	100%

Since the disengagement benchmark for this goal was reached in the 2021-22 school year and maintained in the 2022-23 school year, the District has made a request for partial disengagement from this goal. The District does have the responsibility of maintaining the benchmark and reporting data annually until all the Final Goals have been met, and an Order of Full Disengagement has been granted by the Court.

- On October 29, 2024 a stipulation of Partial Disengagement for goals 5,6, 8a, 9 and 10 were submitted to the court by the District and Empire Justice Center.
- On November 1, 2024, the Hon. David G. Larimer signed the Stipulation

### Goal 7 Benchmark Analysis (2023-2024 School Year – Annual Report)

The District will decrease the percentage of overdue initial, annual, and reevaluation review meetings from 28% to 5% by the end of the 2021-2022 school year. By the end of the 2021- 2022 school year, 95% of SWDs will have timely initial, annual, and reevaluation review meetings.

Goal 7 Current Status				
Goal Description	Goal # Reporting Schedule	Final Goal (Disengagement Standard/Year)	2023-24 Benchmark	2023-24 Result Reported
Percentage of Overdue Initial, Annual, and Reevaluation Review CSE Meetings	Quarterly, Annually	≤5% (22-23 SY)	≤5%	3.30%

**What actions has the District taken to achieve the benchmark?**

- The District has developed, and adhered to, a compliance log for each student that each Associate Director (CSE Chairperson) monitors. The compliance log is available to special education staff in each school, including the building Principal.
- This District closely monitored due dates for meetings and shared this information with CSE chairpersons. This goal was a priority for the department and one of the Board of Education goals.
- The District has held 1:1 meetings between Directors and Associate Directors (CSE Chairpersons) to ensure compliant practices and quality IEPs. Ongoing PD on quality IEPs has been offered by the Regional Partnership Center, Directors, and Associate Director for Special Education Compliance.
- The District's Frontline Team provides updates biweekly regarding the number and type of meetings completed.
- Implementation of a process for monitoring Associate Director-aligned data on compliant and non-compliant reasons for timeliness of initial evaluations and/or CSE meeting.
- Improved initial referral external education processes for Agencies and Charter Schools with oversight by Director of External Education.
- Associate Directors and Special Education Case Managers encourage parent participation and do their best to explain to parents the importance of the date of any CSE meeting. This includes obtaining parent input and reminding parents of their meeting dates as the date approaches.

**Did the District meet the benchmark?** Yes.

**What steps or resources are needed to meet the next benchmark?**

- The District will continue to develop specific guidelines regarding scheduling and meeting deadlines.
- The District will continue to use the compliance log for each building. We will ensure compliance logs are completed by October 1st of each year and notification of proposed meeting dates are available to parents and staff. Building administrators will be provided with the dates/times of meetings. The student's case manager will communicate the proposed date of a student's CSE meeting with families.
- Directors of Special Education will continue to review each Associate Director's compliance log for timely meetings and address any concerns.
- Continue to perform specific analysis of each meeting type and compliant timeliness.
- Continue monitoring Associate Directors for compliant and non-compliant reasons for timeliness of initial evaluations and/or CSE meeting.
- Specific monitoring of the Central CSE process will be implemented.
- Cross training of Associate Directors will occur when Associate Directors present initial eligibility referrals to the Central CSE administration.
- The District's Frontline Team will continue to run and provide biweekly data reports (from Frontline) indicating the timeliness of meetings held.
- Continue to monitor Associate Directors reporting accurate CSE meeting dates on the IEP. We discovered that often meetings were held on time, and the date of the meeting was not recorded accurately, which if correct, would have reflected as being timely.
- Continue to improve initial referral external education meeting processes for agencies and Charter Schools.
- Determine the impact of Anniversary Date IEP schedules on the timeliness of the CSE process.



### Goal 8 Benchmark Analysis (2023-2024 Annual Report/Remedial Action Plan)

The District will decrease the number of variances by Commissioner approval by at least 50% each year, bringing the overall number of variances due to the District's lack of capacity to a maximum of two variances by the end of the 2021-2022 school year. The District will also increase the percentage of related services reported in Frontline IEP by 4% each year, ending in 87% of services provided. Starting with a baseline of 84% for the 22-23 school year, the District will increase the percentage of related services reported as delivered in the District's Frontline Service Management System, or its equivalent, by 1.5% each year, with a Final Goal and Disengagement Standard of 87% of related services reported as delivered, to be achieved by the 2024-2025 school year<sup>9</sup>, as set forth in the table below:

Goal 8 Current Status				
Goal Description	Goal # Reporting Schedule	Final Goal (Disengagement Standard/Year)	2023-24 Interim Benchmark	2023-24 Result
8a - Number of Variances by Commissioner Approval Due to Lack of Capacity	Quarterly, Annually	≤2 (24-25 SY)	2	0
8b - Percentage of Providers Reporting Services in Frontline	Quarterly, Annually	≥87% (24-25 SY)	85.5%	95.98%
8c - Percentage of related services delivered, as reported in Frontline	Quarterly, Annually	≥87% (24-25 SY)	85.5%	86.65%

#### What actions has the District taken to achieve the benchmark?

**Variances:** The District expanded its continuum to help students remain in their schools whenever possible. Special Education and Placement are reserving seats on the continuum for new entrants and CSE-determined changes in programs. The District is making better use of trendline data to make projections for enrollment, resulting in more available seats in programs. The District is also using a "seat tracker" spreadsheet for special education programming.

**Frontline Reporting:** The District purchased a platform called "Service Management" from Frontline Services to allow related service providers an efficient system for scheduling students for service, providing orders and recording/documenting services provided. There have been software-related issues, and the system is becoming more reliable as we provide ongoing training and as providers become more comfortable with using the system. However, we have been able to use the system to begin to track service providers using the system and capturing services that were entered as delivered.

- The Special Education Department and the Office of Human Capital have continued to address related service providers not documenting IEP related services in the Frontline Service Management RS Log.

Special Education and Medicaid work collaboratively to identify potential reporting issues that may need to be addressed with individual related service providers. Medicaid provides Special Education with a quarterly report to alert the department of potential provider reporting concerns. The department responds and addresses concerns noted.

<sup>9</sup> If the District achieves compliance before the end of the 2024-2025 school year, the District may seek partial disengagement pursuant to the terms of the Stipulation.

**Did the District meet the benchmark?**

Yes, for Variances. The number of variances by Commissioner Approval was 0 during the 2023-24 school year. Since the disengagement benchmark for this goal (8a) was reached in the 2021-22 school year and maintained in the 2022-23 school year, the District made a request for partial disengagement from this goal. The District does have the responsibility of maintaining the benchmark and reporting data annually until all the Final Goals have been met, and an Order of Full Disengagement has been granted by the Court.

- On October 29, 2024, a stipulation of Partial Disengagement for goals 5,6, 8a, 9 and 10 were submitted to the court by the District and Empire Justice Center.
- On November 1, 2024, the Hon. David G. Larimer signed the Stipulation

Yes, for Frontline Service Management Reporting. 95.98% of Related Services providers timely reported their services in Frontline during the 2023-24 school year.

Yes, for Percentage of Related Services Reported as Delivered, in Frontline Service Management (new amendment to this goal). 86.65% of services were reported as delivered.

**What steps or resources are needed to meet the next benchmark?**

- For variances, the District will continue to follow its process set forth above and continue to demonstrate Benchmark success.
- For Frontline reporting, the District will continue to work with the vendor to be able to generate reliable weekly alerts on services documented as delivered. This system will need to yield efficient, timely data to address any compliance issues to staff entering related services.
- Special Education Administration will continue to collaborate with the vendor to generate reliable compliance reports and training aligned to the same.
- The District will continue to collaborate with the Special Education Department, the Medicaid office and Human Capital to address staff who may not be compliantly documenting sessions.
- Medicaid and Special Education Department meetings will continue to be scheduled monthly. Analysis of data and next steps are discussed.

**Goal 9 Benchmark Analysis (2023-2024 Annual Report)**

The District will increase the percentage of parent participation at Annual Review meetings by 8% per year, bringing the parent participation rate to at least 51% by the end of the 2021-2022 school year, as set forth in the table below.

Goal 9 Current Status				
Goal Description	Goal # Reporting Schedule	Final Goal (Disengagement Standard/Year)	2023-24 Benchmark	2023-24 Result Reported
Percentage of Annual Review CSE Meetings with Parent Participation	Quarterly, Annually	≥51% (22-23 SY)	≥51%	85%

Since the disengagement benchmark for this goal was reached in the 2021-22 school year and maintained in the 2022-23 school year, the District made a request for partial disengagement from this goal. The District does have the responsibility of maintaining the benchmark and reporting data annually until all the Final Goals have been met, and an Order of Full Disengagement has been granted by the Court.

- On October 29, 2024 a stipulation of Partial Disengagement for goals 5,6, 8a, 9 and 10 were submitted to the court by the District and Empire Justice Center.
- On November 1, 2024, the Hon. David G. Larimer signed the Stipulation

### Goal 10 Benchmark Analysis (2023-2024 Annual Report)

Conditioned on annual enrollment of Spanish-speaking ELL SWDs, the District will increase bilingual programming offered in the special education continuum, increasing the total number of bilingual programs (not including Consultant Teacher Services and Resource Room) by the end of 2021-2022 school year to 51, conditioned on enrollment, as set forth in the table below.

Goal 10 Current Results				
Goal Description	Goal # Reporting Schedule	Final Goal (Disengagement Standard/Year)	2023-24 Benchmark	2023-24 Result Reported
Number of Special Education Bilingual Programs	Quarterly, Annually	≥51 (22-23 SY)	≥51	58

Since the disengagement benchmark for this goal was reached in the 2021-22 school year and maintained in the 2022-23 school year, the District made a request for partial disengagement from this goal. The District does have the responsibility of maintaining the benchmark and reporting data annually until all the Final Goals have been met, and an Order of Full Disengagement has been granted by the Court.

- On October 29, 2024, a stipulation of Partial Disengagement for goals 5,6, 8a, 9 and 10 were submitted to the court by the District and Empire Justice Center.
- On November 1, 2024, the Hon. David G. Larimer signed the Stipulation

### Goal 11 Benchmark Analysis (Annual Report 2023-2024/Remedial Action Notice)

The District will decrease the number of Special Education teachers not certified by New York<sup>10</sup> in special education as set forth in the table below. The District will decrease the number of full-time equivalent (“FTE”) positions filled by uncertified, or otherwise unqualified, IEP-mandated Special Education teachers, as set forth in the table below:

Goal 11 Current Status				
Goal Description	Goal # Reporting Schedule	Final Goal (Disengagement Standard/Year)	2023-24 Benchmark	2023-24 Result Reported
Number of Special Education Teachers Not Certified in New York State	Annually	≤21 (22-23 SY)	≤21	43.5

#### What actions has the District taken to achieve the benchmark?

- **Hiring and Financial Incentives**
  - The District hired a Director of Recruitment, Retention, and Selection, focusing on the recruitment of qualified special education and bilingual education teachers.
  - Financial incentives have been offered, including:
    - A \$5,000 incentive for teachers in new schools (2024-2025) to attract special education and bilingual education teachers.
    - A \$6,000 hard-to-staff differential for bilingual special education teachers.
    - Starting salary increases through additional step movements on the salary grid for newly hired special education and bilingual teachers.
- **Certification Pathways and "Grow Our Own" Programs**
  - Partnerships with Fordham University, SUNY Brockport, and other institutions provide pathways for current teachers to obtain bilingual and special education certifications.

<sup>10</sup> For the purposes of this benchmark and final goal, those deemed “certified” shall include: teachers who are certified in special education in another state, territory, commonwealth or country (8 NYCRR 80-5.8); retired teachers with previous special education certification within the last three (3) years (based in part on 8 NYCRR 80-5.5); teachers holding a NYS Supplementary Certificate where the target title for the additional supplementary certificate is special education, the candidate has met the necessary content core and pedagogical core coursework requirements, has provided evidence of satisfactory performance on the special education content specialty examination, and has completed a minimum of 90 school days of job-embedded supervised teaching experience in the special education classroom (based in part on 8 NYCRR 80-5.18); Teachers holding a valid Internship Certificate in Special Education who have satisfactorily completed their Pedagogical core requirements in special education and satisfactorily completed 40 school days of student teaching in special education (based in part on 8 NYCRR 80-5.9); Teachers holding a Statement of Continued Eligibility for teachers of students with disabilities who teach a special education class in grades 7-12 (based in part on 8 NYCRR 80-3.15); Teachers holding an “All Grades” Special Education Certification; Teachers holding an Emergency Covid-19 Certification in Special Education (8 NYCRR 80-5.27); Teachers holding a Transitional G Certificate with a graduate or undergraduate degree in Special Education, and whose post-secondary 2-year teaching experience is also in K-12 Special Education (based in part on 8 NYCRR 80-5.22); Long term non-itinerant substitute teachers who are either certified in Special Education or have completed the content core course requirements, the pedagogical core course requirements, and the content specialty test in special education and who have an aggregate of two years of teaching in a special education classroom (based in part on 8 NYCRR 80-5.4); Graduates from qualifying teacher programs who have completed all of the academic and other requirements for New York State Certification in Special Education and have applied for certification, and whose application for certification has not been pending for more than 12 months; Probationary emergency (Conditional) hires who, within 12 months of hire, have completed the required core content and required pedagogical content coursework in special education and have satisfactorily completed their student teaching in any K-12 special education title.

- The District offers tuition reimbursement, covering exam fees, workshops, and certification application costs.
- Development of pipeline programs to help teaching assistants become certified teachers, supported by the Teacher Certification Action Plan (T-CAP) and financial support for certification costs.
- **Partnerships with Higher Education**
  - Teacher residency programs were established with Nazareth University, University of Rochester, New York University, and Robert Wesleyan University, among others.
  - The District secured a \$1.2 million NYS Department of Labor grant to expand teacher residency programs.
- **Recruitment Initiatives**
  - The District conducts recruitment efforts nationally, including in Puerto Rico, Miami, and Atlanta.
  - Engagement with Historically Black Universities (HBUs) and Hispanic-serving Institutions to build recruitment pipelines.
  - The District continues to host local recruitment events at Central Office, Hudson Transportation Center, the Public Market, and Mercantile on Main, supported by media outreach on WDKX and Poder radio.
  - Social media PR campaigning, use of paid advertisements and district-wide blasts to attract candidates.
- **Retention Strategies**
  - Affinity groups, wellness programs, and stay interviews are used to improve retention and support bilingual special education teachers.
  - Teacher of Tomorrow cash incentives (\$3,400 per teacher, per year) for teachers in special education and bilingual education roles, renewable for up to four years.
- **Teacher Retirees**
  - Outreach efforts to teacher retirees and other recent retirees to rejoin the workforce.
  - Substitute teacher agreements to increase retention and offer incentives to returning substitutes.
- **Advocacy and Certification Support**
  - Advocacy with NYSED has led to extended time on certification exams for non-native English speakers.
  - Ongoing quarterly meetings with NYSED to review bilingual staffing needs and secure funding for program expansions.
- **Classroom Staffing Efficiency**
  - The District will continue to perform “true-ups” (class right-sizing) during the 2024-2025 school year to ensure staffing efficiency (October 2024 and January 2025).
  - Consideration of modifications to the special education continuum and exploration of innovative staffing solutions with NYSED.
- **Pandemic Impact and Goal Adjustments**
  - The District has renegotiated an expanded definition of “certified teacher” to include probationary hires and teacher candidates in certification programs.
  - The impact of the Superintendent's 2024-2025 school reconfiguration plan will be assessed to further optimize staffing.
- **Community Engagement and Recruitment Ambassadors**
  - The District expanded the Teach Rochester program to include a Recruitment Ambassador Program, with bilingual educators recruiting in diverse regions, such as Puerto Rico and New York City.

### **Did the District meet the benchmark?**

No. The District did not meet the benchmark by BEDS Day of the 2023-24 school year despite the comprehensive systemic efforts outlined above. The actual number of uncertified Special Education teachers on BEDS Day, as currently defined under the Consent Decree, and for the 23-24 school year, was 43.5. BEDS day data for October 2024 indicates that there are 52.5 uncertified special education teachers.

The numbers of uncertified vs certified teachers have fluctuated significantly due to resignations and applications for retirement, especially following the Pandemic. The District is experiencing the same plight with respect to the impact of current staffing shortages in the labor market, like all school districts in Monroe County, across New York State, and the Nation. See this link for further information on the New York State teacher shortage crisis: [NYSUT - NYS Teacher Shortage Crisis](#)

### **What steps or resources are needed to meet the next benchmark?**

- **Financial Incentives and Salary Enhancements**
  - Continue offering a \$6,000 hard-to-staff differential for bilingual special education teachers to attract and retain certified educators.
  - Implement modified and enhanced salary guidelines, providing additional steps on the salary grid for newly hired bilingual and special education teachers to incentivize certification and recruitment.
  - Explore "true-ups" during the school year to right-size classes and improve staffing efficiencies.
- **Teacher Recruitment and Outreach Initiatives**
  - Hold open recruitment and interview events across the community, including Central Office, the Public Market, Hudson Transportation Center, and Mercantile on Main.
  - Maintain engagement through paid social media promotions, district-wide blasts, and advertisements on WDKX and Poder radio stations.
  - Continue to host recruitment events like the Public Market Saturday events, RochesterWorks Virtual Job Fair, and Roc the Block recruitment events.
  - Increase outreach to teacher retirees and recent retirees, providing incentives for returning teachers and substitute agreements to boost retention.
  - Develop a Recruitment Ambassador Program through Teach Rochester, with bilingual educators actively recruiting candidates from regions such as Puerto Rico, New York City, Atlanta, and Miami.
- **Partnerships with Universities and Teacher Preparation Programs**
  - Strengthen partnerships with institutions such as Fordham University, SUNY Brockport, and others, offering certification programs for bilingual and special education teachers, supported by the District's tuition reimbursement and certification cost coverage.
  - Expand pipeline programs to help teaching assistants become certified teachers, providing financial support for tuition, exam fees, and certification applications.
  - Develop partnerships with HBCUs and Hispanic-serving Institutions to recruit diverse candidates from outside jurisdictions, alongside principal-led recruitment efforts within the community.
- **Advocacy with NYSED and Policymakers**
  - Advocate with NYSED for more direct financial incentives for teacher preparation program enrollment, especially in bilingual and special education areas.



- Lobby for expanded state-level loan forgiveness and grants for teachers entering hard-to-staff roles and underserved districts.
- Engage with policymakers to secure funding for improved working conditions, including housing stipends, loan repayment assistance, and higher starting salaries for new teachers in high-need areas.
- Push for NYSED's innovative program waiver to explore additional staffing solutions, convening a committee to investigate creative recruitment and retention methods. A proposal would need to be approved by NYSED prior to implementation.
- **Retention and Support for Current Teachers**
  - Continue implementing retention-focused initiatives like affinity groups for bilingual special education teachers, stay interviews to gauge satisfaction, and wellness programs to support teacher well-being.
  - Offer ongoing professional development, mentorship, and support networks to help retain newly hired teachers, minimizing turnover.
  - Continue to secure funding for the Teachers of Tomorrow cash incentive program (\$3,400 per year), helping recruit and retain special education and bilingual teachers.
- **Community Engagement and Media Outreach**
  - Partner with local job agencies, schools, and media to promote vacancies, make community pleas at Board of Education meetings, and network with teacher preparation programs to attract new graduates.
  - Highlight teaching success stories in the media, showcasing positive impacts to inspire prospective candidates.
- **Teacher Preparation Enrollment and Certification Pathways**
  - Work with universities and teacher preparation programs to increase awareness and enrollment in teacher education programs, particularly for bilingual and special education certifications.
  - Streamline entry pathways for career changers and paraprofessionals, offering flexible certification options supported by the District's reimbursement programs and tailored Teacher Certification Action Plans (T-CAPs).
  - Continue advocating with NYSED for extended time on certification exams for non-native English speakers, providing more opportunities for bilingual candidates to achieve certification.
- **Evaluating and Adjusting District Benchmarks**
  - Assess the impact of the Superintendent's 2024-2025 reconfiguration plan and special education continuum revisions on staffing needs.
  - Consider modifications to the benchmark timeline and explore an extension of the Final Disengagement year.
  - Continue quarterly meetings with NYSED and stakeholders to evaluate progress and secure ongoing funding for teacher recruitment and retention programs.

**Consideration of a proposed revision to this Goal along with an extension of the Final Disengagement year.**

### Goal 12 Benchmark Analysis (2023-2024 Annual Report/Remedial Action Notice)

The District will reduce any significant discrepancy between the number of African American or Hispanic students who are newly classified as SWD, and white students who are newly classified as SWD, due to any inappropriate policies, practices, and procedures by the District, as set forth in the table below.

Goal 12 Current Status				
Goal Description	Goal # Reporting Schedule	Final Goal (Disengagement Standard/Year)	2023-24 Benchmark	2023-24 Result Reported
Racial Disparity Index of Newly Classified African American and Hispanic SWD vs. White SWD	Annually	≤1.0 (22-23 SY)	≤1.0	1.3

#### What actions has the District taken to achieve the benchmark?

- The District has provided PD to building administrators on special education concerns, including the racial disparity index. Regular PD around the eligibility determination process is provided to ensure that staff are carefully analyzing all MTSS program options, RTI supports and 504 accommodations, as well as requiring intervention progress monitoring data from MTSS in order to make more informed decisions on the need for special education.
- The District added Panorama platform to track the MTSS process and to provide intervention monitoring information to building administrators and staff.

#### Did the District meet the benchmark?

No. The Racial Disparity Index for newly classified African American/Black and Hispanic students with disabilities versus white students with disabilities during the 2023-24 School Year was 1.3.

#### What steps or resources are needed to meet the next benchmark?

- The District will ensure that intervention documentation is provided with any new referral for special education evaluations.
- The District will continue to collaborate with the Department of Teaching and Learning to provide a high-quality curriculum to all students.
- The District will continue to provide ongoing coaching to the Committee on Special Education Chairpersons and building Administrators on eligibility determination factors to ensure pre-referral strategies for all students are provided prior to classification.
- The District will continue to work with the Multi-Tiered Support System team to assist in the development of evidence-based interventions.
- The District will continue to provide professional development on functional behavior assessments (FBAs) and behavior intervention plans (BIPs) to building administrators and staff.

- Continue to use the Panorama platform for tracking student pre-referral intervention data.
- Identify the root causes of the number of parent referrals and provide PD to parents on the pre-referral process. Provide professional development to parents on the MTSS process.
- Conduct a deeper analysis of the data to develop an action plan to meet this benchmark.

**Consideration of a proposed revision to this Goal along with an extension of the Final Disengagement year.**

### Goal 13 Benchmark Analysis (2023-2024 Annual Report)

The District will increase the number of mandatory, high quality professional trainings required for all special education teachers, special education administrators, and other individuals acting as the LEA Representative for CSE meetings, bringing the overall number of such trainings to eight by the end of the 2021-2022 school year, as set forth in the table below.

Goal 13 Current Results				
Goal Description	Goal # Reporting Schedule	Final Goal (Disengagement Standard/Year)	2023-24 Benchmark	2023-24 Result Reported
Number of Mandatory Professional Development Trainings Required of Special Education Staff	Quarterly, Annually	≥8 (22-23 SY)	≥8	18 SPED Teachers 18 for LEA Representative and Administrators

**What actions has the District taken to achieve the benchmark?**

- The District has expanded its training, reorganized how professional development (PD) is offered, and has begun tracking mandatory training using True North Logic/PD document log and video conferencing attendance tracker.
- The District was able to use American Rescue Plan Funding to increase the number of professional development offerings as we were able to pay teachers to stay after school.
- District changed the teachers union contract to include 5 mandatory trainings per school calendar year.

**Did the District meet the benchmark?**

Yes.

**What steps or resources are needed to meet the next benchmark?**

- The District will continue to plan PDs to address special education concerns, practices and policies. We will ensure that all PDs are entered into True North Logic or tracked through attendance sheets for in-person PD.
- Since the disengagement benchmark for this goal was reached in the 2021-22 school year and maintained in the 2022-23 school year, the District requested partial disengagement from this goal. However, EJC Counsel is not in

agreement at this time, citing insufficient evidence of the “mandatory” nature of offered professional development sessions. The parties will need to determine next steps.

#### **Goal 14 Benchmark Analysis- Bilingual Staffing (2023-2024 Annual Report)**

The District will decrease the number of special education teachers<sup>11</sup>, psychologists and social workers who are assigned to bilingual positions who are not both appropriately certified in New York State and Bilingual in Spanish, by developing and implementing a strategic plan to increase the Special Education teachers, bilingual Special Education Administrators, and bilingual Special Education social workers and psychologists. The aspirational goal is to fill all bilingual Special Education positions in the District with certified teachers or Special Education related service providers who are both certified in New York State for Special Education and bilingual in Spanish by the beginning of the 2025-26 school year. However, the Final Disengagement Goal is set for the 2022-23 school year and the Key Performance Indicator for the 22-23 school year will be the final disengagement goal in the *N.N. v. RCSD* Consent Decree.

(a) Percentage of New York State Special Education Teachers filled with a fully certified educator and educators working on certification extension on BEDS Day and the first day of second semester

(b) Percentage of bilingual special education school vacancies known by July 15 filled on Day One with a fully certified educator and educators working on certification extension

(c) Percentage of effective, as defined by APPR, bilingual special education educators retained in their roles as of the first day of school, who worked in the previous year (exclusive of those who are terminated, relocate out of the Rochester Standard Metropolitan Statistical area, are promoted within RCSD or retire)

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<sup>11</sup> For the purposes of this benchmark and final goal, those deemed “certified” shall include: teachers who are certified in special education in another state, territory, commonwealth or country (8 NYCRR 80-5.8); retired teachers with previous special education certification within the last three (3) years (based in part on 8 NYCRR 80-5.5); teachers holding a NYS Supplementary Certificate where the target title for the additional supplementary certificate is special education, the candidate has met the necessary content core and pedagogical core coursework requirements, has provided evidence of satisfactory performance on the special education content specialty examination, and has completed a minimum of 90 school days of job-embedded supervised teaching experience in the special education classroom (based in part on 8 NYCRR 80-5.18); Teachers holding a valid Internship Certificate in Special Education who have satisfactorily completed their Pedagogical core requirements in special education and satisfactorily completed 40 school days of student teaching in special education (based in part on 8 NYCRR 80-5.9); Teachers holding a Statement of Continued Eligibility for teachers of students with disabilities who teach a special education class in grades 7-12 (based in part on 8 NYCRR 80-3.15); Teachers holding an “All Grades” Special Education Certification; Teachers holding an Emergency Covid-19 Certification in Special Education (80 NYCRR 80-5.27); Teachers holding a Transitional G Certificate with a graduate or undergraduate degree in Special Education, and whose post-secondary 2-year teaching experience is also in K-12 Special Education (based in part on 8 NYCRR 80-5.22); Long term non-itinerant substitute teachers who are either certified in Special Education or have completed the content core course requirements, the pedagogical core course requirements, and the content specialty test in special education and who have an aggregate of two years of teaching in a special education classroom (based in part on 8 NYCRR 80-5.4); Graduates from qualifying teacher programs who have completed all of the academic and other requirements for New York State Certification in Special Education and have applied for certification, and whose application for certification has not been pending for more than 12 months; Probationary emergency (Conditional) hires who, within 12 months of hire, have completed the required core content and required pedagogical content coursework in special education and have satisfactorily completed their student teaching in any K-12 special education title.

Goal 14 Current Status				
Goal # Reporting Schedule	Goal Description	Final Goal (Disengagement Standard/Year)	2022-23 Interim Benchmark	2023-24 Results
14a - Percentage of bilingual special education positions filled with a fully certified educator/educators working on certification extension on BEDS Day and first day of second semester.	Annually	≥39% (23-24 SY)	≥35%	74.20%
14b - Percentage of bilingual special education school vacancies known by July 15 filled on Day One with a fully certified educator and educators working on certification extension.	Annually	≥36% (23-24 SY)	≥32%	53.50%
14c - Percentage of effective bilingual special education educators retained on Day One who worked in the prior year[1]	Annually	≥95% (23-24 SY)	≥95%	96.4%

(a) Percentage of New York State Special Education Teachers filled with a fully certified educator and educators working on certification extension on BEDS Day and the first day of second semester

(b) Percentage of bilingual special education school vacancies known by July 15 filled on Day One with a fully certified educator and educators working on certification extension

(c) Percentage of effective, as defined by APPR, bilingual special education educators retained in their roles as of the first day of school, who worked in the previous year (exclusive of those who are terminated, relocate out of the Rochester Standard Metropolitan Statistical area, are promoted within RCSD or retire)

#### What actions has the District taken to achieve the benchmark?

- Significant recruitment efforts have been ongoing. Please note the District's recruitment and retention efforts discussed above for Goal 11.
- The District has offered programs to assist current special education teachers in obtaining bilingual certification.
- The District has been successful in retaining bilingual special education teachers. It has been much more difficult to hire new teachers due to the national shortages noted for all educational positions. This is particularly much more difficult when it comes to finding bilingual special education teachers.

#### Did the District meet the benchmark?

- 14 a. Yes  
 14 b. Yes  
 14 c. Yes

Since the District met the disengagement goal in the 2022-2023 school year for each component of Goal 14, and maintained compliance with the performance standard in 2023-2024, the District is eligible to request partial disengagement from this goal.

**What steps or resources are needed to meet the next benchmark?**

- In addition to the measures and resources noted for Final Goal 11 above, the District will look internally for RCSD Spanish speaking teachers to determine whether they may be interested in pursuing coursework for a bilingual extension.
- The District will continue with all recruitment efforts noted for Goal 11 above.