

**Amended Annual Report (Goal 8b) on Final Goals and 2022-23
Benchmarks and Remedial Action Notice
August 2024**

Summary

The Rochester City School District (“RCSD”) maintains its commitment to student achievement by ensuring *all students* 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 (“SWD”) while maintaining and improving compliance with special education state and federal regulations. It is our intention, over time, to meet the goals of the Consent Decree. In collaboration with the Empire Justice Center and with our dedicated staff, we are moving in the right direction.

The District continues to face challenges in filling vacant special education teacher positions despite the ongoing recruitment efforts of our Office of Human Capital. This is a problem that continues across Monroe County, New York State, and the nation, as educators continue to leave the profession in droves. We continue our concerted efforts to ensure that students with disabilities are serviced by certified special education teachers and related service providers. We hope the Superintendent’s reconfiguration plan and a strategic special education continuum of services will result in more systemic improvements for the 2024-2025 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. Through the work of the RCSD Department of Teaching and Learning and the Special Education Department, we are making steady progress in these areas. We continue to emphasize Grade-level, high quality curriculum and interventions. We continue to train and utilize restorative practices to reduce our suspension rate and to address the ongoing social-emotional needs of our students while educating them on strategies for independence and control over their decisions.

The Consent Decree progress for the 2022-2023 school year was achieved through the challenging work of our Special Education Department staff in collaboration with the Empire Justice Center. Together we envision a special education system that provides regulatory compliance and high-quality service to RCSD’s special education students. The District is happy to report we have met fourteen (14) of the twenty-one (21) 2022-2023 Interim Benchmarks and/or subsets of Goals for the Consent Decree.

Of the twenty-one (21) Interim Benchmarks and/or subsets of Goals set forth in the Consent Decree (see chart below), Goals and Goal subsets 2, 3a, 4b, 5, 6, 8a, 8b, 8c, 9, 10, 13, 14a, 14b and 14c have been achieved, while the Interim Benchmark and/or subsets of Goals 1a, 1b, 3b, 4a, 7, 11, and 12 have not been achieved. For Goals 5, 6, 9, 10, and 13, which were achieved, the Final Goal was met in the 2021-2022 school year, and we have maintained compliance with these Final Goals in the 2022-2023 school year. 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 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 will be entitled to seek an Order of Partial Disengagement, in partnership with Empire Justice, on the achieved Final Goal(s). 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. This includes Benchmark Goals for 1, 3, 4, 11, and 12. The Parties have negotiated changes to Final Goal 8 which has extended the disengagement benchmark year and has added a subgoal “8c” (See chart below and Final Goal 8 description).

Our efforts to ensure compliance in the delivery of quality programs and services for students with disabilities have yielded positive results. The District is committed to the work required for continuous improvement in student outcomes. Below is a summary of the District’s progress towards achieving the Interim Benchmarks and/or Final Goals in the 2022-23 school year.

Goal # Reporting Schedule	Goal Description	Final Goal (Disengagement Standard/Year)	2022-23 Interim Benchmark	2022-23 Result Reported (not to be shared publicly until released by NYSED)
1-a Annually	Percentage of SWDs with Proficient Level ELA Scores	≥8% (23-24 SY)	≥5%	3.6% RAP required
1-b Annually	Percentage of SWDs with Proficient Level Math Scores	≥9% (23-24 SY)	≥6%	3.4% RAP required
2 Annually	SWD June Graduation Rate	≥52% (22-23 SY)	≥52%	52.3% District Estimate
3-a Quarterly, Annually	Long Term Suspension Rate for SWDs	≤2% (22-23 SY)	≤2%	1.46%
3-b Quarterly, Annually	Racial Disparity Index of African American/Black and Hispanic SWDs Subject to Long Term Suspension versus White SWDs	≤1.0 ¹ (22-23 SY)	≤1.0 ²	7.3 RAP required
4-a Annually	Percentage of SWDs in the General Education Setting More than 80% of the Time	≥65% (22-23 SY)	≥65%	59.04% RAP required
4-b Annually	Percentage of SWDs in the General Education Setting Less than 40% of the Time	≤17.6% (22-23 SY)	≤17.6%	16%
5 Quarterly, Annually	Percentage of SWDs Changing Schools Following a CSE Recommendation	≤1% (22-23 SY)	≤1%	.7%
6 Quarterly, Annually	Percentage of SWDs with Legally Compliant Transition Plans	≥95.3% (22-23 SY)	≥95.3%	100%
7 Quarterly, Annually	Percentage of Overdue Initial, Annual, and Reevaluation Review CSE Meetings	≤5% (22-23 SY)	≤5%	6.5% Rap Required

¹ Or the standard deviation for the LTS rate as calculated by New York State, whichever is higher.

² 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)	2022-23 Interim Benchmark	2022-23 Result
8-a Quarterly, Annually	Number of Variances by Commissioner Approval Due to Lack of Capacity	≤2 (24-25 SY)	≤2	2
8-b Quarterly, Annually	Percentage of Related Service Providers Reporting Services in Frontline	≥87% (24-25 SY)	≥84%	96%
8-c Quarterly, Annually	Percentage of Related Services ³ Reported as Delivered	≥87% (24-25 SY)	≥84%	84%
9 Quarterly, Annually	Percentage of Annual Review CSE Meetings with Parent Participation	≥51% (22-23 SY)	≥51%	70%
10 Quarterly, Annually	Number of Special Education Bilingual Programs	≥51 (22-23 SY)	≥51	71
11 Annually	Number of Special Education Teachers in Classrooms Who Are Not Special Education Certified in New York State	≤21 (22-23 SY)	≤21	43.55 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	1.2 RAP required
13 Quarterly, Annually	Number of Mandatory Professional Development Trainings Required of Special Education Staff	≥8 (22-23 SY)	≥8	12 for SPED teachers (TODs, TVI, PreK SPED) 18 for SPED Admin., 17 for other LEA Reps.
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%	74.2%

³ Occupational Therapy, Physical Therapy, and Speech/Language.

Goal # Reporting Schedule	Goal Description	Final Goal (Disengagement Standard/Year)	2022-23 Interim Benchmark	2022-23 Result
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%	53.6%
14-c Annually	Percentage of effective bilingual special education educators retained on Day One who worked in the prior year ⁴	≥95% (23-24 SY)	≥95%	95%

REPORT CONTINUES ON FOLLOWING PAGE

⁴ Exclusive of those who are terminated, relocate, are promoted within RCSD or retire.

November 1, 2023

Goal 1 Benchmark Analysis (2022-23 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.

	Past Results/ Baseline	Past Results/ Baseline	Interim Benchmarks				Current Results	Final Goal
School Year	2017-18	2018-19	2019- 20	2020-21	2021- 22	2022-23	2022-23	2023-24
Percentage of SWD with Proficient Level ELA Scores	2%	2%	Not reported – no testing	No Benchmark ⁵	No Benchmark ⁶ 1% achieved	≥5% ⁷	3.6%	≥8%
	Common Core					Next Generation Standards		
Percentage of SWD with Proficient Level Math Scores	2%	3%	Not reported – no testing	No Benchmark	No Benchmark 2% achieved in 2022	≥6%	3.4%	≥9%

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 personalized learning path - 45 minutes weekly for ELA and math combined.
- Students with disabilities in grades 3-6 special classes and ICOT are receiving 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 are using 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 is being provided to building interventionists and coaches via Literacy Leaders on specially designed instruction, direct instruction and equitable learning approaches.
- Use of tier one SEL curriculum (Second Step) is occurring for grades K-8 30 minutes weekly.
- District-wide professional learning on co-teaching facilitation approaches and supporting instructional best practices for SWDs in both literacy and math, is being implemented.

⁵ Actual Result: 4.8% - partial Common Core administration (multiple choice only) with waivers. There was no required benchmark for reporting purposes in 20-21 (Covid-19). In 20-21 RCSD SWDs achieved 4.8% ELA proficiency and 0.8% Math proficiency. The District is required to meet an Interim Benchmark of 5% SWD ELA proficiency in the 2022-23 school year, and 8% SWD ELA proficiency in the 2023-24 school year.

⁶ The Parties agreed to renegotiate the measurable interim performance benchmark for the 2021-2022 school year, and the final goal disengagement standard/year due to the effects of the Covid-19 pandemic and planned changes to the NYS assessments. There were no interim benchmarks and no required reporting for the 2021-2022 school year. However, in 21-22 RCSD did administer the full common core assessment and SWD’s achieved 1% proficiency in ELA and 2% proficiency in Math.

⁷ This benchmark was renegotiated along with the ELA proficiency benchmark. The District is required to meet an Interim Benchmark of 6% SWD proficiency in the 2022-23 school year and 9% SWD proficiency in the 2023-24 school year for Math Assessments.

- Use of Unique Learning Systems (tier one curriculum for students designated NYSAA) grades 3-12.
- Use of ReadtopiaGO (supplement to tier one curriculum for SWDs with significant cognitive delays K-2).
- NYSED Regional Partnership provided professional development and coaching for literacy instruction in 7 targeted elementary schools for special classes within each building.
- Expectations of access to grade level curriculum and support to teachers were provided by the Department of Teaching and Learning.
- Accountability measures in the form of unannounced observations and walk-through tools (TNTP Rubric) were formalized by the Office of Teaching and Learning to assist building principals.
- Full implementation of Illustrative Math in grades 6-8.

Did the District meet the benchmark?

No.

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

- Continue universal screening procedures using iReady Diagnostics administered for ELA and Math three times per year.
- All students who took the iReady diagnostic benchmark assessment will be assigned a personalized learning path (both in math and reading) of online lessons based on the results of their diagnostic 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 are also able to 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. This practice started last school year and will continue.
- 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 and will expand this support to other Elementary schools. The District will encourage collaboration between the RPC Literacy Coaches and RCSD Special Education Literacy coaches along with our Director of ELA to bridge the gap between Special Education and the Office of Teaching and Learning.
- The District is continuing its work to strengthen the MTSS/RtI process for all school buildings.
- The MTSS department is coordinating efforts to train interventionists on research-based interventions and strategies.
- The MTSS department is coordinating the implementation of the Panorama Student Success Platform which warehouses all AIS plans, provides a playbook (strategies for academic, behavior and social emotional needs) and integrates data for data-based problem-solving processes.
- RtI plans were submitted to School Chiefs by October 1st.
- The District will continue to strengthen the skill sets of teachers using high quality, grade level curriculum. The District will provide professional development, coaching and support in the classroom for pedagogy aligning with the curriculum.
- The District will offer Professional Development ("PD") for special education teachers and related service providers on IEP goal alignment with students' current levels of performance on the ELA/Math curriculum. New special education teachers and related service providers for the 2023-2024 school year have been provided with the links for this training.
- At the high school level, the District is exploring a reading and math diagnostic tool for all students in grades 9-12.
- The Department of Special Education is in its second year of providing Read180 at NorthSTAR), NorthWest Middle School and NorthEast HS. Results from 6 months of intervention at Northwest and NorthEast have shown positive reading growth using the Read 180 intervention system.

Goal 2 Benchmark Analysis (2022-23 School Year – Annual Report)

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.

	Past Results/ Baseline	Past Results/ Baseline	Interim Benchmarks			Current Results	Final Goal
School Year	2017-18	2018-19	2019- 20	2020-21	2021- 22	2022-23	2022-23
SWD June Graduation Rate	36%	42%	Not Reported	Not Reported - no Benchmark	≥52%	52.3%⁸ District estimate	≥52%
	Previous Year's Results			47% June 2021	50% June 2022		

What actions has the District taken to achieve the benchmark?

Release of NYS-embargoed June 2023 graduation data is anticipated for February 2024. Embargoed data has historically remained under embargo for 6-8 months following the assessment in question. Results for the 2022-23 school year will be provided confidentially to Plaintiff’s counsel, pursuant to Protective Order. However, preliminary internal data suggests that RCSD’s anticipated June 2023 graduation rate is approximately 52.3% and the anticipated August 2023 graduation rate is approximately 54.6%.

- Grade recovery interventions, including staffing Online Credit Recovery and Marking Period Recovery programs with Special Education Teacher Assistants available to support Students with Disabilities with credit recovery. National and local teacher shortages impact the District’s work on this Goal.
- Student with Disability Graduation Pathways and Transcript reviews.
- Professional Development was given to all school counselors and Associate Directors on Graduation Pathways and Transcripts.
- All high schools were offered the opportunity for the Special Education Department and transition team to participate in transcript reviews of students with disabilities and students with Section 504 plans.
- 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 is being elevated across the District. The District will continue SDI (specially designed instruction) support for special education teachers.

⁸ The District’s preliminary June graduation rate as measured by the Consent Decree is projected to be 52.3%. and the preliminary *August graduation* rate as measured by the NYSED is projected to be 54.4%. Many students take advantage of summer offerings to complete requirements for graduation by August. Final August graduation rates calculated by the NYS are historically higher than preliminary projected calculations, which for August 2023 is 54.4%. However, the August graduation rate is not reportable under the Consent Decree.

- 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 purpose is to coach building staff and students on quality engagement and IEP development. Teams can then follow up with students and staff on reengaging students in school so they can progress towards graduation.

Did the District meet the benchmark? Yes

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

- Continue with activities noted above.
- Further training and support to Associate Directors (CSE chairs) to ensure transition sections of IEPs are completed accurately and are meaningful to each student's future with alignment to graduation goals. Staff must check IEPs prior to finalizing documents. Special Education Directors review this data at 1:1 Associate Director meetings.
- District transition specialist will have office hours available to support Associate Directors and/or teachers.
- Cohort 2020 reviews for students with disabilities in a monthly data statistics meeting with the School Chiefs, Sr. Director of Staff and Educator Effectiveness, Chief of Special Education, and Deputy Superintendent of Teaching and Learning.

REPORT CONTINUES ON FOLLOWING PAGE

Goal 3 Benchmark Analysis (2022-23 School Year – Annual Report/Remedial Notice)

The District will decrease the number of SWD subjected to LTS by .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 and Hispanic SWDs and White SWD who are subject to LTS by the 2021-2022 school year, as set forth in the table below.

	Past Results/ Baseline		Interim Benchmarks			Current Results	Final Goal
	2017-18	2018-19	2019- 20	2020-21	2021- 22	2022-23	2022-23
SWD LTS Rate	4%	2.4%	≤3%	≤2.5% ⁹	≤2%	1.46%	≤2%
	Previous Year's Results			Not Reported	1.44%		
Racial Disparity Index of African American and Hispanic SWD LTS Rate Versus White SWD LTS Rate	2.5	0.98	≤1.83	≤1.42 Dependent on school reopening	≤1.0 or the standard deviation for the LTS Rate as calculated by NYS, whichever is higher. ¹⁰	7.3	≤1.0 or the standard deviation for the LTS Rate as calculated by NYS whichever is higher.
	Previous Year's Results			Not Reported	2.52		

What actions has the District taken to achieve the benchmark?

- The District has provided training on Part 201 of the Commissioner's Regulations addressing the discipline of students with disabilities to building Principals. 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
- The District revised the Code of Conduct with representatives from the community, schools, administrators and the Special Education Department (Chief of Special Education) to strengthen the language, intervention requirements

⁹ Unofficial result for the period that school was in session during the Covid-19 Pandemic - not subject to reporting.

¹⁰ New York State standard for deviation for LTS rate is calculated yearly by NYS based on the statewide average for suspensions. The standard deviation is included in the State's report on State Performance Plan Indicator 4, Rates of Suspension and Expulsion, in the table titled "Relative Risk Calculations for Suspension of Students with Disabilities (SWD) for More than Ten Days" at Column E "Standard Deviation for Suspension Rate (all races)" and is stated in "Criteria for Notification and Explanation of Data Used for State Performance Plan Indicator 4 High Rates of Suspension and Expulsion."

and to discourage exclusionary practices. The revised document goes into effect for the 2023-2024 school year.

- 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 is collaborating with the Attorney General’s Office in the implementation of a Strategic Action Plan that includes the following six primary goals:
 - Reducing reliance on exclusion as a form of discipline for non-violent and non-serious conduct using alternative methods that keep students in the classroom;
 - Reducing racial and ethnic disparities in the use of exclusionary discipline;
 - Reducing disparities in the use of exclusionary discipline for students with disabilities
 - Reducing exclusions for K-2 students;
 - Continuing to protect student due process rights in the discipline process; and
 - Maintaining a safe and supportive educational environment.

Did the District meet the benchmark?

Yes, for suspension rate.

No, for racial disparity index of African American and Hispanic SWD LTS Rate Versus White SWD LTS Rate.

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 review building level behavior support plans prior to determining the need for an FBA/BIP. This includes a revised process for the Determination of Evaluations Needed process prior to initial and reevaluation requirements.



2023-2024 Consent
 Decree Q1 Report dra

- Maintain ongoing Restorative Practice training and expectations for each school in the District.
- Provide further training on the revised Code of Conduct (Revised by a community committee – Chief of Special Education was on the Committee) will be provided to all building leaders. Adherence to the Code of Conduct and interventions must be required prior to a suspension.
- In collaboration with the Western New York Special Education Quality Assurance Unit, the District will review racial disparity rates for suspension, receive technical support and address areas of need identified (4 schools selected to participate).
- Collaboration with the Attorney General’s Office on the implementation of the Strategic Action Plan.
- Creation of a “Hub” center to make available community and school supports 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

- Implementation of the “Second Step” social emotional learning curriculum for all K-8 buildings. Exploring and vetting the secondary version of this curriculum to determine the structure and implementation (has been purchased for the District).
- The Deputy Superintendent of Administration and Supports is reviewing 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.
- The District added a .5 social worker to each 8:1:1 classroom for the 2023-2024 schools year to further support students with special education behavioral needs.
- Monthly Data statistics meetings will occur with review of elementary, middle, and high school data around Long-Term suspensions.
- Consideration of a proposed revision to this Goal along with an extension of the Final Disengagement year.

REPORT CONTINUES ON FOLLOWING PAGE

Goal 4 Benchmark Analysis (2022-23 School Year – Annual Report/Remedial Action Notice)

The District will increase the number of SWDs who receive their 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 their 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.

	Past Results/ Baseline	Past Results/ Baseline	Interim Benchmarks			Current Results	Final Goal
School Year	2017-18	2018-19	2019- 20	2020-21	2021- 22	2022-23	2022-23
In General Education setting more than 80%	51.8%	49.8%	≥58.4%	≥61.7 ¹¹	≥65%	59.04% ¹²	≥65%
	Previous Year's Results			Not Reported	59.04% Met State target of greater than 58.25%		
In General Education setting less than 40%	23.6%	22.1%	≤20.6%	19.1% Dependent on School Reopening	≤17.6%	16% ¹³	≤17.6%
	Previous Year's Results			Not Reported	16.21% Met State target of less than 18%		

¹¹ There was no reporting to the Court on the 2020-2021 benchmark if in-person learning did not resume during the 2020-2021 school year. The District was required to provide internal data on LRE, for information purposes only, pursuant to the reporting schedule in the Stipulation of Settlement. The Benchmark for 2020-2021 for SWD in the Gen. Ed. setting more than 80% was 61.7%. The benchmark for 2020-2021 for SWD in the Gen. Ed. setting less than 40% was 19.1%.

¹² Raw data before application of the permissible 5% variable. With the permissible 5% variable, the District's performance is at 62%. The NYSED state target has historically remained at 60%, but was at 58.25% for the 21-22 school year. The Consent Decree benchmark exceeds the required state target by 6%. The reported figures represent the District's preliminary data as the 22-23 school year NYSED data is not due to be released until the Spring of 2024.. The District has made steady progress towards meeting the state target as well as the final disengagement goal under the consent decree.

¹³ The NYSED state target was 18% for the 21-22 school year. The final 21-22 school year data indicates the District achieved 16.2% for students with less than 40% of the day in a general education program. State target data for the 22-23 school year is not due to be released until the Spring of 2024. The reported figures represent the district's preliminary data and indicate that the District is exceeding both the state target as well as the consent decree benchmark.

November 1, 2023

What actions has the District taken to achieve the benchmark?

- The District evaluated the continuum of services for the 2022-23 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 available to them for determining LRE for students.
- The District continues to increase the availability of the Integrated Co-Teaching service delivery model.
- Training by Professional Development consultants on the high-quality Integrated Co-Teaching service delivery model was provided to several schools as requested by the Building Principals. Using ARP funding, the District has secured these services which included:
 - Understanding ICOT and APPR evaluation process for building administrators.
 - Training for ICOT Teams on the ICOT models. What are the models? What model aligns with different lesson types? Student profiles that can work in an ICOT model.
 - Job embedded coaching by professional development consultants.
- Positive impact of inclusionary practices.

Did the District meet the benchmark?

No, for in the general education setting for more than 80% of the time.

Yes, for less than 40% of the time in the general education setting.

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

- The District will 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.
- As the District follows the Superintendent’s plan of reconfiguration for schools, the Special Education Department is revising the continuum of services to create a more efficient and effective continuum within each of the District’s geographical Zones.
- The District is revising the continuum of services to allow for individualized service options.
- 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 for at least part of a student’s day can be implemented as a next step for those students who demonstrate growth.
- Provision of training to Associate Directors on the appropriate codes for time out of regular classroom (TORC).
- Collaboration with Building Principals on the importance of accountability of an effective ICOT Model.
- Using the understanding of the ICOT model within the APPR evaluation process for building administrators.
- Setting clear expectations for ICOT teaching teams for their roles and responsibilities.
- Develop an understanding of the positive impact of inclusionary practices, amongst staff and administrators.
- The District will be working with the NYSED SEQA regional associates to conduct a review of least restrictive environment procedures and processes.
- Maximizing the use of supplemental aids and services on the IEP to allow students to participate in general

education settings.

- Changing parent mindset on LRE through SEPAC (Special Education Parent Advisory Council) and SEPAC outreach affiliations.
- Principals and registrars need to work together to align schedules so that special education core classes are aligned with general education core classes, and in order to provide additional opportunities for students to enter into least restrictive placements without disruption of a complete schedule.

Goal 5 Benchmark Analysis (2022-23 School Year – Annual Report)

The District will decrease the percentage of current District SWDs who are changed or 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, by efforts including having a continuum that is inclusive of Consultant Teacher and Resource Room Services, Integrated Co-teaching, special class options and related services.¹⁴

	Past Results/ Baseline	Past Results/ Baseline	Interim Benchmarks			Current Results	Final Goal
School Year	2017-18	2018-19	2019- 20	2020-21	2021- 22	2022-23	2022-23
Percentage of SWD changing schools following CSE recommendation	7.3%	4%	≤4%	NA ¹⁵	≤1%	0.27%	≤1%
	Previous Year’s Results			Not Reported	0.27%		

What actions has the District taken to achieve the benchmark?

- The District began to make changes to the continuum of services to minimize student movement.
- The District maintained and used a seat tracker system to manage changes.
- The District made all Associate Directors (CSE/CPSE chairpersons) aware of the importance of minimizing changes and providing supports to student in current school settings whenever possible.

Did the District meet the benchmark? Yes

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

- The District will continue to identify additional supports and services for students that could assist the educational team in supporting the student in their current school, when a request is made for more restrictive programming.
- The District will continue to evaluate the continuum of services across the District based on student data by school.
- The District will continue to use a “seat tracker” to monitor student placement and the continuum of services.

¹⁴ 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.

¹⁵ For informational purposes only, and not formal reporting, due to the Covid-19 Pandemic.

- The District will offer PD to school building leadership on the social emotional and academic impact of more restrictive program recommendations.
- Continue to work on increasing staffing. Staffing shortages impact the District’s work on this Goal.
- Align the continuum of special education services to the District Superintendent’s 2024-2025 reconfiguration plan to maximize resources.
- 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 will make 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.

Goal 6 Benchmark Analysis (2022-23 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.

	Past Results/ Baseline	Past Results/ Baseline	Interim Benchmarks			Current Results	Final Goal
School Year	2017-18	2018-19	2019- 20	2020-21	2021- 22	2022-23	2022-23
Percentage of SWD with compliant Transition Plans	63.3%	71.3%	≥78.3%	≥87.3%	≥95.3%	100%	≥95.3%
	Previous Year’s Results			100%	100%		

What actions has the District taken to achieve the benchmark?

- The District has offered PD on quality indicators of IEP transition plans with the support of our Regional Partnership Center.
- The District transition team has conducted IEP checks for compliance via random sampling and coached CSE teams to make necessary corrections following these reviews.
- The District Transition Specialist worked with Directors (CSE chairs) prior to CSE meetings to check for compliance for the transition sections of the IEP.
- The District Transition Specialist provided PD on appropriate Level 1 Assessments and how to use this data in transition planning.
- The District Transition Specialist created office hours for individualized support to the Associate Directors.
- The District has developed transition teams in high schools to provide PD on ensuring IEP transition sections are completed appropriately and in compliance to NYSED Part 200 regulations.

Did the District meet the benchmark?

Yes

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

- The District will continue collaboration with the RPC, in developing professional development sessions to

November 1, 2023

secondary counselors and special education teachers to ensure transition planning is meaningful and captures the plan for the District’s students with disabilities.

- The District will continue to pull IEPs that are not finalized to check for compliance and quality of transition planning for our students.
- Further training and support to Associate Directors (CSE chairs) to ensure transition sections of IEPs are completed accurately and are meaningful to each student’s future. ADs must check IEPs prior to finalizing documents.
- District Transition Specialist will continue to offer office hours for individualized support to the Associate Directors.

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 will make 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.

Goal 7 Benchmark Analysis (2022-23 School Year – Annual Report/Remedial Action Notice)

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.

	Past Results/ Baseline	Past Results/ Baseline	Interim Benchmarks			Current Results	Final Goal
School Year	2017-18	2018-19	2019- 20	2020-21	2021- 22	2022-23	2022-23
Percentage of Overdue Meetings ¹⁶	28%	15%	≤16%	≤10%	≤5%	6.5%	≤5%
	Previous Year’s Results			8.66%	11%		

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.
- The District has held 1:1 meetings between Directors and Associate Directors (CSE Chairpersons) to check on 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 of meetings completed.
- Associate Directors encourage parent participation and do their best to explain to parents the importance of the date of the Annual Review.

¹⁶ Due to the COVID-19 pandemic, the data used to calculate the 2019-2020 benchmark was measured from July 1, 2019, to March 1, 2020. The data used to calculate the 2020-2021 benchmark will be measured from September 8, 2020 to June 30, 2021. The past performance data and the data used to calculate the 2021-2022 benchmark were measured from July 1 to June 30.

Did the District meet the benchmark? No.

The District has met the benchmark for reevaluation and annual review meetings but falls short when it comes to initial meetings. We shared this analysis with our Associate Directors and TCOSES (CSE/CPSE chairs) and had them focus on this area to improve. We made progress but this completion rate is still bringing the overall percentage of meetings held on time to 93.9%. A deeper data analysis will need to be performed. We have found that it is much more difficult to coordinate initial referrals for Charter School students as Charter School Staff availability becomes difficult to coordinate. There also continues to be a challenge in providing substitute teachers which allows primary teachers of students the ability to attend the CSE meeting. Much of this problem continues as a result of staffing shortages across the District.

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

- The District will continue to develop specific guidelines on scheduling and meeting deadlines.
- The District will continue to use the compliance log for each building. Ensure compliance logs are completed by October 1st of each year and notification of proposed meeting dates are available to parents and staff, including access by building administrators. 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.
- A specific analysis of each meeting type and timeliness will be performed with recommendations for systemic changes, particularly for the initial referral process.
- The District's Frontline Team will continue to run and provide biweekly data reports on timely meetings from Frontline IEP.
- Training to Associate Director on compliant and non-compliant reasons for timeliness of initial evaluations and/or CSE meeting.
- Training to Associate Directors on accurate dates to record on the IEP. 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.
- The District will collaborate with building administration to identify emergency substitute plans for "day of meeting" absences to ensure required CSE membership.
- For Charter School Initial Referrals the following steps have already be taken to improve the timeline:
 - Created a central mailbox for all parent referrals to ex-ed so it can be monitored even while clerical is on vacation.
 - Created a new and improved initial determination of "needed evaluations" (DNE) form.
 - Trained charter schools in the initial evaluation process at the beginning of the year.
 - Assigned all initials to a single AD so it is clear who has responsibility each step of the way.
 - Clerical sends Director for External Education a list of all parent letters at 10 days without a DNE/Referral form.
- Increased staffing is needed. Staffing shortages across the District impact the District's work on this Goal.

REPORT CONTINUES ON FOLLOWING PAGE

Goal 8 Benchmark Analysis (2022-2023 Annual Report)

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 services¹⁴ 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 year¹⁷, as set forth in the table below:

School Year	Past Results/ Baseline	Past Results/ Baseline	Interim Benchmarks				2023-24	Current Results	Final Goal
	2017-18	2018-19	2019-20 ¹⁸	2020-21	2021- 22	2022-23		2022-23	2024-25
Number of Variances by Commissioner Approval Due to Lack of Capacity	41	6	10	5	2	2	2	2	2
Previous Years Results				0	0				
Percentage of Providers Reporting Services in Frontline	71%	72%	79%	83%	87%	84%	85.5%	96%	87%
Previous Years Results				95%	98%				
Percentage of related services delivered ¹⁹ , as reported in Frontline	N/A	N/A	N/A	N/A	N/A	84%	85.5%	84%	87%

¹⁷ If the District achieves compliance the before the end of the 2024-2025 school year, the District may seek partial disengagement pursuant to the terms of the Stipulation.

¹⁸ Due to the COVID-19 pandemic, the data used to calculate the 2019-2020 benchmark was measured from July 1, 2019 to March 1, 2020. The data used to calculate the 2020-2021 benchmark will be measured from September 8, 2020 to June 30, 2021. The past performance data and the data used to calculate the 2021-2022 benchmark were measured, and will be measured, from data from July 1 to June 30.

¹⁹ OT, PT and Speech Language related services reported on by encounter in the Frontline Management System or its equivalent. Any change to data sources or calculation methodology shall be subject to paragraph 90 of the Stipulation. *Formula to calculate percentage of related services delivered, as reported in Frontline:* All related services reported as delivered (by encounter), DIVIDED BY the total of all related services (by encounter) reported in Frontline. Related services reported as not provided due to “inclement weather”, “school out of session”, “school closed”, “student absent”, “student refused” and “student unavailable”, will be excluded from the calculation of the denominator. For the avoidance of doubt, related services reported as not provided due to “provider absent” or “provider unavailable” will be included in the calculation of the denominator.

What actions has the District taken to achieve the benchmark?

Variations: The District expanded its continuum to help students remain in their schools whenever possible. Special Education and Placement are holding seats on the continuum for new entrants and changes for SWD in programs. The District is using 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 many start-up issues and the system is not yet as reliable as we anticipate it will be. 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.

- Special Education Department and the Office of Human Capital have addressed related service providers not documenting IEP related services in the Frontline RS Log.
- Special Education and Medicaid are working together as a team to identify potential compliance issues. Data processed allows Administrators to identify and confirm that each related service provider is entering data into the Frontline system. Compliance issues reviewed are as follows:
 - Documentation of all IEP services in the related service log of Frontline IEP.
 - Entry of IEP service and session notes within 2 school days.
 - Electronic signatures on all services and the inclusion of session notes.
 - Alignment of Providers caseloads with the services and attendance entered.
- Medicaid has provided Special Education with a quarterly report to alert the department of potential compliance concerns. The department responds and addresses concerns noted.
- Special Education has worked with Medicaid to confirm data issues and request additional data to support the compliance issues at hand. Once a compliance issue is confirmed, the Special Education Department’s Administrative Team and Human Capital Department followed accountability protocols in communicating with the related service provider and documented such communication. For certain Special Education providers, discipline has been issued for continued non-compliance in failing to report services after the counseling process has occurred.

Did the District meet the benchmark?

Yes, for Variations. The number of variations by Commissioner Approval was 0 during the 2021-22 school year.

Yes, for Frontline Reporting. 96% of Related Services providers timely reported their services in Frontline during the 2022-23 school year.

Yes, for Percentage of Related Services Reported as Delivered, in Frontline (new amendment to this goal).

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

- For variations, the District will continue to follow its process set forth above and continue to demonstrate Benchmark success.
- For Frontline reporting, the District must work with the vendor to be able to generate reliable weekly reports 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 require further support from the vendor in generating reliable compliance reports, as well as training aligned to the same.

November 1, 2023

- The District will continue to collaborate with the Special Education Department, the Medicaid office and HC (Human Capital) to address staff who may not be compliantly documenting sessions.
- Accountability measures should be enforced. Medicaid has recommended that, in addition to the above process, the Related Service Associate Director and Leads pull random samples monthly to check for related service provider compliance issues. This recommendation is being considered.
- Medicaid and Special Education Department meetings will continue to be scheduled monthly.

Goal 9 Benchmark Analysis (2022-2023 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.

	Past Results/ Baseline	Past Results/ Baseline	Interim Benchmarks			Current Results	Final Goal
School Year	2017-18	2018-19	2019- 20	2020-21	2021- 22	2022-23	2022-23
Percentage of AR Meetings with Parent Participation	19%	47%	≥35%	≥43%	≥51%	70%	≥51%
	Previous Year’s Results			51%	59%		

What actions has the District taken to achieve the benchmark?

- The District has encouraged all parents to take advantage of appearance options by Zoom and by telephone. The availability and opportunity to have parents participate at CSE meetings via Zoom has increased the parental participation rate.
- The District has welcomed collaboration and input from the Special Education Parent Advisory Council (“SEPAC”) to ensure parents are welcome and participating in meetings. Parents do have the option for in-person meetings.
- The District has worked with the IM&T department to capture data to indicate when a parent, guardian or other primary custody person attends a student’s IEP meeting. As a back-up system, we have added parent participation on each student’s compliance log and the Associate Director will indicate if the parent/guardian was present.

Did the District meet the benchmark?

Yes. The District continues to increase its parent participation rate by continuing to offer participation through Zoom meetings.

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

- The District will continue to use the strategies above to continue to meet this benchmark.
- Encourage more in-depth student participation in the IEP development process and at CSE meetings.

- 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 will make 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 of the disengagement goals have been met and an Order of Full Disengagement has been granted by the Court.

Goal 10 Benchmark Analysis (2022-2023 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.

	Past Results/ Baseline	Past Results/ Baseline	Interim Benchmarks			Current Results	Final Goal
School Year	2017-18	2018-19	2019- 20	2020-21	2021- 22	2022-23	2022-23
Number of Special Education Bilingual Programs	24	26	≥29	≥39	≥51 ²⁰	71	≥51
	Previous Year's Results			49	59		

What actions has the District taken to achieve the benchmark?

- The District has expanded the continuum for bilingual programs.
- The District has collaborated with the Bilingual Services Department to ensure special education bilingual programs are based on enrollment.
- The District has also developed a Seat Tracker for use by the Special Education Department and Office of Student Placement when placing students in classrooms.
- TCaps (Teacher Certification Action Plans) are allowing teachers to gain certification to open more classes to match the needs of the students.

Did the District meet the benchmark?

Yes. The number of Special Education Bilingual programs offered during the 2022-23 school year was 71.

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

- The District will continue to work with the Department of Multilingual Education and the Bilingual Services Department to offer the necessary placements for Bilingual students reflecting our enrollment, utilizing its Seat

²⁰ Conditioned on enrollment. If enrollment of Spanish speaking ELL SWDs declines so that 51 programs are unnecessary, the Parties will meet to determine what other number of programs is sufficient to meet the needs of Spanish speaking ELL SWDs, and the Interim Benchmark and Final Disengagement Goal will be changed accordingly. If the parties are unable to agree on the number of programs during renegotiation, the parties may proceed with the Alternative Dispute Resolution procedures set forth in the Stipulation of Settlement

Tracker spreadsheet.

- The reconfiguration of middle level programs will assist in providing high quality programming in schools by reducing the District’s footprint and maximizing efficiencies.
- 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 will make a request for partial disengagement from this goal. The District does have the responsibility of maintaining the benchmark and reporting data annually until all of the Final Goals have been met, and an Order of Full Disengagement has been granted by the Court.

Goal 11 Benchmark Analysis (Annual Report 2022-2023/Remedial Action Notice)

The District will decrease the number of Special Education teachers not certified by New York²¹ 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, necessary Special Education teachers, as set forth in the table below:

	Past Results/ Baseline	Past Results/ Baseline	Interim Benchmarks			Current Results	Final Goal
School Year	2017-18	2018-19	2019- 20	2020-21	2021- 22	2022-23	2022-23
Special Education Teachers Not Certified in Special Education in New York State	NA	38	≤26	≤26	≤21 ²²	43.55	≤21
	Previous Year’s Results			21	33		

²¹ 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.

²² The parties had negotiated a Final Goal for the 2021–2022 school year of 21, which was approved by the Board of Education. Thereafter, the District became aware that the number of Special Education teachers who were not certified in New York Special Education was actually 38 as of BEDS Day 2021, which would not meet that metric, whether set as an Interim Benchmark or Final Goal. As set forth in the Amended Consent Decree, the parties have agreed that paragraphs 92(b) and (c) of the Settlement Stipulation will not apply to the failure to achieve this metric, now revised to be an Interim Benchmark, for the 2021-2022 school year only. The parties have further agreed that, in the event that the District determines that it will not meet the revised Interim Benchmark or Final Goal, the District retains the right to exercise the remedies available under the Amended Consent Decree to modify that Interim Benchmark or Final Goal.

What actions has the District taken to achieve the benchmark?

- The District allocated funds to hire a Director of Recruitment, Retention and Selection to focus on the recruitment of highly qualified Certificated Special Education Teachers.
- Additionally, the District funded financial incentives to assist prospective candidates in obtaining appropriate certifications, and to create pathways to certification through “grow our own” programs.
- The District engaged with teacher preparation program partners to connect with teacher candidates. Additionally, the District conducted recruitment efforts in Miami, Atlanta and Puerto Rico. Teacher residency programs have been established with Nazareth University, University of Rochester, and New York University. We have also developed partnerships with Robert Wesleyan University, SUNY Brockport, SUNY Empire State, and St. John Fisher University.
- The District did make an offer to the Rochester Teachers Association to negotiate financial incentives to both recruit and retain special education and bilingual education teachers. The Rochester Teachers Association would not accept financial incentives on the basis that they would not impact all teachers, but only those identified.
- The District is in the process of developing a new financial recruitment and retention incentive toward filling special education and bilingual education teacher vacancies as we open new schools in the 2024-2025 school year. Additionally, starting in July 2022 and continuing for both the 2022-2023, 2023-2024 school years, we increased starting salary offers in these two areas, by providing additional step movements placement on the salary grid. This action was within the District’s management right to do for starting job offers, but only impacts newly hired staff, not existing staff.
- The District implemented a new partnership with Fordham University to create a pathway for current certified teachers in the District to earn their bilingual certification as extension, through a NYS Education Department grant, which combined with our tuition reimbursement program, to cover full tuition for any teacher to partake. This program will be in place in 2023-2024 and 2024-2025.
- The District has also secured grant funding to continue our Teachers of Tomorrow cash incentive for those teachers who work in Special Education and Bilingual Education positions (\$3,400 per teacher per year). This effort is renewable to the individual up to 4 times and helps to recruit and maintain staffing. We anticipate continuing to apply for, and securing this grant.
- The District also offered any existing teacher who is elementary special education certified and working in the District, reimbursement of the cost associated with obtaining additional certification (K-12). We also implemented a wide-ranging recruitment “grow our own” campaign by targeting current paraprofessionals and certified teaching assistants. In doing so we offered to develop a Teacher Certification Action Plan (T-CAP) for each individual, setting forth guidance and targets for obtaining their certification. The District, through a tuition reimbursement program, will cover the cost of tuition. Through this same program the District is covering the costs of certification examination fees, required workshops, and application.
- The District identified existing teachers on assignment (TOA) who have special education certification and returned them to classrooms, while prohibiting certain special education certified teachers from working in these (TOA) roles, placing them instead in the direct service of students.
- The District invested in print and radio advertising as well, utilizing Spanish speaking radio Poder and the largest urban black owned radio station in NYS—WDKX. In August 2023, the District received a NYS Department of Labor grant to expand our teacher residency programs, and this \$1.2 million funding will sustain our efforts toward covering tuition expenses for teachers working to become special education and bilingual education teachers.
- In August of 2022, the Parties engaged in negotiations pursuant to the Consent Decree’s Remedial Action Plan procedures, to expand the definition of qualifying staff according to current pandemic related NYSED regulatory amendments. Negotiations on modifications to the definition of “uncertified teacher” under this Goal are in the

process of being finalized.

Did the District meet the benchmark?

No. The District did not meet the benchmark by BEDS Day of the 22-23 school year in spite of 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 22-23 school year, was 43.55. The numbers of uncertified vs certified teachers have fluctuated significantly due to resignations and applications for retirement following the Pandemic and national shortages noted. The shortage of teachers is a national crisis. 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.

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

- The District will continue to implement several levers and strategies to recruit and retain staff.
- Further possibility of “true-ups” during the school year, or right-sizing classes that are not full and thus maximizing efficiencies for students.
- The District will continue to engage in social media promotion, District-wide blasts and paid advertisements on a variety of media.
- The District will continue to hold recruitment events throughout the community, including Saturdays at the Public Market, RochesterWorks Hospitality Virtual Job Fair, and Roc the Block recruitment events.
- The District will continue to hold open Interview events scheduled at Central Office, Hudson Transportation Center, the Rochester Public Market and Mercantile on Main in Downtown Rochester. The District will continue to host these events throughout the community.
- The District will continue to receive posting and support from shiftdiff (<https://shiftdiff.com/>) as this allows for jobs to be shared locally in our community.
- The District is working to develop a series of pipeline programs to help bilingual and special education teaching assistants to become certified teachers.
- The District will continue to recruit from outside jurisdictions. We are also building our schedule for recruitment at HBCUs (Historically Black Colleges and Universities) and Hispanic-serving Institutions of higher learning.
- Further efforts include recruitment by principals directly to their families and school community, partnerships with local job agencies to promote vacancies, partnership with The Employment Store (TES) to assist with hiring, making community pleas at Board of Education meetings and with local news media, networking with teacher colleges and universities, and making appeals to student teachers and recent graduates.
- The District will draft a substitute teacher agreement to increase substitutes and offer incentives to returning substitute teachers in an effort to increase retention.
- The District is also working on increasing outreach to teacher retirees and other recent retirees.
- Ongoing teacher shortages caused by the Pandemic impact the District’s work on this Goal. An expanded definition of what constitutes a sufficiently skilled or “certified teacher” has been renegotiated with EJC and will continue to be implemented in data collection for this Goal. An ability to count probationary hires and students in qualifying teacher programs working towards special education certification, may assist the District in meeting this Goal.
- Modification of the benchmark metric timeline may also be required.
- The impact of the Superintendent’s 2024-2025 school reconfiguration plan and revision to the special education continuum will need to be evaluated to determine the District’s capacity for more efficient staffing.
- The District will explore the possibility of the innovative program waiver through NYSED to determine if further solutions to staffing shortages are feasible.

Goal 12 Benchmark Analysis (2022-2023 Annual Report/Remedial Action Notice)

The District will reduce any significant discrepancy between the number of African American and 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.

School Year	Past Results/ Baseline	Past Results/ Baseline	Interim Benchmarks			Current Results	Final Goal
	2017-18	2018-19	2019- 20	2020-21	2021- 22	2022-23	2022-23
Racial Disparity Index of Newly Classified African American and Hispanic SWD vs. White SWD	1.17	0.90	≤1.10	≤1.05	≤1.0	1.2	≤1.0
	Previous Year's Results			0.98	0.9		

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 to ensure that staff are carefully analyzing all program options, supports and accommodations, as well as requiring information from MTSS to include interventions provided with progress monitoring data is used to make appropriate decisions on the need for special education referrals.

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 2022-23 School experienced a slight decline.

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

- 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 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.
- A more robust data infrastructure system with a central unified software application is required.

Goal 13 Benchmark Analysis (2022-2023 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.

School Year	Past Results/ Baseline	Past Results/ Baseline	Interim Benchmarks			Current Results	Final Goal
	2017-18	2018-19	2019- 20	2020-21	2021- 22	2022-23	2022-23
Mandatory PD Trainings	1	2	≥3	≥5	≥8	12 for SPED teachers (TOD, TVI, Pre-K SPED) 18 for SPED Admin., 17 for other LEA Reps.	8
	Previous Year's Results			14	9		

What actions has the District taken to achieve the benchmark?

- The District has expanded its training, reorganized how PD is offered, and has begun tracking mandatory training using True North Logic and Zoom 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.

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 will make a request for partial disengagement from this Goal. The District does have the responsibility of maintaining the benchmark and reporting data annually until all of the Final Goals have been met, and an Order of Full Disengagement has been granted by the Court.

Goal 14 Benchmark Analysis- Bilingual Staffing (2022-2023 Annual Report)

The District will decrease the number of special education teachers²³, 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.

	Interim benchmark		Current Results	Final Goal	Aspirational Goal	Aspirational Goal	Aspirational Goal
School Year	2020-21	2021-22	2022-23	2022-23 ²⁴	2023-24	2024-25	2025-26
Filled FTE	NA	≥33%	74.2%	≥35%	≥39%	≥44%	≥48%
Previous Years Result	Not Reported	47%					
Vacancies known 7/15 & filled on Day One	NA	≥31%	53.6%	≥32%	≥36%	≥40%	≥48%
Previous Years Result	Not Reported	13.7%					
Effective bilingual educators	NA		95%	≥95%	≥95%	≥95%	≥95%
Previous Years Result	Not Reported	95.8%					

²³ 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.

²⁴ This Key Performance Indicator will be the Final Disengagement Goal in the *N.N. vs. 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)

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 noted 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

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.