

## Annual Report on Final Goals and 2021-22 Benchmarks

October 31, 2022

### Summary

The Rochester City school District 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 while maintaining and improving compliance with special education state and federal regulation.

Through the COVID-19 Pandemic, school districts, including RCSD, faced significant challenges directly related to the pandemic. Across the United States, student achievement results plummeted in the first year, and worsened in the second year of the pandemic. According to an October 2022 Education Week Special Report, long-term trend data from the National Assessment of Educational Progress shows that 9-year-old students scored, on average, 5 points lower in reading and 7 points lower in math in 2022 than did their pre-pandemic peers in 2020. The drop in scores was even greater for students with disabilities. In reading, students' scores regressed by a decade or more. These declines overall represent the largest drops in decades. A similar trend occurred with graduation rates. The Special Report highlights an EdWeek Research Center analysis of state data which found that 31 states saw drops in overall graduation rates for the class of 2021, compared with 14 states for the class of 2020. Twice as many states saw drops in overall graduation rates as well as graduation rates for students with disabilities than in previous years.<sup>1</sup>

Teachers are leaving the workforce in droves in the aftermath of the pandemic. According to a recent study reported in Education Week, 80% of teachers report that unfulfilled vacancies are creating more work for them. 74% of teachers report being required to fill in for colleagues due to staffing shortages and 90% of teachers report feeling burned out.<sup>2</sup> The pandemic has also affected the availability of related service providers and other professionals such as psychologists, social workers, OT, PT, and speech and language professionals who perform critical IEP-mandated roles for students with disabilities. Staffing shortages have a direct impact on student achievement.

Despite these challenges, the District is pleased to report that all of the 2021-2022 Interim Benchmarks for seven (7) of the fourteen (14) goals set forth in the Consent Decree have been fully achieved (5,6,8,9,10,12,13). Three of the fourteen goals (3,4,14) have been partially achieved, and the District did not meet the Benchmark for three of the goals (2,7,11). The District is not required to report on Goal 1 (ELA/Math proficiency) for the 2021-2022 school year. Many of the goals carry two to three benchmark subsets. The effect of this is that in reality, there are twenty (20) Interim Benchmarks that must be achieved. The District is very close to meeting many of the Interim Benchmarks that were not met in the 2021-22 school year. Continuing efforts to increase compliance with the delivery of programs and services for students with disabilities have yielded positive results and the District is very close to meeting many of the Interim Benchmarks that were not met in the 2021-2022 school year. However, the District is required to achieve all of the Final Goals as well as maintain compliance on each, for an additional 12 (twelve) months and effectively through the 2024-2025 school year in order to disengage from the Consent Decree. Below is a summary of the District's progress towards achieving the Interim Benchmarks in the 2021-22 school year.

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<sup>1</sup>[https://www.edweek.org/teaching-learning/special-education-during-the-pandemic-in-charts/2022/10?utm\\_source=eb&utm\\_medium=eml&utm\\_campaign=sr20221026&M=5382273&UUID=076375586644ecc561bd6d62111e832d](https://www.edweek.org/teaching-learning/special-education-during-the-pandemic-in-charts/2022/10?utm_source=eb&utm_medium=eml&utm_campaign=sr20221026&M=5382273&UUID=076375586644ecc561bd6d62111e832d)

<sup>2</sup><https://www.edweek.org/sponsor/stride-learning-solutions/cutting-edge-district-leaders-solve-for-teacher-shortages-with-innovative-teaching-and-learning-models>

Goal # Reporting Schedule	Goal Description	Final Goal (Disengagement Standard)	2021-22 Interim Benchmark	2021-22 Result Reported
1 Annually <sup>3</sup>	Percentage of SWD with Disabilities with Proficient Level ELA Scores	≥8% (23-24 SY)	No Benchmark	Not Required to Report
1 Annually	Percentage of SWD with Disabilities with Proficient Level Math Scores	≥9% (23-24 SY)	No Benchmark	Not Required to Report
2 Annually	SWD June Graduation Rate	≥52% (22-23 SY)	≥52%	50%
3 Quarterly Annually	Long Term Suspension Rate for Students with Disabilities	≤2% (22-23 SY)	≤2%	1.44%
3 Quarterly Annually	Racial Disparity Index of African American/Black and Hispanic Students with Disabilities Subject to Long Term Suspension versus White Students with Disabilities	≤1.0 (22-23 SY)  (or the standard deviation for the LTS rate as calculated by New York State, whichever is higher)	≤1.0  (or the standard deviation for the LTS rate as calculated by New York State, whichever is higher)	2.52
4 Annually	Percentage of Students with Disabilities in General Education Setting More than 80% of the Time	≥65% (22-23 SY)	≥65%	59.04% (62% with 5% variable)
4 Annually	Percentage of Students with Disabilities in General Education Setting Less than 40% of the Time	≤17.6% (22-23 SY)	≤17.6%	16.21%

<sup>3</sup> Annual Reports are due after the close of BEDS Day. Quarterly Reports are due following the close of each Marking Period.

5 Annually Quarterly	Percentage of Students with Disabilities Changing Schools Following CSE Recommendation	$\leq 1\%$ (22-23 SY)	$\leq 1\%$	0.27%
6 Annually Quarterly	Percentage of Students with Disabilities with Legally Compliant Transition Plans	$\geq 95.3\%$ (22-23 SY)	$\geq 95.3\%$	100%
7 Annually Quarterly	Percentage of Overdue Initial, Annual, and Reevaluation Review CSE Meetings	$\leq 5\%$ (22-23 SY)	$\leq 5\%$	11%
8 Annually Quarterly	Number of Variances by Commissioner Approval Due to Lack of Capacity	$\leq 2$ (22-23 SY)	$\leq 2$	0
8 Annually Quarterly	Percentage of Related Service Providers Reporting Services in Frontline	$\geq 87\%$ (22-23 SY)	$\geq 87\%$	98%
9 Annually Quarterly	Percentage of Annual Review CSE Meetings with Parent Participation	$\geq 51\%$ (22-23 SY)	$\geq 51\%$	59%
10 Annually Quarterly	Number of Special Education Bilingual Programs	$\geq 51$ (22-23 SY)	$\geq 51$	59
11 Annually	Number of Special Education Teachers in Classrooms Who Are Not Special Education Certified in New York State	$\leq 21$ (22-23 SY)	$\leq 21$	36
12 Annually	Racial Disparity Index of Newly-Classified African American/Black and Hispanic Students with Disabilities versus White Students with Disabilities	$\leq 1.0$ (22-23 SY)	$\leq 1.0$	0.9

13 Annually Quarterly	Number of Mandatory Professional Development Trainings Required of Special Education Staff	$\geq 8$ (22-23 SY)	$\geq 8$	9
14 - 1 Annually	Percentage of bilingual special educators filled with a fully certified educator/educators working on certification extension on BEDS Day and first day of second semester.	$\geq 35\%$ (22-23 SY)	$\geq 33\%$	47%
14 - 2 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.	$\geq 32\%$ (22-23 SY)	$\geq 31\%$	13.7%
14 - 3 Annually	Percentage of effective bilingual special education educators retained on Day One who worked in the prior year (exclusive of those who are terminated, Relocate, are promoted within RCSD or retire.	$\geq 95\%$ (22-23 SY)	$\geq 95\%$	95.8%

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**Goal 1 Benchmark Analysis (2021-22 School Year – Annual Report)**

The District will increase the percentage of SWD who demonstrate proficiency on ELA and Mathematics assessments, by 3 percentage points per year during the years in which SED 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	2021-22	2023-24
Percentage of SWD with Proficient Level ELA Scores	2%	2%	Not reported – no testing	No Bench mark <sup>4</sup>	No Benchmark	≥5% <sup>5</sup>	<b>1% (Projection)</b> No benchmark- - Under embargo	≥8%
	Common Core					Next Gen	Common Core	Next Gen
Percentage of SWD with Proficient Level Math Scores	2%	3%	Not reported – no testing	No Bench mark	No Benchmark	≥6% <sup>6</sup>	<b>2% (Projection)</b>  Not reported- Under embargo	≥9%

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

Not applicable.

<sup>4</sup> Actual Result: 4.8% - partial Common Core administration (multiple choice only) with waivers.

<sup>5</sup> The Parties agreed to renegotiate the measurable interim performance benchmark for the 2021-2022 school year, and the final goal disengagement standard due to the effects of the Covid-19 pandemic on education, and planned changes to the NYS assessments. Negotiations were to begin within 30 days after NYS released its plan for the 2021-2022 Next Generation Learning Standards assessments. There are 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. Similarly, in 20-21, there was no benchmark.. 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.

<sup>6</sup> 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.

**Did the District meet the benchmark?**

Not applicable. The parties agreed to renegotiate the measurable interim performance benchmarks and the final goal disengagement standard for this goal due to the effects of the Covid-19 Pandemic on education, as well as planned changes to New York State assessments following the implementation of Next Generation Learning Standards. The negotiations resulted in an Amended Stipulation and Order filed on 10/25/2022, requiring the District to maintain the originally contemplated 3% increase per year in both ELA and Math for the 22-23 and 23-24 school years, based on the last reported results prior to the Covid-19 Pandemic, in the 2018-19 school year (2% ELA, 3% Math). As Next Generation Learning standards and assessments were ultimately not implemented by NYS by the end of the 21-22 school year, there is no Interim Benchmark for the 21-22 school year. In the 21-22 school year, the District did, in fact, administer Common Core Assessments. However, since the 21-22 school year results are not reportable for Consent Decree benchmark purposes, and the data is under NYS embargo as of the release date of this Annual Report, these 21-22 results are preliminary projections.

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

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. 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. Training for Special Education teachers on specially designed instruction (“SDI”) and literacy instruction will continue to be provided, along with ELA and Math curriculum training. In addition, the Special Education Dept. will continue to work with the Office of Teaching and Learning to evaluate and determine evidence-based interventions for all students who struggle with reading and math skills. The District is also continuing its work to strengthen the MTSS/RtI process for all school buildings. The District will continue to strengthen the skill sets of teachers using high quality, grade level curriculum. The District will provide 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. A three part professional development series was provided during the 2021-2022 school year. New special education teachers and related service providers for the 2022-2023 school year have been provided with the links for this training.

The District will utilize iReady as a progress monitoring tool. All students with disabilities grades K-8 (except those who have been identified as being alternatively assessed through the CSE process), have been administered the iReady reading and math benchmark diagnostic assessment during the fall testing window, which closed on September 30, 2022. Students with disabilities will also take the iReady diagnostic mid year by January 27, 2023 and then again at the end of the year by June 9, 2023.

All students who took the iReady diagnostic benchmark assessment have been 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 tool box.

In the area of reading, additional diagnostics are needed for students with disabilities. The Department of Special Education has committed to gathering further data and progress monitoring in the area of phonemic awareness and phonics. Students in elementary special classes at schools 2, 7, 8, 16, 33, 39, and 42 will be given a diagnostic decoding survey including a measure of oral reading fluency. As a result of this decoding assessment, students in elementary special classes will be grouped to receive explicit, teacher provided, direct instruction in phonemic awareness and phonics during a daily 30 minute foundational reading skill block.

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 piloting Read180 at NorthSTAR, NorthWest Middle School and NorthEast High School for students with disabilities in grades 7, 8 and 9. These students have been given a diagnostic reading survey with the testing window closing October 28, 2022. Based on the results of the diagnostic, students will receive teacher-provided explicit instruction at their level as well as be placed on a personalized learning path. National and local teacher shortages impact the District's work on this Goal.

### Goal 2 Benchmark Analysis (2021-22 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	2021-22	2022-23
SWD June Graduation Rate	36%	42%	Not Reported	Not Reported - no Benchmark	≥52%	50% <sup>7</sup> (Pojection) Final data under embargo	≥52%
Previous year results:				47% June 2021 NYSED RCSD Result August: Not released			

<sup>7</sup> With the 5% variable permitted under the Consent Decree, the District's preliminary June Graduation Rate for SWDs is 51.4%. The District's preliminary projected August graduation rate is 54.5%, without applying the 5% variable. Many students take advantage of summer offerings to complete requirements for graduation by August. The District's NYS accountability is based on August graduation rates rather than on June graduation rates. The final August graduation rate calculated by the NYS has historically been many percentage points higher than preliminary projected calculations. At this time, the RCSD preliminary/projected August graduation rate exceeds the Consent Decree's 52% Interim Benchmark and Final Goal by 2.5%. However, this rate is not reportable under the Consent Decree.

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

Not applicable. Pursuant to FN4 of the First Amended Consent Decree (Document 48, Filed 3/8/22), any 2020 and 2021 data released from NYS regarding graduation results was to be reported to Plaintiff's counsel for informational purposes only, within two (2) weeks of its publication by NYS. Due to the effects of the COVID-19 Pandemic, there is no binding Goal/Benchmark for the 2020-21 or 2021-22 school year. Released NYS results for the 2021-22 school year will be provided confidentially to Plaintiff's counsel, pursuant to Protective Order. Embargoed data has historically remained under embargo for 6-8 months following the assessment in question. Release of embargoed June 2022 graduation data is anticipated for February 2023. However, preliminary internal data suggests that RCSD's June 2022 graduation rate is approximately 50% and the August graduation rate is approximately 54.5%.

**Did the District meet the benchmark?**

Not applicable. While the data is reported pursuant to the Consent Decree, the data is not being used by the USDOE or NYSED for accountability purposes for the 2020-21 school year. Due to the effects of the COVID-19 Pandemic, there is no binding Goal/Benchmark for the 2020-21 school year. Additionally, as of October 31, 2022, the test results are under embargo by NYSED. Results will be provided in an update to Plaintiff's counsel when New York State lifts the data embargo. The District will provide any data released from New York State regarding June 2022 graduation rates to Plaintiffs' counsel, for information purposes only, pursuant to the reporting schedule in the Stipulation of Settlement.

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

- Grade recovery interventions, including staffing Online Credit Recovery programs with a Special Education Teacher Assistant 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/Rtl system is being elevated across the District. The District will continue SDI 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 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.
- Alignment of Consent Decree Benchmarks and Final Goal with NYSED data measures.



**Goal 3 Benchmark Analysis (2021-22 School Year – Annual Report)**

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	Past Results/ Baseline	Interim Benchmarks			Current Results	Final Goal
School Year	2017-18	2018-19	2019- 20	2020-21	2021-22	2021-22	2022-23
SWD LTS Rate	4%	2.4%	≤3%	≤2.5% Dependent on school Reopening <sup>8</sup>	≤2%	<b>1.44%</b>	≤2%
				Not Reported			
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 NY State <sup>9</sup> , whichever is higher.	<b>2.52</b>	≤1.0 or the standard deviation for the LTS Rate as calculated by NY State whichever is higher.
Previous Year Results:				Not Reported			

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

<sup>8</sup> 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. If school resumed in person, full-time, five days per week, for all students in one or more grade levels, at any time during the 2020-2021 school year, for at least 60 consecutive school days, the District was to report regarding the SWD LTS rate, and the Racial Disparity Index for SWD LTS suspension rates among African American and Hispanic SWD versus white SWD, during that period..

<sup>9</sup> 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." In the 2018-2019 Indicator 4 Report and Criteria for Notification, dated November 23, 2018, the standard deviation was 1.149%. Historically, the NYS rate has rarely, if ever, been 1.0 as required by the

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. 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 are 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:

1. Reducing reliance on exclusion as a form of discipline for non-violent and non-serious conduct through the use of alternative methods that keep students in the classroom;
2. Reducing racial and ethnic disparities in the use of exclusionary discipline;
3. Reducing disparities in the use of exclusionary discipline for students with disabilities;
4. Reducing exclusions for K-2 students;
5. Continuing to protect student due process in the discipline process; and
6. 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) for school administrators, special education and general education teachers.
- PD on classroom management systems will continue to be offered.
- The District will review building level behavior support plans prior to determining the need for a FBA/BIP. This includes a revised process for the Determination of Evaluations Needed process prior to initial and reevaluation requirements.
- Ongoing Restorative Practice training for each school in the District.
- Further training on the Code of Conduct (in process of being revised by a community committee) will be provided to all building leaders. Adherence to the Code of Conduct and interventions should 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 (8 schools selected to participate).
- Collaboration with the Attorney General's Office on the implementation of the Strategic Action Plan.
- Development and implementation of a more robust data infrastructure system with a central unified software application.
- Retroactive utilization of the standard deviation for the LTS Rate as calculated by NY State

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**Goal 4 Benchmark Analysis (2021-22 School Year – Annual Report)**

The District will increase the number of SWD 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 SWD 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	2021-22	2022-23
In Gen. Ed. setting more than 80%	51.8%	49.8%	≥58.4%	≥61.7% Dependent on School Reopening <sup>10</sup>	≥65%	<b>59.04%</b> <sup>11</sup> <b>62%</b>	≥65%
				Not reported			
In Gen. Ed. setting less than 40%	23.6%	22.1%	≤20.6%	19.1% Dependent on School Reopening,	≤17.6%	<b>16.21%</b> <sup>12</sup>	≤17.6%
Previous Year Results:				Not Reported			

<sup>10</sup> 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. If in-person learning resumed in person, full-time, five days per week, for all students, in one or more grade levels, at any time during the 2020-2021 school year, for at least 60 consecutive school days, the District was to report regarding the LRE benchmarks during that period. 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%.

<sup>11</sup> 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% and was at 60% for the 20-21 school year. The Consent Decree benchmark exceeds the required state target by 5%. The reported figures represent the District's preliminary data as the 21-22 school year NYSED data is not due to be released until the Spring of 2023. Per the preliminary data, RCSD is one percentage point away from meeting the NYS target. The District has made steady progress towards meeting the state target as well as the final disengagement goal under the consent decree.

<sup>12</sup> The NYSED state target is 18% for the 20-21 school year. The final 21-22 school year data is not due to be released until the Spring of 2023. The reported figures represent the District's preliminary data, and shows that the District is exceeding both the state target as well as the consent decree benchmark.

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

The District evaluates the continuum of services on an annual basis to determine options for least restrictive settings. This includes reviewing current special classes and rethinking options for mixed continuums. The District CSE Chairpersons have 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.

**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.

Provide training to general education teachers on differentiated instruction in the classroom.

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 can be implemented as a next step for those students showing growth.

Training by Professional Development consultants on the high quality Integrated Co-Teaching service delivery model is planned. Using ARP funding, the District has secured this service which will include:

- 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 the professional development consultants.
- Growth Mindset training.
- Positive impact of inclusionary practices.

The District will form workgroups, offer PD training and hold consultation meetings on determining LRE to CPSE/CSE Chairpersons, building level administrators, special education teachers, general education teachers and related service providers.

Maximize the use of supplemental aids and services in 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.

Increased staffing. National and local teacher shortages impact the District's work on this Goal. A more robust data infrastructure system with a central unified software application is required.

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**Goal 5 Benchmark Analysis (2021-22 School Year – Annual Report)**

The District will decrease the percentage of current District SWD<sup>13</sup> who are changed or transferred from the school they are attending because of 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.

	Past Result/ Baseline	Past Result/ Baseline	Interim Benchmarks			Current Results	Final Goal
School Year	2017-18	2018-19	2019-20	2020-21	2021-22	2021-22	2022-23
Percentage of SWD changing schools following CSE recommendation	7.3%	4%	≤4%	≤ 2% Dependent on School Reopening <sup>14</sup>	≤1%	<b>0.27%</b>	≤1%
Previous Year Results:				Not Reported			

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

The District improved the process for reviewing student changes and increased the availability of the continuum of services across the District. The District used a “seat tracker” to assist in the placement of students with disabilities.

**Did the District meet the benchmark?**

Yes

<sup>13</sup> District SWDs who have high or very specialized needs, or who change schools or transfer programs 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.

<sup>14</sup> If in-person learning for all students did not resume for the 2020-2021 school year, there was no reporting on a 2020-2021 benchmark. The District will provide data on transfers of SWD students following a CSE recommendation pursuant to the reporting schedule in the Stipulation of Settlement, for information purposes only. In the event that full-time, five days per week, in-person learning, for all students, resumed for at least 60 consecutive school days, the District was to report on the benchmark for that period. The 2020-2021 benchmark for SWD changing schools following CSE recommendation was 2%.

**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. The District will offer PD to school building leadership on the social emotional and academic impact of more restrictive program recommendations.

- Increased staffing. Staffing shortages caused by the pandemic impact the District’s work on this Goal.
- Develop and implement a more robust data infrastructure system with a central unified software application.

**Goal 6 Benchmark Analysis (2021-22 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	Past Results	Interim Benchmarks			Current Results	Final Goal
School Year	2017-18	2018-29	2019-20	2020-21	2021-22	<b>2021-22</b>	2022-23
Percentage of SWD with compliant Transition Plans	63.3%	71.3%	≥78.3%	≥87.3%	≥95.3%	<b>100%</b>	≥95.3%
Previous Year Results:				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 has conducted IEP pulls to check for compliance by our transition team – with necessary corrections made following these reviews. The District Transition Specialist worked with Associate Directors (CSE chairs) prior to a CSE meeting 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.

**Did the District meet the benchmark?**

Yes

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

The District, in collaboration with the RPC, is developing cohort groups of special education teachers to provide training on transition planning. This is being accomplished through the use of ARP funding. This will allow the District to train numerous teachers at the secondary level as we continue to improve transition planning for our students.

**Goal 7 Benchmark Analysis (2021-22 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.

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

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

The District has developed, and adhered to, a compliance log for each student that the CSE chair monitors. 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.

<sup>15</sup> 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.

**Did the District meet the benchmark?**

No

During the 2021-2022 School Year, we continue to have difficulty pulling accurate data from Frontline IEP. This is due to the Anniversary Date IEP system that results in students having multiple IEP documents in a single school year. Students sometimes have multiple AR or Reevaluation/AR meetings held in one year.

Due to continued illness related to the pandemic and staffing shortages, a number of meetings were canceled by parents or by the CSE due to “day of meeting” absences of required CSE membership. With staffing shortages and no substitutes available, building administrators were often left with no other options for classroom coverage and could not release staff to attend meetings. Crisis situations as a result of the social emotional impact that the pandemic has had on our students, interfered with some of the meetings being held. While there are a number of meeting cancellation reasons that are deemed by NYSED to be compliant and for which Districts are not held accountable by NYS, the District is unable to avail itself of those meeting cancellation reasons as they were not incorporated into the terms of the Consent Decree.

**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. 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.
- The District’s Frontline Team will continue to run and provide biweekly data reports on timely meetings from Frontline IEP.
- The District will collaborate with building administration to identify emergency substitute plans for “day of meeting” absences to ensure required CSE membership.
- A more robust data infrastructure system with a central unified software application is required. The District will continue to work with our technology department and Frontline IEP vendor to explore a permanent solution to this issue.
- Modification of the Benchmark/Goal to distinguish meeting reasons from one another for data gathering and reporting purposes, and to account for compliant meeting reasons beyond the District’s control, that are permitted by NYSED.
- Increased staffing. Staffing shortages caused by the pandemic impact the District’s work on this Goal.

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**Goal 8 Benchmark Analysis (2021-2022 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 by the 2021-2022 school year, as set forth in the table below.

	Past Results	Past Results	Interim Benchmarks			Current Results	Final Goal
School Year	2017-18	2018-19	2019-20 <sup>16</sup>	2020-21	2021-22	2021-22	2022-23
Number of Variances by Commissioner Approval Due to Lack of Capacity	41	6	≤10	≤5	≤2	0	≤2
Previous Year Results:				0			
Percentage of Providers Reporting Services in Frontline	71%	72%	≥79%	≥83%	≥87%	98%	≥87%
Previous Year Results:				95%			

**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 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.

<sup>16</sup> 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.

### **Frontline Reporting:**

The District's Medicaid Department is working with the Departments of Special Education (SPED) and Human Capital to address related service providers documenting IEP related services in the Frontline RS Log. Medicaid has designed reporting procedures with the input of special education to assist the Special Education Administrators and Department Leads with identifying compliance issues. Special Education and Medicaid are working together as a team to identify potential compliance issues. The data process 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 will provide Special Education with data on a monthly basis (team meetings). The Department of Special Education will identify providers who are not complying with District procedures. Special Education will work 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 will follow accountability protocols in communicating with the related service provider and documenting 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 Variances. The number of variances by Commissioner Approval was 0 during the 2021-22 school year.

Yes for Frontline Reporting. 98% of Related Services providers timely reported their services in Frontline during the 2021-22 school year.

### **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, a new Service Management system for related services has been purchased and is operational as of September 8, 2022. This system will yield efficient, timely data to address any compliance issues to staff entering related services. The District will continue to collaborate with the Special Education Department, the Medicaid office and HC (Human Capital) to address staff not entering 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 on a monthly basis to check for related service provider compliance issues. Medicaid and Special Education Department meetings are scheduled monthly.

**Goal 9 Benchmark Analysis (2021-2022 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 Result/ Baseline	Past Result/ Baseline	Interim Benchmarks			Current Result	Final Goal
School Year	2017-18	2018-19	2019-20 <sup>17</sup>	2020-21	2021-22	2021-22	2022-23
Percentage of AR Meetings with Parent Participation	19%	47%	≥35%	≥43%	≥51%	<b>59%</b>	≥51%
Previous Year Results:				51%			

**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.

**Did the District meet the benchmark?**

Yes. The District continues to increase its parent participation rate. However, the District finds that it is difficult to provide the attendance report by parents for all meetings, as we continue to have difficulty pulling accurate data from Frontline IEP. This is due to the Anniversary Date IEP system that results in students having multiple IEP documents in a single school year. The District can only pull data showing the parents, and other parent/guardian-like figures, who attended the most recently-held meeting. It is likely that some parents attended more meetings than we are able to account for.

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

The District will continue to offer parents Zoom or other virtual/remote options, as well as in-person meeting options. The District will work with data teams and vendors to determine if this information can be captured accurately. 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 was present.

<sup>17</sup> 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.

**Goal 10 Benchmark Analysis (2021-2022 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 Result/ Baseline	Past Result/ Baseline	Interim Benchmarks			Current Results	Final Goal
School Year	2017-18	2018-19	2019-20	2020-21	2021-22	<b>2021-22</b>	2022-23
Number of Special Education Bilingual Programs	24	26	≥29	≥39	≥51 <sup>18</sup>	<b>59</b>	≥51
Previous Year Results:				49			

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

The District has expanded the continuum for bilingual programs. The District is in the process of identifying ELL students and their level of service needed, in addition to collaborating with the Bilingual Services Department to create special education bilingual programs based on enrollment. The District has also developed a Seat Finder for use by Special Education and Placement when placing students in classrooms.

**Did the District meet the benchmark?**

Yes. The number of Special Education Bilingual programs offered during the 2021-22 school year was 59.

**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 Finder spreadsheet. Staffing shortages caused by the pandemic impact the District's work on this Goal. A more robust data infrastructure system with a central unified software application is required.

<sup>18</sup> 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

**Goal 11 Benchmark Analysis (Annual Report 2021-2022)**

The District will decrease the number of Special Education teachers not certified<sup>19</sup> in New York special education as set forth in the table below.

	Past Results	Past Results	Interim Benchmark		Current Results	Final Goal
School Year	2018-2019	2019-2020	2020-2021	2021-22	2021-22	2022-23
Special Education Teachers Not Certified in Special Education in New York State	46	38	≤26	≤21 <sup>20</sup>	<b>36</b>	≤21
Previous Year Results:			21			

**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 by “grow our own” programs. Additionally, the District engaged with teacher preparation program partners to connect with teacher candidates. Programs have been established with Nazareth College, University of Rochester, and New York University. We are developing further partnerships with Robert Wesleyan College, SUNY Brockport, and St. John Fisher University. The District did make an offer to the teachers association to negotiate financial incentives to both recruit and retain special education and bilingual education teachers. The teachers association would not accept financial incentives as they would not impact all teachers, but those identified.

In August of 2022, the Parties engaged in negotiations pursuant to the Consent Decree’s Remedial Action Plan procedures, in an effort to expand the definition of qualifying staff according to current pandemic-related NYSED regulatory amendments. The District requested the inclusion of probationary

<sup>19</sup> The term “not certified in New York special education” as used here includes teachers who lack New York State Special Education certification; those who are certified in another state, territory, commonwealth or country; retired teachers without a Special Education certification serving as substitutes; and substitutes who are not certified to teach in any state, territory, commonwealth or country.

<sup>20</sup> The Parties had negotiated a Final Goal for the 2021-22 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 2021-22 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.

staff and students in qualifying teacher programs working towards special education certification for the purposes. However, the Parties were unable to reach full agreement on the District's proposed modifications to the definition of "uncertified teacher" under this Goal.

**Did the District meet the benchmark?**

No. 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 districts in Monroe County, across New York State and the Nation.

The District did not meet the benchmark at the end of the 21-22 school year. The numbers of uncertified vs certified teachers has fluctuated significantly due to resignations and applications for retirement following the pandemic and national shortages noted.

**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. The District is engaging in social media promotion, District-wide blasts and paid advertisements on a variety of media. The District will hold recruitment events throughout the community, including Saturdays at the Public Market, RochesterWorks Hospitality Virtual Job Fair, and Roc the Block recruitment event. The District held open Interview events scheduled at Central Office, Hudson Transportation Center, the Rochester Public Market and the Mercantile on Main in Downtown Rochester. The District will continue to host these events throughout the community. The District received posting and support from shiftdiff (<https://shiftdiff.com/>) and this allowed for jobs to be shared locally in our community. The District is working to develop a series of pipeline programs to help bilingual teaching assistants and teaching assistants to become certified teachers.

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; community pleas at Board of Education meetings and with local news media; networking with teacher colleges and universities, and 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.

Teacher shortages caused by the pandemic impact the District's work on this Goal. An expanded definition of "certified teacher" to align with all of the current NYSED permissions, is required. An ability to count probationary hires and students in qualifying teacher programs working towards special education certification is required. A more robust data infrastructure system with a central unified software application is required.

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**Goal 12 Benchmark Analysis (2021-2022 Annual Report)**

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.

	Past Results	Past Results	Interim Benchmarks			Current Results	Final Goal
School Year	2017-18	2018-19	2019-20	2020-21	2021-22	2021-22	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	<b>0.9</b>	≤1.0
Previous Year Results:				0.98			

**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 program options, supports and accommodations, as well as responses to interventions on a case by case basis according to student need, plays a supporting role in the achievement of this benchmark.

**Did the District meet the benchmark?**

Yes. The Racial Disparity Index for newly-classified African American/Black and Hispanic students with disabilities versus white students with disabilities during the 2021-22 School Year was 0.9.

**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 is 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 (2021-2022 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.

	Past Results	Past Results	Interim Benchmarks			Current Results	Final Goal
School Year	2017-18	2018-19	2019-20	2020-21	2021-22	2021-22	2022-23
Mandatory PD Trainings	1	2	≥3	≥5	≥8	9	≥8
Previous Year Results:				14			

**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.

**Did the District meet the benchmark?**

Yes. The number of mandatory Special Education PD training during the 2021-22 school year was 9.

**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.

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**Goal 14 Benchmark Analysis- Bilingual Staffing (2021-2022 Annual Report)**

The District will decrease the number of special education teachers, 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

	Interim benchmark		Current Result	Final Goal	Aspirational Goal	Aspirational Goal	Aspirational Goal
School year	2020-21	2021-22	<b>2021-22</b>	2022-23 <sup>21</sup>	2023-24	2024-25	2025-26
Filled FTE	≥33%	≥33%	<b>47%</b>	≥35%	≥39%	≥44%	≥48%

(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

	Interim Benchmarks		Current Results	Final Goal	Aspirational Goal	Aspirational Goal	Aspirational Goal
School year	2020-21	2021-22	<b>2021-22</b>	2022-23	2023-24	2024-25	2025-26
Vacancies known 7/15 & filled on Day One	≥31%	≥31%	13.7%	≥32%	≥36%	≥40%	≥48%

<sup>21</sup> This Key Performance Indicator will be the Final Disengagement Goal in the *N.N. vs. RCSD* Consent Decree

(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)

	Interim Benchmarks		Current Results	Final Goal	Aspirational Goal	Aspirational Goal	Aspirational Goal
School Year	2020-21	2021-22	2021-22	2022-23	2023-24	2024-25	2025-26
Effective bilingual educators	100%	≥95%	<b>95.8%</b>	≥95%	≥95%	≥95%	≥95%

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

Significant recruitment efforts have been ongoing. The District has offered programs to assist current special education teachers obtain 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. No

14 c. Yes

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

The District will look internally for RCSD Spanish speaking teachers to determine whether they may be interested in pursuing coursework for a bilingual extension.

National and local teacher shortages caused by the pandemic impact the District’s work on this Goal. A more robust data infrastructure system with a central unified software application is required. The District will continue with all recruitment efforts noted for Goal 11 above.