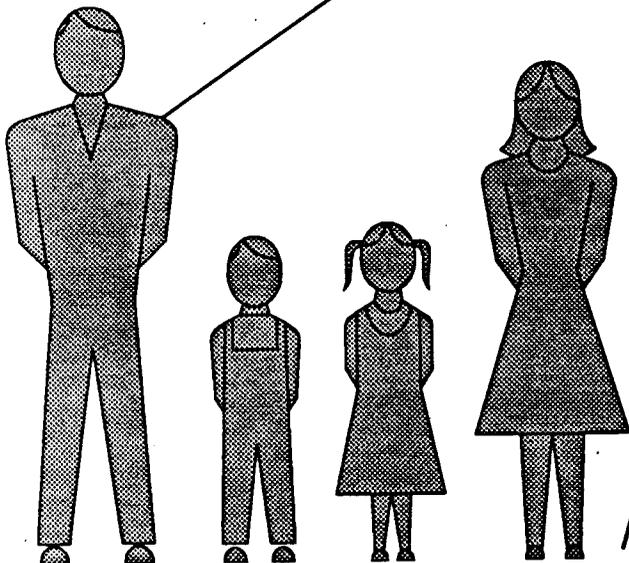
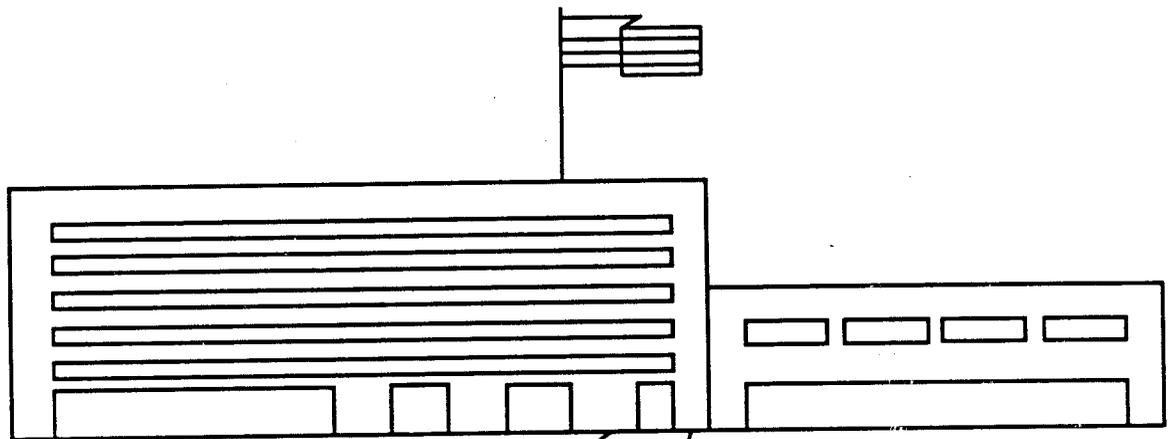


Special Education in New York State: Parents' Perspective



**New York State
Commission on Quality of Care
for the Mentally Disabled**



Special Education: Parents' Perspective

**New York State Commission on Quality of Care
for the Mentally Disabled**

This study has been funded by the New York State Developmental Disabilities Planning Council (DDPC). The views and opinions expressed in this study are not necessarily those of the DDPC.

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Executive Summary

Education plays a central role in developing academic and social skills in children to enable them to develop their potential to be independent and productive citizens. In school, children learn not only reading, writing and arithmetic, but also develop their concepts of their own self-worth, learn to work with and appreciate the abilities and differences of others, and form an important part of their character.

Children with handicapping conditions have historically been deprived of the same rights to education and schooling that other children take for granted. Instead, they have often found themselves segregated in distant and inferior schools and institutions, and have been denied many of the educational benefits they need.

Public Law 94-142, the Education of All Handicapped Children Act, passed in 1975, was intended to guarantee these children a free and appropriate public education, and strongly encourages "mainstreaming" these children in public schools. State and federal laws and regulations create due process procedures to ensure parental participation in developing their child's educational program, and to ensure that disagreements between parents and school officials about a child's diagnosis, needs, or appropriateness of educational and related services can be resolved.

There are over a quarter of a million school age children with handicapping conditions who attend special education programs in New York State. These children comprise approximately 9 percent of the student population and, in school year 1987-88, special education programs for these children cost almost \$3 billion. Local school districts (48 percent) and the State (45.7 percent) fund the bulk of these costs, with county governments (3.5 percent) and the federal government (2.8 percent) picking up the rest.

The Federal Developmental Disabilities Assistance and Bill of Rights Act requires states to designate an independent agency to provide protection and advocacy services to people with developmental disabilities to help them secure the benefits of laws and programs enacted for their benefit. Many children with handicapping conditions are "developmentally disabled" and thus eligible for assistance from protection and advocacy programs in securing their rights to a free and appropriate public education.

In New York State, the Protection and Advocacy Program is administered by the Commission on Quality of Care for the Mentally Disabled. It has been the experience in New York State and elsewhere in the country that representing children in special education matters

comprises approximately 40 percent of the Protection and Advocacy case load.

In 1987, the New York State Developmental Disabilities Planning Council, concerned about barriers to integration, independence and productivity of citizens with developmental disabilities, provided a grant to the Commission to conduct a study of the systemic problems encountered by children with handicapping conditions and their parents in securing a free, appropriate public education. In conducting this study, the Commission designed a survey of parents of school aged children with disabilities to identify the problems they have encountered, and to obtain their perceptions of the implementation of Public Law 94-142 in the 15 years since this law was enacted.

Methodology

The survey relied upon an instrument sent to parents on the mailing lists of parent groups, statewide disability groups and Protection and Advocacy offices. While the 1,486 usable responses received constitute one of the largest statewide surveys of parents ever conducted, it is important to note that this is *not* a random sample. The strength of this study is that it represents the opinions of informed and involved parents, many of whom have availed themselves of the procedures for parental participation in decision making and who are therefore well qualified to comment on the workings of the law. The weakness of the sample is that there was a low response rate from New York City, an area of the State which has long been plagued by severe problems in the system of special education (*See, e.g., Jose P. v. Ambach*, 557 F. Supp. 1230 (E.D.N.Y. 1983); *Board of Education v. Ambach*, 628 F. Supp. 972 (E.D.N.Y. 1986); *Burr v. Ambach*, 863 F. 2d 1071 (2d Cir. 1988), *vacated*, 109 S.Ct. 3209, *reaffirmed on reconsideration sub nom. Burr v. Sobol*, 888 F. 2d 258 (2d Cir. 1989), *cert. denied*, 58 U.S.L.W. 3545 (Feb. 26, 1990)). The findings of this study, therefore, may not be representative of the actual conditions in New York City and should be read with caution.

The survey focused on four areas:

- the degree of parental involvement in and satisfaction with their child's educational program;
- the extent of integration of children with disabilities and the provision of "related services;"
- the effectiveness of dispute resolution measures; and
- the extent to which variables such as geography, age and nature of the handicapping condition of the child affected educational placements, availability of related services and parental satisfaction.

Findings

Overall Satisfaction Levels

The majority (64 percent) of parents were satisfied or very satisfied with their child's educational program, while 17 percent were "neutral" (Report p. 14, Figure 7). Only 19 percent of the parents reported being dissatisfied or very dissatisfied.

A number of parents commented that while they are *currently* satisfied, it took considerable effort to obtain a satisfactory educational program, an effort that must be renewed with each new school year. Other parents commented on the outstanding efforts of their school district or their child's teacher in meeting their child's needs.

Satisfaction levels varied significantly by the type of disability, with parents of children with physical disabilities being the most satisfied (75 percent), while those whose children had learning disabilities were the least satisfied (57 percent) (Figure 9).

The generally high satisfaction rates were consistent across placement types but differed significantly based on the age of the children and the rural/non-rural location. Parents of children in lower grades were more satisfied than those of high school students (67 percent vs. 58 percent), probably reflecting dissatisfaction with access to or quality of vocational education (Report pp. 15-16). Parents in rural areas were less satisfied than parents in non-rural areas (60 percent vs. 66 percent), probably reflecting the fewer program options in rural areas which have smaller numbers of students with similar educational needs (Report p. 15).

The three most common concerns raised by parents were (Figure 8):

- lack of personal attention/education (19 percent);
- not enough time spent with non-handicapped children (18 percent);
- inadequate teacher training (18 percent).

Integration/Mainstreaming

New York State ranks highest among the states for the percentage of children with handicapping conditions who are segregated from other children (Report p. 20, Figure 10). Similar to statewide placement patterns, the children in our sample were often in separate educational settings (Figure 6):

- Eight (8) percent were in a regular classroom;
- Twenty-four (24) percent were in a regular class with part of the day spent in a resource room or special class;
- Thirty-four (34) percent were in a full-time special class;
- Twelve (12) percent were in a private day school;

- Ten (10) percent were in a BOCES program;
- Three (3) percent were in a residential placement.

The Commission found a high degree of correlation between parental satisfaction and the extent to which children are in less restrictive placements. Parents of children in a regular class had the highest levels of satisfaction with the location of their child's education program (84 percent) and indicated they would choose it again. Parents with children in a BOCES or special class outside the school district were the least satisfied (35 percent and 15 percent, respectively) (Report pp. 20-21, Figure 11). Parents generally expressed a preference for a less restrictive placement than the one their child was receiving, with the exception of parents whose children were in residential placements, who were generally satisfied (64 percent).

Forty-two (42) percent of the parents reported that their children had *no* academic interaction with non-handicapped children (Figure 15) and 24 percent had no social interaction (Figure 16). The extent of academic and social segregation increases from elementary school (40 percent and 21 percent, respectively) to high school (52 percent and 34 percent, respectively).

Parents from rural areas report more academic and social interaction with non-handicapped peers (38 percent and 47 percent, respectively) than parents in non-rural areas (28 percent and 34 percent, respectively) (Report p. 27).

Children with mental disabilities and multiple handicaps have significantly less academic and social integration than children with learning disabilities or physical disabilities (Report pp. 27-28, Figures 17 and 18). Parental satisfaction is significantly correlated with the increased academic and social interaction their children have with non-handicapped peers (Report p. 28, Figures 19 and 20). However, parental satisfaction is also influenced by the availability of services their children require, which might explain why parents of children from rural areas, who have more academic and social interaction, are nevertheless less satisfied than parents in non-rural areas.

Related Services

Schools are required by law to provide children with related services which are necessary to enable them to benefit from their educational program. The most frequently required related services for children in our sample (Figure 21) were:

- speech therapy (55 percent);
- occupational therapy (38 percent);
- physical therapy (29 percent);
- aide (26 percent);
- psychological services (21 percent).

One-quarter of the parents reported that these recommended services were not provided, usually because of the lack of available specialists. This lack of professionals sometimes forced parents to choose between integrated placements without necessary related services and a segregated placement where such services were more likely to be available. In addition, the survey revealed that 26 percent of the children had to travel between one and two hours a day and over 8 percent spent over two hours getting to and from their educational placements.

Dispute Resolution

In order to minimize disagreements, the law requires parental participation in the development of the children's Individualized Educational Program (IEP), which identifies the types of services and placements needed. The law provides for an extensive due process procedure, including impartial hearings to resolve disputes.

Eighty-five (85) percent of the parents in our sample reported attending their child's IEP meeting. Of those who did not attend, 79 percent reported that the time was inconvenient.

Notwithstanding the high level of attendance, a significant number of parents reported that their input was not desired and that the IEPs were not individualized.

Parents generally reported a need for more information about their rights, about the laws and regulations, and about the availability of advocacy services (Report pp. 33-34).

The most frequent areas of disagreement reported were:

- placement (34 percent);
- appropriateness of special education services (31 percent);
- related services (22 percent);
- identification of handicap (17 percent);
- procedural issues (14 percent).

Parents of children with learning disabilities reported the most frequent problems in the area of appropriate special educational services (38 percent), identification of handicaps (25 percent), and procedural issues (19 percent), probably reflective of the broad range of needs encompassed by the label "learning disabilities."

Parents of children with multiple handicaps had the most frequent problems with placements (38 percent) and related services (24 percent) (Report pp. 34-35).

Parents reported using a variety of methods to resolve disputes (Figure 22), most of them informal, and most disputes were either fully or partially resolved through these informal means (Report pp. 36-37). Only 11 percent of these parents resorted to impartial hear-

ings, appeals to the Commissioner (5 percent), civil rights complaints (4 percent) or litigation (3 percent).

Consistent with the findings of other studies, 53 percent of the parents involved in fair hearings did not think their hearing was fair, with 88 percent of those who were unsuccessful at the hearings holding this view, while 61 percent who were somewhat successful shared this opinion. Among the reasons given for this perception of unfairness were:

- lack of impartiality of the hearing officer (65 percent);
- the school district chooses the hearing officer (60 percent);
- the school district is represented by an attorney while the parent is not (24 percent).

Conclusion

It is apparent from the findings of this survey that there are positive signs that New York State has made progress in improving educational services to children with handicapping conditions, which is reflected in the significant satisfaction levels reported by parents in our survey. Parents appear to be availing themselves of the opportunities to attend and participate in the development of their children's educational programs, and utilizing both formal and informal dispute resolution mechanisms to achieve satisfactory educational programs for their children.

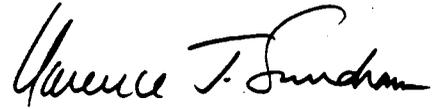
At the same time, it is evident that much remains to be done. New York State has been slower than other states to integrate children with disabilities into academic and social settings with non-handicapped peers. Indeed, in the 15 years since the passage of PL 94-142, the proportion of children with handicapping conditions who are educated in segregated environments has remained virtually unchanged. (New York State Education Department, Information Center for Education, 1975-1976). This legacy of segregation still haunts the special education system, and most particularly hurts children with mental disabilities or multiple handicaps. Parents of the children who are most likely to be segregated and deprived of opportunities for academic and social interaction with non-handicapped peers are the least likely to be satisfied with special education programs.

The depth of these parents' feelings is perhaps most poignantly demonstrated in the numerous personal stories that were appended to the survey forms returned to the Commission. Their voices cry out for a raised level of expectation regarding the performance of special education programs, for a more vigorous attempt to open regular schools, regular classes, regular teachers, and regular resources to provide more regular lives for these special children. In particular, there is a strong need to provide greater stability and continuity in the educational placements and programs for these children. All children

are part of the future, and all children, including those with disabilities, need to be prepared while in school to live, work, socialize and learn with and from one another in a more integrated world.

To this end, the Commission has offered a number of recommendations.

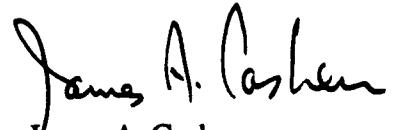
A draft of this report has been shared with the Commissioner of Education whose response is appended to this report.



Clarence J. Sundram
Chairman



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Commissioner



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1. New York State Association for Retarded Children (NYSARC)
2. New York Association for the Learning Disabled (NYALD)
3. New York State United Cerebral Palsy (NYSUCP)
4. New York State Society for Autistic Citizens
5. Epilepsy Association of the Capital District, Inc.
6. New York State Head Injury Association, Inc.
7. Spina Bifida and Hydrocephalus Association of New York State
8. New York State Parents of Visually Handicapped Children, Inc.

In addition, the Commission extends its thanks to the various local and statewide parent groups who so willingly participated in this important project.

Special thanks go to the "Parents on Placement," whose help was invaluable in the preparation and testing of the survey instrument, and to the Capital Area School Development Association (CASDA), whose advice and expertise was very much appreciated in the formative stages of this project.

Finally, the Commission wishes to express its thanks and appreciation to the many parents who took the time to fill out the questionnaires and offered important comments which shed light on the way the Special Education System in New York State serves its children with handicapping conditions.

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Chapter 1

Introduction

In 1987, the New York State Developmental Disabilities Planning Council (DDPC) provided a grant to the New York State Commission on Quality of Care for the Mentally Disabled to conduct an analysis of problems encountered by persons with developmental disabilities as a basis for future collaborative efforts between the DDPC and the Commission. Both agencies share a concern in addressing obstacles to integration, independence, and productivity of the developmentally disabled population.

As the first activity of this project, the Commission completed a statistical analysis of its Protection and Advocacy Program for Persons With Developmental Disabilities (PADD). This analysis showed that education issues were the most common problems brought by individuals using the PADD program.

Upon completion of this analysis, an in-depth review of the Commission's PADD caseload was undertaken to identify the specific problems encountered by parents in their attempts to assure their child a free, appropriate public education (FAPE), as guaranteed by Public Law 94-142. Based upon this review, the Commission decided to conduct a statewide survey of parents of school aged¹ children with disabilities in order to determine if these problems were systemic in nature, and to obtain additional information as to parents' perceptions of the implementation of PL 94-142.

Background

PL 94-142.

Regarded by many as a "Bill of Rights" and one of the major entitlements for children with handicapping conditions and their parents, Public Law 94-142 was passed in 1975 by the U.S. Congress to give every eligible student with a disability the right to a free and appropriate public education.

¹ For purposes of this report, unless otherwise indicated, school aged refers to children age 5-21.

PL 94-142, considered to be the most comprehensive education law in history, is permanently authorized and requires the U.S. Department of Education to submit an annual report to Congress to provide a profile on issues relative to its implementation. Today, more than a decade since the passage of the law, there seems to be evidence of strong bi-partisan support from Congress and local school district officials for its provisions.

Programmatically, PL 94-142 requires school districts to identify children that may be eligible for special education and to assess each child in order to formulate an *individualized education program* (IEP).² This program is required to ensure that each child is placed in the *least restrictive environment* (LRE) and is provided *related services* that may be necessary to allow the child to benefit from his/her special education. PL 94-142 further mandates that school districts work cooperatively with parents to develop the child's education program, and provides parents with the ability to resolve complaints or disputes about their child's educational program through an *impartial grievance procedure*.

The Special Education System in New York State.

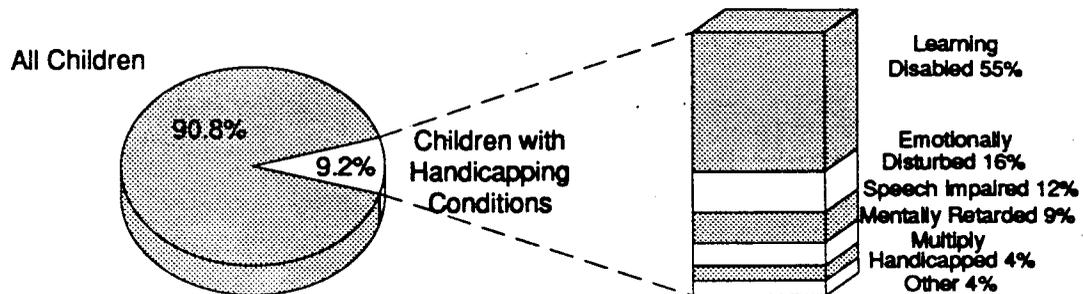
Within the New York State Education Department (SED), the Office for the Education of Children With Handicapping Conditions (OECHC) is charged with ensuring the provision of a free and appropriate public education to all New York State school aged children identified as having a handicapping condition. For the school year 1987-88, OECHC figures show it to have been responsible for 283,889 children age 3-21, which means that New York State's special education system in its size alone is third behind only California and Texas. The number of children identified by OECHC to be in need of special education services represents 9.2 percent of the total number of school aged children in New York State³ (see Figure 1).

New York State classifies its special education population according to 11 categories specified in Part 200 of the Regulations of the Commissioner of Education. Learning disabled students comprise by far the largest group of eligible handicapped students (55 percent). Students with emotional disturbances make up the second largest group (16 percent), followed by children with speech impairments (12 percent), children with mental retardation (9 percent), and chil-

2 Italicized words are defined in the glossary.

3 As reported in the Eleventh Annual Report to Congress, approximately 4.5 million students received special education services nationwide in 1987-88, or 11 percent of the total school population.

Figure 1: Number of Children in Need of Special Education Services in New York State 1987-1988



Source: NYS Education Department, Office for the Education of Children with Handicapping Conditions

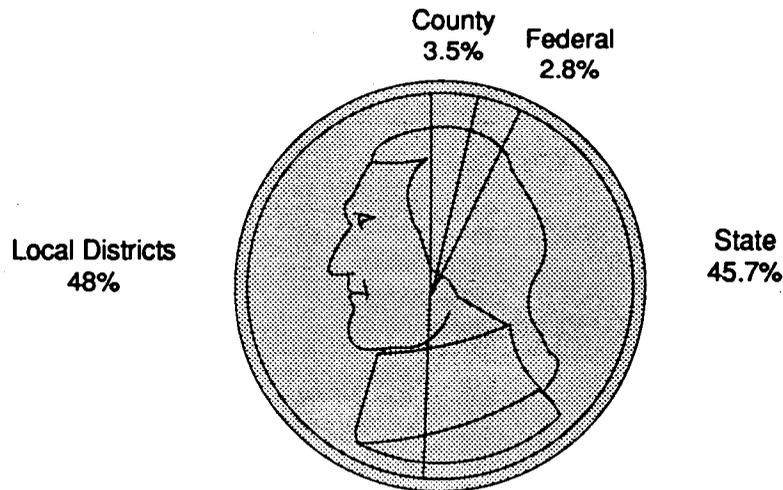
children with multiple handicaps (4 percent). Children identified as "other health impaired," deaf, hard of hearing, visually impaired and autistic each represent less than 1 percent of the total special education population in New York State.

Financing the education of children with handicapping conditions is the responsibility of federal, state, local and county governments. According to OECHC statistics for the 1987-88 school year, funds expended on special education amounted to nearly \$3 billion, or approximately 16 percent of monies spent on elementary and secondary education in New York State.

By far the largest share of special education funding in New York State is carried by local districts (48 percent) and the State (45.7 percent), while federal assistance amounts to 2.8 percent and the county contribution (for Early Childhood Programs and Summer School) amounts to 3.5 percent (Source: New York State Plan for Education of Children With Handicapping Conditions 1990-1992) (see Figure 2).

In most cases, children identified as eligible for special education services are educated in the State's system of public and non-public schools. According to Article 89 of the Education Law, local school districts are responsible for providing special education programs and related services deemed necessary for the child to benefit educationally. Presently, there are 723 school districts in New York State.

Figure 2: Special Education Funding in New York State, Fiscal Year 1987



Source: NYS Education Department, Office for the Education of Children with Handicapping Conditions

According to October 1, 1989 statistics compiled by the U.S. Office of Special Education Programs, New York State reported that only 8 percent of all children with handicapping conditions were served in *regular classes* receiving related services only, and 37 percent were receiving additional help in resource rooms, while 39 percent were in *full-time special classes*, 8 percent in *public segregated facilities*, 6 percent in *private segregated facilities* and 1 percent in *residential facilities*.

Review of the Literature.

Based on issues that were typically presented to the Commission's PADD offices, the Commission examined previous studies dealing specifically with PL 94-142 provisions regarding children's placement in the least restrictive environment, comprehensive assessments and evaluations, parental participation in the IEP development, and due process procedures. The following is a summary of these studies.

■ Parental Opinions/Knowledge.

The provisions of PL 94-142 guarantee parents of children with handicapping conditions a collaborative role in planning their child's special education. While a recent nationwide poll (Harris, 1989) found that more than 75 percent of the parents sampled are satisfied with their child's education program, it also stated that more than 60 percent had

little or no knowledge of the rights given to them by this law. The Harris report also stated that only 22 percent of parents sampled belong to groups that can inform them of their rights or help them with a problem. Similarly, Singer and Butler (1987), in a collaborative study of five national metropolitan school districts, reported that more than 80 percent of the parents were satisfied with the overall education their child receives, while less than 50 percent of the parents sampled had attended their child's most recent IEP conference. Given this relatively high satisfaction but low involvement level, Singer and Butler suggested that it was possible that parents may not wish to become more involved in or informed about the educational process because "they like what they are getting". The authors do, however, point out that involvement and interest in their child's education seems to be related to socioeconomic factors, i.e., the vast majority of their subjects were low income parents and close to one-half of the mothers of the special education students never graduated from high school. With increased affluence and education, involvement in the child's educational program and scrutiny of what was being offered by the school district increased. Being a member of a parent group also was directly related to the parents' ability or willingness to question what kind of educational services were being offered to the child.

■ **Integration.**

A section of PL 94-142 specifically states that "...to the maximum extent appropriate, handicapped children...are educated with children who are not handicapped, and that special classes, separate schooling, or other removal of handicapped children from the regular educational environment occurs only when the nature or severity of the handicap is such that education in regular classes with the use of supplementary aids and services cannot be achieved satisfactorily." Several studies have been undertaken on the implementation of this provision. Reports of parent attitudes about the integration of their child reveal a substantial amount of ambiguity. Turnbull, Winton, Blacher and Salkind (1983) found the greatest benefits identified by parents of handicapped children who were mainstreamed were social outcomes, whereas the greatest drawbacks were perceived to be in instructional areas. Hovejsi (1975) states that parents fear that the child will receive an inappropriate education in a less restrictive setting, but also notes that some parents reject special placements because of the stigma attached. These parents apparently tend to equate educational and social success with a regular class and failure with the more restrictive setting like special schools or residential schools.

It should also be noted here that Turnbull et. al. (1983) found that parents were concerned that their child might not receive sufficient specialized treatment in an integrated setting which might be available in a self-contained program. According to the Tenth Annual Report to Congress on the Education For All Handicapped Children Act (EHA), specialists are most needed in the areas of physical therapy (18 percent), occupational therapy (16 percent) and audiology (15 percent).

■ Evaluations/Assessments.

The literature on procedural issues, such as school district evaluations or parental involvement in decision-making, is quite extensive and, occasionally, blunt. For example, Ysseldyke, Algozzine (1983) state that "evaluation systems produce results barely more accurate than the flip of a coin," while Wang and Reynolds (1983) suggest that "arbitrary systems of student classification such as those imposed by the New York State Education Department are labeled a Catch 22."

Salvia and Ysseldyke (1978) have pointed out that a number of the popular assessment devices used by special educators are technically inadequate, and Ysseldyke and Algozzine (1980) suggest that increased attention be given during both in-service and pre-service training to the importance of technical adequacy of devices for use in decision-making.

Studying test administration, White and Calhoun (1987) found that academic screening was viewed as a means of corroborating referral decisions. The authors found that testing does not drive decisions but is driven by decisions. Ysseldyke, Algozzine, Richey and Graden (1982) support this statement. After analyzing videotapes of evaluation meetings, they concluded that "it looks as if decision-makers use assessment data to support and justify decisions independent of the data."

■ Parental Participation.

A national study done by the Research Triangle Institute reported that 70 percent of the parents did not contribute towards the preparation of the IEP. Other studies found that while parent attendance at IEP meetings may be fairly high, parent participation in decision-making is very limited. Goldstein, Strickland, Turnbull, and Curry (1982) agree, saying that parent contribution during IEP meetings is mainly on personal or family issues rather than education issues such as evaluation, placement or curriculum.

An observational study by Ysseldyke, Algozzine and Mitchell (1982) of 34 IEP meetings found that the purpose of the meeting was stated in only 35 percent of the cases; in only 12 percent was there notice of what decisions were to be made; parents were never asked what their understanding of the meeting was or their expectations of the conference; parental input was only requested occasionally and usually to obtain verification of an observed problem or behavior; in only 27 percent of the meetings was the language used judged to be at a level the parent would understand.

While most reports about decision-making suggest that up to half of the parents fail to participate, they also show that parents feel intimidated or are provided with only limited opportunity to participate. A Michigan study found that the school districts failed to inform parents of their own and their children's rights (Halpern, 1982), and that parents generally learned about these rights from other parents or from advocacy groups.

■ **Due Process.**

PL 94-142 includes provisions for resolving complaints that parents may have concerning the education of their child. Due process hearings were initially viewed as a "means of providing relatively informal, inexpensive and prompt remedy when agreement could not be reached in the educational planning process." (Clune and VanPelt, 1985). Several studies, however, suggest that these hearings have taken on the climate or characteristics of the judicial proceedings they tried to replace and may involve considerable financial cost. (Budoff and Orenstein, 1982). Evidence also indicates that legal or advocate representation is essential for both parties, especially in complicated cases. Such representation would also equalize the perceived imbalance between parents and the schools in the hearing case. Romano (1982), however, reported that school administrators found that legal representation may be responsible for the occurrence of an adversarial climate.

Studies on the fairness of due process hearings mainly focused on the extent to which involved parties believe that they have been accorded their legal rights, whether they believe they were treated equitably and whether they think that hearing decisions were based on the evidence presented. Goldberg (1985) found that, while 90 percent of school administrators believed that the hearings had been conducted fairly, only 50 percent of the parents thought so and 40 percent said that the hearings were totally or substantially unfair. Romano (1982) reported that 35 percent of the parents studied disputed the fairness of the hearing officer. While one-third of parents studied by Simpson (1984) indicated that the hearing, regardless of the outcome, had not been conducted fairly by the hearing officer, Goldberg (1985) found a significant correlation between the perception of procedural fairness and hearing outcome.

Commission Study

The purpose of this study was to examine how parents of children with handicapping conditions in New York State perceive the state of special education in light of the more than a decade old provisions of PL 94-142. It should be mentioned, however, that study methods were driven, in part, by time and resource limitations, and that the Commission decided to reach parents primarily through the mailing lists of parent groups, statewide disability groups, and PADD offices. While this process did not rely upon a random parent sample, the strength of the study is that it represents the opinions of informed and involved parents of children receiving special education, many of whom have availed themselves of the procedures for parental participation in decision-making and are therefore qualified to comment on how well the law works. The opinions of this informed and involved group of parents, the Commission believes, are useful in shedding light on the successes of New York State in implementing PL 94-142 and in identifying areas which need further attention.

Study Objectives.

The Commission gathered specific information in four areas:

1. The degree to which parents of children with handicapping conditions are involved in and satisfied with their child's education program;
2. Parental perception of the degree to which New York State is ensuring children with disabilities a free, appropriate public education. Specific questions were developed to focus on issues involving services in the least restrictive environment, provision of related services and procedural issues concerning the delivery of such services;
3. The effectiveness of due process procedures in resolving parental complaints concerning their child's special education program. Questions were developed to assess the degree to which parents are informed or aware of their children's rights, the means utilized for resolving complaints and the degree to which parents are represented in due process proceedings; and
4. General demographics to help determine whether the problems identified by the Commission's PADD program are systemic in nature or are related to such variables as geography, the nature of the handicapping condition or age of the child.

Methods

Survey Instrument.

In order to reach a substantial number of parents of school aged children within a limited amount of time, the Commission decided to conduct the survey using a mailed questionnaire. In consultation with the PADD regional offices, school personnel, and parent and disability group representatives, a *Special Education Survey for Parents* instrument (Appendix A) was developed to gather information in the four areas previously identified. Prior to its distribution, the Commission pilot tested the questionnaire on members of four parent and disability groups.

Parents Surveyed.

In conducting the survey, questionnaires were mailed to parents who were members of statewide disability groups, regional parent

groups and parents who had sought assistance from the Commission's regional PADD offices. The Commission received 1,486 usable responses.⁴ The number of respondents provides for one of the largest statewide surveys of parents regarding special education ever conducted. (Appendix B represents a list of participating organizations and a breakdown of the number of questionnaires distributed by each group.)

Sample Characteristics

Geographic Distribution.

Twenty-six (26) percent of the responses came from Western New York, 25 percent from Central New York, 24 percent from the Hudson Valley Region, 11 percent from Long Island, 9 percent from New York City, and 4 percent from the North Country.

Types of Disabilities.

By far the largest percentage of parents sampled indicated that they have a child with multiple handicaps (42 percent). The second largest disability group of the sample, according to the respondents, comprised children with learning disabilities (29 percent) while children with mental retardation represented 9 percent of the sample. Next were children with autism (5 percent) and children with visual impairments (4 percent). Children with speech impairments, emotional disturbances and orthopedic impairments each represent 3 percent, and "other health impaired" children comprise 2 percent.

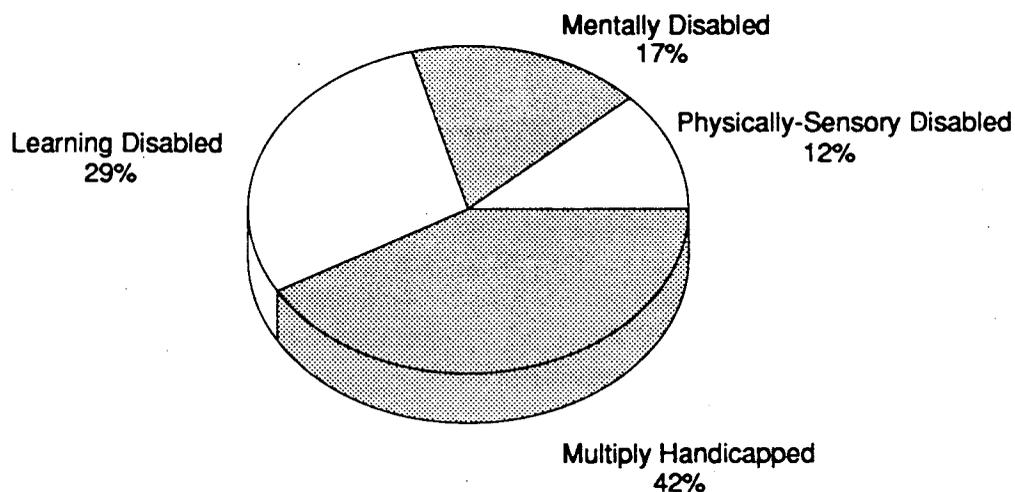
For purposes of analysis and discussion, the Commission decided to categorize the 11 types of handicapping conditions into four groups. While children with learning disabilities and multiple handicaps each remained an autonomous group, children with mental retardation, autism and emotional disturbances were combined into a "mental disability" group. Children who are either deaf, hard of hearing, orthopedically impaired, visually impaired or "other health impaired" make up the "physical/sensory impairment" group (see Figure 3).

When survey responses within groups were distinctly different, these distinctions are noted in the report.

⁴ Throughout this report, the number (N) of respondents for the figures and tables represents the number of parents who responded to individual survey items.

Figure 3

Combined Disability Groups/Sample



Age.

Forty-eight (48) percent of the responses were from parents of elementary age (5-11) children, 21 percent of middle school age (12-14) children and 31 percent of high school age (15+) children.⁵

A breakdown of age groups according to handicapping condition showed that children for the different disability groups were similarly distributed for age 5-11 and 12+ groups, with the exception of speech impaired children, which were predominantly (93 percent) in the 5-11 age group.⁶

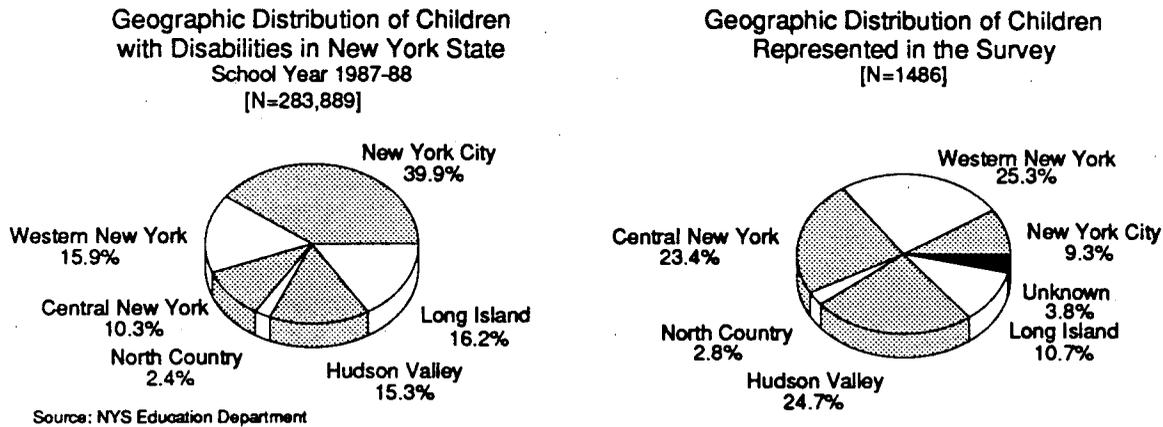
Placement.

Parents reported that 8 percent of their children were placed in a *regular classroom* receiving related services only, with another 24 percent getting their education in a combination of *regular class*, *resource room* or part-time special class. The largest percentage of children (34 percent) were identified by their parents as being placed in a *full-time special class*, with another 10 percent attending a

5 SED age categories are somewhat different, sample percentages for age 5-11 and age 12+, however, only differ by 3 percent each from those of SED.

6 A recent study by the Robert Woods Johnson Foundation (Singer, Butler) found that children with speech impairments were the most likely to be reclassified, usually as learning disabled, in later years.

Figure 4 Geographic Distribution/ New York State and Sample



BOCES Center program. Twelve (12) percent were in a private day school and 3 percent in a residential facility.

As shown, our sample differed in several respects from the actual total population of children with handicapping conditions in New York State schools, however, these differences may have been largely influenced by our sampling techniques.

Figure 4 shows a comparison of the geographic distribution for children with handicapping conditions in New York State to that reported by parents in our sample. Differences range from 0.4 percent to 30.6 percent, with the percentage of responses from the North Country resembling most closely SED statistics, and the percentage of responses from New York City accounting for the greatest discrepancy.

Figure 5 represents the sample and New York State distribution of handicapping conditions. The single most striking difference is between sample and SED statistics for children identified as "multiply handicapped."⁷

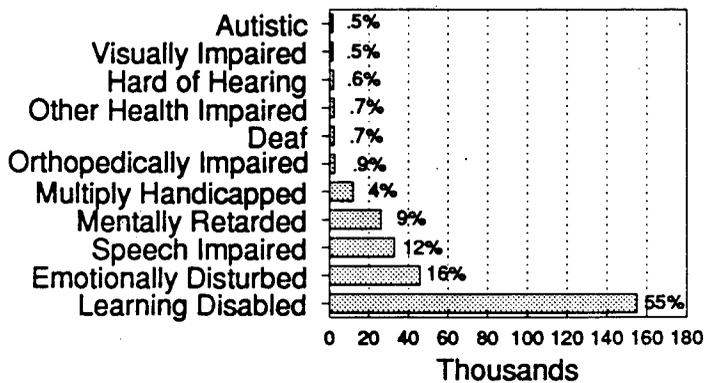
Figure 6 shows that sample placement statistics are similar to those reported by SED.

⁷ See page 13 for discussion.

Figure 5

Comparison of Children with Disabilities in the Survey and Total New York State

**Children with Disabilities in
New York State, School Year 1987-88**
[N=283,889]



Source: NYS Education Department

Disabilities Represented in the Survey
[N=1486]

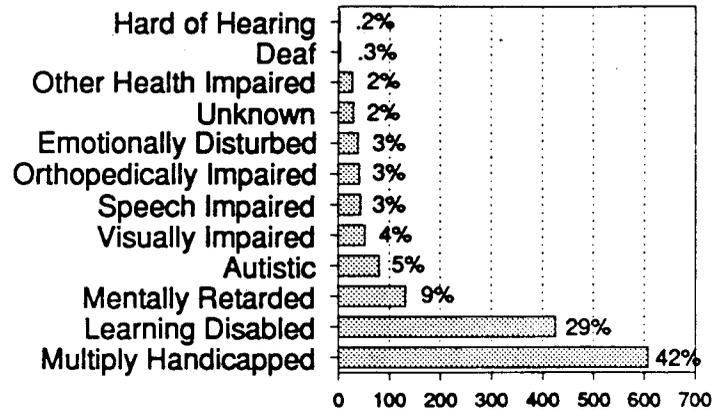
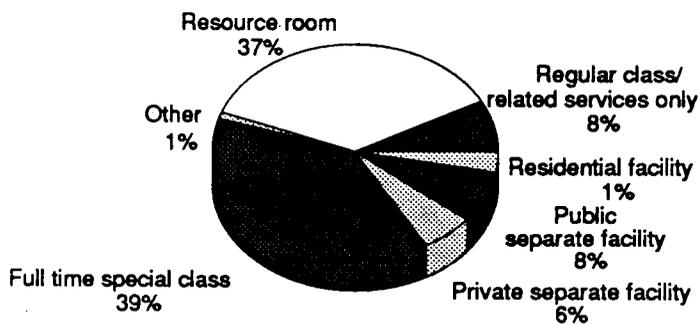


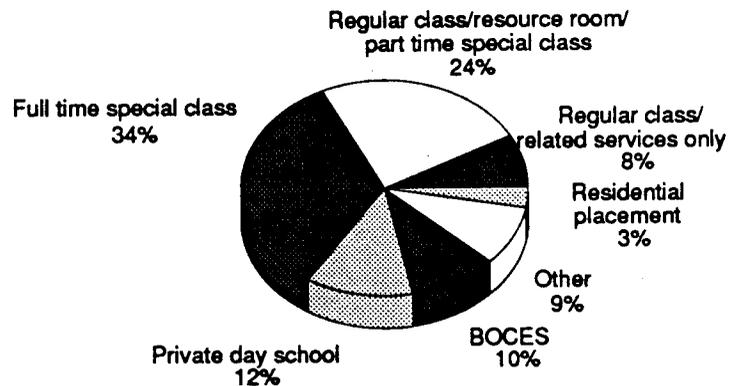
Figure 6

Educational Placements/ New York State and Sample

**Placements, NYS Education Department
School Year 1987-88***



Educational Placements in the Survey
[N=1486]



*These statistics include 20,490 children age 3-5
Source: OSEP, October 1, 1989

Limitations of the Study

While choosing to access parents through disability groups, the Commission was conscious of the fact that the varying numbers of parents affiliated with these groups could affect the data, since the variables studied might be influenced by the handicapping condition of the child. In order to compensate for this limitation of the study, however, most data were analyzed according to disability as well.

Furthermore, the utilization of the mailing lists of PADD offices tends to influence the composition of the study sample, since parents assisted by these offices, by definition, may have had a problem with a school district at one point.

In addition, respondents from New York City were significantly underrepresented in relation to actual representation, and study findings, therefore, may not be representative of special education in New York City.

Finally, upon analyzing the returned survey instruments, it became apparent that many parents may have misinterpreted the question dealing with the classification of their child's handicapping condition. The Commission had sought to identify children who were identified by the *Committees on Special Education* (CSE) as multiply handicapped. By definition, the CSE has to identify a child as "multiply handicapped" if the child has two or more of the primary handicapping conditions specified in PL 94-142, the combination of which causes educational problems which cannot be accommodated in a special education program solely for one of the impairments. Analyzing the responses, it became evident that some parents checked multiple handicaps they perceive their child as having, regardless of the severity and/or relation to a CSE designation. For statistical purposes, however, the Commission decided to treat all responses indicating "multiply handicapped" or more than one disability as "multiply handicapped".

Chapter 2

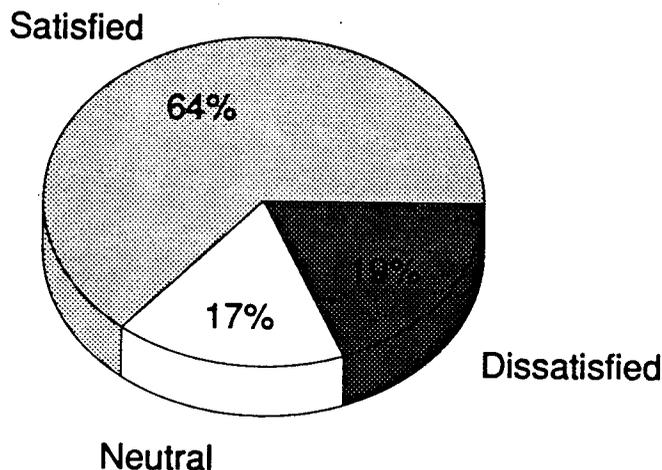
Findings

Parental Satisfaction With Education Program

Perhaps the most important question this survey wanted to answer was how satisfied parents of children with handicapping conditions were with their child's special education program. The data showed that only 19 percent of the parents were very dissatisfied or dissatisfied, while the majority of parents (64 percent) indicated that they were satisfied or very satisfied with their child's education program. The remaining 17 percent said that they were "neutral" (see Figure 7).

While national studies (Singer and Butler, 1987; Harris, 1988) found parents to be generally more satisfied (86 percent and 75

Figure 7
Parental Satisfaction
with Education Program*



*Parents were asked: How satisfied are you with your child's school program?

percent, respectively), there were important differences in study methods and instruments, which may help to explain the differing results. In other studies, interviews were used rather than mailed questionnaires, no neutral response options were given, and parents were sampled randomly and were generally less informed about the special education process than the Commission's sample.

In looking at the satisfaction data, it should be noted that a number of parents sampled commented that, while they are satisfied now, they had to advocate for their child for years in order to get an appropriate program or services. "...having a child in special education is a never ending uphill battle because of lack of effort by the school district to look for what is best for the child." "...each year is a continuing struggle for the educational goals to be recognized by the district. We had to use two outside evaluations to convince the district!" On the other hand, however, some satisfied parents complimented the outstanding efforts by their school district or their child's teacher.

When comparing parent satisfaction with their child's education program according to placements, satisfaction percentages were similar for programs in regular classes (63 percent), full-time special classes (60 percent) and BOCES⁸ (59 percent), while parents whose children were in a private day school were most often satisfied with their child's education program (84 percent).

The responses of parents from rural⁹ areas differed significantly in regard to satisfaction with their children's education program (Chi-square = 11.6, df = 5, p < .05),¹⁰ with 60 percent of parents from rural areas stating that they are satisfied, compared to 66 percent in non-rural areas (rural – 26 percent dissatisfied, non-rural – 18 percent dissatisfied). Some comments indicated that children in rural areas have less program options than those in non-rural areas. It appears that because of small numbers of children with the same educational needs in rural areas, appropriate specialized programs may not be available and the child may be placed into existing programs without adequate support services.

Significant differences in program satisfaction were also noted between percentages of parents of high school children who ex-

8 Boards of Cooperative Educational Services (BOCES) provide a variety of vocational and special education programs and services. Local public schools may contract with BOCES in conjunction with neighboring districts. BOCES supervised programs may be located in a central BOCES facility or may be housed in local public schools. (For purposes of this report, BOCES refers to a BOCES central facility.)

9 For purposes of this report, "rural" was determined to mean a district with less than or equal to 15 pupils per square mile.

10 Throughout this report, the term "significant" is used to denote analyses that are statistically significant at or below the .05 level of confidence.

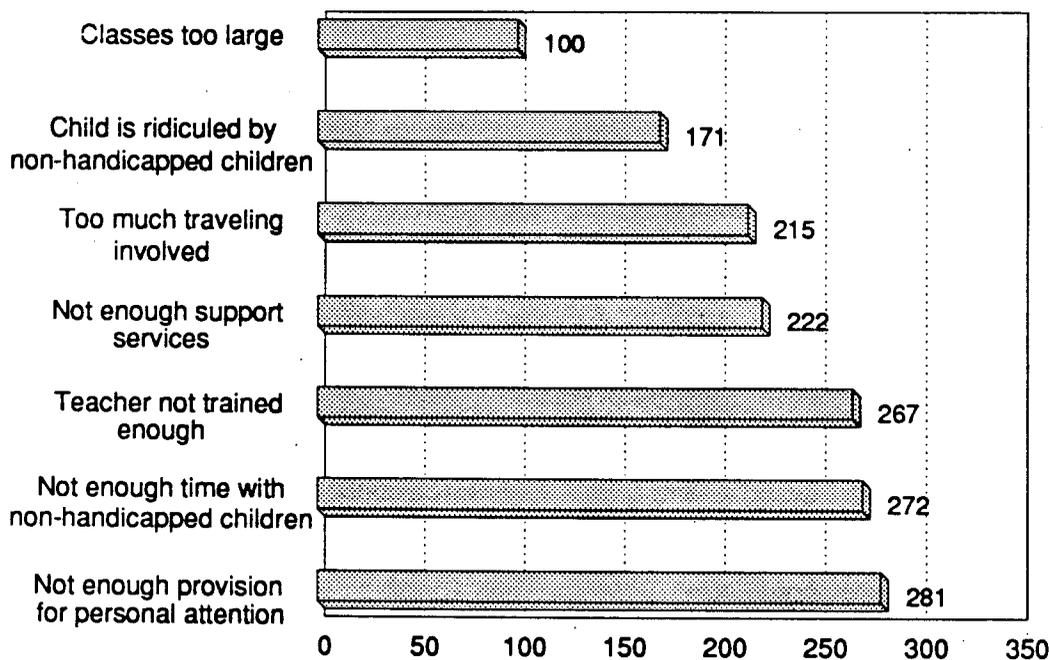
Age: 20
 Classification: Learning Disabled
 Placement: Special class in home district

"As my child nears the end (June 1989) of his eligibility for a free public school education, I have been concerned with the relevancy of that education to his life after receiving his IEP diploma. Although he has had special education vocational training, his choice of what vocational training was very limited. None of those choices were appropriate for him and it became a matter of choosing the best of several poor choices. There should be more of an effort to match special education students to more appropriate choices rather than trying to fit them all into food service, laundry or janitorial training."

pressed satisfaction and those of children in lower grades (Chi-square = 13.6, df = 4, p < .05), with 67 percent of parents of children in the lower grades stating that they are satisfied, compared to 58 percent of high school children (5-14 age group – 17 percent dissatisfied; 15+ age group – 24 percent dissatisfied). These different satisfaction levels possibly can be explained by comments made by parents of high school children which range from frustration about their children getting no vocational education to unhappiness about the quality of vocational education. The following statements express the feelings of many parents, "...it is hard to get the idea across that cleaning rest rooms and cafeterias is not the only work special education students can do," "...child gets vocational program that is available, regardless of what the child needs" (see parent comment at left).

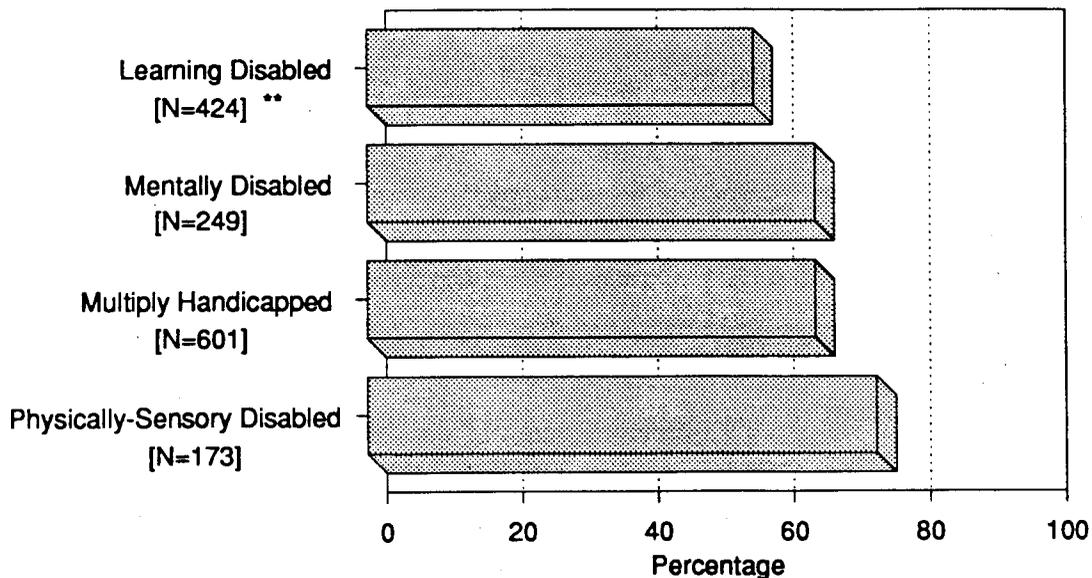
One of the survey questions asked parents to indicate possible concerns they may have (had) about their child's education program. The most frequently mentioned responses were "lack of personal attention/education" (19 percent), "inadequate teacher training" (18 percent), or "not enough time spent with non-handicapped children" (18 percent) (see Figure 8).

Figure 8: Reasons for Concern*
 [N=1486]



*Parents were asked: If you are not completely satisfied with your child's school program, why not?

Figure 9
Satisfaction with Education Program*
 By Disability



**N=number of respondents responding to this question

*Parents were asked: How satisfied are you with your child's education program?

Satisfaction With Education Program By Disability.

While similar numbers of parents of children with multiple handicaps and those of children with single disabilities expressed satisfaction with education programs (66 percent and 63 percent, respectively), the Commission found significant differences (Chi-square = 22.9, df = 12, p < .05) when comparing parents of children with different types of disabilities. Parents of a child with a physical/sensory impairment were most often satisfied (75 percent), followed by parents of children with a mental disability or multiple handicaps (66 percent). Parents of a child with a learning disability were least likely to be satisfied (57 percent) (see Figure 9). The largest differences within a disability category were found among parents of children with mental disabilities, with the largest percentage of parents of children with autism reporting satisfaction (74 percent), compared to 60 percent of parents of children with mental retardation and 59 percent of parents of children with emotional disorders.

When asked to identify possible areas of concern, parents of children with single disabilities most often stated "inadequate teacher training" (21 percent) or "not enough personal attention/education" (21 percent), while the main concern of parents of children with multiple disabilities was "not enough time spent with non-handicapped children" (22 percent).

Table 1		Reason for Concern*						
Disability	Too Much Traveling	Not Enough Time Spent with Non-Handicapped Children	Child Is Ridiculed By Non-Handicapped Children	Teacher Not Trained Enough	Not Enough Provisions for Personal Attention/Education	Not Enough Support Services	Classes Too Large	Other
Learning Disabled (N=425)	8% (33)	10% (42)	17% (73)	27% (114)	25% (106)	14% (60)	10% (42)	26%(112)
Mentally Disabled (N=251)	19% (47)	33% (83)	8% (20)	10% (26)	16% (41)	16% (39)	5% (13)	25%(63)
Physically Disabled (N=173)	5% (9)	7% (12)	8%(14)	22%(38)	17% (30)	18% (31)	7%(12)	23%(39)
Multiply Handicapped (N=607)	20% (119)	22% (132)	10% (60)	13% (80)	16% (99)	15% (88)	5% (32)	25%(150)

*Parents were asked: If you are not completely satisfied with your child's school program, why not?

Age: 7
 Classification: Learning Disabled
 Placement: Special class in home district

"...I can understand the reluctance of a teacher to teach a handicapped child. Their education never adequately prepared them for it plus I suspect that education gave them the expectation that handicapped children would be taken care of by special education teachers.

Attitudes cannot be forced to change, so any attempts to integrate handicapped students into a class taught by a reluctant teacher may be succumbed to fail. Precious few meaningful integration opportunities exist where there are regular education teachers, eager and willing to work with special education teachers to make the integration work."

Comparing parents of children with different disabilities, the Commission found their responses significantly different as to their areas of concern. Parents of children with mental disabilities indicated most often that their child does not spend enough time with non-handicapped children (33 percent),¹¹ while parents of children with learning disabilities were most likely to be concerned about their child's "teacher not being trained enough" (27 percent) (see Table 1). Comments by several of these parents suggest that regular education teachers may not be sensitive to the special needs of their child and that they sometimes refuse to use teaching aids and test modifications recommended in the child's IEP (see parent comment at left).

Least Restrictive Environment

One of the fundamental rights provided for children with handicapping conditions is to be educated in the least restrictive environment (LRE). Under PL 94-142, LRE is intended to promote the education of children with disabilities in the "mainstream" and to provide opportunities for children with and without handicapping conditions to interact with one another.

In response to a Congressional inquiry on the interpretation of the "least restrictive learning environment for handicapped children," a former Assistant Secretary of the Office of Special Education Programs (OSEP) explained that "Handicapped children should be

11 Within the "mental disability" category, parents of children with mental retardation and autism most often were concerned about their child's lack of interaction with non-handicapped peers (38% and 30%, respectively). While most (23%) parents of children with emotional disorders also mention this lack of interaction for their children, they just as often wish that their child had more personal attention/education (23%).

placed based on their individual needs; they should not be placed in separate schools because of the availability of placement options, administrative convenience or institutional barriers to providing related services in regular school settings. OSEP's goals are to ensure that individual placement decisions include consideration of whether any part of a handicapped child's school day could be appropriately spent with non-handicapped children if supplementary aids and services were provided, and that no handicapped child be denied the chance for interaction with non-handicapped peers due to a lack of placement options." (Education for the Handicapped Law Report, p. 213:182).

Based on the results of this survey, parents reported that their children were placed in a regular classroom setting only 8 percent of the time, and another 24 percent of the parents reported that children were spending part of their day in a regular class, supplemented by a resource room or part-time special class. The largest percentage of children (34 percent) were identified by their parents as being placed in a full-time special class,¹² with another 10 percent attending a BOCES Center program. Twelve percent were in a private day school.

LRE in New York State and the Nation.

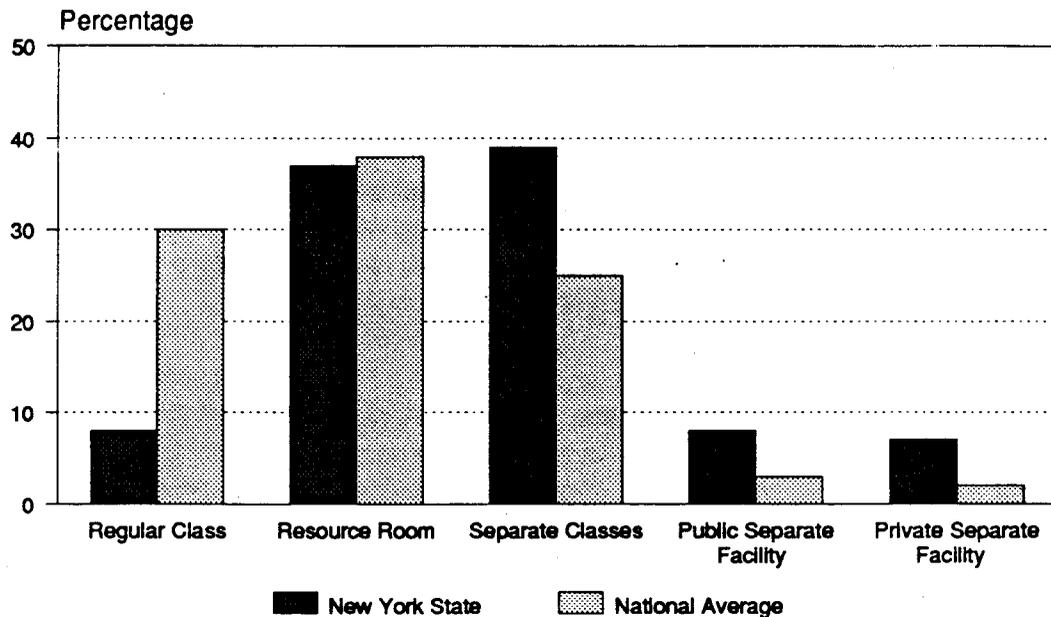
As illustrated previously in Figure 6, sample placement statistics did not differ markedly from those of SED. The figures gained importance, however, when looking at statistics compiled by OSEP in October 1989, which state that New York State is fifth to last among all the states in its efforts to educate children in regular classrooms with related services only. When adding resource room placement statistics to regular class placement statistics, New York State ranks last among all the states, with only 45 percent of its children in such placements, while the national average is 68 percent. Conversely, New York State ranks highest among the states¹³ for its percentage of children with handicapping conditions being educated in separate classes.

Figure 10, comparing New York State placement statistics for the most frequently chosen placement options to national averages, clearly shows the emphasis on segregated placements in New York State compared to the nation.

12 Note: Thirty-nine percent of the parents having a child in a full-time special class, other than in a BOCES Center, indicate that this class is not in their home school district.

13 Only the District of Columbia ranks higher.

Figure 10: Placement Comparison/
New York State and National Average*



*Percent of children age 3 - 21 served during school year 1987-88

Source: OSEP, October 1989

Parental Satisfaction With Placement.

When parents were asked which placement(s) they would prefer for their child, parents with children placed in a regular class or in a residential placement had the highest level of satisfaction with their present placement (84 percent and 64 percent, respectively), and indicated that they would choose it again. In contrast with the satisfaction expressed by these parents, the parents with children at BOCES or in a special class outside of the home school district were least satisfied with the given placement (35 percent and 15 percent, respectively) (see Figure 11). The parents of these children expressed a strong preference for a less restrictive placement. For those children in a special class outside of their home district, 63 percent of the parents said that they would like the child to be educated within their home district (see Figure 12). The parents who were dissatisfied with their child's placement at BOCES likewise expressed a preference (50 percent) for the child to be educated in a special class within the home school (see Figure 13). Interestingly, only 55 percent of the parents that have children in a regular class and a resource room opted for resource room placement again. In their comments, parents explained that in some cases the child misses academic subjects taught in his/her homeroom at the time allocated for resource room,

Figure 11
Parents' Preference for Placement
in Relation to Current Placement*

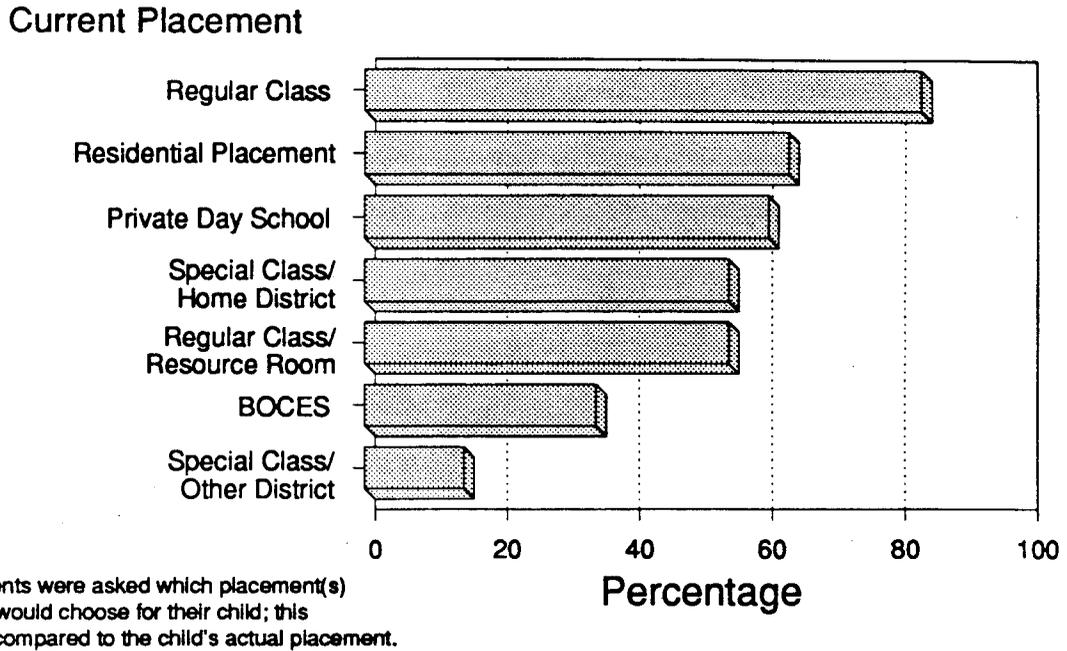


Figure 12: Actual vs. Preferred Placement
Children Placed in Special Class
Outside the Home District

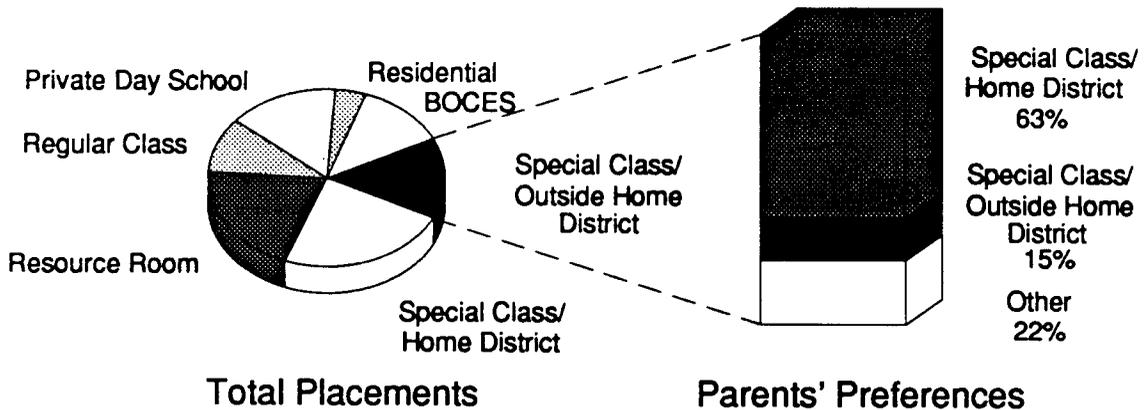
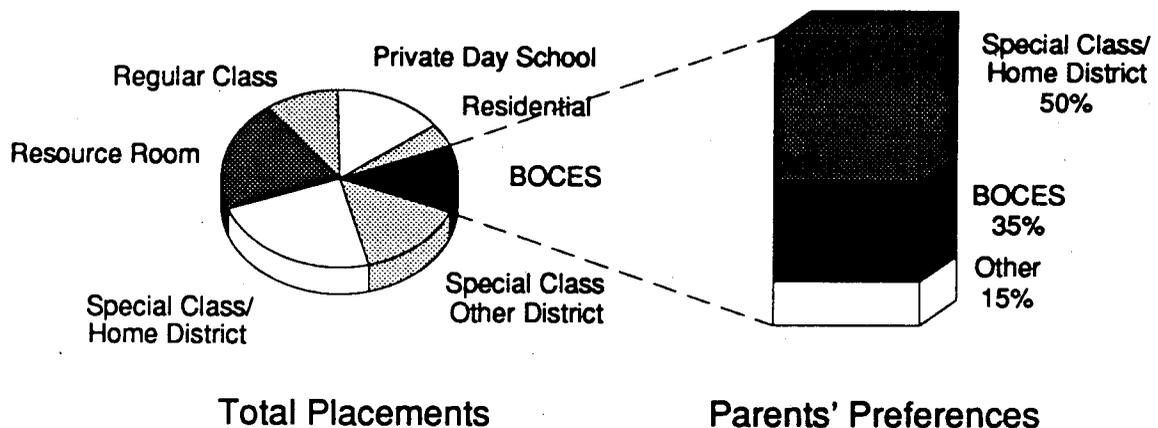


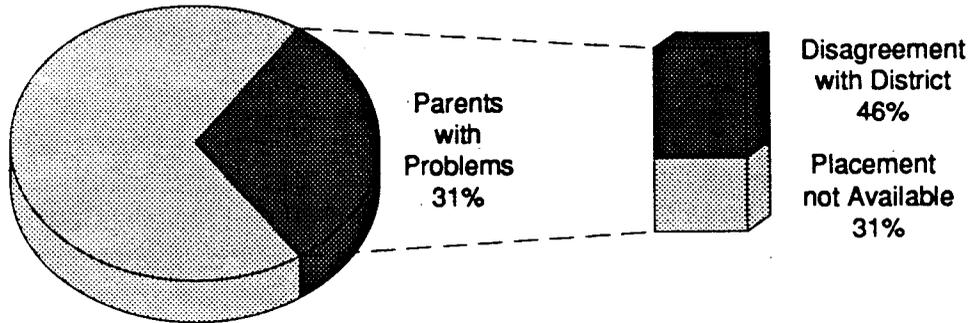
Figure 13: Actual vs. Preferred Placement
Children Placed in BOCES



or that resource rooms are so crowded that the teachers cannot provide IEP recommended services.

Beyond these differences in preference for a program placement, nearly one-third of the parents reported that at one time they experienced problems with their child being able to attend an education program. Of these parents (N=459), 46 percent stated that their problem was due to a disagreement they had with the school district's placement recommendation, and 31 percent said that the problem arose because a placement was not available (see Figure 14). Twenty-three (23) percent kept their child home for reasons such as differences of opinion with the school or teacher about their child's IEP or its implementation, dissatisfaction with the education program, unavailability of specialists, medical problems, or, in some instances, suspension. Other concerns of parents became evident from their narratives. For example, 5 percent of the parents indicating concerns volunteered remarks about their frustration with the lack of program continuity and the lack of educational stability and security for their children. Respondents indicated that classrooms, especially for children in BOCES programs, are frequently switched around in order to make room for regular education programs. Some parents stated that their child had been placed in as many different schools as the number of years he/she had been in special education programs, while

Figure 14
Problems with Program Attendance*
 [N=1486]



*Parents were asked: If your child ever had a problem attending any education program, please indicate why.

Age: 14
 Classification: Mentally Retarded
 Placement: Special class in "other" district

"I feel that my son does not receive equality in education. I feel that I must make choices that I do not have to make with my typical children's educational programs. I would definitely choose a quality teacher over a classroom. It would be nice, though, if his classroom was not in the basement next to the shop, band room and gym lockers. It is half the size of the other classrooms in the building. Being isolated in the basement, there is less of an opportunity for integration.

I get tired of fighting for the same thing each year for it to only last for that year. Also, all of the schools in the BOCES system do not share the same vacation dates. My son has both the BOCES' days off and the other district's days off."

others commented on the inferior space accommodations for their child (see parent comment at left).

Additional concerns of some parents dealt with school districts that seem to assign children to available programs rather than ensure truly individualized education based on the child's need. In other words, the child is often "made to fit the program." Finally, approximately 20 percent of parents of children in regular classes, while stating that they like the interaction with non-handicapped children for their child, are concerned about the lack of the mainstream teachers' preparation or knowledge to deal with their child's handicapping condition — "...it's hard to separate desire (wanting child in regular class in district) and need — where would she receive the best services?"¹⁴ These parents suggest that true integration can only be successful with more training and support services.

The latter findings correspond to those of earlier studies (Turnbull, Winston, Bladier and Salkind (1983); Hovejsi (1975)), which indicated that the greatest benefits identified by parents of handicapped children who were mainstreamed were social outcomes,

14 According to Tait, P. (1986), at the time of the study, the majority of states (33) had initiated regular teacher certification requirements that included exposure to the characteristics and needs of exceptional students. New York State, to date, does not have specific special education training required for certification of its teachers.

Age: 11
Classification: Learning Disabled
Placement: Special class in other public district

The school system started this "Special Education Program" to help these kids to get an education, but somewhere along the line something went terribly wrong. The labeling and grouping of the "LD" students with kids that have different educational needs has truly hurt the child with a learning processing dysfunction.

And why should I, a mother of a "LD" student, have to explain these things over and over again to professionals? Also, why don't they know that a child with a learning processing dysfunction will not one day wake up and be "cured." These kids will have this problem for the rest of their lives. They will have to learn to compensate for their weaknesses by learning to use their strengths, not by having teachers trying to "fix the problem." Accept these kids for what they are, not what you expect them to be. They are bright, intelligent children with learning differences, every child being uniquely different from the next. Help them to find their strengths, don't continually point out their weaknesses. Give them a chance.

Age: 12
Classification: Learning Disabled
Placement: Private day school

"...so they sent him to a BOCES program. He rode a bus from 6:50 a.m. to 9:15 a.m. and rode it home at 2:15 p.m. to 4:05 p.m. Many times I carried a sleeping child off the bus. I complained, but nothing was done about it. He was placed in a school with retarded children, and he noticed the difference, and said so. So, his self-esteem got very low, and we had to pay for counseling. In 1986, after being on a three year waiting list, we got him into a private school, which I had to go back to work full time to be able to pay the \$3,500 tuition. He can go no further, after this year, in this school for they only go to 6th grade and he'll have to return to public school. We have hired a lawyer to help us get him into a program at the home school so he will not have to go back to BOCES. I'd hate to see all that work be in vain."

whereas the greatest drawbacks were perceived to be in instructional areas.

Problems With Program Attendance By Disability.

When parents were asked if their child ever had a problem attending any education program, problems were reported slightly more often by parents of children with multiple disabilities (34 percent) than by those of children with single disabilities (28 percent), with both groups listing disagreements with the school district about the child's placement most often (46 percent) as the reason. Of the parents that had a child with a single disability, those of children with a physical/sensory impairment had the least problems (21 percent), followed by parents of children with mental disabilities (29 percent) and learning disabilities (31 percent).

Within specific disability categories, parents of children with emotional disorders reported most often past difficulties for their child to attend an appropriate program (38 percent), while parents of children with visual impairments made up the smallest group reporting problems (15 percent). It is noteworthy that 49 percent of parents of children with learning disabilities that responded to this question indicated that their problem involved a disagreement with the school district over an appropriate placement. Narrative comments by these parents clearly reflect their frustration with the apparent inability or unwillingness of some school districts to create appropriate programs to help their children learn (see parent comment at left). A small, yet notable, percentage of parents stated that because of years of disagreement with their school district, they opted for private placement at their own expense (see parent comment at left).

Academic and Social Interaction.¹⁵

Since PL 94-142 states that handicapped children should be educated with non-handicapped children to the "maximum extent appropriate," an important focus of this survey was to ascertain the amount of academic and social interaction parents report their child has with his/her non-handicapped peers.

15 Academic subjects are defined as English, Mathematics, Social Studies, Shop, Home Economics, Music, etc. Social activities are defined as cafeteria, field trips, playground, etc.

Age: 7
Classification: Speech Impaired
Placement: Special class in home district

"We pay a big price for segregation. It amplifies differences and fears of those differences. Non-handicapped children learn very little about handicapped children by spending a half an hour in music with one or two children from the BOCES class downstairs. This kind of half-baked integration draws attention to handicapped children's differences without enough opportunities to learn about similarities. Non-handicapped children need to understand that handicapped people belong in our society, not in some separate, unknown, mysterious realm of special education. More importantly, handicapped children need to feel a sense of belonging to society through neighborhood, family and school.

The scene is typical. The 5 year old boy (not handicapped) goes out to catch the big school bus along with all the other little kids in the neighborhood. An hour later, a tiny yellow bus arrives at his house to pick up his 7 year old handicapped sister and delivers her to a satellite school at the outer reaches of the school district. At the end of the day, the boy plays with the children in the neighborhood. His sister plays alone. And we wonder why."

Figure 15 shows the amount of *academic* interaction with non-handicapped peers parents reported for their child. It shows that 42 percent of the children in the sample have *no interaction* in *academic* subjects with non-handicapped children, while 24 percent have *some interaction* and 29 percent have *full interaction*.

Looking at the amount of *social* interaction reported for these children, parents indicated *some or full interaction* in 70 percent of the cases, while only 24 percent said that their child had *no social* interaction (see Figure 16).

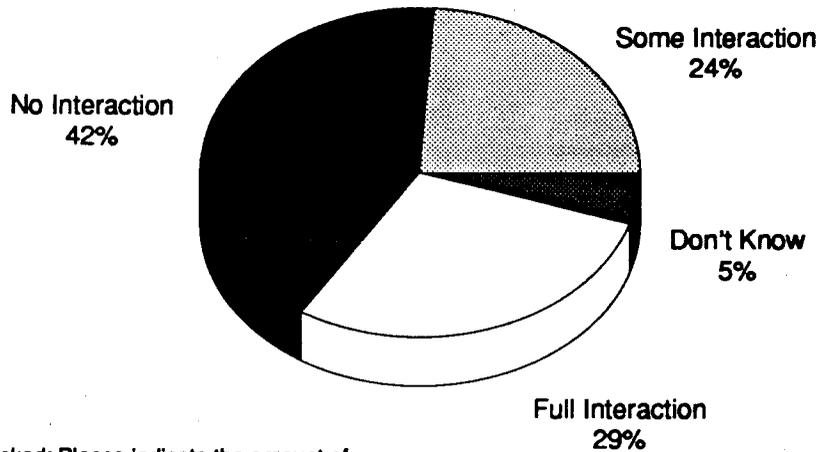
The importance of interaction with non-handicapped children was clearly reflected in parents' comments, indicating that children in segregated settings had no appropriate role models and imitated inappropriate behavior. In addition, complete segregation makes it very hard for the child to make friends with anyone from his/her neighborhood (see parent comment at left).

In analyzing the data, a significant relationship was found between the amount of interaction and such variables as the age of the child¹⁶ and the geographic location of the school district.¹⁷ Fifty-two (52) percent of high school children with handicapping conditions had *no interaction* with non-handicapped children in *academic* subjects and 34 percent had *no interaction* with non-handicapped peers in *social* activities. By comparison, 40 percent of parents of elementary school children reported *no interaction* in *academic* subjects and 21 percent in *social* activities. The difference in the amount of academic interaction may be partly due to the common reliance on the heterogeneous classroom for the full school day at the elementary level, which facilitates greater academic interaction among children of different abilities/needs in the lower grades, which does not, however, explain the difference in the amount of social interaction.

16 (academic interaction: Chi-square = 27.3, df = 6, social interaction: Chi-square = 47.7, df = 6, p < .05)

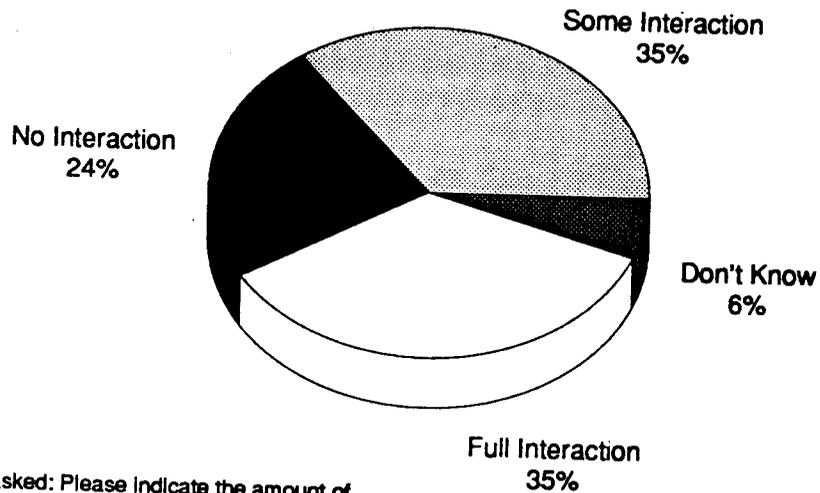
17 (academic interaction: Chi-square = 10.8, df = 3, social interaction: Chi-square = 14.2, df = 3, p < .05)

Figure 15
Academic Interaction*
[N=1486]



*Parents were asked: Please indicate the amount of interaction your child has with non-handicapped children in academic programs

Figure 16
Social Interaction*
[N=1486]



*Parents were asked: Please indicate the amount of interaction your child has with non-handicapped children in social activities

Looking at geographic areas, handicapped children in rural areas had more *full academic* interaction (38 percent) than their peers in non-rural areas (28 percent). Furthermore, 47 percent of parents in rural areas reported *full social* interaction for their children, compared to only 34 percent of parents in non-rural areas. Again, this finding may be related to different educational placement options in rural areas, where fewer numbers of children with handicapping conditions discourage the formation of specialized classes/programs.¹⁸

Interaction By Disability.

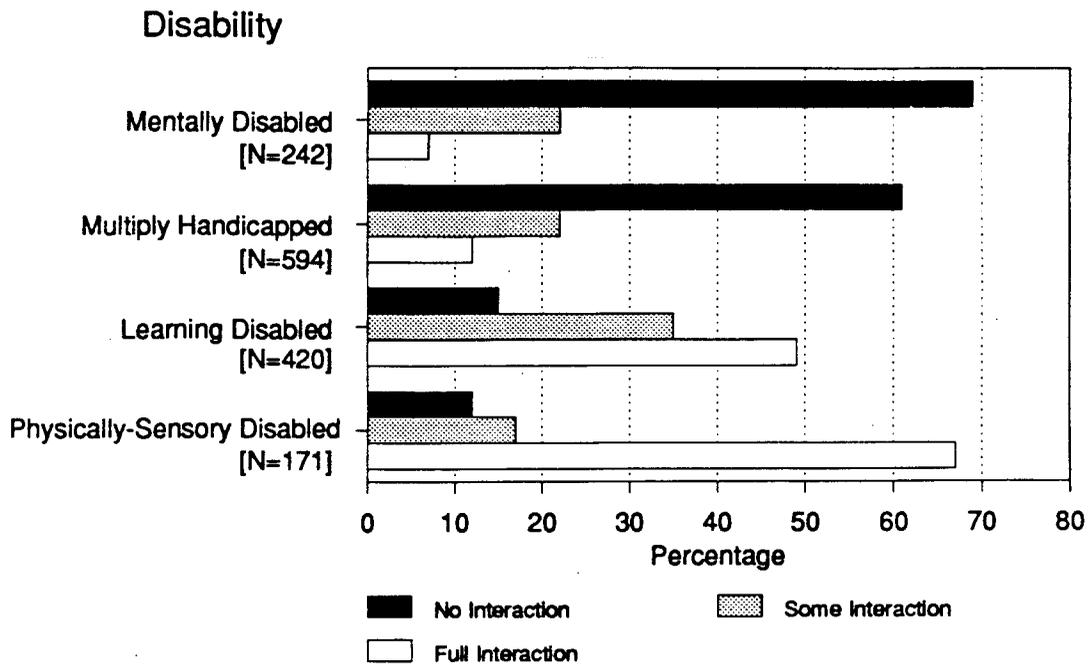
Looking at the responses of parents of children with single disabilities compared to those of multiple disabilities, it seems that efforts to have children with single disabilities interact *fully academically* with their non-handicapped peers are much more successful (40 percent) than for those with multiple disabilities (12 percent). Conversely, while only 29 percent of the children with single disabilities have *no academic* interaction, sixty (60) percent of children with multiple disabilities are *fully segregated academically*.

Comparisons between responses of parents of children with different disabilities show that the level of *academic* interaction is significantly influenced by the type of disability (Chi-square = 477.06, df = 9, p < .05). Only 7 percent of children with mental disabilities had *full academic* interaction with non-handicapped children as opposed to 49 percent of those with learning disabilities and 67 percent with physical/sensory impairments. Sixty-nine (69) percent of children with mental disabilities had *no academic* interaction, while this was true for only 15 percent of children with learning disabilities and 12 percent of those with physical/sensory impairments (see Figure 17). Within the mental disability category, children with autism are most often reported to have *no academic* interaction with non-handicapped peers (71 percent), compared to 67 percent of those with mental retardation and 51 percent of those with emotional disorders.

Responding to how much *social* interaction their children have with non-handicapped peers, parents said that 47 percent of the children with single disabilities had *full social* interaction, compared to only 17 percent of children with multiple disabilities. Sixteen percent of children with single disabilities had *no social* interaction,

18 Data related earlier in this report about the level of parents' satisfaction with their child's education program in rural vs. non-rural areas indicated that a smaller percentage of parents in rural areas expressed satisfaction with the program. These data suggest that, despite their desire for more integrated placements, parents do not necessarily believe that the education programs in these placements are better without adequate teacher training and educational support services.

**Figure 17: Academic Interaction*
By Disability**

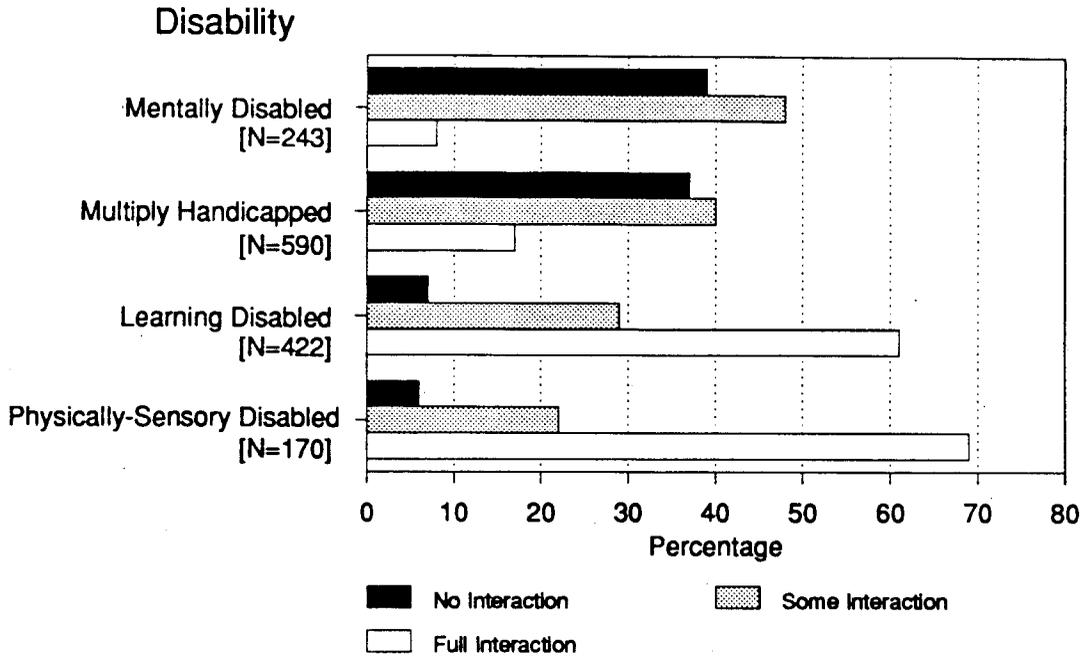


*Parents were asked: Please indicate the amount of interaction your child has with non-handicapped children in academic programs

compared to 36 percent of children with multiple disabilities. As with academic interaction, comparisons between disability categories show significant differences in levels of *social* interaction (Chi-square = 406.6, df = 9, p < .05). Only 8 percent of children with mental disabilities did interact *fully socially* with non-handicapped children, compared to 61 percent of those with learning disabilities and 69 percent with physical/sensory impairments. Thirty-nine (39) percent of children with mental disabilities had *no* opportunity to interact *socially* with non-handicapped peers, compared to 6 percent of children with physical/sensory impairments and 7 percent with learning disabilities (see Figure 18).

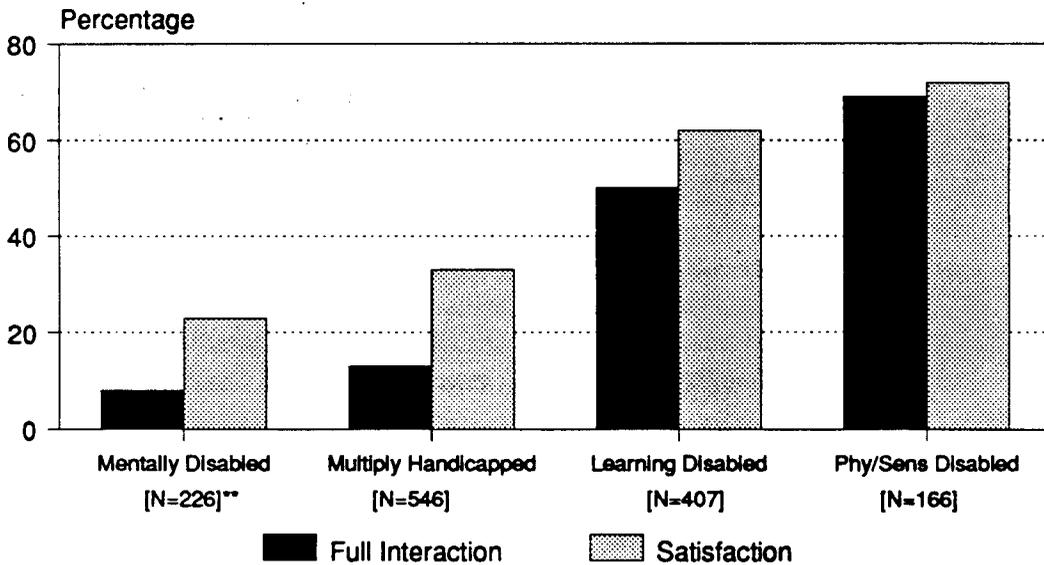
Analyses of reported parent satisfaction with the amount of *academic* interaction and *social* interaction showed a significant correlation between the level of satisfaction and increased interaction with non-handicapped peers. Ostensibly, the smallest percentage of parents of children with mental disabilities are satisfied. Figures 19 and 20 depict the relationship between levels of interaction and reported parent satisfaction (satisfaction with *academic* interaction: Chi-square = 212.1, df = 12; satisfaction with *social* interaction: Chi-square = 212.6, df = 12). These data clearly show the ambiguity of parents in regard to their children's special education program. While they wish their children to be more integrated, they do not equate a segregated placement with an inferior total education program or vice versa.

**Figure 18: Social Interaction*
By Disability**



*Parents were asked: Please indicate the amount of interaction your child has with non-handcapped children in social activities

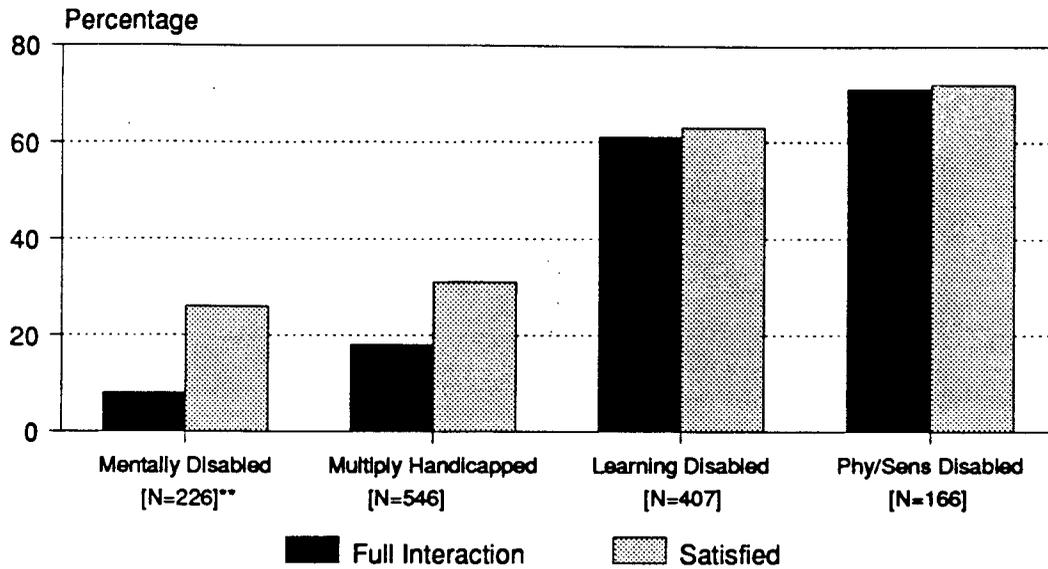
**Figure 19: Relationship of Parental Satisfaction with Academic Interaction*
By Disability**



** N=number of respondents answering both questions

*Parents were asked: How satisfied are you with the amount of interaction your child has with non-handcapped children in academic programs?

**Figure 20: Relationship of Parental Satisfaction with Social Interaction*
By Disability**



**N=number of respondents answering both questions.

*Parents were asked: How satisfied are you with the amount of interaction your child has with non-handicapped children in social activities?

Related Services

In order to assist children in obtaining an appropriate education, school districts are required to make available a range of related services. These services are specifically identified in federal and state laws and regulations, and include such services as speech therapy, physical therapy, occupational therapy and consultant teaching.

By far the largest number of children (55 percent) in our sample had speech therapy recommended in their IEPs, followed by occupational therapy (38 percent), physical therapy (29 percent), an aide (26 percent) and psychological services (21 percent) (see Figure 21).

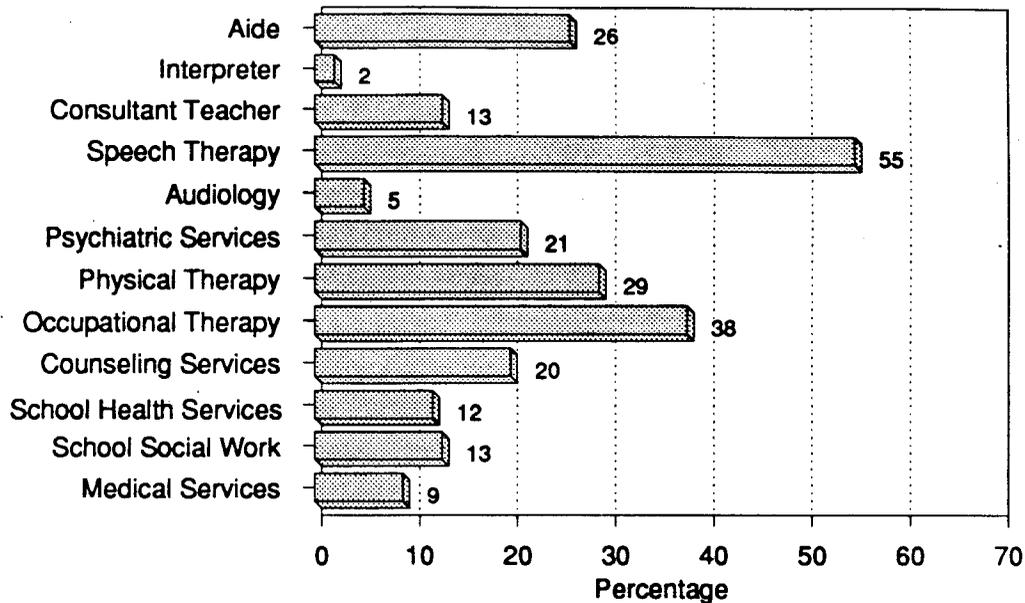
Twenty-five (25) percent of the respondents indicated that the school district does not provide recommended services. Eighteen (18) percent of these parents stated that the district simply does not follow the recommendation of the CSE, and half said that their child does not get the services because of a lack of available specialists. Parents' comments indicated that this lack of professionals sometimes forces them to choose a segregated placement where specialized services are more likely to be found. In addition, there seems to be substantial concern on the part of the parents that their children are in and out of classrooms for related services so frequently that the gaps in their education get worse.

These findings are consistent with earlier studies (Turnbull, Winston, Bladier and Salkind, 1983) which found that parents were

Figure 21

Recommended Related Services*

[N=1486]



*Respondents could check all that apply

concerned that their child in an integrated setting might not receive sufficient specialized treatment as might be available in a self-contained program. This concern about the lack of qualified specialists to provide necessary related services to all children requiring them in any setting has been demonstrated in past years nationwide. The Tenth Annual Report to Congress on the Education For All Handicapped Children Act (EHA) states that specialists are most needed in the areas of physical therapy (18 percent), occupational therapy (16 percent) and audiology (15 percent).

When parents were asked to state their reasons for possible disagreements they may have had about related services recommended in their child's IEP, 11 percent said that the child does not get enough hours of related services, while 8 percent said that they thought the assessment of the child was inadequate and 4 percent indicated that the child's classification was incorrect.

Another related services issue became evident from parents' narratives. Responses indicated that transportation issues cause a high level of dissatisfaction for parents (see parent comment at left). The data showed that in 26 percent of the cases, travel times are between one and two hours, with another 8 percent being over two hours. Even though travel time is obviously influenced by the placement of the child, parents stated that the lack of available buses seems to significantly lengthen the amount of time it takes for a child to get to school, i.e., available buses have to make more stops and take longer routes in order to pick up all special education children. Parents also complained about lack of aides or monitors on buses,

Age: 7
 Classification: Mentally Retarded
 Placement: Special class in "other" district

"I think it is appalling that handicapped children are allowed to be transported in anything from a large school bus to a small car without any special needs or safety equipment — 2 bench-type seats — without internal access to the rear passenger section — with no aides mandatory — with up to 5 children in a small car under supervision of the aged driver, who is also supposed to DRIVE — using limited access highways — 55 mph. or MORE (often)! That is why, as concerned parents who take our caretaking responsibilities very seriously, we transport our daughter ourselves."

especially for children with severe disabilities or children with behavior problems, and they indicated that bus drivers are frequently insensitive to their children's disabilities. Furthermore, it seemed that pick-up and drop-off times of some children are very irregular, to the point of disrupting not only the education of the child because of late arrival at school, but also causing problems for the family since it interferes with employment and after-school care. Last, a number of parents complained about the large age difference of children on these buses, e.g., it was not unusual for a kindergarten child with learning disabilities to be placed on a bus with adolescents with emotional disorders.

Procedural Issues

In order to ensure that children with handicapping conditions receive a free, appropriate public education, parents are guaranteed a variety of procedural rights under the law. Among these is the right to have an individualized education program developed for their child. In establishing this IEP, schools are required to work cooperatively with parents and to undertake comprehensive evaluations of the child to assist in establishing the types of services and placement needed by the child.

Individualized Education Programs (IEP).

The individualized education program is designed to meet each child's educational goals and recommend the educational placement or services needed to reach these goals. "Prior to the development of a recommendation, the Committee shall ensure that the appropriateness of the resources of the regular education program, including educationally related support services, speech and language improvement services, and remedial instruction, have been considered." (Part 200 of the Regulations of the New York State Commissioner of Education).

When asked about their participation at IEP meetings, 85 percent of the parents said that they had attended their child's IEP meeting. This relatively high participation rate is probably attributable to the parent sample, which primarily comprised parents belonging to parent or disability groups or who had access to advocates. Previous research (Singer and Butler, 1987) has shown that such involvement is significantly associated with the level of parent participation. Of the parents that said that they attended neither conference, the majority (79 percent) stated that the time was inconvenient.

Although parental participation was quite high, 43 percent of the parents who added comments about the IEP stated that their input was not truly desired by the CSE and that the IEP quite often was

prepared beforehand. "...IEP's should be developed as a team effort between parents and professionals. I am sometimes asked for input on his IEP but when I come to a Phase II conference and receive an IEP that is all printed out and signed by the principal, I wonder how valued my input really is." These findings correspond to earlier reports (Goldstein et al., 1982) indicating that, while parent attendance at IEP meetings may be fairly high, participation in decision-making is very limited and is mainly on personal or family issues rather than education issues such as evaluation, placement or curriculum.

Twenty-nine (29) percent of the parents who volunteered comments about the IEP remarked on its lack of individualization. Comments included "...the IE is canned - five other children in the classroom have the same IEP. My child has already the skills anticipated as goals in the IEP." "...the IEP doesn't fit...my child has to fit into a given program."

It is also noteworthy that other comments indicated that parents often feel ill-prepared when dealing with the CSE or when having to make decisions in general about their child and would welcome information about laws and regulations as well as about existing or best-suited program options (see parent comment at left).

When parents were asked how long it took for the most recent IEP to be fully implemented, 17 percent stated that it took longer than the 30 days mandated by SED.

Evaluation.

Part 200 of the New York State Department of Education regulations for special education state that an individual evaluation of a referred student shall include "at no cost to the parent at least a physical examination, an individual psychological examination, a social history and other suitable examinations and evaluations. . ."

Even though the Commission survey items did not provide for responses regarding payment for such evaluations, 4 percent of the parents reported in their comments that they paid for all or some of the evaluations or examinations. In many instances, this was done because the school district refused to test the child initially (but later accepted the outside diagnosis), in others, because the school district's tests were thought to be limited in diagnostic as well as prescriptive ability.

While most (89 percent) of the parents knew that they had the right to have an independent evaluation done, 32 percent did not know that the district could pay for it.

Age: 11
Classification: Mentally Retarded
Placement: Special class in "other" district

"I see the need for more information to be given to parents in clear 'layman's' terms, especially for parents confronted with the 'system' and 'process' for the first time.

A problem that I am familiar with is the intimidation that some parents face in dealing with the school district. Perhaps a readily available outside advocacy group could help. I also feel that parents should be made aware that there is a parent advocate on the committee for special education and they ought to be given that advocate's name as soon as the process is under way regarding their child.'

Table 2		Areas of Past Disagreement with School District*				
Disability	Eligibility or Identification	Appropriateness of Special Ed. Services	Related Services	Placement	Procedural Issues	Other
Learning Disabled (N=425)	25% (106)	38% (161)	21% (91)	33% (141)	19% (79)	14%(59)
Mentally Disabled (N=251)	10% (25)	27% (67)	18% (45)	34% (85)	10% (26)	12%(31)
Physically Disabled (N=173)	15%(25)	21% (37)	22%(38)	23% (40)	11%(19)	15%(26)
Multiply Handicapped (N=607)	14% (87)	31% (187)	24% (146)	38% (228)	13% (77)	13%(81)

*Parents were asked: If you ever had a disagreement with your school district regarding your child's placement, program or services, please specify the area of disagreement.

Due Process

Among the various safeguards provided for children with handicapping conditions is the right of parents to resolve disputes over their child's special education program through an impartial hearing procedure. School districts are obligated to inform parents of children with handicapping conditions of the rights given to them by EHA.

When asked if they had a copy of the *Parents' Guide to Special Education*, 20 percent of the parents said that they did not have one, and many reported that they wished to be more informed about their rights because of the need to advocate for their child. Sixty-five (65) percent said that they did not know about the availability of free advocacy services to help them with problems involving educational services, even though school districts are required to maintain listings of such services.

Areas of Disagreement With School Districts.

When asked to identify areas of past or present disagreement with school districts, parents mentioned placement issues most frequently (34 percent), followed by the appropriateness of special education services (31 percent), related services (22 percent), identification of the child's handicapping condition (17 percent) and procedural issues (14 percent). With the exception of disagreements about related services, the data showed that the area of disagreement was influenced significantly by the child's disability category (see Table 2).

1. Placement. Of the four disability categories, parents of a child with multiple handicaps had most often a disagreement about the child's placement (38 percent), followed by parents of a child with a mental disability (34 percent), learning disability (33 percent) and physical/sensory

impairment. Within the "mental disability" category, parents who had a child with mental retardation had the most frequent placement problems (41 percent), while 36 percent of parents with emotional disorders and 21 percent of children with autism had problems in this area.

2. Appropriateness of Special Education Services. Of the sample, parents of children with learning disabilities were most likely to have had disagreements with the district about the appropriateness of the educational services for their child (38 percent). Parents said that their children "fall through the cracks" because they have too general a label and therefore no program that suits their individual needs. As mentioned before, many of these parents complained about the lack of understanding of their child's handicapping condition by teachers or administration and stated that they finally gave up on public schools and placed their child privately at their own expense.

Problems with the appropriateness of special education services were also indicated quite frequently by parents of children with multiple handicaps (31 percent) and children with mental disabilities (27 percent), with parents whose child has a physical/sensory impairment citing the fewest problems (21 percent).

3. Related Services. Disagreements about related services have been experienced relatively equally across the disability categories, with 24 percent of parents of children with multiple handicaps mentioning it, 22 percent of children with physical/sensory impairments, 21 percent of children with learning disabilities and 18 percent of those with mental disabilities.

4. Eligibility or Identification. Problems with their child's eligibility for special education services or his/her classification were most often mentioned by parents whose children were learning disabled (25 percent), followed by those that have a physical/sensory impairment (15 percent), multiple handicaps (14 percent) and mental disabilities (10 percent). Within the mental disability category, however, 32 percent of parents of children with emotional disorders indicated they had problems with eligibility or identification of their child.

Comments by parents of children with learning disabilities underscore their frustration with years of arguing with school districts to have their educationally failing child evaluated so that he/she may receive proper help, while several parents of children with emotional disorders suggest that districts are hesitant to identify their children because of the lack of appropriate programs.

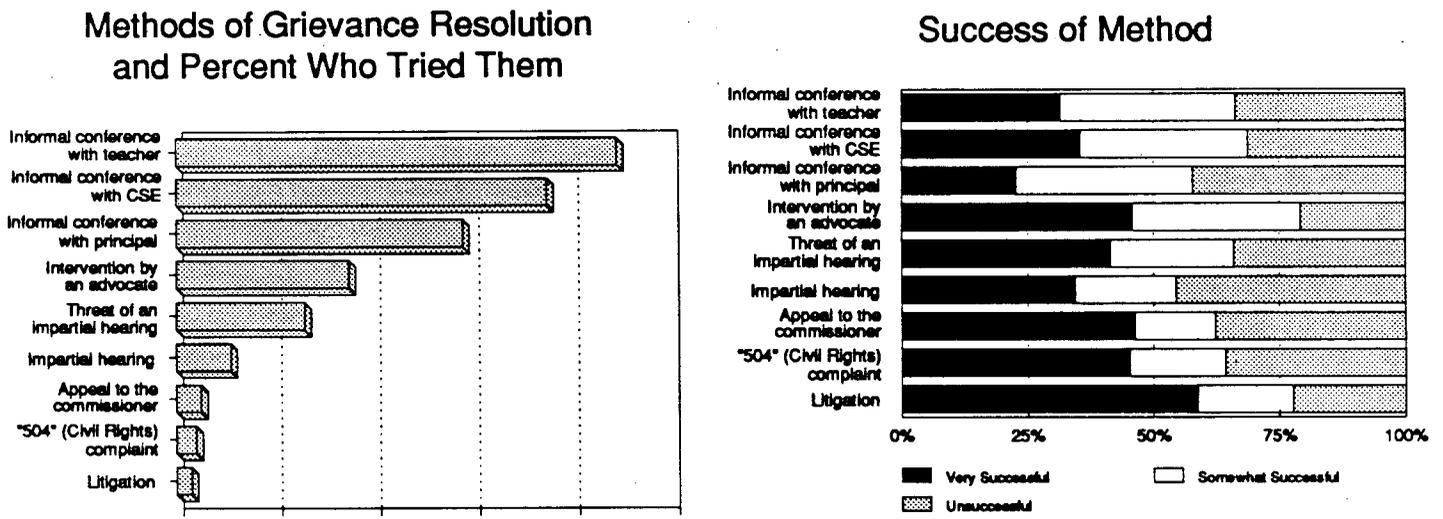
5. Procedural Issues. Procedural issues seem to have caused the most problems for parents of children with learning disabilities (19 percent), compared to parents of children with multiple handicaps (13 percent), physical/sensory impairments (11 percent) and mental disabilities (10 percent). Parents explained that in some instances, a child's placement was changed without notification by the school district, other IEP changes were made without notification or, in some instances, they were given incorrect information about possible reimbursement for independent evaluations.

Methods of Grievance Resolution and Their Success.

Of the parents that reported to have had one or more of the above mentioned types of disagreement with the school district (924), 96 percent attempted to resolve the problem. Some (13 percent) indicated, however, that they did not have enough knowledge about laws, regulations, their rights, etc., while others said they felt intimidated (10 percent), were afraid of repercussions (10 percent) or that there was a lack of advocacy services (9 percent) to help them with their problem.

Most parents tried to resolve their disagreement with the school district through relatively informal procedures, such as conferences with their child's teacher (89 percent), the CSE (75 percent) or the principal (58 percent), while more formal "due process" procedures such as intervention by an advocate (35 percent), threats of impartial hearings (11 percent) or impartial hearings (11 percent), appeal to the Commissioner (5 percent), "504" (Civil Rights) complaints (4 percent), and litigation (3 percent) were used less frequently. The data also showed differences in success rates (as reported by parents) of different types of interventions, with the more formal interventions having higher success rates (see Figure 22). These findings, however, should not be interpreted to imply that the actual relative success of

Figure 22
Methods of Grievance Resolution
and Their Success



informal methods is necessarily lower, as it is likely that parents pursue more formal methods for different types of concerns that are likely more egregious in nature. Additionally, parental perception of success may be influenced by the extent of their efforts to pursue their complaints.

Impartial Hearings.

One of the due process provisions of PL 94-142 mandates that school districts inform parents of their right to an impartial hearing should they have a difference of opinion about educational services with the school district.

Sixty-three (63) percent of the respondents said that they were told of their right to such an impartial hearing. As part of this study, the Commission tried to determine whether the level of success at a hearing was influenced by the representation of the parent by an attorney or an advocate. The data showed that the number of hearings that were successful for the parents increased dramatically with the help of an attorney or an advocate. Responses revealed that representation by an advocate resulted in a very successful hearing 50 percent of the time, whereas hearings with attorney representation were very successful in 33 percent of the hearings. When parents represented themselves, they were very successful in only 25 percent of the cases (see Figure 23). Because of the design of the Commission survey, it

Figure 23
Parents' Success at Impartial Hearings
By Parent Representation

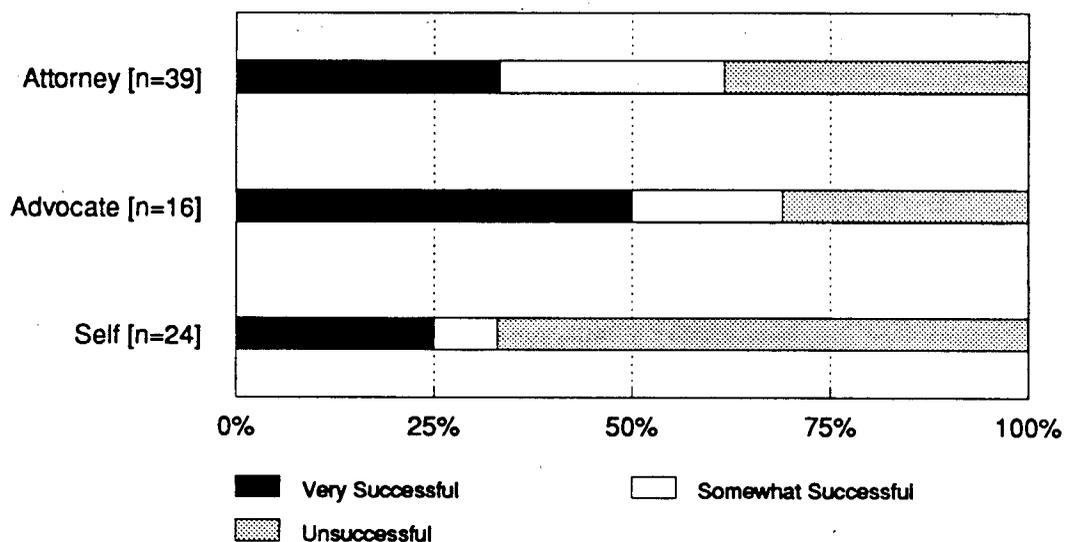
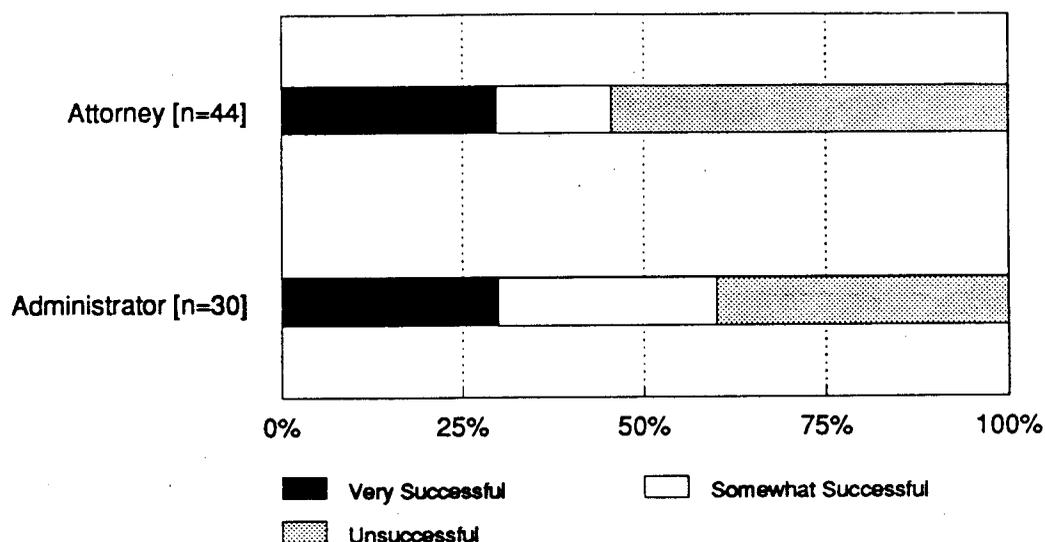


Figure 24
Parents' Success at Impartial Hearings
By School Representation



could not be determined whether the level of success was influenced by the type or complexity of the case or by representation. Furthermore, one should keep in mind that responses to this survey item constitute a relatively small percentage of the sample.

Our data also showed that the presence of an attorney for the school district resulted in a less favorable hearing outcome for the parent (55 percent unsuccessful) (see Figure 24).

Perceived Fairness of Impartial Hearings.

Fifty-three (53) percent of the parents involved with impartial hearings in the past did not think that their hearing was fair. These data do not differ much from those of earlier studies on the perceived fairness of impartial hearings. Goldberg (1985) found that 50 percent of parents studied thought that the hearing had been conducted fairly and 40 percent said that the hearings were totally or substantially unfair, while Romano (1982) reported that 35 percent of his sample disputed the fairness of the hearing officer. One-third of parents studied by Simpson (1984) indicated that the hearing, regardless of the outcome, had not been conducted fairly by the hearing officer, Goldberg (1985), however, found a significant correlation between the perception of procedural fairness and hearing outcome.

When we compared parent responses as to perceived fairness with the level of success at their hearings, we found that parents who had

Age: 8
Classification: Autistic
Placement: Regular class/resource room

"...It is virtually impossible to pay someone and expect he can operate completely impartial from his payment source. How can New York State ever hope to have a fair protective system for its handicapped children - when Hearing Officers are paid by the districts they are also picked by. There will very rarely be - I suspect - any impartial hearings in this state until these officers are not only picked/chosen by another source - but paid from another source as well."

very successful hearings were less likely to say that the hearing was unfair (13 percent), compared to 88 percent of the parents whose hearing was unsuccessful. Interestingly, though, 61 percent of parents whose hearing was "somewhat successful" thought that it was unfair, compared to 28 percent who said it was fair. Lack of impartiality of the hearing officer and the fact that the school district can select the hearing officer were cited most often as reasons for parents' perception of unfairness with the hearing process (65 percent and 60 percent, respectively). (See parent comment at left). Twenty-four (24) percent of the parents said that the hearing was not fair because the school district had an attorney while they had to represent themselves (see parent comment below). (Again, caution is urged in the interpretation of these data since they are based on relatively small percentages.)

Age: 19
Classification: Deaf
Placement: Regular class/resource room

"...frequent ties are being found to exist between hearing officers and school districts, impartial hearings need to be truly impartial with well-educated and represented parents, most of whom do not have the resources for high quality educational lawyers the schools are able to retain, nor the time and knowledge to adequately prepare a case. The system is only working in favor of the districts."

Chapter 3

Conclusions and Recommendations

Conclusions

This survey highlighted many areas where school districts have been successful in their efforts to educate children with handicapping conditions. However, it also signaled areas where New York State can and should do better. Following is a short summary of the key findings.

Parent satisfaction with their child's overall education program.

- Most parents of children with handicapping conditions in New York State are satisfied with their child's overall education program. While some parents comment that they had to advocate for their children in order to get the present satisfactory program, these comments actually suggest that the intent of PL 94-142, which provides for parents' involvement in their child's education program, seems to be realized in many cases.
- Parent satisfaction with the education program for the child seems to be influenced by the type of handicapping condition of the child. New York State's schools appear to be more successful in their efforts to create appropriate education programs for children with physical/sensory impairments than for children with mental disabilities or learning disabilities. A possible explanation might be that education programs are more easily adapted to physical/sensory handicapping conditions, whereas mental or learning disabilities require more specialized and individualized programs in order to be effective.
- Parents of children with learning disabilities, especially, seem to be very frustrated with the lack of success of the present public education programs being offered for their children. Some parents choose private placements that offer more individualized programs to help their children learn.

- Parents of children in rural areas are less satisfied with education programs than those of children in non-rural areas. Even though the Commission's study design did not allow for a quantitative analysis of possible reasons for this difference of satisfied parents, some of the comments made by parents in rural areas suggest that their children are placed into existing programs that are either not suited to the child's educational needs or do not provide the support services necessary for the child to benefit educationally. While the Commission data suggest that more children in rural areas are integrated, there seems to be a need for teacher training and support personnel to make these integrated placements more successful.
- Fewer parents of high school children are satisfied with education programs than those of children in the lower grades. One reason that became apparent from parents' comments was the seeming insufficiency or inappropriateness of vocational education. Some parents appear to be frustrated with the lack of innovative and imaginative vocational education programs being provided for their children, while others state that present vocational education programs are geared mainly towards post-secondary employment in sheltered workshops.

Least Restrictive Environment.

- The majority of children of the parents sampled are being educated in segregated placement. Parent satisfaction with their child's placement is directly correlated to the level of integration. Parents are very clear in their desire to have their child educated in a less restrictive setting, but they are forced, at times, to choose a restrictive setting because of lack of teacher training or support services in regular classroom settings which will ensure that their child is appropriately educated.
- More high school students with handicapping conditions are segregated than their peers in the lower grades, which is probably due to schools' tendencies to track high school students according to their abilities but is especially disheartening since, at this age, children are preparing for adulthood, hopefully in integrated settings.
- Children with mental disabilities are most likely to be segregated, and it seems that for a large percentage of these children even social interaction with non-handicapped children is not provided. Parents of these children are very adamant in stating their dissatisfaction with this lack of interaction.
- Children with handicapping conditions do not enjoy the educational stability and continuity afforded to their non-handicapped

peers. Parents comment about the low priority given by school districts towards ensuring that their children's educational environments are as predictable and of the same quality as those afforded to non-handicapped children.

Related Services.

- One of the most apparent reasons for a child not to receive related services as recommended in his/her IEP is the lack of trained specialists.
- Transportation times for some children with handicapping conditions are said by their parents to be too long (more than one hour daily). Comments suggest that, in some instances, this interferes with the needs of some of these children, such as catheterization, medication, etc. or causes unnecessarily long limitation on movement. Other transportation concerns deal with irregular pick-up or drop-off times and the lack of aides on buses.

Procedural Issues

- The majority of parents attend their child's IEP meetings, however, some parents feel unprepared for or uncomfortable with these meetings.
- Parents do not think that their input towards decision-making is desired and indicate that schools develop their child's IEP without consideration of parents' opinions or wishes.
- Parents report that quite often a child's education program is not truly individualized and that program decisions are made based on administrative constraints or available placement options.
- Some parents pay for their child's private evaluation because they think the school district's evaluation to be inferior. While most parents are informed of their right to an independent evaluation, they often do not know about the possibility that the school district may have to pay for such an evaluation.

Due Process

- Even though most parents receive a handbook about their rights, some don't feel that they are knowledgeable enough and would welcome more information. The majority of parents are unaware of the availability of free advocacy services to assist them with problems regarding their child's education.
- Most parents try to resolve their problems with school districts through relatively informal methods and are quite often successful at these attempts.

- The majority of parents know about their right to an impartial hearing should they have a disagreement with the school district. Success at hearings is more often assured by representation of either an attorney or an advocate. Parents' comments about lack of knowledge about their or their child's rights not only suggest the need for more parent education but also for the need for additional advocacy services.
- The majority of parents think that the impartial hearing process is unfair. Although the perception of fairness appears to be related to the outcome of the hearing, the major reasons cited by parents for the unfairness are the school district's authority to select the hearing officer and the perceived lack of impartiality of the person selected to be the hearing officer.

Recommendations

Least Restrictive Environment

1. In order to ensure that children with handicapping conditions receive an appropriate education in the least restrictive environment as required by law, the Commission recommends that:
 - (a) all Individualized Education Programs (IEPs) include a written justification for the placement of a child with a handicapping condition outside of the regular classroom setting; and
 - (b) all IEPs include documentation on the extent and manner in which children with handicapping conditions will participate with their non-handicapped peers in academic and/or social activities.
 - (c) Special Education Training and Resource Centers (SETRCs) provide periodic training to CSE chairpersons in the proper methods of IEP construction, in general and LRE compliance, specifically.
2. The Commission supports the efforts being undertaken by the State Education Department, which require school districts to develop local space plans to ensure that children with handicapping conditions are educated in their home districts. Consistent with these efforts, the Commission recommends that the State Education Department also ensure that school districts do not displace existing special education programs to less integrated settings in order to accommodate regular education initiatives.
3. The Commission supports the increased utilization by many school districts of consultant teacher services to facilitate and enhance the education of children with handicapping conditions in mainstream environments.

Vocational Education

4. The Commission supports the efforts being undertaken by the State Education Department to improve the coordination of special education, vocational rehabilitation and occupational education programs for students with handicapping conditions in secondary education in order to improve the quality of educational opportunities afforded to these students. Consistent with these efforts, the Commission recommends that school districts provide educational environments in the workplace where high school students can learn in real work environments.

Teacher Education and Training

5. The Commission endorses the *Priority Activities of the Regents and the State Education Department*, designed to ensure the availability of "a corps of teachers who are well educated, skilled in applying their professional skill and knowledge, dedicated to their work, committed to achieving results, eager to assume greater responsibility, and ready to be accountable for the results of their efforts." In order to ensure the application of this policy to the effective education of children with handicapping conditions, the Commission recommends that:
 - (a) the State Education Department amend Sections 80.15 and 80.16 of the rules and regulations of the Commissioner of Education governing teacher certification to require a minimum number of credit hours in special education during college training in order to ensure that teachers are adequately prepared to educate children with handicapping conditions in integrated classroom environments; and
 - (b) the Special Education Training and Resource Centers (SETRCs) of the State Education Department augment their in-service training activities for regular educators. In carrying out these activities, SETRCS should develop special panels of regular educators who have been involved in teaching children in mainstream settings and parents whose children have been educated in such settings in order to demonstrate effective teaching methods and the benefits of mainstreaming children with handicapping conditions.

Related Services

6. To ensure the effective education of children with handicapping conditions, school districts are required by law to ensure the availability of a range of related services. In order to address the problems noted by parents with the provision of related services, the Commission recommends that:

- (a) the State Education Department identify innovative strategies to enhance the availability of related services personnel, including the potential for establishing tuition forgiveness programs through grants for personnel preparation awarded by the U.S. Department of Education and/or utilization of the Health Services Corps program administered by the State Department of Health; and
- (b) the State Education Department undertake a study of the transportation problems faced by children with handicapping conditions. This study should examine such issues as travel time, route schedules and availability of specialized services to attend to the needs of children with handicapping conditions while in transit.

Parental Involvement

- 7. A fundamental principle underlying the education of children with handicapping conditions is active parental involvement in the development of individualized education programs. To secure and promote the effective participation of parents in this process, the Commission recommends that:
 - (a) parents be afforded an opportunity and encouraged to record their comments and/or concerns on their child's Individualized Education Program (IEP);
 - (b) the State Education Department modify its monitoring of school district performance by providing for a sampling of parents to ensure that school districts' procedures and notices are effectively informing parents of their rights, including the right to obtain an independent evaluation at no cost to the parents;
 - (c) the State Education Department continue and expedite its efforts in designing, publishing and distributing their new brochure informing parents of their rights in plain and easy to understand language;
 - (d) the State Education Department require that each school district hold at least two (2) district-wide information/training programs for parents of children with handicapping conditions each school year; and
 - (e) furthermore, the Commission, in cooperation with other advocacy agencies for parents of children with handicapping conditions, should hold periodic regional meetings/conferences for the purpose of informing parents of the availability of educational advocacy services.

Due Process

8. In order to ensure that parents are able to effectively resolve complaints regarding their child's special education, the Commission recommends that:
 - (a) the State Education Department amend Section 200.1(o) of the rules and regulations of the Commissioner to strengthen the standards governing the qualifications of individuals who may be selected to serve as impartial hearing officers. Persons who are employees, officers or agents of neighboring school districts or component districts of the BOCES, or who are former employees, officers or agents of the school district should be prohibited from being selected in order to enhance the impartiality of the hearing process and avoid any perception that the hearing officer may have a personal or professional conflict of interest;
 - (b) the State Education Department expand the availability of mediation services to parents in all school districts in order to provide parents/school districts with the option of using such a non-adversarial procedure for resolving complaints, in addition to the current impartial hearing system; and
 - (c) the State Education Department should ensure that school districts maintain lists of advocacy services and that parents are informed in writing of the availability of such services.

* Glossary

Committee on Special Education: In New York State, the Committee on Special Education (CSE) is responsible for ensuring that each child with a suspected handicapping condition is appropriately assessed, and that for each child with a handicapping condition, an Individualized Education Program (IEP) is prepared, implemented, and reviewed on an annual basis. State law mandates that each board of education, board of trustees or facility director appoint a CSE, consisting of, at least, a school psychologist, a teacher or administrator of Special education, a school physician, and a parent of a child with a handicapping condition residing in the district, provided that such parent is not employed by or under contract with the school district. In addition to the four mandated members, a board may appoint other members, as needed.

Individualized Education Program: According to federal law, an Individualized Education Program (IEP) has to be designed for each child with a handicapping condition. The New York State IEP is written in two phases:

IEP Phase I: Based on its review of evaluation information and direct meetings with the parents of the pupil, the pupil's current teacher, and others involved in the education of the child, the CSE recommends to the Board of Education the special education placement, program and related services deemed necessary for the child to benefit educationally.

IEP Phase II: IEP Phase II planning conferences to develop the IEP shall be conducted at least annually. The planning conference shall result in the following additions to the Individualized Education Program developed during Phase I:

- (a) a statement of short-term objectives consistent with the annual goals for the pupil; and
- (b) appropriate objective criteria/evaluation procedures and schedules for determining, on at least an annual basis, whether the instructional objectives are being achieved.

Impartial Grievance Procedure (Hearing): An impartial hearing is an informal procedure used to resolve disagreement between parents and school districts over the provision of special education. This due process procedure allows an impartial officer to hear both sides of the issues and resolve the dispute.

Least Restrictive Environment: Least Restrictive Environment (LRE) means that placement of an individual pupil with a handicapping condition which:

* The definitions in this glossary have been taken from Part 200 of the Regulations of the Commissioner of Education, the *New York State Plan for Education of Children With Handicapping Conditions (1990-1992)* and the *Guidebook for Committees on Special Education in New York State*.

- (a) provides the special education needed by the pupil;
- (b) provides for education of the pupil to the maximum extent appropriate with other pupils who do not have handicapping conditions; and
- (c) is determined following consideration of the proximity of the placement to the pupil's place of residence.

Private Segregated Facility: An approved private school which conforms with the requirements of Federal and State laws and regulations governing the education of pupils with handicapping conditions, and which has been approved by the commissioner for the purpose of contracting with public schools for the instruction of pupils with handicapping conditions.

Public Segregated Facility: A school for students with handicapping conditions which is either operated by the local school district or in agreement with BOCES.

Regular Class Programs: To the maximum extent appropriate, children with handicapping conditions must be placed in this setting. The child receives whatever services are available to all students. Special education services may be provided by a consultant special education teacher to individual or small groups of pupils with handicapping conditions. Consultant teacher services may also be provided to a teacher of a pupil with a handicapping condition. Additionally, consultation or training may be provided to regular classroom teachers from instructional specialists, administrators, or other members of the school staff as appropriate. The extent of involvement in the regular class must be described in the child's IEP.

Related Services: A pupil with a handicapping condition may receive related services, including speech pathology, audiology, psychological services, physical therapy, occupational therapy, counseling services, medical services for diagnostic purposes, and other appropriate support services as determined by individual need and described in the child's IEP. Services are provided by qualified specialists with frequency also determined by need through the development of the IEP.

Residential Schools: Residential schools provide needed twenty-four hour comprehensive services which are unavailable to a pupil being educated in a special class and living at home. The program may be in a State-operated, State-supported or approved private residential school setting and requires approval or appointment by application to the Commissioner of Education prior to placement.

Resource Room Program: A special education program for a pupil with a handicapping condition registered in either a special class or regular class who is in need of specialized supplementary instruction in an individual or small group setting for a portion of the school day.

Special Class: A class consisting of pupils with the same handicapping conditions or with differing handicapping conditions, who have been grouped together because of similar educational needs for the purpose of being provided a special education program. (For purposes of this report, special class refers to a class of special education students in a regular education environment in either the home or neighboring school district.)

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Appendix A

Survey Instrument

SPECIAL EDUCATION SURVEY FOR PARENTS

8-9/ 1. How old is your child? _____ years [Note: If you have more than one child with a handicapping condition, please fill out this survey for one of your children only]

2. How did the Committee on Special Education (CSE) classify your child's handicapping condition? (If "multiply handicapped," check all handicapping conditions that apply to your child, in addition to "multiply handicapped.")

- 10 _____ don't know 14 _____ multiply handicapped 18 _____ autistic
- 11 _____ learning disabled 15 _____ speech impaired 19 _____ deaf
- 12 _____ mentally retarded 16 _____ emotionally disturbed 20 _____ visually impaired
- 13 _____ hard of hearing 17 _____ orthopedically impaired 21 _____ other health impaired

3. What school does your child attend?

Name _____

22-28/ City/Town _____

School District _____

4. Approximately how many minutes does your child spend traveling to and from his school program each day?
29-31/ _____ minutes

5. Where does your child receive his/her education? (Check all that apply)

- 32 _____ regular class (class in local public school with non-handicapped children)
- 33 _____ resource room (supplementary instruction for at least three hours a week)
- 34 _____ special class in home district's public school (self-contained class of special education students)
- 35 _____ special class in other district's public school
- 36 _____ BOCES Center
- 37 _____ private day school
- 38 _____ hospital
- 39 _____ at home
- 40 _____ does not presently attend *any* educational program
- 41 _____ live-in/residential placement, public or private
- 42 _____ correctional facility
- 43 _____ other (specify) _____

6. If your child ever had a problem attending any educational program, please indicate why.

- 44/ 1 _____ placement not available
- 2 _____ disagreement with school district about placement
- 3 _____ child suspended and tutoring not provided
- 4 _____ other (specify) _____

7. On a scale from 1 (low satisfaction) to 5 (high satisfaction), how satisfied are you with your child's school program? (Circle one only)

- 45/ 1 2 3 4 5
- Very Neutral Very
- Dissatisfied Satisfied

16. Please check (1) the services RECOMMENDED for your child, and (2) the services PRESENTLY NOT PROVIDED to your child.

RECOMMENDED SERVICES		PRESENTLY NOT PROVIDED
8-9/_____	aide	_____
10-11/_____	interpreter	_____
12-13/_____	consultant teacher	_____
14-15/_____	speech therapy	_____
16-17/_____	audiology	_____
18-19/_____	psychological services	_____
20-21/_____	physical therapy	_____
22-23/_____	occupational therapy	_____
24-25/_____	counseling services	_____
26-27/_____	school health services	_____
28-29/_____	school social work	_____
30-31/_____	medical services	_____
32-33/_____	other (specify)_____	

17. If your child does not receive all the services recommended in the Individualized Education Program (IEP), why not?

- 34/ 1 _____ the school district doesn't follow the recommendation by the Committee on Special Education (CSE)
 2 _____ recommended services (specialists) are not available
 3 _____ other (specify) _____

18. If you think that your child's Individualized Education Program (IEP) does not include all the services he/she needs, why? (Check all that apply)

- 35 _____ classification of handicapping condition was not correct
 36 _____ assessment was inadequate
 37 _____ specific services have not been recommended
 38 _____ not enough hours of services
 39 _____ other (specify) _____

19. Approximately how many days after the school district approved your child's most recent Individualized Education Program (IEP) was the program fully implemented?

- 40/ 1 _____ 30 days or less 2 _____ more than 30 days

20. Do you believe your child needs a summer educational program?

- 41/ 1 _____ yes 2 _____ no

21. If you answered "yes" to #20, did your child have a summer educational program in the summer of 1988?

- 42/ 1 _____ yes 2 _____ no

28. If you tried to resolve a problem, please check (1) the method you used to resolve it, and (2) how successful you were with that method. (Check all that apply)

- 8-9/ _____ **informal conference with the teacher**
1[] very successful 2[] somewhat successful 3[] unsuccessful
- 10-11/ _____ **informal conference with the principal**
1[] very successful 2[] somewhat successful 3[] unsuccessful
- 12-13/ _____ **informal conference with the Committee on Special Education (CSE)**
1[] very successful 2[] somewhat successful 3[] unsuccessful
- 14-15/ _____ **intervention by an advocate**
1[] very successful 2[] somewhat successful 3[] unsuccessful
- 16-17/ _____ **threat of an impartial hearing**
1[] very successful 2[] somewhat successful 3[] unsuccessful
- 18-19/ _____ **impartial hearing**
1[] very successful 2[] somewhat successful 3[] unsuccessful
- 20-21/ _____ **appeal to the commissioner**
1[] very successful 2[] somewhat successful 3[] unsuccessful
- 22-23/ _____ **litigation**
1[] very successful 2[] somewhat successful 3[] unsuccessful
- 24-25/ _____ **"504" (Civil Rights) complaint**
1[] very successful 2[] somewhat successful 3[] unsuccessful
- 26-27/ _____ **intervention by other means (please specify)** _____
1[] very successful 2[] somewhat successful 3[] unsuccessful

29. If you did not try to resolve a problem, why not? (Check all that apply)

- 28 _____ you felt intimidated
- 29 _____ you were afraid of repercussions
- 30 _____ you didn't have enough knowledge about laws, regulations, your rights, etc.
- 31 _____ lack of advocacy services
- 32 _____ other (specify) _____

30. Have you been informed by the school district of your right to request an impartial hearing?

- 33/ 1 _____ yes 2 _____ no

31. If you had an impartial hearing who represented you at the hearing?

- 34/ 1 _____ attorney 3 _____ self
 2 _____ advocate 4 _____ other (specify) _____

32. Who represented the school district at the impartial hearing?

- 35/ 1 _____ don't know 3 _____ administrator
 2 _____ attorney 4 _____ other (specify) _____

33. In your opinion, was the impartial hearing fair?

- 36/ 1 _____ yes 2 _____ no

Appendix B

List of Participating Agencies and Numbers of Copies Distributed by Each

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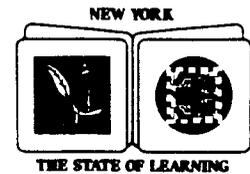
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Appendix C

Response from the New York State Education Department



THE STATE EDUCATION DEPARTMENT / THE UNIVERSITY OF THE STATE OF NEW YORK / ALBANY, N.Y. 12234

ASSISTANT COMMISSIONER FOR EDUCATION OF CHILDREN WITH HANDICAPPING CONDITIONS

April 16, 1990

Mr. Clarence Sundram, Chairperson
Commission on Quality of Care
for the Mentally Disabled
99 Washington Avenue
Suite 1002
Albany, New York 12210

Dear Chairperson Sundram:

Thank you for the recent opportunity to meet with you and your staff to discuss the findings and recommendations of a draft report entitled: "Special Education: Parents' Perspectives". Commissioner Sobol has requested that I communicate the Department's response to the recommendations made in the report. The recommendations included in the report confirm, in part, what we have previously determined through various monitoring, training and technical assistance activities. We have initiated various efforts that parallel the recommendations under the general headings of least restrictive environment, vocational education, teacher education and training, related services and parental involvement.

As we discussed, and as acknowledged in the report, the findings of the study do not reflect a true statewide representation of parents' perspectives. The respondents distribution does not match the distribution of parents' geographically or by the nature of the respective childrens' handicapping conditions. Therefore, the acknowledged limitation mitigates against any statewide generalizations, although we were pleased that parents who responded to the survey generally expressed positive levels of satisfaction.

During our recent meeting, it was noted that a separate analysis of New York City data was not included in the report. This information would be useful in determining the disparity, if any, between the satisfaction of New York City parents and that of parents in the rest of the State.

The following represents this Office's responses to the recommendations included in this report. These responses will address the recommendations in the order in which they were stated in the report.

Least Restrictive Environment

Recommendation: All individualized education programs (IEPs) should include a written justification for the placement of a child with a handicapping condition outside of the regular classroom setting; and all IEPs should include documentation on the extent and manner in which children with handicapping conditions will participate with their nonhandicapped peers in academic and/or social activities.

Response: The training program for Committee on Special Education members conducted by the OECHC will be strengthened to include an emphasis on maximizing students' with handicapping conditions involvement with nonhandicapped peers and on the need to consider regular education support services prior to the provision of special education. This information will reinforce procedures that are currently stipulated in Education Law and in the Part 200 Regulations that require Committees on Special Education (CSEs) to consider regular education support services prior to classification and at all subsequent review meetings. In addition, these requirements also specify that the IEP should include details of the student's regular education participation, if appropriate. This provision will similarly be reemphasized in training and monitoring activities.

This Office will include an article in School Executive's Bulletin and Newsbriefs that reinforces the information specified in this recommendation.

Recommendation: The Commission recommends that the State Education Department ensure that school districts do not displace existing special education programs to less integrated settings in order to accommodate regular education initiatives.

Response: The Division of Program Monitoring will continue to monitor school districts and Boards of Cooperative Educational Services (BOCES) in regard to the provision of space for special education programs. District plans and BOCES five year plans will be the context for monitoring efforts. The Education Department, through this Office and the Office of Educational Finance and Management Services, has been working closely with districts and BOCES to resolve space shortages. This effort will continue in order to eliminate these crisis situations and to develop a strategy to provide a long term systematic solution.

Recommendation: The Commission supports the increased utilization by many school districts of consultant teacher services to facilitate and enhance the education of children with handicapping conditions in mainstream environments.

Response: The OECHC agrees with this recommendation and will continue to support the implementation of this service for eligible students on a statewide basis. Several initiatives are underway to expand the use of this service. Institutes on consultant teacher services will again be offered during the summer of 1990. These Institutes will be designed to provide effective approaches for delivering direct and indirect services to students requiring this service pursuant to their approved Individualized Education Programs.

In addition, a program for regular and special education administrators will be conducted on May 17th - 18th, 1990 to provide these individuals with strategies and approaches for implementing this service at the district and building levels.

Finally, a training program is currently being developed through the collaborative efforts of representatives of Teacher Centers and Special Education Training and Resource Centers (SETRC) on consultant teacher services. This program is being designed in a manner that will enable the program to be conducted by regular educators and special educators. It is anticipated that this program will be available during the fall of 1990 for statewide dissemination.

Vocational Education

Recommendation: The Commission recommends that school districts provide educational environments in the work place where high school students can learn in real work environments.

Response: This Office agrees with the recommendation to improve the coordination of special education, vocational rehabilitation and occupational programs for students with handicapping conditions in order to increase the availability of real work situations. This effort will be addressed through cooperative activities planned by this Office, the Office of General and Occupational Education and the Office of Vocational and Educational Services for Individuals with Disabilities (VESID). It is the intent of VESID to expand supported employment opportunities and other community-based experiences that would afford "real-life" job training opportunities for students with handicapping conditions.

Teacher Education and Training

Recommendation: The Commission recommends that the State Education Department amend sections of the rules and regulations of the Commissioner of Education governing teacher certification to require a minimum number of credit hours in special education during college training in order to ensure that teachers are adequately prepared to educate children with handicapping conditions in integrated classroom environments.

Response: Although OECHC has supported a recommendation for several years which would require specific coursework in special education for all teachers, we have been unsuccessful because so many other disciplines have made similar requests to change requirements included in the teacher preparation programs. Since several other groups have requested that information regarding their program area be infused in teacher preparation programs, the Department has taken the position that it would be impossible to accommodate the various proposals and still maintain a reasonable preservice program.

However, the Board of Regents adopted new requirements for the certification of elementary and secondary school teachers, effective September 1, 1993. Certification will be granted to teachers who have completed an approved program. An approved program will prepare elementary and secondary teachers to create a productive learning environment; monitor and assess learning; address the special developmental and educational needs for students at all levels covered by the certificate; and work effectively with students from minority cultures, students from homes where English is not spoken, students with handicapping conditions, and gifted and talented students. Enclosed is a copy of the new certification requirements for your information.

Recommendation: The Special Education Training and Resource Centers (SETRC) should augment their inservice training activities for regular educators and develop special panels comprised of regular educators and parents in order to demonstrate effective teaching methods.

Response: SETRCs currently conduct training for teachers who are involved in the education of children and youth with handicapping conditions. As of this date, approximately 15,000 regular education teachers have attended 3,400 hours of training provided by SETRC Training Specialists during the 1989-90 school year. Many of these efforts are carried out in conjunction with representatives of the Teacher Centers. The OECHC will continue to support these collaborative efforts and encourage the continued provision of

training and information dissemination to regular education teachers. In addition, we will continue to encourage, when appropriate, that parents whose children have received special education co-conduct training programs with SETRC Training Specialists.

Related Services

Recommendation: The Commission recommends that the Education Department identify innovative strategies to enhance the availability of related services personnel including the potential for establishing tuition forgiveness programs through grants for personnel preparation awarded by the U.S. Department of Education and/or utilization of the Health Services Corps. Program administered by the State Department of Health.

Response: The Office for Education of Children with Handicapping Conditions, in conjunction with the Office of Higher and Continuing Education's Division of Academic Program Review, is making available funds for projects designed to increase the number of provisionally and permanently certified teachers of the blind and partially sighted. This approach will be used as a model, if successful, for addressing personnel shortages in other areas, including related service providers.

The reauthorization of the Education of the Handicapped Act (EHA) calls for financial incentives to Institutions of Higher Education (IHE) for the purpose of increasing participants in special education preservice preparation programs. This Office fully supports the proposed language in a House bill to reauthorize the EHA.

Recommendation: The State Education Department should undertake a study of the transportation problems faced by children with handicapping conditions.

Response: I will meet with Frank O'Connor, Assistant Commissioner for the Office of Education Finance and Management Services, to address issues regarding the transportation of children and youth with handicapping conditions and to determine the feasibility of conducting a study of this topic. Following our discussions, I will apprise you of the results.

Parental Involvement

Recommendation: The Commission recommends that parents be afforded an opportunity and encouraged to record their comments and/or concerns on their child's individualized education program. It is further recommended

that the Education Department modify its monitoring of school district performance by providing for a sampling of parents to ensure that school district procedures and notices are effectively informing parents of their rights including the right to obtain an independent evaluation at no cost to the parents.

Response: Through Department training activities, Committees on Special Education (CSE) will be encouraged to afford parents the opportunity to more fully participate in their child's individualized education program (IEP). The Education Department will continue to monitor school districts to ensure that parents receive the appropriate notices in accordance with their due process rights and have opportunities to submit oral and written information to the Committees. This Office will include an article in School Executive's Bulletin and Newsbriefs that reinforce these rights.

Recommendation: The State Education Department should publish a brochure for parents which briefly and clearly specifies the rights of parents with handicapping conditions.

Response: The OECHC will soon publish a revised version of Your Child's Right to an Education. In an effort to address the needs of parents from lower socio-economic backgrounds, brochures are being developed that will address specific issues pertaining to special education. These brochures will address the issues of referral, the CSE process, the IEP, transition and understanding regular and special education. The publications will be written on approximately a fifth grade reading level. Careful consideration will be taken to introduce concepts in a manner that is comprehensible to this targeted group of parents. It is anticipated that these pamphlets will be available in several languages within the next few months.

Recommendation: The State Education Department should require that each school district hold at least two district-wide information training programs for parents with handicapping conditions each school year.

Response: This Office will continue to encourage SETRCs to offer training for parents of children and youth with handicapping conditions for each school district served by the SETRC. As of this date, 11,000 parents of children with handicapping conditions have attended 2,600 hours of training sponsored by SETRC during the current project year. In addition, the SETRCs of the "Big Five" city school districts have been provided additional funds from OECHC to expand training programs and outreach activities for parents of disabled children who are limited English proficient and those from diverse cultural backgrounds who do not typically take advantage of such opportunities.

Recommendation: The Commission in cooperation with other advocacy agencies for parents of children with handicapping conditions should hold periodic regional meetings and conferences for the purpose of informing parents of the availability of educational advocacy services.

Response: The OECHC encourages the Commission to proceed with these training programs and would be willing to assist the Commission in publicizing the availability of these sessions and in reviewing materials to be disseminated at these regional conferences.

Due Process

Recommendation: The State Education Department should amend Section 200.1 (o) of the rules and regulations of the Commissioner to strengthen the standards governing the qualifications of individuals who may be selected to serve as impartial hearing officers.

Response: The Department is currently reviewing the appropriateness of the current procedures for appointing and training impartial hearing officers. This Office will take into consideration the suggestions of the Commission as we move forward in this process.

Recommendation: The State Education Department should expand the availability of mediation services to parents in all school districts in order to provide parents/school districts with the option of using such a nonadversarial procedure for resolving complaints.

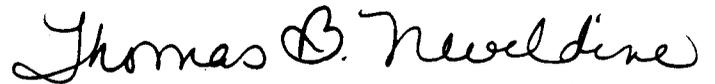
Response: As you are aware, we are currently working with the Commission on the mediation demonstration project. As a result of the findings of the study, we will be making recommendations, if warranted, to amend the current due process system to include the availability of mediation as an additional means for resolving disputes between Boards of Education and parents on a statewide basis.

Recommendation: The State Education Department should ensure that school districts maintain lists of advocacy services and that parents are informed in writing of the availability of such services.

Response: Section 200.5 of the Regulations of the Commissioner requires that school districts include in their notices to parents lists of agencies where free or low cost legal service can be obtained. The OECHC will continue to monitor school districts for compliance with this procedure. An article will be included in School Executive's Bulletin and Newsbriefs to reinforce the need for districts to comply with this requirement.

Again, thank you for sharing the report with us. I look forward to our continued working relationship on behalf of children and youth with handicapping conditions and their parents.

Sincerely,

A handwritten signature in cursive script that reads "Thomas B. Neveline".

Thomas B. Neveline
Assistant Commissioner

TBN:fr

Enclosure

cc: Thomas Sobol
Lionel R. Meno
Marcel Chaine
Bob Melby



Copies of this report are available in large print, braille, or voice tape. Please call the Commission for assistance in obtaining such copies at 518-473-7538.

The Commission on Quality of Care for the Mentally Disabled is an independent agency responsible for oversight in New York State's mental hygiene system. The Commission also investigates complaints and responds to requests concerning patient/resident care and treatment which cannot be resolved with mental hygiene facilities.

The Commission's statewide toll-free number is for calls from patients/residents of mental hygiene facilities and programs, their families, and other concerned advocates.

Toll-free Number:

1-800-624-4143 (Voice/TDD)

