

Comment by Kimberly Eng Lee, Co-Chair of the Palo Alto CAC for Special Education (8/27/19)

RE Dr. Austin's Aug 16th update: "The 2018-19 CDE review is currently being conducted and will likely result...in PAUSD being deemed significantly disproportionate as a result of three consecutive disproportionate years. With this finding, the CDE mandates that the District use 15% of Individuals with Disabilities Education Act (IDEA) funds to develop early intervening services to specifically help support Hispanic and African-American students."

The US Dept of Education's 2016 "Dear Colleagues Letter" discusses the interplay of Civil Rights Law obligations with the requirements of following Federal disability laws. So PAUSD's recent disclosure of disproportionality is not surprising, per se. Educational disproportionality has been a national issue since the 1960s, and was something we were cited on in 2011. The CDE's findings are a lagging indicator, and the district does seem to be taking steps with the 2019 PAUSD Promise and its new Equity Student Success model. We know of new programs at Barron Park for Buena Vista kids, new professional development in RTI and phonemic OG instruction, the proposal for Student Success Coaches. And, if the screener is adequately implemented, we should more accurately identify students for dyslexia (the most prevalent SLD). These are steps in the right direction to address a very big problem. Previously, CAC commented on disproportionately within SLD: where students of color are either over identified, or under identified, or perhaps both! We believe attention is still needed around Tier 2 intervention in secondary schools. For example, co-teaching which has the potential to benefit to all kids, without ethnic bias or Special Education identification.

Certainly we shall allow time for staff to implement and deliver on their Promise. However, more than ever, we need transparency around disproportionality statistics and implications for this year's equity and achievement gap work; we request public disclosure of (1) where we are now, (2) specific steps in a plan, and (3) metrics that show if we're seeing the intended effect. **Our goal should not be changing numbers, but changing students— their experiences, their outcomes.**

Federal Equity in IDEA regulations aimed to help schools address any disparities for students of color in special education were issued in 2016, but delayed until March 2019. CAC welcomes a review of PAUSD's policies, practices and procedures in any year we are identified with significant disproportionality. *"Over-identification, under-identification, and belated evaluation of students of color to determine whether they have disabilities and need special education services violates Title VI [Civil Rights Law] and Section 504 [of the Americans with Disabilities Act]"*

- *"Failure to timely identify, evaluate, and provide a student with a disability with needed special education services or related aids and services adversely affects the student by depriving the student of needed services."*
- *"For students who do not have disabilities and are mistakenly identified ...[when] special education services are inappropriate and may have negative consequences for the educational development of such students, by limiting the student's access to proper instruction."*
- *"Special education and related services are not appropriate for such students who do not have disabilities: [and may delay or complicate] special education and related aids and services to serve students with disabilities who need such education, aids, and services because of their disability. "*

Equal educational opportunities are the hallmark of public education, and by law appropriate identification of students with disabilities is to be non-discriminatory. The district Equity plan used to call out SpEd students explicitly, it seems appropriate to do so again. Moving forward, CAC seeks to understand the findings and root causes, and track the recommended steps and outcomes of students. We also ask that the district revisit its earlier recommendation from the 2018 Special Education Vision Plan to implement a Quality Assurance Program "to assess, improve and maintain High Quality Special Education programs in all our PAUSD schools".