

# Leaving School Empty Handed:

A Report on Graduation and Dropout Rates for Students who Receive  
Special Education Services  
In New York City

Advocates For Children  
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This report would not have been possible without funding from the New York Community Trust.

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## Executive Summary

This report, “Leaving Empty Handed,” examines the graduation outcomes of one of New York City’s most vulnerable student populations: the more than 170,000 children currently classified as having disabilities and in need of special education services in New York City. The report examines federal, New York State and local data from the school years between 1996-1997 and 2003-2004.

The most basic indicator for how well a school system is doing for the children it educates is how many children earn a high school diploma. Without a diploma most paths to economic and continuing academic success are blocked. A student without a diploma cannot go on to higher education or even enroll in the armed services. Most jobs that pay beyond minimum wage are also out of their reach. The New York State Education Department’s policy on student achievement contemplates that the majority of students receiving special education services will be able to graduate with a regular diploma. Yet, our findings on the graduation outcomes of students receiving special education services are appalling; **in most years 88% of the students who receive special education services leave school without a regular high school diploma.** The achievement rate lags dismally behind that of students in other parts of New York State and across the country. The results for students of color and for students with certain disabilities are significantly worse than the group as a whole.

Thus, despite the use of vast resources for the provision of special education services and the recognized goal of graduation, the overwhelming majority of students receiving special education services in New York City will leave high school empty handed, without a diploma or skills to prepare them for success. These students face a bleak future. Advocates for Children hopes that this report will highlight this ongoing crisis so that efforts to improve outcomes for students with disabilities can be redoubled and focused on meeting the goals of graduation, employment and independence.

### Summary of Key Findings

- 1) Only 11.84% of Students who Receive Special Education Services Leave the School System With a Regents or Local Diploma.

Almost 111,078 students who received special education services left school between the 1996-1997 and the 2003-2004 school years. The significant majority did not graduate with a regular diploma.

- Only 512 out of 111,078 of students who received special education services (.004% of exiters) earned Regents diplomas.
- Only 13,160 out of 111,078 of students who received special education services (11.84% of exiters) earned local diplomas.
- The number of students receiving special education services who graduate with a regular (i.e. Regents and/or local) diploma has been increasing in the past few years: the rate rose from 12.84% in 2002-2003 to 15.96% in 2003-2004.

2) Students in New York City who Receive Special Education Services Graduate at Far Lower Rates Than Their Counterparts Statewide and Nationally.

Students receiving special education services in New York City are graduating with regular diplomas at one-half the state-wide rate and approximately one-third of the national rate.

- In the 2002-2003 school year, 31% of students who received special education services earned a regular high school diploma nationally; in New York State, the overall rate was 26%. During that same year, the rate in New York City was just under 13%.

3) There is Significant Racial Disproportion in Graduation Rates for Students Receiving Special Education Services

Historically, Black and Latino students who receive special education services in New York City graduated with regular diplomas at a far lower rate than Asian and White students.

- Overall, White and Asian students who received special education services graduated at a rate of approximately 22% of the students who left school, as compared with about 11% of their Black and Latino peers.
- During the 2003-2004 school year the gap began to close a bit. The graduation rate of Black and Latino students receiving special education services increased by 3%, increasing their graduation rate to over 14%, while the rates of White and Asian students remained constant at 22%.

4) The Number of Children Graduating With a Regular Diploma in New York City Vary by Disability.

Graduation data varies significantly among the students who are classified as having a disability under the federal special education law, the Individuals with Disabilities Education Act (IDEA), which governs the delivery of special education services. Out of children classified as emotionally disturbed, learning disabled, speech impaired, visually impaired and hearing impaired, children classified as emotionally disturbed had the lowest rate of graduation and children classified as having a hearing impairment had the highest rate.

- 96% of children classified as having an “emotional disturbance” leave school without a diploma.
- 83% of children classified as having a “learning disability” leave school without a diploma.
- 89% of children classified as having a “speech impairment” leave school without a diploma.
- 70% of children classified as “hearing impaired” leave school without a diploma.

5) Less Than One Percent of Students who Receive Special Education Service Earned a GED Diploma.

The extremely low numbers of students receiving special education services earning GEDs strongly suggest that current GED program options run by the New York City Department of Education or funded by New York City, and which do not provide special education services, are not appropriate for most students with disabilities.

- Only .76% of students receiving special education services who left school earned a GED in 2003-2004 (97 out of 12,735).
- The percentage of students receiving special education services earning their GED was 1.19% in 1996-1997 (493 out of 14,832 students exiting) and this fell by more than 80% by 2003-2004.

6) Approximately 11% of Students Receiving Special Education Services Leave School with an Individualized Education Program (or IEP) Diploma.

An IEP diploma is a certificate that can be awarded to children receiving special education services as an alternative diploma.

- An IEP diploma is a poor substitute for a regular diploma, as it is not accepted in most cases for access to higher education (such as the CUNY or SUNY systems), is not sufficient to obtain entrance to most vocational training programs, cannot be used to gain entrance to the armed services and is not counted as a regular high school diploma for purposes of employment.
- A child is entitled to remain in school even after s/he earns an IEP diploma because it is not considered a regular diploma under New York State law. However, most IEP diploma earners were discharged from school well before they turned 21, the end of eligibility for education in New York State.

7) Approximately 70% of Students Receiving Special Education Services are Leaving School Without any Type of Diploma or Certificate.

The overwhelming majority, 70% of students receiving special education services not earning a regular high school diploma, GED or IEP diploma appear to have dropped out or were discharged from school.

- Approximately 34% of students that receive special education services leave school labeled as a dropout.
- Students receiving special education services in New York City leave school as drop-outs at three times the rate that students receiving special education services students do nationally and twice the rate that students receiving special education services leave school as drop-outs in the rest of New York State.

- New York City students receiving special education services comprise 61% of all exiters receiving special education services who dropped out statewide even though New York City students account for only 37% of all students receiving special education services in New York state.
- Another 35% of students receiving special education services who leave school are categorized as students who have “moved” and are allegedly “known to be continuing” in some other non-DOE school (including a GED program run by the NYC DOE). This essentially means that these students have also left school without a diploma. This category likely masks a much higher overall dropout rate and has grown by almost 25% in the past six years in New York City. A recent report from the United States Department of Education stated that this “moved, known to be continuing” category should be discontinued as a result of misuse throughout the country.

8) The Number of Students Receiving Special Education Services who Report a Plan of Employment After Leaving School has Dropped Significantly in the Last Few Years.

The data indicates the number of students receiving special education services who reported employment after high school, already an extremely low number, has dropped by almost two thirds in the past few years.

- In the 2000- 2001 school year, 12% of students reported a plan of employment; in the 2002-2003 school year, only 5% reported such a plan of employment; and in the 2003-2004 school year, 3.2% reported a plan of employment.

9) The Outcomes for Students Receiving Special Education Services Vary Significantly Between New York City High Schools.

AFC analyzed individual high school data on graduates receiving special education services for the 2001-2002, 2002-2003 and 2003-2004 school years. This data varied somewhat from the New York State data reported above.

Out of approximately 212 schools that issued report cards in 2001-2002, 36 schools issued no regular diploma to students receiving special education services, 54 schools issued between 0-2 students with disabilities diplomas and 80 schools issued between 3-9 regular diplomas to students receiving special education services. Twenty-four schools issued 10-24 regular diplomas to students receiving special education services and seven schools issued 25-34 regular diplomas to students receiving special education services. For the 2003-2004 school year, approximately 183 schools reported special education graduation data on their school report cards. Thirteen schools issued no student with disabilities a regular diploma, 57 schools issued between 0–2 students with disabilities diplomas and approximately 70 schools issued between 3-9 diplomas to students receiving special education services. Forty-three schools graduated 10-24 students with disabilities and 14 schools graduated between 25-55 students. The characteristics of the schools graduating the most students and the schools graduating the fewest are consistent with the 2001-2002 findings.



- Three out of the seven schools graduating the largest number of students receiving special education services in 2001-2002 were in Staten Island.
  - The following high schools issued the most Regents/Local diplomas to children receiving special education services in 2001-2002: Forest Hills, Herbert H. Lehman, Susan E. Wagner, New Utrecht, Tottenville, Midwood, Port Richmond, Richmond Hill, James Madison, and Dewitt Clinton. For the 2003-2004 school year, Forest Hill, Tottenville and Port Richmond had significant increases in graduates receiving special education services. Richmond Hill and Midwood, however, saw a decrease, dropping from 24 graduates in 2001-2002 to 9 in 2003-2004. For the 2003-2004 school year, Murrow, Hillcrest, Fort Hamilton, Curtis, Francis Lewis and Martin van Buren moved into the category of schools graduating 25 or more students receiving special education services.
  - High schools of comparable size to the high-graduation rate schools (above) that reported comparably much lower graduates receiving special education services during the 2001-2002 school year were: Fort Hamilton, Newtown, William C. Bryant, John Adams, John Bowne, Boys And Girls, Grover Cleveland, John Dewey, Evander Childs, and Hillcrest. For 2003-2004, three of those schools had significant increases: Fort Hamilton (from 10 in 2001-2002 to 41 in 2003-2004); Bryant (from 9 in 2001-2002 to 23 in 2003-2004) and John Dewey (from 10 in 2001-2002 to 22 in 2003-2004); and Evander (from 2 in 2001-2002 to 14 in 2003-2004).
- 10) District 75, the Citywide Special Education District in New York City, Which Serves Over 22,000 Students Receiving Special Education Services in Segregated Classes Each Year, Graduated .002% of Students

District 75 serves more than 15% of the population of students receiving special education services, but it appears largely unaccountable for academic outcomes for the students.

- Out of approximately 22,000 students served in District 75 during the 2003-2004 school year, only 46 students graduated with a regular diploma (Regents or Local diploma). The breakdown for students in schools in each borough was as follows:
  - Manhattan: 3 students earned regular diplomas.
  - Bronx: 0 Students earned regular diplomas.
  - Brooklyn: 12 students earned regular diplomas (from two schools).
  - Queens: 12 students earned regular diplomas (from two schools).
  - Staten Island: 16 students earned regular diplomas (from two schools).
- Out of approximately 22,000 students served in District 75 during the 2003-2004 school year, 549 earned IEP diplomas, almost one third of all IEP diplomas earned in New York City that year. The breakdown for students in schools in each borough was as follows:
  - Manhattan: 51 students earned IEP diplomas.
  - Bronx: 129 students earned IEP diplomas.
  - Brooklyn: 203 students earned IEP diplomas.
  - Queens: 136 students earned IEP diplomas.
  - Staten Island: 30 students earned IEP diplomas.

- Approximately 50% of all students served through district 75 are African American and approximately half are classified as having an emotional disturbance.
- The 2003-2004 school year was the first year in which District 75 school report cards provided any data on whether students with disabilities graduated. The only publicly available outcome data for District 75 available before the current year was a report published in 2001, which stated that only twelve students earned Regents or Local diplomas in District 75 during 2000-2001.

## **Summary of Recommendations**

As set forth above, students with disabilities who receive special education services in New York City are in crisis; the majority seem to be leaving school without a high school diploma or meaningful training or certificate to help them achieve employment, gain access to post-secondary education or vocational training. Below are some common sense steps that should be taken to improve student outcomes that should be considered to stem the tide of vulnerable children who are leaving school empty handed.

#1 The New York City Department of Education Should Develop a Strategic Plan to Address the Extremely Low Graduation Outcomes of New York City's Students with Disabilities.

The graduation outcomes described in this report are abysmal and represent a significant system-wide failure that has existed for years. The NYC DOE should waste no time in developing a plan of action to address the significant disparity in graduation outcomes for New York City's children who receive special education services. We recommend that such a plan include but not be limited to:

- Convening a Panel of Experts to evaluate the reasons for poor outcomes and provide technical assistance and recommendations for improvement;
- Spearheading a Working Group of Stakeholders to focus on the goal of graduation;
- In-depth Research and Data Analysis to determine where the process is breaking down so that solutions can be targeted and where the system works well so that those successes can be replicated and expanded;
- A Study of Best Practices focusing on finding successful models for high school programs that include transition services and vocational education; and
- Creating Measurable Benchmarks for Schools based on graduation and high school completion rates.
- Changing Accountability Mechanisms to better track and account for student outcomes and add transparency to the data to accurately evaluate the school system's performance.

#2 Enhanced Flexibility and Resources Should Be Allocated Toward the Creation of New High School Service Models

In AFC's experience, most high schools do not have the flexibility to develop high-school level programming designed to meet the needs of children with disabilities in their building. In addition to the technical assistance we believe should be provided, schools need additional resources,

flexibility, and procedures to engage in planning to improve delivery of services to students in their building. Service models used in other parts of the state are not permitted in New York City, such as small classes taught by regular education instructors and provision of certified reading teachers who do not have special education teaching certificates. Schools in the city are required to abide by inflexible rules that do not allow creativity or enable principals and teachers to create programs that meet the needs of their students. Principals should be allowed to expand and improve on the standard models required to be used under the City's Continuum.

Moreover, schools must be supported by the Regions and the central administration to admit at least a geographic distribution of students who need special education services (approximately 12%) and be able to receive the resources to appropriately serve them. The current placement process for students does not seem to take these needs into account: a recent in-depth news report on WNYC demonstrated that children with disabilities are more likely to be placed in large low-performing schools, and less likely to gain access to the new smaller schools currently being created. In addition, services must be created to help schools improve access to the curriculum for students with disabilities with very low literacy and math skills who are entering high school. In our experience, literacy and math rates of many students with disabilities who spent time in segregated classrooms in elementary and junior high school are far below grade level, even if they have average or above cognitive abilities. The City's holdover policy is now resulting in children starting 9<sup>th</sup> grade at age 15 and 16, instead of 14. High schools must be given the resources to help these students who have not been provided the services in their former schools.

### #3 Develop a High School Preparatory and Skills-Building Summer Program

While the NYC DOE's efforts are focused in large part on trying to prevent children from reaching high school age without their basic skills, it must be recognized that the system has quite a way to go before large numbers of students with disabilities will reach high school with the ability to manage the work and schools will have the resources to help them access the general curriculum. As a stop-gap measure, we recommend that an intensive summer high school preparatory skills program should be created for 7<sup>th</sup>, 8<sup>th</sup> and 9<sup>th</sup> grade students with disabilities who are reading two or more years below grade level and whose goal should be a regular diploma. This would not be a traditional summer school program designed to achieve results on a test, but a true intensive remediation and preparatory program designed to prepare students to start high school. The goal of the program would be to focus on bringing up reading and math levels of children with disabilities, and teaching them study and organizations skills they will need for high school. The summer program should employ teachers, reading and/or math specialists and even volunteers who are trained in multi-sensory and other research tested instructional methodologies. The program should also offer assistive technology and computer skills, as well as strategies for students to use for study and organization, and other strategies to necessary for high school.

### #4 Development of GED Programs with Special Education Services

The NYC DOE operates GED programs for almost 20,000 students. Additional programs providing GED preparation are also funded by New York City. None of these programs are specifically designed to provide GED preparation to students with disabilities and, as such, do not offer special education services. We believe the failure to offer students with disabilities in GED

programs special education services is a violation of federal law. However, leaving aside the question of whether federal law requires the provisions of special education services, from a policy perspective to the extent there are and will continue to be students with disabilities enrolled in GED preparation programs, programs should be provided with resources and staff to meet the needs of those students and to ensure that before a student with a disability is sent to a GED preparation program, his or her IEP reflects the students' goals and the services to be offered to him or her, including transition services.

#### **#5 Change the Transfer and Discharge Policies for Students with Disabilities**

Currently, the NYC DOE's policies governing transfers and discharges of students with disabilities does not require schools to follow the special education process of re-evaluation, IEP and placement when students with disabilities dropout or transfer to GED programs that do not offer any special education services and for which children are not prepared. The failure to comply with the special education process for the majority of students who exit the school system effectively cuts off students' rights to transition services or vocational education and, in our opinion, violates those students rights under federal and state law. However, leaving aside the question of whether the law requires that a school reconvene an IEP meeting and or re-consider a child's services and program when the child exhibits obvious signs of failure, such as truancy, poor grades and poor behavior, it is certainly "best practice" to re-examine a students' program and placement as soon as it appears that the student is not progressing academically and/or is exhibiting behavior that is interfering with his or her educational progress. Our anecdotal experience has demonstrated that children with disabilities who are struggling academically often develop significant attendance problems and appear to have high rates of truancy. In our experience, truancy is often a sign that a child with a disability is in the wrong program or placement and that his or her needs are not being met at school. Unfortunately, however, the DOE does not appear to view truancy as a sign that a child with a disability is not progressing academically or needs specific behavioral supports that, we believe, are mandated under the IDEA. Thus, part of the policy changes should include targeted truancy prevention for students.

#### **#6 Transition Services and Vocational Education Mandates Must be Followed**

Under federal law (the IDEA and Section 504 of the Rehabilitation Act) all children with disabilities age 16 and over should be receiving transition services. Yet, the NYC DOE takes the position that "Transition Services" are not a "service" that must be provided to a student. It is AFC's understanding that Transition Services are, in fact, services that must be provided to a student and thus disagree with the official position of the DOE. In general, the NYC DOE appears to refer children to VESID, a division of NYSED, as the transition service, or provides itself a set of activities that the student must accomplish on his or her own. Unfortunately, for most children VESID offers virtually no options, due to a lack of funding. This failure to focus on transition services, we believe, has allowed the NYC DOE to ignore the floods of students leaving school. It is not clear to us why the NYC DOE has not undertaken a much more aggressive effort to expand these types of services, given the poor outcomes we have seen from special education students.

Moreover, the IDEA defines "vocational education" as a "special education" service. Yet, there are few vocational education programs for students with disabilities in New York City. The NYC DOE should expand the options for meaningful vocational education and should explore contracting with the many vocational training schools in New York City to provide vocational education directly to eligible students.

## #7 Improvements to District 75 Programs

District 75 schools must be immediately examined to determine why only 46 students have graduated from District 75. This is an appallingly low number and signals that there is a significant failure to deliver appropriate education to children who are served through District 75. Moreover, District 75 Schools – that educate more than 22,000 students with disabilities -- should be required to post the same outcome data (including the historical data for the past three years) that other schools are required to report, including the number of students with disabilities who graduate with regular or IEP diplomas, drop-out or transfer to GED programs.

There is no legitimate reason why District 75 schools have not reported on any outcome figures in the past and are not required to report on student outcomes in the same manner as other school in the community. If the Chancellor is serious about improving outcomes for children with disabilities, there cannot continue to be a veil of secrecy covering the outcomes for students who are educated in District 75. District 75 Schools should be required to post the same outcome data (including the historical data for the past three years) that other schools are required to report, including the number of students with disabilities who graduate with regular or IEP diplomas, drop-out or transfer to GED programs



## A. Introduction

“Leaving Empty Handed,” a report by Advocates for Children of New York (AFC) examines and compares data from the U.S. Department of Education (US DOE), the New York State Education Department (NYSED), and the New York City Department of Education (NYC DOE) on graduation, dropout and other outcomes for children with disabilities in New York City who receive special education services.

Out of the more than 1.1 million students in the New York City public school system, there are approximately 150,000 students aged 5-21 (“school-age”) who are classified as having a disability and in need of special education services.<sup>1</sup> Approximately one-third of all of school-age students classified as in need of special education are between the ages of fourteen (14) and twenty-one (21).<sup>2</sup> This report examines outcome data for students who received special education services in New York City from the 1996-1997 school year to the 2003-2004 school year, the most recent year for which figures were reported.

The Individuals with Disabilities Act (IDEA), the federal law that provides the entitlement to special education services, was enacted, in large part, to address the significant dropout rates of children with disabilities and to prevent their poor performance and historical exclusion from school. The federal law contemplates that children with disabilities will be provided services and supports to access the regular curriculum available to all children and that most children should be able to achieve results commensurate with children without disabilities. The goal of NYSED’s strategic plan is for 80% of students with disabilities who receive special education services to graduate with a regular diploma or high school equivalency diploma.<sup>3</sup>

Yet, despite the use of vast resources for provision of these services and the goal of graduation, the overwhelming majority of students receiving special education services in New York City will leave high school empty handed, without a diploma or skills to prepare them for success.

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<sup>1</sup> Mayors Management Report FY 2004 at p. 29

[http://www.nyc.gov/html/ops/downloads/pdf/2004\\_mmr/0904\\_mmr.pdf](http://www.nyc.gov/html/ops/downloads/pdf/2004_mmr/0904_mmr.pdf). Overall, ages 3-21, there are more than 170,000 children receiving special education services in New York City. *Id.*

<sup>2</sup> See PD-1/4 Report for New York City, at p. 24 (2001-2002 school year).

<sup>3</sup> VESID (Vocational and Educational Services for Individuals with Disabilities) Strategic Plan, *available at* <http://www.vesid.nysed.gov/publications/strategicplan/stratplan04/2004plan.htm>. See also VESID 2003 Pocketbook of Goals and Results for Individuals with Disabilities (indicating that one of NYSED’s prime objectives with regard to special education students is that these students complete their secondary education and receive a high school diploma).

As described below, less than 13% of students who receive special education services graduate with such diplomas in New York City. These outcomes are abysmal and lag dismally behind the graduation rates for students in other parts of New York State and across the country. The results for students of color and for those children with certain disabilities are significantly worse than the group as a whole.

This report begins with background information: an overview of Advocates for Children of New York (AFC), a summary of the United States Department of Education (US DOE), New York State Education Department (NYSED) and New York City Department of Education (NYC DOE) data used for this report, a synopsis of the IDEA, and a description of the diploma and certificate options available to students receiving special education services in New York State. The following section contains our findings, which are the results of a review of the available data and policies. The report concludes with some basic recommendations to begin to significantly improve outcomes based on the findings and AFC's anecdotal experience with providing advocacy and legal services for parents of children with disabilities.

## Advocates for Children of New York: Who We Are

Advocates for Children of New York (AFC) provides a full range of advocacy and legal services directly to parents and students in the New York City school system. For 34 years, AFC has worked in partnership with New York City's most impoverished and vulnerable families to secure quality and equal public education for all children (from birth to age 21). AFC targets children who are at greatest risk for school-based discrimination and/or academic failure due to factors such as disability, poverty, ethnicity, immigration status/limited English proficiency, involvement in the child welfare or juvenile justice systems, homelessness, and domestic violence. AFC is the only organization of its kind in New York City providing a full range of services, from direct legal services, a parent hotline, websites, public education, public policy, and impact litigation and advocacy geared toward improving access to educational services. Each year, AFC provides direct services and advice to approximately 3,000 parents and professionals, trains over 7,000 people, represents hundreds of thousands of students in class action lawsuits and issues a number of policy reports concerning important issues in public education.

## Data Used for this Report

AFC used data from the federal, state and local level to create this report.

**State and Federal Data:** The NYC DOE is required to submit data on outcomes for all students receiving special education services to the NYSED as part of the requirements for receipt of



funding to provide special education services. This outcome data is contained in documents called “PD-data” reports, which is then sent to the US DOE. The US DOE collects similar data from every state and publishes it in annual reports to Congress. AFC obtained copies of the PD data reports for the school years starting with 1996-1997 and ending with 2003-2004 as well as data publicly reported by the US DOE for all states.

The PD and US DOE reports reflect outcome data by categorizing students according to the reason why they left school (or “exited” the special education system). Those reasons include earning a regular diploma, GED or special education certificate, dropping out, leaving the school system to continue education elsewhere or returning to general education (i.e. are declassified and stopped receiving services). The specific categories listed on the NYSED PD reports are: earning a Regents Honor’s, Regents’ or Local Diploma, GED, IEP Diploma or Local Certificate, Reached Maximum Age (21), Died or Dropped Out, “Moved” and are “Known to be Continuing” or “Not known to be Continuing,” and Returned to General Education.

**New York City Data:** AFC also reviewed New York City School report card data for the 2001-2002, 2002-2003 and 2003-2004, generated by each high school in New York City. These report cards contain a range of information about each high school. Only the report cards from the most recent year, 2003-2004, are available on the NYC DOE’s website: [www.nycenet.edu](http://www.nycenet.edu).

**Other Policies and Reports:** In addition to the data described above, AFC also obtained information from publicly available reports and documents published by the NYSED and the NYC DOE.

## Brief Overview of Special Education under the IDEA

This section contains a brief description of the Individuals with Disabilities Education Act (IDEA), the federal law that governs the delivery of special education services to children with disabilities. The overview provides a context for the discussion of the scope of services that children with emotional, learning and other disabilities are entitled to receive from the school system.<sup>4</sup>

The IDEA is a comprehensive law designed to rectify deficiencies in the educational opportunities afforded to students with disabilities, and to “assure that all children with disabilities have available to them . . . a free appropriate public education which emphasizes special education

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<sup>4</sup> In New York, special education service delivery is governed by a complicated web of federal and state laws and regulations, court decisions, settlements and local policies. This section only describes the outlines of special education service delivery contained primarily in the IDEA and is not meant to provide a comprehensive description of rights. We also note that the IDEA was amended in 2004, but this report contains citations to the version of the IDEA, amended in 1997, that is in effect as of the time this report is published.

and related services designed to meet their unique needs, [and] to assure that the rights of children with disabilities and their parents or guardians are protected.”<sup>5</sup> A free appropriate public education (“FAPE”) must be available to “all children residing in the state between the ages of 3 and 21 inclusive, including children who have been suspended or expelled.”<sup>6</sup> States receive substantial federal funds in exchange for their agreement to provide a free appropriate public education (FAPE) to all disabled children in the state, and to comply with the IDEA's procedural and substantive mandates. The IDEA requires school districts to provide FAPE to every eligible student. In New York, that means all children who are eligible between birth through age twenty-one. Even students who are suspended or expelled or incarcerated are entitled to a FAPE.<sup>7</sup>

One of the purposes of the IDEA was to reduce the significant numbers of children with disabilities who dropped out of school or were excluded from school due to a lack of services to meet their individualized needs. The U.S. Supreme Court, in interpreting the Act noted that the original version of the IDEA “was passed in response to Congress' perception that a majority of handicapped children in the United States “were either totally excluded from schools or [were] sitting idly in regular classrooms awaiting the time when they were old enough to 'drop out.'”<sup>8</sup>

### **Eligibility and Services Overview**

In order to be eligible for special education services under the IDEA a child must have one of thirteen disabling conditions defined under the IDEA, and the condition must impact the child’s ability to learn. These conditions include, but are not limited to, classifications of “learning disabled,” “emotionally disturbed,” and “speech and language impaired.”<sup>9</sup>

Eligible students are entitled to a free appropriate public education (FAPE), which includes special education, related services, and supplementary aids and supports provided in the least

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<sup>5</sup> 20 U.S.C. § 1400(d)(1)(A) and (B).

<sup>6</sup> 20 U.S.C. § 1401; IDEA 2004 § 612(A)(1).

<sup>7</sup> 20 U.S.C. § 1412.

<sup>8</sup> Bd. of Educ. v. Rowley, 458 U.S. 176, 179 (1982) (citing H. R. Rep. No. 94-332, p. 2 (1975) (H. R. Rep.)). In Rowley, the Court noted that prior to the adoption of the federal special education statute “many of these children were excluded completely from any form of public education or were left to fend for themselves in classrooms designed for education of their nonhandicapped peers.” Id. at 191. See also School Committee of Burlington v. Department of Education, 471 U.S. 359, 373 (1985) (“impetus for the Act came from two federal-court decisions . . . which arose from the efforts of parents of handicapped children to prevent the exclusion or expulsion of their children from the public schools. Congress was concerned about the apparently widespread practice of relegating handicapped children to private institutions or warehousing them in special classes”); Honig v. DOE, 484 U.S. 305 (1985) (at the time the Act was originally passed “one out of every eight of these children was excluded from the public school system altogether . . . many others were simply ‘warehoused’ in special classes or were neglectfully shepherded through the system until they were old enough to drop out”).

<sup>9</sup> 20 U.S.C. § 1401(3)(A); 34 C.F.R. § 300.7.

restrictive environment (LRE), as well as a compliance with the procedural aspects of the IDEA.<sup>10</sup> LRE generally means educating a child with a disability with his or her non-disabled peers to the maximum extent appropriate, in the school the child would attend if s/he did not have a disability.<sup>11</sup> “Special education” is defined as instruction specifically designed to meet the unique needs of a child with a disability.<sup>12</sup> “Related Services” include services such as transportation to and from school, psychological services, physical and occupational therapy, counseling services, medical services for diagnostic or evaluation purposes, school health services, social work services, speech-language pathology services, and parent training and counseling.<sup>13</sup> Children who have behavioral difficulties should receive a behavioral evaluation (called a “functional behavioral assessment”),<sup>14</sup> and their special education services must include behavioral supports to assist them with behavioral management.<sup>15</sup> Other services and supports that may be required include, but are not limited to, assistive technology and testing accommodations and modifications.

The IDEA contains specific service requirements for students who are of high school age. Students age 16 and over must receive “transition services,”<sup>16</sup> which are a coordinated set of activities for a student with a disability that are “designed within an outcome-oriented process, which promotes movement from school to post-school activities, including post-secondary education, vocational training, integrated employment (including supported employment), continuing and adult education, adult services, independent living, or community participation.”<sup>17</sup> In addition, the IDEA mandates “vocational education” for students for whom this is appropriate, which is supposed to be considered a type of special education service.<sup>18</sup>

### The Special Education Process

“Rather than detailing the precise substantive rights applicable to all affected children, Congress opted for individually tailored programs--programs crafted by parents and educators working together to determine what is appropriate for each child. Congress recognized that such an unconventional approach would require extensive procedural safeguards to protect the educational rights of children with disabling conditions.”<sup>19</sup>

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<sup>10</sup> Rowley, 458 U.S. at 203-04 (1982).

<sup>11</sup> 20 U.S.C. § 1412(a)(5); 34 C.F.R. § 300.550

<sup>12</sup> 20 U.S.C. § 1401(25); 34 C.F.R. § 300.26 (Special Education).

<sup>13</sup> 20 U.S.C. § 1401(22); 34 C.F.R. § 300.24 (Related Services).

<sup>14</sup> 8 NYCRR 200.4(b)(1)(v).

<sup>15</sup> 20 U.S.C. § 1414(d)(3)(B)(i); 34 C.F.R. § 300.346(a)(2)(i).

<sup>16</sup> 20 U.S.C. § 1414(d)(A)(vii)(II); 34 C.F.R. § 300.347(b)].

<sup>17</sup> 20 U.S.C. § 1401(30); 34 C.F.R. 300.29.

<sup>18</sup> 34 C.F.R. 300.26.

<sup>19</sup> Heldman v. Sobol, 962 F.2d 148, 151 (2d Cir. 1991).

The first step in the special education process is for a child whose behavior and/or performance gives rise to a suspicion that the child may have a disability is to refer the child for an evaluation. The law requires that school districts have procedures to ensure that all disabled children who are in need of special education and related services are identified, located, and evaluated.<sup>20</sup> Thus, school personnel have an obligation to refer children, but parents and others may also refer children for an evaluation.<sup>21</sup>

Once a child is evaluated and found to have a disability, an Individualized Education Program (IEP) must be developed for that child, which is a blueprint for the delivery of services. The IEP must be created by a multidisciplinary team.<sup>22</sup> In developing an IEP, the team must consider a number of issues including the strengths and weaknesses of the child, the concerns of the parents for enhancing the education of their child, and the results of the child's most recent evaluations. This team must further consider strategies, including positive behavioral interventions, to address problem behavior.<sup>23</sup> The IEP itself must meet certain legal requirements. The IEP must include a statement of the child's present levels of educational performance, a statement of measurable annual goals, and the special education, related services and supplementary aids and supports to enable the child to advance toward attaining these goals.<sup>24</sup>

Once the IEP is created, on an annual basis, a school district must provide a placement based on the child's IEP.<sup>25</sup> Placement decisions must be made by "a group of persons, including the parents, and other persons knowledgeable about the child, the meaning of the evaluation data, and the placement options."<sup>26</sup> As part of the LRE requirement, placements must also be "as close as possible to the child's home"<sup>27</sup> and should be the school the child "would attend if nondisabled," unless the

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<sup>20</sup> 20 U.S.C. § 1412(a)(3)(A); 34 C.F.R. § 300.125 (Child Find).

<sup>21</sup> 20 U.S.C. § 1414(a)(2); 34 C.F.R. § 300.536. The law also provides that children with disabilities be evaluated pursuant to certain minimum standards, which include the requirements that children must be assessed in all areas related to the suspected disability and that the evaluation must be sufficiently comprehensive to identify all of the child's special education and related services needs.<sup>21</sup> If a parent disagrees with the school district's evaluation, he or she is entitled to obtain a private evaluation that is paid for by the school district. 20 U.S.C. § 1415(b)(1); 34 C.F.R. § 300.502. The law further provides that all special education students must be re-evaluated at least every three year, if not earlier if necessary.

<sup>22</sup> The team includes the child's parent(s), a general education and a special education teacher of the child, a representative of the local school district, an individual who can interpret the instructional implications of evaluation results, and others, depending on the circumstances. 20 U.S.C. § 1414(d)(1)(B); 34 C.F.R. § 300.344.

<sup>23</sup> 20 U.S.C. § 1414(d)(3); 34 C.F.R. § 300.346.

<sup>24</sup> 20 U.S.C. § 1414(d)(1)(A); 34 C.F.R. § 300.347 (Content of IEP).

<sup>25</sup> 20 USC 1412(a)(5); 34 CFR § 300.552.

<sup>26</sup> 20 USC 1412(a)(5); 34 CFR § 300.552.

<sup>27</sup> 20 USC 1412(a)(5); 34 CFR § 300.552.

IEP requires some other placement.<sup>28</sup> In selecting the placement in the LRE, the placement team “should consider . . . any potential harmful effect on the child or on the quality of services that he or she needs.”<sup>29</sup>

In order to ensure that children are receiving their legally mandated educational services and parents have meaningful opportunities to participate in the special education process, the IDEA guarantees children and their parents numerous procedural safeguards. These include but are not limited to: (1) the right to receive notice every time the district proposes to evaluate a child or change a child’s placement; (2) the right to refuse consent to any evaluation the school district wants to conduct; (3) the right to raise complaints concerning the referral, evaluation, IEP, placement, or receipt of free appropriate public education through mediation or an administrative hearing and appeal; (4) the right not to be denied services for more than ten days in any given year; (5) the right to a private evaluation paid for by the district if the parent disagrees with the district’s evaluation; and (6) the right to receive notice of all rights and safeguards.<sup>30</sup> In addition, the IDEA contains a complaint procedure whereby parents can file a letter of complaint with the state educational agency concerning violations of their children’s rights or illegal district policies.<sup>31</sup>

Unfortunately, the federal framework for service delivery contained in the IDEA, while required to be followed by all school districts, is not, in our agency’s experience, being fully implemented in New York City. The law, however, demonstrates that services are, in theory, mandated and that improvements in evaluation, training, and service delivery could generate improved services for the children with disabilities in New York City.

#### Special Education Service Delivery System in New York City

The NYC DOE offers a range of special education placement options and services by way of the “Continuum,”<sup>32</sup> which includes placements in regular schools and classes, special classes within regular schools, and special segregated classes and schools in District 75, private day and residential schools and in home or in hospital education services. According to the Continuum, children can receive special education teacher support services in conjunction with a regular or special class (a special education teacher in a small group or on an individualized basis), team teaching (a special

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<sup>28</sup> 20 USC 1412(a)(5); 34 CFR § 300.552(c).

<sup>29</sup> 34 CFR § 300.552(d).

<sup>30</sup> 20 USC § 1415(b)(3).

<sup>31</sup> 29 U.S.C. § 700 et seq.

<sup>32</sup> New York City Board of Education, “Getting Started”-- Special Education as Part of a Unified Service Delivery System, the implementation plan for the new Continuum, is available at (and was issued on August 24, 2001) <http://www.nycenet.edu/spss/sei/gs.pdf>.

education and general education teacher who teach a class comprised of regular and special education students), and instruction in small classes with ratios of 15:1 or less. Children are supposed to be placed in groups according to their similarity of cognitive, social, behavioral, academic, and management needs. The NYC DOE must offer at least all of the related services and supplementary aids and supports available under the federal statute and any other services, if necessary, to meet a child's individual's disability-related needs.<sup>33</sup>

## Diploma and Certificate Options in New York

In New York State, all students are entitled to stay in school until they turn 21 or earn a regular high school diploma (i.e. a Regents or Local diploma).<sup>34</sup> Thus, students have up to seven years to graduate high school. New York State law, the New York State Board of Regents and the NYSED set the requirements for high school graduation and the award of diplomas. There are several types of high school diplomas and certificates for completion of high school.

### Regents and Local Diplomas

In 1996, New York State law changed to require all public schools to prepare students for the Regents diploma and limited students' ability to earn what is called a "local diploma." The local diploma was formally the diploma most frequently awarded to high school students. A Regents diploma requires a student to have completed 22 units of study (or 44 New York City high school credits) in certain core areas and pass five Regents exams: English, Math, Global History, U.S. History, and Science. Previously, students had the option of earning a local diploma by earning 18.5 units in certain courses or "their equivalent" and taking exams called Regents Competency Tests ("RCTs").<sup>35</sup> Students who entered high school before the 2001-2002 school year are still eligible to earn the local diploma by earning 18.5 units.<sup>36</sup> Students who entered after the 2001-2002 school year may be able to earn a local diploma if they score below a certain level on the Regents' exams, but they must still complete the more extensive and less flexible 22 units course of study.

All students with disabilities still have the option of earning a local diploma by taking the RCT exams if they are not able to pass the Regents exams under a Safety Net policy established by NYSED. The Safety Net applies to students who enter as freshman from 1996-1997 through 2009-

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<sup>33</sup> New York City Board of Education, "Getting Started"-- Special Education as Part of a Unified Service Delivery System, the implementation plan for the new Continuum, is available at (and was issued on August 24, 2001) <http://www.nycenet.edu/spss/sei/ga.pdf>.

<sup>34</sup> See N.Y. Education Law § 3202.

<sup>35</sup> 8 NYCRR 100.5.

<sup>36</sup> 8 NYCRR 100.5.

2010 and is limited to students with disabilities. Students who currently receive special education services are automatically eligible for the Safety Net option. Students who previously received special education or services under Section 504 of the Rehabilitation Act may also be eligible.<sup>37</sup>

#### GED or High School Equivalency Diploma

A student can earn a GED or High School Equivalency diploma by passing a series of tests in English language arts, math, science, and social studies. The GED test is fairly rigorous, particularly since it was revised in 2002 to require each applicant to pass a 7.5 hour battery of tests measuring major academic skills and knowledge in core content areas covered in the four years of high school. While many people hold the mistaken belief that the GED is a good option for a student struggling academically, the GED exam is not designed for students delayed in math or reading. In New York City, GED programs do not generally offer special education services or other special services to young people with disabilities.

#### The Comparative Value of a GED

Research suggests that a high school equivalency diploma does not yield the same benefits to its holder as a high school diploma.<sup>38</sup> A recent study found that GED holders were less likely to be employed and invest in post-high school education and training than graduates with diplomas. Two other studies examined the varied effects of obtaining a GED, as compared with students who simply dropped out of high school; one study found the GED only benefits male dropouts with weak cognitive skills, the other found it only benefits whites but not minority dropouts. A recent review of the research that includes these and other studies supports these conclusions and also finds that the GED option may encourage more students to drop out of school.<sup>39</sup>

#### Individualized Education Program (IEP) Diplomas

Students with disabilities may earn an IEP diploma upon a finding that the student has achieved educational goals based on learning standards set by NYSED that are specified in the [IEP].<sup>40</sup> An IEP is not considered to be a “regular high school diploma” under N.Y. Educ. Law §3202, which means that a student who receives an IEP diploma is still eligible to remain in school until the age of 21 and to work toward obtaining a regular diploma. The law requires that a student

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<sup>37</sup> “Extension of the RCT Safety Net for Students with Disabilities” (October 23, 2003) *available at* <http://www.vesid.nysed.gov/specialed/publications/policy/safetynetext1003.htm>.

<sup>38</sup> G. Orfield, D. Losen, J. Wald, & C. Swanson, *LOSING OUR FUTURE: HOW MINORITY YOUTH ARE BEING LEFT BEHIND BY THE GRADUATION RATE CRISIS* 8 (The Civil Rights Project at Harvard University, 2004).

<sup>39</sup> *Id.*

<sup>40</sup> 8 NYCRR 100.9.

receiving an IEP diploma be informed of his or her right to stay in school.<sup>41</sup> An IEP diploma is not a substitute for a regular diploma, as it is not accepted in most cases for access to higher education, vocational services, or entrance into the armed services.

#### Entrance to Post- Secondary School Blocked

Research for this report found that unlike a Regents or local diploma, an IEP diploma is not recognized as a high school diploma for purposes of admission to either the City (CUNY) or State (SUNY) University systems in New York. The CUNY system requires a student with an IEP to obtain a GED before it will consider him or her for admission. Similarly, SUNY schools require either a Regents or local diploma or a passing score on the Ability to Benefit Test (a test that any non-high school graduate can take which is meant to demonstrate that s/he has the intellectual ability to benefit from a college education).<sup>42</sup> In other words, when it comes to college admissions in New York City, students who obtain IEP diplomas are not necessarily better off than their general education counterparts who dropped out of high school.

#### Entrance to Most Technical and Vocational Programs Blocked

The prospects for students who earn an IEP diploma are similarly bleak in the area of technical and vocational training. Most trade schools, such as those that train in the areas of nursing, cosmetology, plumbing, barbering, accounting, medical assisting, computer technology, funeral services, bookkeeping, networking, bartending, and even dog grooming, will not admit adults with IEP diplomas.<sup>43</sup> Admission requirements for each school are controlled by the New York State Education Department's Bureau of Proprietary School Supervision. Without a passing score on an "Ability to Benefit Test," adults with IEP diplomas are generally denied admission to these programs. Exceptions to this include CDL training (professional truck drivers) and security training schools, which do accept IEP diploma holders.

Although training programs and job placement services should, theoretically, be available through the New York State Education Department's Office of Vocational and Educational Services for Individuals with Disabilities (VESID), most training and vocational programs exist for only the

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<sup>41</sup> 8 NYCRR Part 100.9. A certificate of completion may be awarded to any child who completes his or her goals in the IEP and who has attended school for at least thirteen years. As in the case of an IEP diploma, any child who receives a certificate will remain eligible to stay in school through the end of the year in which they turn twenty-one. See 8 NYCRR Part 100.6

<sup>42</sup> This test was originally designed to be a prerequisite for receiving federal aid for individuals who do not have a high school diploma or are beyond the age of compulsory school attendance in the state where the institution is located. It is SUNY policy to not allow admission without passing the Ability to Benefit Test.

<sup>43</sup> See Workforce New York Eligible Providers Website: (<http://www.workforcenewyork.org/etp/>).



most severely disabled adults.<sup>44</sup> This is due in large part to the criteria by which Medicaid eligibility is determined; only individuals with relatively severe disabilities get such federal funding.

Consequently, there are very few vocational training programs and other similar services available to individuals with learning disabilities and other high-incidence disabilities who exit high school and who otherwise have potential for leading independent, self-sufficient lives.

#### Entrance to the Military Blocked

Exiters who leave the school system without at least a GED will not have the option of entering military service. Thus, students earning IEP diplomas will be blocked from serving in the Armed Forces. According to the Army and Marines, high school diplomas are required except where they have decided that an enlistee is eligible with a GED. The enlistees must also achieve minimum standards on the Armed Services Vocational Aptitude Battery (ASVAB). However, exceptions are made in only a few instances.<sup>45</sup> Last year only 2.1% of Army enlistees (1,500 of 70,383) had earned a GED as opposed to a regular diploma.<sup>46</sup>

### Snapshot of the Students Who Are Leaving NYC Schools Empty Handed

A review of NYSED's PD reports for the school years starting with 1996-1997 and ending with 2003-2004 indicate that each year approximately 12,000-15,000 students with disabilities, ages fourteen (14) through twenty-one (21), "exit" or leave the New York City special education high school system.<sup>47</sup> The "exiting" students' disabilities vary in type and severity. The majority of children are classified for purposes of special education service delivery as having "learning disabilities" (49.4%).<sup>48</sup> The second largest group is classified as "speech impaired" (22.52%), and

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<sup>44</sup> The Mission of the Office of Vocational and Educational Services for Individuals with Disabilities (VESID) is "to promote educational equity and excellence for students with disabilities while ensuring that they receive the rights and protection to which they are entitled; assure appropriate continuity between the child and adult services systems; and provide the highest quality vocational rehabilitation and independent living services to all eligible persons as quickly as those services are required to enable them to work and live independent, self-directed lives." See <http://www.vesid.nysed.gov/do/home.html>.

<sup>45</sup> "Common Military Questions," My Future, Military Opportunities.

[www.myfuture.com/militaryopps/commonquestions\\_all.html](http://www.myfuture.com/militaryopps/commonquestions_all.html),

[www.goarmy.com](http://www.goarmy.com),

[www.marines.com/enlisted\\_marines/faqs.asp?format=flash](http://www.marines.com/enlisted_marines/faqs.asp?format=flash).

<sup>46</sup> Tom Bowan, "Dropout Recruits Raise Army Quality Concerns," Baltimore Sun. March 13, 2005.

[www.detnews.com/2005/nation/0503/13/A01-115683.htm](http://www.detnews.com/2005/nation/0503/13/A01-115683.htm) (3/23/05).

<sup>47</sup> See, e.g., PD-5 report for New York City, 2002-2003. A summary report for the school year 2002-2003 is reproduced in Appendix B.

<sup>48</sup> Appendix A shows a full breakdown by disability classification and race for the most recent school year for which we have data provided by the NYSED.

the third largest are those classified as “emotionally disturbed” (12.63%).<sup>49</sup> In general, approximately one half of the exiters are under the age of 18 (56% of exiters in 2003-2004 were under 18). This is significant because all students with disabilities are entitled to stay in school through the end of the year in which they turn twenty-one (21).<sup>50</sup>

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<sup>49</sup> Id., note 5 supra.

<sup>50</sup> See Appendix A.

## **B. Findings**

### **I. The Majority of Students Receiving Special Education Services Leave School Without a High School Diploma**

#### **I. A. Only 12% of Students Receiving Special Education Services Left the School System with a Regents or Local Diploma**

According to the NYSED PD-data, 111,078 students receiving special education services “exited” the special education school system between the 1996-1997 and the 2003-2004 school years.<sup>51</sup> Out of those students, only 512 (less than half of one percent of exiters) earned Regents diplomas and 13,160 earned local diplomas. The following table shows a summary of the annual data. Twelve percent of disabled students graduated with an IEP diploma, and less than 1% graduated with a GED diploma. However, we note here as a caveat, that the NYCDOE’s school report card data discussed below in Section II reports many fewer graduates, which could reduce the rates reflected here by several points. We are not sure why this discrepancy exists; it may be due to the fact that the PD reports include students receiving special education services who graduated from both public and private schools or it may be due to data error.

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<sup>51</sup> The PD reports indicate that approximately

Table 1: Exiters Receiving Special Education Services Who Earned Regents or Local Diplomas

School Year	Regents Diplomas <sup>52</sup> Awarded	Local Diplomas <sup>53</sup> Awarded	Total Regents & Local Awarded	Total Exiters <sup>54</sup>	Percent of Exiters Receiving Diploma
03-04	82	1951 <sup>55</sup>	2033	12735	15.96%
02-03	82	1723 <sup>56</sup>	1805	14060	12.84 %
01-02	65	1549 <sup>57</sup>	1614	14135	11.42 %
00-01	68	1496	1564	15174	10.31 %
99-00	52	1124	1175	12862	9.14 %
98-99	36	1411	1447	14862	9.74 %
97-98	31	1570	1601	12418	12.89 %
96-97	96	2336	2432	14832	16.39 %
<b>TOTAL</b>	<b>512</b>	<b>13,160</b>	<b>13,671</b>	<b>111,078</b>	<b>12.3%</b>

This data shows that the rate of graduation of exiters was highest in 1996-1997 -- a rate of 16% -- and dropped dramatically, plunging *by almost half* to 9% in the 1999-2000 school year.<sup>58</sup>

#### I.A.i Graduation Numbers Have Been Rising in the Past Two Years

The diploma rate for special education students appears to be rising. Between 2001-2002 and 2003-2004 the graduation rate went from 11.4% to 15.9%, the second highest rates since 1996-1997, the year in which the State changed the graduation requirements. This increased percentage of students graduating with a Regents or local diploma also coincided with a significant decrease in the number of exiters. During the 2003-2004 school year, 1300 fewer students exited, and 228 more diplomas were awarded than in 2002-2003.

<sup>52</sup> The term “Regents Diplomas” here includes both Regents and Regents-honors diploma, as defined by the New York State Commissioner of Education set forth in 8 NYCRR Part 100.5.

<sup>53</sup> The term “Local Diplomas,” as defined by the New York State Commissioner of Education set forth in 8 NYCRR Part 100.5.

<sup>54</sup> This is the total annual number of Exiters listed in the NYSED PD-5 reports.

<sup>55</sup> According to the NYC DOE school report card data for public high schools, 1552 students receiving special education services earned local diplomas..

<sup>56</sup> According to the NYC DOE school report card data for public high schools, 1263 students receiving special education services earned local diplomas.

<sup>57</sup> According to the NYC DOE school report card data for public high schools for the same time period, 1199 students receiving special education services earned local diplomas.

<sup>58</sup> It is not clear why these numbers dropped. One theory could be that schools were not provided enough information about the safety net option for special education students who were not prepared to pass more stringent Regents’ exams that were started to be phased in as of the 1997-1998 school year.

**I.B. New York City’s Special Education Students Graduate At Far Lower Rates Than Their Counterparts Statewide And Nationally.**

As the following table below demonstrates, New York City’s students who receive special education services are graduating with regular diplomas at one-half the state-wide rate and approximately one-third of the national rate.<sup>59</sup>

Table 2: Comparison of Rates of Exiters Receiving Special Education Services who Earned a Regular Diploma in the US, NYS and NYC for the Years 1997--2003<sup>60</sup>

	1997-1998	1998-1999	1999-2000 <sup>6</sup>	2001-2002	2002-2003
US	28.44	29.18	28.90	32	31
NYS	23.15	29.47	23.45	24	26
NYC	12.89	9.80	9.14	11.42	12.84

The national average graduation rate of children receiving special education services between 1997 and 2003 was 32.4%.<sup>62</sup> Although AFC was not able to obtain exiting reports from other major cities, we compared the NYC DOE’s rate with other states and found that New York City’s rate of graduation for students with disabilities was lower than the rate of almost every other state in the country. Alabama, which graduated 11% of its exiters, was the only state that had a special education graduation rate lower than New York City’s rate of 11.84% between 1997 and 2003.<sup>63</sup>

Moreover, as Table 3 demonstrates, despite the fact that students who receive special education services in New York City make up approximately 39% of the total number of students with disabilities provided with special education services in New York State annually,<sup>64</sup> they account for a significantly smaller percentage of graduates.

<sup>59</sup> These rates were measured as the percentage of special education students exiting the system who received diplomas and the “diploma” definition is the one used by the U.S. Department of Education, which excludes both GEDs and IEP diplomas from the definition of “diploma.” See data tables annexed to Annual Reports to Congress on the Implementation of the Individuals with Disabilities Act, which can be found at [www.ed.gov](http://www.ed.gov).

<sup>60</sup> These figures were derived from the Annual Reports to Congress and New York City PD-5s. A further description of the data reports used and the methodology employed for this report can be found in Appendix C.

<sup>61</sup> National and Statewide data for the 2000-2001 school year was not available. For school year 2000-2001, 10.31% of New York City’s special education students received diplomas of some kind.

<sup>62</sup> A table showing graduation rates for all states is reported in Appendix D.

<sup>63</sup> Compare Table 2 with Appendix D. It should also be noted that graduation requirements across all states vary.

<sup>64</sup> This conclusion was derived using the following process. Under the child count reports published by the U.S. DOE (available at [http://www.ideadata.org/tables27th/ar\\_aa3.xls](http://www.ideadata.org/tables27th/ar_aa3.xls)) New York State reported serving 387,077 students with disabilities during the 2002-2003 school year. According to the Mayor’s Management Reports, New York City reported serving approximately 150,000 students with disabilities during that year, which accounts for approximately 39% of all students statewide.

Table 3: NYC Exiters Receiving Special Education Services Who Earned Local and Regents Diplomas as a Percentage of New York State Diploma Earners for the school years between 1996-1997 through 2002-2003.

Year	NYC Total Diplomas	NYS Total Diplomas <sup>65</sup>	NYC Diplomas as a Percent of NYS	NYC Regents Diplomas Awarded	NYS Regents Diplomas Awarded	NYC as a Percent of NYS
02-03	1805	10,571	17%	84	2257	3.7%
01-02	1614	9300	17%	65	1800	3.6%
00-01	1564	9000	17%	68	1300	5.2%
99-00	1175	8700	13.5%	51	1100	4.6%
98-99	1447	8600	16.8%	36	900	4%
97-98	1601	8300	19%	31	800	3%
96-97	2432	7700	31%	96	600	16%

New York City students who receive special education services comprise only 17% of the total children who receive special education services who graduate with local or Regents diplomas in New York State. The contrast between the numbers of students earning Regents diplomas on a statewide basis and in New York City is even more significant. New York City Regents graduates receiving special education services make up only 3% of total Regents' earners with disabilities across the state. In addition, the New York State graduation numbers for children with disabilities have been steadily increasing since 1996-1997, while the New York City's graduates declined between 1996-1997 and 1999-2000, hitting an all-time low of 1175 graduates in that year. Graduates have only been on the rise during the past few years in New York City; up to 2033 in 2003-2004.

### **I.C. Asian and White Students Who Receive Special Education Services are Twice as Likely to Graduate with Diplomas than Their Black and Latino Counterparts**

An examination of the data also demonstrates that Black and Latino students who receive special education services in New York City are graduating with diplomas at a far lower rate than Asian and White students. Because Black and Latino students make up over two-thirds of the New York City school system, they also comprise a majority of students receiving special education

<sup>65</sup> See "School Report Card: An Overview, Students with Disabilities 2001-2002" authored by the New York State Education Department contains data on statewide diploma rates of children with disabilities, available at [www.oms.nysed.gov/press/speced5-04.ppt](http://www.oms.nysed.gov/press/speced5-04.ppt)

services.<sup>66</sup> However, while Black and Latino students make up a majority of students receiving services, they are disproportionately under-represented in the number of students graduating with a Regents or local diploma. For example, during the 2002-2003 school year, White and Asian students receiving special education services graduated at a rate of approximately 22% (when rates are based on percentages of students exiting) as compared to approximately 11% of their Black and Latino peers. The trend for previous years is much the same in that White and Asian students receiving special education services graduate with a diploma about twice as often as do Black and Latino students receiving special education services.<sup>67</sup>

During the 2003-2004 school year, however, the racial gap began to close somewhat. The percentage of White and Asian exiters receiving a Regents or Local diploma remained unchanged. However, more significantly, as a percentage of all exiters, the number of Regents and local diplomas awarded to Black and Latino students grew to 14%. Over 14% of Black exiters received Regents or local diploma, a 3.46% increase over the 2002-2003 year, and close to 15% of Latino exiters received a Regents or local diploma.

#### I.D. Female Students Earn Regents' Diplomas at a Higher Rate than Male Students.

Sixty-six percent of the exiting students were male and 34% were female. Female students were significantly over-represented among students who earned Regents diplomas: 55% of all Regents diploma earners were female. They were also slightly over-represented in terms of students who earned local diplomas (43%). However, many more male students than female students are earning GED diplomas – 87% of GED earners were male.

#### I.E. The Number of Students Graduating with a Regents or Local Diploma Vary by Disability.

The NYSED PD-5 reports also disaggregate the graduate data by the disability classifications of students receiving special education services. Table 4 below shows the breakdown of graduates by disability for select categories for the 2002-2003 school year. Students classified as having certain disabilities graduate at far lower rates than for the group of all special education students. For example, students classified as emotionally disturbed account for 21.34% of exiters, but only 6.43%

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<sup>66</sup> Generally, the racial distribution of the New York City Public Schools is 14.5% White, 32.7% Black, 39.8% Hispanic, and 13% Asian and others. See Annual School Reports, [www.nycenet.edu](http://www.nycenet.edu).

<sup>67</sup> The data used to support these findings can be found in Appendix E.

of exiters classified as such receive diplomas. Approximately 96% of children classified as emotionally disturbed leave the system without a diploma.<sup>68</sup>

Table 4: NYC Graduates Receiving Special Education Services Broken Down by Select Disability Classification for the 2002-2003 School Year.

<b>Disability Category:</b>	<b>Emotionally Disturbed</b>	<b>Learning Disabled</b>	<b>Hard of Hearing</b>	<b>Speech Impaired</b>	<b>Visually Impaired</b>	<b>All Disabilities</b>
<b>Regents Diploma</b>	7	37	8	9	3	82
<b>Local Diploma</b>	109	1432	56	49	10	1723
<b>Total Awarded</b>	116	1469	64	58	13	1805
<b>Total Exiters</b>	3001	8983	209	540	69	14060
<b>% Earning Diplomas</b>	3.87	16.35	30.62	10.74	18.84	12.84

## II. What Is Happening To The Students Who Are Not Earning Regular High School Diplomas?

The data shows that over 80% of students who are “exiting” are not counted as graduating with regular diplomas. We analyzed the remainder of the outcomes and found that the overwhelming majority (almost 70%) are leaving school without a documented diploma (i.e. appear to be dropping out). The rest are earning “IEP Diplomas” (11.7%), GED diplomas (less than 1%) or are being counted as “returning to regular education.” We discuss each of these outcomes below.

### II. A. Less Than One Percent Of Special Education Students Who Exit Earn Their GED Each Year.

The number of students receiving special education services who earn an equivalency diploma or GED is extremely low; less than 1% of exiters receiving special education services earn their GED. As the table below demonstrates, this proportion is shrinking over time; the percentage of GED graduates dropped from 493 in 1996-1997 to a mere 97 in 2003-2004.<sup>69</sup>

Table 5: Students Receiving Special Education Services in New York City Who Have Earned their GED Diplomas<sup>70</sup>

<sup>68</sup> See Appendix F.

<sup>69</sup> The numbers of students with disabilities receiving high school equivalency diplomas is so small that even adding these numbers to the total numbers of diplomas (calculated earlier in this paper) would do little to change the remarkably low percentages of students with disabilities leaving school with a diploma.

<sup>70</sup> New York City PD-5 Reports, dated 1998-2004.



School Year	Number of H.S. Equivalency Diplomas Awarded	Total Exiters from Special Education System	Percentage of Exiters Receiving GED
2003-2004	97	12735	0.76
2002-2003	124	14060	0.88
2001-2002	123	14135	0.87
2000-2001	150	15174	0.99
1999-2000	115	12862	0.89
1998-1999	149	14862	1.00
1997-1998	180	12418	1.45
1996-1997	493	14832	3.32
Total	1320	111,078	1.19

NYSED has reported that “school district data on GED programs has been poorly kept historically and has generally not been reliable.”<sup>71</sup> As a result, there is no publicly available accurate data that tracks the numbers of special education students enrolled in GED preparation programs run by the NYC DOE. The NYC DOE operates a range of GED and pre-GED programs that targets students who are still of compulsory school age (17 and below) and who require full-time instruction, and other students who are over 21 who seek adult education. Some of the NYC DOE programs that provide GED preparation include Alternative Services for High Schools (ASHS), Offsite Educational Services (OES), Adult Education and Career Education Centers.<sup>72</sup>

In fact, the NYC DOE does not provide special education services to children in GED preparation programs and students are transferred to those programs outside of the special education process. This is so, despite federal and state requirements that all children with disabilities are provided a free appropriate public education until the end of the year in which they turn 21 or receive a regular diploma, whichever comes first. In fact, NYSED has made clear that children with disabilities who are moved to GED programs should be placed through the special education process and should still receive special education services.<sup>73</sup>

<sup>71</sup> Memo from James Kadamus to the Regents, “Instructional Programming and Testing for Students in Programs Leading to a High School Equivalency Diploma,” dated June 10, 2004.

<sup>72</sup> These only represent a portion of the GED and pre-GED preparation programs available through the DOE.

<sup>73</sup> See, e.g., Frequently Asked Questions About Transition,” available at <http://www.vesid.nysed.gov/specialed/transition/faqslst.htm#twenty5> (“What is the responsibility of the district for transition when a student drops out or gets a GED? Classified special education students continue to be eligible for special education services, which includes transition services, until the student reaches age 21 or achieves a regular high school diploma, whichever comes first.”). See also SRO Decision No. 03-078 (a student with a disability who receives special education services cannot be transferred to a GED program without going through the special education IEP process).

The extremely low number of GED graduates strongly suggest that current GED program options are not appropriate for most students with disabilities who need special education or others support services. In a report issued in Spring 2003, NYSED raised concerns that there are insufficient services for children with disabilities offered in the NYC DOE's GED programs and that students referred to alternative education GED programs often have "significant learning disabilities and/or mental health issues."<sup>74</sup>

## II. B. Slightly More than 11% of all Exiters Earn IEP Diplomas Each Year.

As indicated above, students receiving special education services may earn an IEP diploma upon finding that the student has achieved educational goals based on learning standards set by NYSED that are specified in the a child's IEP.<sup>75</sup> Because it is not considered to be a Regents or Local diploma, a student who receives an IEP diploma is still eligible to remain in school until the age of 21 and to continue to worknig toward obtaining a regular diploma.<sup>76</sup> The rates of students receiving IEP diplomas have generally hovered between 12-14% since 1997-1998, with a low point in 2000 where only 10% of students received IEP diplomas. The number of students receiving special education services in New York City who have earned IEP diplomas has increased significantly since 1996-1997. During the 1996-1997 year, students in New York City earned 1103 IEP diplomas; in 2002-2003, 1791 students earned IEP diplomas; and in 2003-2004, 1760 earned IEP diplomas.<sup>77</sup>

It is significant that the majority of students who are given IEP diplomas are under the age of 21, which is when their eligibility for a public education ends.<sup>78</sup> By exiting so many students before their eligibility date ends, it appears as if the public education system has given up on these students' ability to earn a local or Regents diploma or receive additional vocational education and transition services. As discussed above, the IEP diploma provides few, if any, opportunities for post-secondary

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<sup>74</sup> New York State of Alternative Education, "State of Practice 2003." In a more recent report, NYSED found that there are approximately 1,616 students with disabilities enrolled in ASHES. <http://www.regents.nysed.gov/2004Meetings/June2004/0604emscvesidd3.htm>.

<sup>75</sup> 8 NYCRR 100.9.

<sup>76</sup> 8 NYCRR Part 100.9. A certificate of completion may be awarded to any child who completes his or her goals in the IEP and who has attended school for at least thirteen years. As in the case of an IEP diploma, any child who receives a certificate will remain eligible to stay in school through the end of the year in which they turn twenty-one. See 8 NYCRR Part 100.6 The law requires that a student receiving an IEP diploma is informed of his or her right to stay in school.

<sup>77</sup> See Appendix G for data on the numbers of IEP diplomas awarded over several academic years.

<sup>78</sup> The award of an IEP diploma does not extinguish a student's entitlement to attend school until the age of 21.

options. The consequences of not receiving a regular high school diploma are serious and far-reaching, limiting the ability to obtain further education or the chance to earn a living. The following chart has information on the number of IEP diplomas earned by children with IEPs, disaggregated by age and disability.

Table 6: IEP Diplomas Earned by Exiting Students in 2002-2003

<b>Disability Category:</b>	<b>16</b>	<b>17</b>	<b>18</b>	<b>19</b>	<b>20</b>	<b>21</b>	<b>Total</b>	<b>Exiters</b>	<b>% of Exiters earning IEP Diploma by Classification</b>
<b>Autism</b>		1		2	50	9	62	114	54%
<b>Emotionally Disturbed</b>	1	18	25	12	23	4	83	3001	2.7%
<b>Learning Disabled</b>	12	223	419	242	130	27	1053	8983	11%
<b>Mental Retardation</b>	0	5	17	18	234	73	347	657	52%
<b>Deafness</b>	0	3	6	0	1	0	10	49	20%
<b>Hearing Impaired</b>	0	5	9	4	4	6	28	209	13%
<b>Speech Impaired</b>	1	17	30	7	12	2	69	540	12%
<b>Visually Impaired</b>	0	0	2	2	18	7	29	69	42%
<b>Orthopedic Impairment</b>	0	2	5	4	1	1	13	62	20%
<b>Other Health Impairment</b>	0	3	5	2	2	1	13	144	9%
<b>Multiple Disabilities</b>	0	3	0	5	55	14	77	192	40%
<b>Deaf Blindness</b>	0	0	0	0	0	0	0	0	
<b>Traumatic Brain Injury</b>	0	1	2	1	1	2	7	40	17%
<b>TOTAL</b>	14	280	520	297	481	137	1729	14060	12%

II. C. The Majority of Special Education Students Leave School without Earning a Diploma.

An overwhelming number of New York City’s students exiting special education students, approximately 65% of students who exit each year, are categorized on the PD data reports as either “drop-outs” or students who have “moved” and are allegedly “known to be continuing.” As we discuss below, there is a strong possibility that the category of “moved, known to be continuing” is used to mask drop-out rates.

II.C.i. Almost 35% of Exiters are Formally Labeled as Drop-Outs.

Each year, approximately 35-37% of all exiters are labeled formally as drop-outs.

Table 7: Dropout Rates of Exiting Special Education Students

School Year	2003-2004	2002-2003	2001-2002	2000-2001	1999-2000	1998-1999	1997-1998	1996-1997	Total
<b>Drop-Outs</b>	3,287	4,741	5,199	5,365	4,866	5,729	4,054	5,162	38,403
<b>Total Exiters</b>	12,735	14,060	14,135	15,174	12,862	14,862	12,418	14,832	111,078
<b>% Drop Out</b>	25%	34%	37%	35%	37%	38%	33%	34%	34%

The percentage of exiting students labeled as drop-outs varies significantly among disability classifications. For example, the rate of exiters who drop-out is 38% for children classified as emotionally disturbed, 35% for children classified as learning disabled, 24%, for students classified as speech impaired, 22% for children classified as deaf, approximately 20% for students classified as orthopedically impaired or mentally retarded and approximately 5% for those classified as other health impaired, visually impaired, hearing impaired or those with traumatic brain injury. The drop-out rate for children classified as autistic and as having multiple disabilities is approximately 10%.

In terms of age, 14% of drop-outs were 16 years old or younger; 32% were 17 years old; 30% were 18 years old; 15% were 19 years old; and, 7% were 20 or 21.

II.C.ii. New York City Drop-Out Rates are Higher than National and Statewide Rates.

The number of New York City students with IEPs that drop out is significantly greater than statewide and national rates. As shown in the table below, New York City’s drop out rate of exiters receiving special education services is almost three times the national rate and twice the statewide rate.

Table 8: Comparison of Drop-Outs of Students with IEP's for the Years 2001-2002 & 2002-2003<sup>79</sup>

	<b>2001-2002</b>	<b>2002-2003</b>
<b>US</b>	13%	13%
<b>NYS</b>	19%	17%
<b>NYC</b>	37%	34%

New York City dropouts comprise an overwhelming percentage of all of the dropouts in New York State. During the 2001-2002 and 2002-2003 school years, New York City's students receiving special education services comprised 61% of all exiters who dropped out statewide, even though New York City students account for only 37% of all students with disabilities receiving special education in New York State.

**II.C.iii. It is Likely the Number of Students Leaving School Without Earning a Diploma is Much Higher than the Number Reflected in the Drop-out Rates**

Since 1996-1997, significant numbers of exiting students (35%-38% of exiters) have been labeled as "Moved, Known to be Continuing" in the PD data reports. This category of students has grown by almost 25% since the end of the 1997 school year.

Table 9: Drop-Outs and Students Moved Known to be Continuing Over Time<sup>80</sup>

<b>School Year</b>	<b>Drop-Outs</b>	<b>Moved Known to be Continuing</b>	<b>Total Exiters</b>	<b>Percent of Exiters in Moved Known to be Continuing Category</b>	<b>Percent of Exiters in Drop-Out Category</b>	<b>Drop-outs &amp; Moved, Known to be Continuing Combined</b>
2003-2004	3287	4625	12,735	36%	25%	62%
2002-2003	4741	4708	14,060	33%	34%	67%
2001-	5199	4847	14,135	34%	37%	71%

<sup>79</sup>These figures were derived from the Annual Reports to Congress and New York City PD-5s. A further description of the data reports used and the methodology employed for this report can be found in Appendix C.

<sup>80</sup>These figures were derived from the New York City PD-5s. A further description of the data reports used and the methodology employed for this report can be found in Appendix B.

2002						
2000-2001	5365	3714	15,174	24%	35%	59%
1999-2000	4866	3686	12,862	29%	37%	66%
1998-1999	5729	4046	14,862	27%	38%	65%
1997-1998	4054	3298	12,418	26%	33%	59%
Total	33,241	28,924	96,246	30.05%	34.54%	65%

There is a strong likelihood that the use of the “moved, known to be continuing” data category has effectively masked the actual number of students who should be counted as “drop-outs” – i.e. students who leave school without earning a diploma. In fact, a recent report from the US DOE shows that this “moved, known to be continuing” category should be discontinued as a result of misuse throughout the country.<sup>81</sup>

According to the NYC DOE, students in the “Moved, known to be continuing” category in the PD data forms are comprised of students with the following exit outcomes: transferred to New York City parochial school, transferred to New York City private school, moved to private home instruction, transferred to Institution (i.e. prison or placement through the office of children and family services), transferred to a school outside of New York City, receiving DOE home instruction, transferred into a college early admission program prior to graduation from high school or transferred to a full-time high school equivalency program outside the New York City public school system (includes GED programs in Job Corps, Business Schools and Community Colleges).<sup>82</sup> Under the state rules, however, school districts can count students in this category with extremely minimal documentation that children are actually continuing in another program and they need not be continuing in a program that provides any special education services.<sup>83</sup> In addition, it is not clear that, if pressed, the schools would have valid documentation to show that the students were actually “continuing” their education. The most troubling aspect of the “moved, known to be continuing group”, is that it does not appear that the school system is ever required to try and account for what

<sup>81</sup> Audits of four states by the U.S. Department of Education's Office of the Inspector General show that the "moved, known to be continuing" category is improperly used by many school districts to reduce the number of disabled students counted as drop-outs. “9.3% Drop in Graduation Rates for Disabled Kids,” by Dee Alpert, Esq., Wrightslaw.com.

<sup>82</sup> Declaration of Quin Wethauer dated March 19, 2004 submitted in the case of EB v. New York City Department of Education. Docket no. 02 Civ. 5118, Pending in the E.D.N.Y.

<sup>83</sup> See PD-5 data form at p. 2, available at <http://www.vesid.nysed.gov/sedcar/forms/pdfforms/0405/04word/PD504form.doc>.

happened to those students after they left the school system. Once a student is marked as “moved, known to be continuing” they never need to be marked as a “drop-out” even with no proof that any of those students ever earned a diploma.

Despite the lack of hard data or a breakdown of the number of students in each subcategory (enrolled in equivalency program, etc.), a cursory analysis of the “moved, known to be continuing” category suggests that particular classifications may be hiding at least some additional children who should be counted as leavers who did not earn diplomas (i.e. dropouts).

First, the majority of students who transfer to a GED or GED-type program should, instead, be labeled as drop-outs, given that data shows that few, if any, students receiving special education services earn their GED diploma. Yet, starting in 2000-2001, New York City stopped reporting special education students who transfer to GED programs as “drop-outs” even if they never complete those programs or pass the GED.<sup>84</sup> This essentially means that the NYC DOE was able to mask the true number of students who drop out by counting those who moved to GED programs as having transferred out of the system, even though they never earn a GED.

Second, given the low number of graduates in the pool of children receiving special education services, it is highly unlikely that a majority of the children in this category are being transferred to college as early admits. There is no way to know how many children transfer to parochial schools or are home-schooled, but it is unlikely to be a large number. The category (moved to non-DOE institutions) probably accounts for a fair number of children that are placed in correctional settings. However, it is not clear why these students should not be counted as “drop-outs,” at least to the extent they are students who leave the system without actually earning a diploma.

Moreover, according to historical documents of the NYC DOE, approximately 13% of all “discharges” in New York City (including those students who are discharged because they graduate) leave school because they move outside of New York City or to another state.<sup>85</sup> Using that figure as a benchmark, 13% of all students receiving special education services who exited in the 2003-2004 school year would amount to 1655, leaving 2969 of the 4625 students marked as “moved, known to be continuing” still in New York City. Thus, students who legitimately move outside of New York City likely account for only a small percentage of the students in this category.

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<sup>84</sup> New York State Education Department, Office of Vocational and Educational Services for Individuals with Disabilities, Annual Performance Report 2002-2003. It is not clear whether that policy and practice is still in effect.

<sup>85</sup> See, e.g. “Accountability Section Report, The Annual Dropout Report 1987-88,” Office of Research, Evaluation and Assessment, New York City Board of Education, at p. 15.

Finally, it is curious that there are no students classified as “Moved, Not Known to be Continuing.” The total failure to have even one student who has moved but is not known to be continuing strongly suggests that there is an error in the manner in which this data is being reported by the schools.

#### II.C.iv. The Exit Data May Underestimate the Numbers of Children with Disabilities who Leave Traditional High Schools to go to GED Programs.

As indicated above, very few children receiving special education services earn GED diplomas. However, it does not appear that the PD reports take into account all of the students receiving special education services who leave traditional high schools to enter GED programs run by the NYC DOE. NYSED data shows that there were at least 1616 students receiving special education services in one type of GED program in New York City.<sup>86</sup> We believe that the numbers of students with disabilities who are in GED programs run by New York City is much greater than is represented by these publicly available documents. Given that in 2001 the NYC DOE decided to stop reporting children who move to GED programs as drop-outs, it would appear that there may be more drop-outs than reported on the PD data reports.

#### II.C.v. Each Year the PD-Reports Claim 1000 Students Who Leave the Special Education System Because They are Declassified

“Declassification” is supposed to occur when a child’s special education services or eligibility are officially terminated by the DOE because it is determined that the child no longer needs special education services. The PD data reports generated by NYC DOE for NYSED include children who are “declassified.” It appears that the declassified students are considered students to have “exited” special education. We do not know whether these students are still enrolled in school in New York City or what type of program they may be receiving.

Generally, New York City has had a low rate of declassification of students, compared to national rates. While, in theory, declassification of students with disabilities is supposed to be a meaningful indicator of progress, in reality, it is not clear that the manner in which high school age students are “declassified” in New York City represents an indicator of success. There is no publicly available data or studies that track what happens to children who are declassified and there is a strong possibility that some of the students who are being declassified are not actually staying in regular

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<sup>86</sup> NYSED found that there are approximately 1,616 students with disabilities enrolled in ASHES. <http://www.regents.nysed.gov/2004Meetings/June2004/0604emscvesidd3.htm>.



schools and graduating. In AFC’s experience, large numbers of high-school age students end up “declassified” simply because they have been transferred to a school that does not have the services required on their IEP and/or they have developed patterns of truancy and end up being dropped from services. Interestingly, the rate of youth who exit because they are declassified is approximately 7.8%, but in 2003-2004 the rate dropped significantly down to 5.8% of exiters.<sup>87</sup>

#### II.D. The Number of Students Receiving Special Education Services who Report that they Plan to Transition into Employment has Dropped Significantly

In 1997 the IDEA’s requirement to provide “Transition Services” to students with disabilities age 16 and over was strengthened. “Transition services” means a coordinated set of activities for a student with a disability that – “is designed within an outcome-oriented process, which promotes movement from school to post-school activities, including post-secondary education, vocational training, integrated employment (including supported employment), continuing and adult education, adult services, independent living, or community participation.” Despite this requirement, the number of students exiting who report post-secondary employment has dropped considerably. The data shows that the number of students who reported employment after high school, which was already low, dropped by almost two-thirds in the past few years. This is extremely troubling for the future economic prospects of these young people.

Table 10: Exiters Reporting Post-Secondary Outcomes<sup>88</sup>

School Year	Exiters who Report a Plan of Employment	Total Exiters	Percent of Exiters Who Report a Plan of Employment
03-04	419	12,735	3.2%
02-03	727	14060	5%
01-02	1372	14135	9.7%
00-01	1878	15174	12
99-00	Not available	12862	N/A
98-99	1745	14862	11.7 %

<sup>87</sup> See Appendix B.

<sup>88</sup> These figures were derived from the New York City PD-5s. A further description of the data reports used and the methodology employed for this report can be found in Appendix B.

### III. Special Education Outcomes Reported by the NYC Department of Education

#### III.A. School Report Card Data

The DOE publicly issues School Report Cards that contains graduation data on a school-by-school basis. For this report, we have school report card data from 2001-2002, 2002-2003 and 2003-2004. Unfortunately, the report card data was not available in a format that would allow a detailed citywide analysis and was difficult to use, as the formatting and data reporting measures varied throughout those three schools years. However, using the 2001-2002 report card data as a starting point, some preliminary findings were available.<sup>89</sup>

According to the New York City School report cards for all regular schools (District 75 will be discussed in Section III.B), the following numbers of students receiving special education services earned regular and IEP diplomas:

**Table 11: Graduates Receiving Special Education Services According to the New York City School Report Cards for 2001-2002, 2002-2003 and 2003-2004<sup>90</sup>**

	<b>Total Regents and Local Diplomas</b>	<b>Regents</b>	<b>IEP Diplomas</b>	<b>Total Completers</b>
2001-2002	1199	68	1267	2466
2002-2003	1263	73	1364	2627
2003-2004	1552	75	1513	3065

AFC started with the report card data for individual high schools from 2001-2002 as a benchmark and reviewed the data as of 2003-2004. According to the school report card data, out of approximately 212 high schools for which there were report cards issued during the 2001-2002 school year, 36 schools issued no student with disabilities a regular diploma, 54 schools issued between 0–2 students with disabilities a diploma and approximately 80 schools issued between 3-9.

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<sup>89</sup> We encountered other problems with the school report card data that interfered with the analysis. It was difficult to try to obtain a comparison between the PD data reports and the data being reported directly by New York City and impossible to compare school report cards from various years, because the manner in which information was reported changed significantly.

<sup>90</sup> As we indicated in Section I, the numbers of children with disabilities graduating from the New York City's public schools for the 2001-2002 school year reflected on the school report card data is significantly less than those figures reported on the NYSED PD reports. We cannot explain the difference in the numbers.

Twenty-four schools graduated 10-24 students with disabilities and 7 schools graduated between 25-34 students. Three of the seven high schools that graduated the largest number of students with disabilities in 2001-2002 were located in Staten Island. In addition, the qualities shared by the seven schools were that most had general education graduation rates much higher than the city average of about 60%, and many have student bodies composed of a white student population over 35%, whereas the city average is 14%. Each school was also located in districts where the median average income exceeds the county median from 4-42% and minority populations are far below county averages. These districts (which include Tottenville, Midwood, and Forest Hills) are commonly described as suburban enclaves in the city.

For the 2003-2004 school year, approximately 183 schools reported special education graduation data on their school report cards. Thirteen schools issued no student with disabilities a regular diploma, 57 schools issued between 0-2 students with disabilities diplomas and approximately 70 schools issued between 3-9 diplomas to students receiving special education services. Forty-three schools graduated 10-24 students with disabilities and 14 schools graduated between 25-55 students. The characteristics of the schools graduating the most students and the schools graduating the fewest are consistent with the 2001-2002 findings.

Forest Hills High School, Tottenville High School and Port Richmond had significant increases in graduates with IEPs between 2001-2002 and 2003-2004, with Tottenville almost doubling their number of graduates with IEPs. Richmond Hill High School and Midwood, however, saw a decrease in the numbers of graduates with IEPs. Murrow, Hillcrest, Fort Hamilton, Curtis, Francis Lewis and Martin Van Buren all saw increases in numbers of graduates for 2003-2004, bringing them into the category of schools with more than 24 graduates. Richmond Hill and Midwood fell off the list of top performing schools. There was no accurate way to obtain graduation rates as a percentage of the student register, since no data for students receiving special education services broken down by age or grade was available. Without this data, it is difficult to even speculate about the cause of the increases or decreases reported here.

Table 11: NYC High Schools Graduating the Highest Number of Children with IEPs in 2001-2002 and a Comparison of Numbers of Graduates in the following years 2002-2003, 2003-2004<sup>91</sup>

<b>High School</b>	<b>2001-2002 Total Student Register</b>	<b>2001-2002 % Student Receiving Special Ed</b>	<b>Spec. Ed. Graduates 2001-2002</b>	<b>Spec. Ed. Graduates 2002-2003</b>	<b>Spec. Ed. Graduates 2003-2004</b>
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<sup>91</sup>These figures were derived from the New York City School Report Cards.

<b>Forest Hills</b>	3186	8.88%	34	43	49
<b>Herbert H. Lehman</b>	3515	13.00%	33	44	36
<b>Susan E. Wagner</b>	2631	14.67%	32	29	32
<b>New Utrecht</b>	2728	12.46%	30	25	26
<b>Tottenville</b>	3973	10.04%	29	26	55
<b>Midwood</b>	3612	6.56%	27	25	21
<b>Port Richmond</b>	2489	14.34%	25	33	33
<b>Richmond Hill</b>	3060	11.60%	24	9	7
<b>James Madison</b>	3861	8.39%	24	12	24
<b>Dewitt Clinton</b>	3880	12.37%	24	35	25

We also looked at the ten schools that graduated the fewest number of students receiving special education services in 2001-2002 that were in the same size range (in terms of numbers of students) as the top graduating schools and similar percentages of students receiving special education services as compared to the total student body. Out of those schools, there was a significant increase in the numbers of students receiving special education services between 2001-2002 and 2003-2004 in a number of the schools including Fort Hamilton High School (from 10 in 2001-2002 to 41 in 2003-2004), William C. Bryant (from 9 in 2001-2002 to 23 in 2003-2004) and John Dewey (from 10 in 2001-2002 up to 22 in 2003-2004) and Evander Childs (from 2 in 2001-2002 to 14 in 2003-2004). However, except for Fort Hamilton, these schools are still far below the numbers of graduates of the top high schools.

Table 12: NYC High Schools of Comparable Size and Rates of Students Receiving Special Education Services Graduating the Lowest Number of Children with IEPs in 2001-2002 and a Comparison of Numbers of Graduates in the following years 2002-2003, 2003-2004<sup>92</sup>

<b>High School</b>	<b>2001-2002 Total Student Register</b>	<b>2001-2002 % Student receiving Special Ed</b>	<b>Spec. Ed. Graduates 2001-2002</b>	<b>Spec. Ed. Graduates 2002-2003</b>	<b>Spec. Ed. Graduates 2003-2004</b>
<b>Fort Hamilton</b>	4394	9.19%	10	22	41
<b>Newtown</b>	4259	7.51%	11	10	13
<b>William C. Bryant</b>	3877	9.67%	9	6	23
<b>John Adams</b>	3662	9.37%	10	10	12
<b>John Bowne</b>	3542	7.88%	9	5	9
<b>Boys And Girls</b>	3273	10.14%	4	2	6
<b>Grover Cleveland</b>	3157	10.45%	8	12	8
<b>John Dewey</b>	3087	9.10%	10	15	22
<b>Evander Childs</b>	3058	15.70%	2	7	14
<b>Hillcrest</b>	3007	8.61%	10	9	13

<sup>92</sup>These figures were derived from the New York City School Report Cards.

Examination of the data shows further that the schools graduating the fewest special education students and who have a similar number of students on their register as those graduating more special education students exhibit the following similarities, (1) large African American and Latino/a student populations; and (2) lower general education graduation rates.

Finally, we examined the schools that had the highest percentage of students receiving special education services during the 2001-2002 school year. This group of schools had fairly low numbers of students graduating overall, particularly given the percentage of students who received special education services. Since 2001-2002, a few schools showed a significant improvement in graduation figures: Walton (from 8 in 2001-2002 to 19 in 2003-2004); Queens Vocational Tech (from 8 in 2001-2002 to 18 in 2003-2004); and Morris (from 7 in 2001-2002 to 17 in 2003-2004);

**Table 13: Numbers of Graduates with IEPs from NYC High Schools of at least 500 students with the Largest % of Students Receiving Special Education Services in 2001-2002 and a Comparison of Numbers of Graduates in the following years 2002-2003, 2003-2004<sup>93</sup>**

High School	2001-2002 Total Student Register	2001-2002 % Student receiving Special Ed	Spec. Ed. Graduates 2001-2002	Spec. Ed. Graduates 2002-2003	Spec. Ed. Graduates 2003-2004
Ralph Mckee Vocational	677	29.54%	6	7	7
Brooklyn Studio Secondary	523	24.67%	5	11	7
Automotive	770	22.47%	3	5	0
Morris H/S Campus	1604	21.70%	7	8	17
Samuel Gompers	1340	20.60%	5	13	5
William H. Maxwell	1370	20.15%	3	0	4
Compr. Model School Proj (Cmsp)	318	20.13%	2	3	2
Bushwick H/S	1681	20.05%	10	8	6
Harry Van Arsdale	1391	19.12%	5	10	6
Grace H. Dodge	1364	17.89%	8	12	14
Far Rockaway	1373	17.84%	3	8	7
South Bronx	992	17.74%	9	N/A	N/A
Progress	601	17.64%	5	6	6
William E. Grady	1554	17.63%	8	9	13
Alfred E. Smith	1319	17.51%	2	2	10

<sup>93</sup>These figures were derived from the New York City School Report Cards.

<b>Queens Vocational Techn.</b>	1132	17.14%	10	8	18
<b>Walton</b>	2920	16.92%	8	8	19
<b>Seward Park</b>	1905	16.43%	3	1	7
<b>Thomas Jefferson</b>	1606	16.06%	2	3	3

Although not conclusive, it certainly appears that schools with student populations comprised of more than fifteen percent of students receiving special education services do not seem to have successful graduation outcomes for the majority of their student populations.

### III.B. School Report Card Data for District 75

District 75 is a citywide special education district and it serves an estimated 20,000–22,000 students each year.<sup>94</sup> Under the NYC DOE policies, District 75’s programs and schools, which are generally segregated school buildings and classes where children with disabilities have no opportunity to interact or receive education with their non-disabled peers (unless they are part of the small number of students in this district's inclusion program). District 75 is supposed to be for those students whose disabilities are so severe that they cannot be accommodated in a regular school building. District 75’s website says the district “consists of 56 school organizations, home and hospital instruction, and vision and hearing services” and are “located at more than 300 school sites located in the Bronx, Brooklyn, Manhattan, Queens, and Staten Island, as well as Syosset and Nanuet.”<sup>95</sup>

District 75 programs are basically split into two very different program categories. Approximately half (if not more) of the students in District 75 programs are classified as “emotionally disturbed” and are placed in those settings due to their behavior. The other half are children who have been classified as having a disorder on the autism spectrum, are mentally retarded, or have multiple disabilities. Despite the fact that African American students only account for 38% of the public school population, almost half of the children sent to District 75 schools in 2003-2004 are African American. In fact, despite the fact that the NYC DOE rolled out the new “Continuum” for special education services in 2001 with the goal of ensuring more students are educated in the least restrictive environment, the number of children in District 75 rose by approximately 3000 students during that same time period.

#### III.B.i. Graduation Data for the 2003-2004 School Year for

<sup>94</sup> See [www.nycenet.edu](http://www.nycenet.edu) for register data.

<sup>95</sup> <http://schools.nycenet.edu/d75/home/district/default.htm#demographics>.

## District 75.

Despite the fact that District 75 serves more than 15% of the special education student population until the 2003-2004 school year, District 75 school report cards did not report any information on student graduation rates or dropout rates. Although District 75 school report cards for the 2003-2004 school year were recently released with graduation data for the first time, no information on dropout, or discharges or GED diplomas is available for District 75.

Out of approximately 22,004 students provided special education services through District 75 during the 2003-2004 school year, only 46 students graduated with a regular diploma (Regents or Local diploma). The breakdown of graduates by schools in each borough is as follows:

- Manhattan: 3 students earned regular diplomas
- Bronx: 0 Students earned regular diplomas
- Brooklyn: 12 students earned regular diplomas (from two schools)
- Queens: 12 students earned regular diplomas (from two schools)
- Staten Island: 16 students earned regular diplomas (from two schools)

Three schools were responsible for the majority of the graduates: Lillian Rashkis in Brooklyn had 8 graduates, P.S. 993 in Queens had 7 graduates and PS 25 in Staten Island had 16 graduates. All three schools have inclusion programs with regular high schools, which means students in need of special education services are educated in regular classes with support services, instead of in segregated separate classes. For a breakdown of the school-by-school diplomas, see the table in Appendix H.

Until the 2003-2004 report cards were issued, the only other publicly available information about graduation or dropout rates for District 75 that we found was contained in a 2000-2001 report from the District 75 Superintendent.<sup>96</sup> According to the report, the outcomes for District 75 students in June 2000 indicated that only 12 students earned regular or regents diplomas. At that time, there were 18,477 students (or 20% less students) being served in District 75.

Out of the 22,004 students provided special education services through District 75 in the 2003-2004 school year, 549 earned IEP diplomas, with District 75 students accounting for almost one third of all IEP diplomas earned in New York City last year. The breakdown of IEP diploma earners by schools in each borough is as follows:

- Manhattan: 51 students earned IEP diplomas
- Bronx: 129 students earned IEP diplomas
- Brooklyn: 203 students earned IEP diplomas
- Queens: 136 students earned IEP diplomas

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<sup>96</sup> New York City Board of Education District 75 End of Year Report 2000-2001.

- Staten Island: 30 students earned IEP diplomas

According to the End of Year Report issued in 2001, 643 students earned IEP diplomas in June of 2000 and IEP diplomas were requested for 673 students for June 2001. The report provided a breakdown of IEP diplomas by borough for 2000-2001:

- Manhattan: 98 students earned IEP diplomas
- Bronx: 149 students earned IEP diplomas
- Brooklyn: 149 students earned IEP diplomas
- Queens: 116 students earned IEP diplomas
- BASIS: 136 students earned IEP diplomas (prior the reorganization, parts of Brooklyn and Staten Island were combined into BASIS).

Comparing 2000-2001 with the most recent year, it appears that even though the numbers of children served in District 75 increased by 20%, the number of students earning IEP diplomas has decreased by more than 100 (approximately 14%).

### C. RECOMMENDATIONS



As set forth above, students with disabilities who receive special education services in New York City are in crisis; the majority seem to be leaving school without a high school diploma or meaningful training or certificate to help them achieve employment, gain access to post-secondary education or vocational training. This high level of school failure creates significant and overwhelming risks that students with disabilities will get caught up in the juvenile and criminal justice systems or be required to rely on public benefits.

There are many complicated reasons underlying these poor outcomes for students with disabilities, and a discussion of the systemic deficiencies is beyond the scope of this report. However, there are some common sense steps that should be taken to improve student outcomes that should be considered to stem the tide of vulnerable children who are leaving school empty handed.

In general, if the NYC DOE focused on applying some of the requirements of federal law and utilized greater creativity in coming up with solutions to address existing gaps, we believe there would be significant improvement. Increasing flexibility in service delivery models, resource allocation and staffing would be necessary to effect many of these recommendations.

## **#1 The New York City Department of Education Should Develop a Strategic Plan to Address the Extremely Low Graduation Outcomes of New York City's Students with Disabilities.**

The graduation outcomes described in this report are abysmal and represent a significant system-wide failure that has existed for years. The NYC DOE should waste no time in developing a plan of action to address the significant disparity in graduation outcomes for New York City's children who receive special education services. We recommend that such a plan include but not be limited to the following steps.

### **a. Convene a Panel of Experts and Working Group**

The NYC DOE should convene a panel of researchers and practitioners with expertise in behavior management, literacy, truancy, learning disabilities and mental health, vocational education, transition, vision and hearing impairments, assistive technology and inclusion to evaluate the root causes for the low student outcomes as well as existing barriers to making changes and develop proposals for long and short-term measures that can be adopted to improve outcomes. To liaison and interact with the panel, a Citywide Working Group comprised of relevant stakeholders (including parents, teachers, administrators, advocacy groups and parent leaders) should also be convened to focus on improving student outcomes.

### **b. Undertake In-Depth Research and Data Analysis**

Our review of the data showed some disturbing trends that flag obvious problem areas. The NYC DOE and NYSED should engage in a more substantive analysis and outcome tracking for students with disabilities, using the NYC DOE's internal coding system, which tracks students by reason of exit, to analyze whether there are patterns in the drop-out or achievement data that can suggest procedural or programmatic solutions. For example, no publicly available information exists to determine whether graduates or dropouts stem from particular programs (such as special classes or "special education teacher support only" students) or particular boroughs. Another analysis could examine special education students who are also English Language Learners, since outcome data was not broken down to reveal those trends. A study of those declassified high school students should be done to track their progress and determine their outcomes after declassification. Both the failures and successes must be analyzed to determine where the process is breaking down so that solutions can be targeted and where the system works well so that those successes can be replicated and expanded. In addition to an in-depth research study using the data, we recommend that focus groups of teachers, service providers in the community and, in particular students in programs that are well known to have poor outcomes.

#### c. Best Practice Study and Evaluation

We recommend that a study of best practices in the local, state and national level be conducted, focusing on finding successful models for high school programs and transition service delivery (including vocational education), particularly for students who have been unsuccessful in traditional environments. Too often the at-risk models do not provide for service delivery to students with disabilities. This information should be disseminated to the Regions and schools.

#### d. Accountability and Student Outcomes- Creating Measurable Benchmarks

Graduation and non-completion rates for students with disabilities must be a focus in terms of accountability for schools, administrators and the entire administration. There should be an expectation for achievement with a focus on measurable benchmarks on which to hold the system accountable for student achievement, as well as student exclusion (such as suspensions) and student non-completion. While the system facilitates student mobility and masks student graduation and dropout rates as a way to hide abysmal student achievement, there can be no way for those outcomes to improve.

#### e. Change Student Accountability Process

Under the current tracking system, students who are leaving school without a diploma are not being counted as dropouts and there is no way to disaggregate the outcome data. Similarly, some

schools and programs, like District 75, seem to be exempt from most accountability systems. The student tracking and accountability mechanisms must be revised to ensure accuracy and data transparency in terms of student outcomes.

## #2 Enhanced Flexibility and Resources Should Be Allocated Toward the Creation of New High School Service Models

In AFC's experience, most high schools do not have the flexibility to develop high-school level programming designed to meet the needs of children with disabilities in their building. In addition to the technical assistance we believe should be provided, schools need additional resources, flexibility, and procedures to engage in planning to improve delivery of services to students in their building. Service models used in other parts of the state are not permitted in New York City, such as small classes taught by regular education instructors and provision of certified reading teachers who do not have special education teaching certificates. Schools in the city are required to abide by inflexible rules that do not allow creativity or enable principals and teachers to create programs that meet the needs of their students. Principals should be allowed to expand and improve on the standard models required to be used under the City's Continuum.

Moreover, schools must be supported by the Regions and the central administration to admit at least a geographic distribution of students who need special education services (approximately 12%) and be able to receive the resources to appropriately serve them. The current placement process for students does not seem to take these needs into account: a recent in-depth news report demonstrated that children with disabilities are more likely to be placed in large low-performing schools, and less likely to gain access to the new smaller schools currently being created. It is AFC's experience that some schools will not take more than a handful of students who need special education services, and others accept the students only to find they do not have the appropriate supports and services.

In addition, services must be created to help schools improve access to the curriculum for students with disabilities with very low literacy and math skills who are entering high school. In our experience, literacy and math rates of many students with disabilities who spent time in segregated classrooms in elementary and junior high school are far below grade level, even if they are average or above cognitive abilities. The City's holdover policy is now resulting in children starting 9<sup>th</sup> grade at age 15 and 16, instead of 14. High schools must be given the resources to help these students who have not been provided the services in their former schools.

### **#3 Develop a High School Preparatory and Skills-Building Summer Program**

While the NYC DOE's efforts are focused in large part on trying to prevent children from reaching high school age without their basic skills, it must be recognized that the system has quite a way to go before large numbers of students with disabilities will reach high school with the ability to manage the work and schools will have the resources to help them access the general curriculum. As a stop-gap measure, we recommend that an intensive summer high school preparatory skills program should be created for 7<sup>th</sup>, 8<sup>th</sup> and 9<sup>th</sup> grade students with disabilities who are reading two or more years below grade level and whose goal should be a regular diploma. This would not be a traditional summer school program designed to achieve results on a test, but a true intensive remediation and preparatory program designed to prepare students to start high school. The goal of the program would be to focus on bringing up reading and math levels of children with disabilities and teaching them the study and organizations skills they will need for high school. The summer program should employ teachers, reading and/or math specialists and even volunteers who are trained in multi-sensory and other research tested instructional methodologies. The program should also offer assistive technology and computer skills, as well as strategies for studying and organization, and other strategies to necessary for high school.

In the long run, such a program could actually save money for the City, if such intensive services could enable children to move from segregated special classes into more inclusive environments. It could also provide students with disabilities, most of whom do not like being assigned to segregated classes, an incentive to work toward returning to a more mainstream environment.

### **#4 Development of GED Programs with Special Education Services**

The NYC DOE operates GED programs for almost 20,000 students. Additional programs providing GED preparation are funded by New York City. None of these programs are specifically designed to provide GED preparation to students with disabilities and, as such, do not offer special education services. We believe the failure to offer students with disabilities in GED programs special education services is a violation of federal law. However, leaving aside the question of whether federal law requires the provisions of special education services, from a policy perspective to the extent there are and will continue to be students with disabilities enrolled in GED preparation programs, programs should be provided with resources and staff to meet the needs of those students

and to ensure that before a student with a disability is sent to a GED preparation program, his or her IEP reflects the students' goals and the services to be offered to him or her, including transition services.

## **#5 Change the Transfer and Discharge Policies for Students with Disabilities**

Currently, the NYC DOE's policies governing transfers and discharges of students with disabilities does not require schools to follow the special education process of re-evaluation, IEP and placement when students with disabilities dropout or transfer to GED programs that do not offer any special education services. Those policies do not require schools to re-evaluate students or re-convene IEP team meetings when a student starts exhibiting patterns of truancy or school failure. Nor do the City's policies require a re-evaluation or IEP meeting to be convened before a student exits the building through a discharge or transfer when special education services are being terminated. The failure to comply with the special education process for the majority of students who exit the school system effectively cuts off students' rights to transition services or vocational education and, in our opinion, violates those students rights under federal and state law.

However, leaving aside the question of whether the law requires that a school reconvene an IEP meeting and or re-consider a child's services and program when the child exhibits obvious signs of failure, such as truancy, poor grades and poor behavior, it certainly is a "best practice" to re-examine a students' program and placement as soon as it appears that the student is not progressing academically and/or is exhibiting behavior that is interfering with his or her educational progress. Our anecdotal experience has demonstrated that children with disabilities who are struggling academically often develop significant attendance problems and appear to have high rates of truancy. In our experience, truancy is often a sign that a child with a disability is in the wrong program or placement and that his or her needs are not being met at school. Unfortunately, however, the DOE does not appear to view truancy as a sign that a child with a disability is not progressing academically or needs specific behavioral supports that, we believe, are mandated under the IDEA. Thus, part of the policy changes should include targeted truancy prevention for the students.

## **#6 Transition Services and Vocational Education Mandates Must be Followed**

Under federal law (IDEA and Section 504), all children with disabilities age 16 and over should be receiving transition services. Yet, the NYC DOE takes the position that "Transition Services" are not a "service" that must be provided to a student. It is AFC's understanding that

Transition Services are, in fact, services that must be provided to a student. In general, the NYCDOE appears to refer children to VESID, a division of NYSED, as the transition service or provides a set of activities itself that the student must accomplish on his or her own. Unfortunately for most children VESID offers virtually no options. This failure to focus on transition services, we believe, has allowed the City to ignore the floods of students leaving school. It is not clear why the NYCDOE has not undertaken a much more aggressive effort to expand these types of services, given the poor outcomes for students receiving special education services.

Moreover, the IDEA defines “vocational education” as a “special education” service, yet, there are few vocational education programs for students with disabilities in New York City. The NYCDOE should expand the options for meaningful vocational education and should explore contracting with the many vocational training schools in the City to provide vocational education directly to eligible students.

#### #7 Improvements to District 75 Programs

District 75 schools must be immediately examined to determine why only 46 students have graduated from District 75. This is an appallingly low number and signals that there is a significant failure to deliver appropriate education to children who are served through District 75. Moreover, District 75 Schools – that educate more than 22,000 students with disabilities -- should be required to post the same outcome data (including the historical data for the past three years) that other schools are required to report, including the number of students with disabilities who graduate with regular or IEP diplomas, drop-out or transfer to GED programs.

There is no legitimate reason why District 75 schools have not reported on any outcome figures in the past and are not required to report on student outcomes in the same manner as other school in the community. If the Chancellor is serious about improving outcomes for children with disabilities, there cannot continue to be a veil of secrecy covering the outcomes for students who are educated in District 75. District 75 Schools should be required to post the same outcome data (including the historical data for the past three years) that other schools are required to report, including the number of students with disabilities who graduate with regular or IEP diplomas, drop-out or transfer to GED programs.



Appendix A  
Disability Classification by Race

	American Indian/ Alaskan Native	Percent of All Students with Classificati	Asian/ Pacific Islander		Black (non-His)		Hispanic		White		Total
Autism	36	1.10%	256	7.81%	1275	38.90%	945	28.83%	766	23.37%	3278
ED	199	1.08%	329	1.78%	9828	53.16%	6091	32.95%	2041	11.04%	18488
LD	437	0.60%	2828	3.91%	27394	37.90%	30829	42.65%	10799	14.94%	72287
MR	30	0.46%	362	5.50%	2816	42.82%	2431	36.97%	937	14.25%	6576
Deafness	4	0.44%	89	9.81%	256	28.22%	347	38.26%	211	23.26%	907
Hearing Imp.	17	0.72%	199	8.37%	717	30.16%	1069	44.97%	375	15.78%	2377
Speech/Lan guage Imp.	223	0.68%	1761	5.34%	9829	29.82%	15901	48.24%	5245	15.91%	32959
Visual Imp.	6	0.54%	94	8.44%	397	35.64%	388	34.83%	229	20.56%	1114
Orthopedic Imp.	3	0.25%	85	6.97%	381	31.23%	357	29.26%	394	32.30%	1220
Other	22	0.63%	188	5.38%	906	25.95%	984	28.18%	1392	39.86%	3492
Multiple Disabilities	20	0.60%	207	6.22%	1267	38.09%	1215	36.53%	617	18.55%	3326
Deaf-Blindness	0	*	0	*	0	*	0	*	0	*	0
TBI	3	0.99%	24	7.89%	124	40.79%	92	30.26%	61	20.07%	304
<b>TOTAL</b>	<b>1000</b>	<b>1.81%</b>	<b>6422</b>	<b>10.59%</b>	<b>55190</b>	<b>239.26%</b>	<b>60649</b>	<b>41.45%</b>	<b>23067</b>	<b>15.76%</b>	<b>146328</b>



APPENDIX B  
2003-2004 New York City Exitters by Age and Reason

	14	% of all 14 year old exitters	% of exitters by reason who are 14	15	% of all 15 year old exitters	% of exitters by reason who are 15	16	% of all 16 year old exitters	% of exitters by reason who are 16	17	% of all 17 year old exitters	% of exitters by reason who are 17
Regents Diploma (Honors)							0	0.00%	0.00%	6	0.39%	66.67%
Regents Diploma							2	0.13%	2.74%	48	1.59%	65.75%
Local Diploma							52	3.37%	2.67%	638	21.14%	32.70%
High School Equivalency Diploma							6	0.39%	6.19%	27	0.89%	27.84%
IEP Diploma							15	0.97%	0.85%	295	9.77%	16.76%
Local Certificate							3	0.19%	3.23%	30	0.99%	32.26%
Declassified Reached Max. Age	263	20.60%	35.44%	170	13.61%	22.91%	131	8.50%	17.65%	112	3.71%	15.09%
Died	9	0.70%	21.43%	3	0.24%	7.14%	10	0.65%	23.81%	6	0.20%	14.29%
Moved-known to be continuing	974	76.27%	21.06%	1023	81.91%	22.12%	941	61.02%	20.35%	799	26.47%	17.28%
Moved-not known to be continuing	0	0.00%	*	0	0.00%	*	0	0.00%	*	0	0.00%	*
Dropped Out	31	2.43%	0.94%	53	4.24%	1.61%	382	24.77%	11.62%	1057	35.02%	32.16%
<b>Total</b>	<b>1277</b>	<b>100.00%</b>	<b>10.03%</b>	<b>1249</b>	<b>100.00%</b>	<b>9.81%</b>	<b>1542</b>	<b>100.00%</b>	<b>12.11%</b>	<b>3018</b>	<b>100.00%</b>	<b>23.70%</b>
Source: Verification Report for New York City Schools: PD-5 Report on Students with Disabilities, 2005												



## APPENDIX C

### Methodology

This paper uses data reported by the federal, state and local governments' education departments. These reports include the following:

#### National Reports to Congress

National Reports to Congress are drafted annually by the United States Department of Education ("U.S. DOE") on the Implementation of the Individuals with Disabilities Education Act (IDEA). Every year, the U.S. DOE compiles a report of certain statistics on the performance of children with disabilities and presents a status report on how children are being served under the IDEA. Each state is required to collect and compile certain information on their performance in serving children with disabilities. The states are required to compile this information and report it to the DOE in exchange for receiving funding under the IDEA. In particular, the reports of students with disabilities who are considered to have "exited" the system were examined. These exiting reports collect information on how disabled children leave school. As discussed more fully below, the reports have a number of categories into which students are classified when they leave school. New York State's Education Department (NYSED) collects this information for the federal government and the U.S. DOE prepares reports that break down the information by state so that these reports were used for their New York State data reporting as well.

#### New York State PD- Reports

In order to receive funding pursuant to the IDEA, the states are obligated to monitor their local school districts in their provision of special education services. Accordingly, New York State requires each of the local school districts within the state to report data in a way similar to what the federal government requires of the state. Through Freedom of Information Act requests, AFC was able to obtain copies of the Exiting Reports that New York City is required to provide to the New York State Education Department. While these data are reported somewhat differently from the way in which the U.S. DOE does in its reports to Congress, they are nevertheless comparable. The data provided by New York City reports on the numbers of special education students exiting the city's schools and the outcomes for these students. The categories are similar, although not identical, to the federal reports, as described more fully below.

#### New York City Department of Education Reports

The New York City Department of Education prepared a number of different reports on student outcomes. Some of these reports are the School Report Card Data, Longitudinal Outcome Data and Mobility Reports. Presumably, the data used in compiling these

reports has the same origin as the data used by NYSED in preparing its reports. However, in some cases the data seemed inconsistent. These inconsistencies are highlighted where they were noted.

All 50 states are required to report to the federal government on exit rates for students with disabilities. Thus, we were able to obtain data for New York State from the federal reports. These data were examined and then compared to the analogous data for New York City in order to compare the exit rates nationally, state-wide and citywide. In order to compare the numbers, the following analysis was used (school year 1997-98 is used as an illustrative example).

For School Year 1997-1998, Number of Students Age 14 and Older Exiting Special Education

	<b>Diploma</b>	<b>Certificate</b>	<b>Aged Out</b>	<b>Returned to Regular Education</b>	<b>Died</b>	<b>Moved, Known to Be Contin.</b>	<b>Moved, Not Known to Be Contin.</b>	<b>Dropped Out</b>	<b>Total</b>
<b>NYS</b>	9,400	4,614	362	3,896	101	11,291	3,396	7,537	40,597
<b>U.S.</b>	147,868	29,889	4,607	69,274	1,718	123,925	59,983	82,643	519,907

Source: Twenty-second Annual Report to Congress on the Implementation of the Individuals with Disabilities Education Act

For School Year 1997-1998, New York City Report of Students Aged 14-21 with Disabilities Exiting Special Education

<b>Honors Regents Diploma</b>	<b>Regular Regents Diploma</b>	<b>Local Diploma</b>	<b>High School Equivalency Diploma</b>	<b>IEP Diploma</b>	<b>Local Certificate</b>	<b>Returned to Regular Education</b>	<b>Aged Out</b>	<b>Died</b>
1	30	1,570	180	1,793	120	1,048	169	36

<b>Moved, Known To Be Continuing</b>	<b>Moved, Not Known To Be Contin.</b>	<b>Dropped Out</b>	<b>Total</b>
3,298	119	4,054	12,418

Source: 1997-1998 New York City PD-5 Report

Fitting NYC's categories into the federal categories, the following equivalencies were applied in order to obtain comparable figures:

<b>Federal Category</b>	<b>NYC Category</b>
Diploma =	Honors and Regular Regents Diploma and Local Diploma
Certificate =	Local Certificate + IEP Diploma
Aged Out =	Aged Out
Returned to Regular Education =	Returned to Regular Education
Died =	Died
Moved, Known to Be Continuing =	Moved, Known to Be Continuing
Moved, Not Known to Be Continuing =	Moved, Not Known to Be Continuing
Dropped Out =	Dropped Out + H.S. Equivalency Diploma <sup>1</sup>

	<b>Diploma</b>	<b>Certificate</b>	<b>Aged Out</b>	<b>Returned to Regular Education</b>	<b>Died</b>	<b>Moved, Known to Be Contin.</b>	<b>Moved, Not Known to Be Contin.</b>	<b>Dropped Out</b>	<b>Total</b>
<b>NYC</b>	1,601	120	169	1,048	36	3,298	119	4,234	12,418

Percentage of Students Exiting Special Education in the US, NYS and NYC in Selected Categories

	<b>Returned to Regular Ed.</b>	<b>Receiving Diploma</b>	<b>Dropped Out</b>	<b>Moved, Known To Be Continui</b>
<b>US</b>	13.32	28.44	15.90	23.84
<b>NYS</b>	9.60	23.15	18.57	27.81
<b>NYC</b>	8.44	12.89	34.10	26.56

<sup>1</sup> The Federal Government specifically includes GEDs in their dropout category

Appendix D  
 Nationwide Exit Data by State  
 1996-97 through 2002-2003

	1996-1997			1997-1998			1998-1999			1999-2000		
	Graduated with Diploma	Total Exiters	Percent of exiters graduating with Diploma	Graduated with Diploma	Total Exiters	Percent of exiters graduating with Diploma	Graduated with Diploma	Total Exiters	Percent of exiters graduating with Diploma	Graduated with Diploma	Total Exiters	Percent of exiters graduating with Diploma
Alabama	1,325	8,482	15.62%	1,423	8,459	16.82%	1,513	8,586	17.62%	1,252	9,283	13.49%
Alaska	340	1,489	22.83%	401	1,660	24.16%	409	1,650	24.79%	413	1,659	24.89%
Arizona	1,221	6,045	20.20%	1,359	5,164	26.32%	1,949	7,478	26.06%	2,290	8,926	25.66%
Arkansas	1,798	6,041	29.76%	1,858	6,120	30.36%	2,253	6,745	33.40%	2,176	6,082	35.78%
California	8,259	57,418	14.38%	8,643	57,712	14.98%	9,758	60,450	16.14%	9,962	61,732	16.14%
Colorado	1,800	8,491	21.20%	2,026	9,087	22.30%	2,170	9,271	23.41%	2,348	9,645	24.34%
Connecticut	2,847	9,186	30.99%	2,951	9,856	29.94%	3,042	9,858	30.86%	3,223	10,768	29.93%
Delaware	132	527	25.05%	231	1,121	20.61%	304	1,356	22.42%	267	1,157	23.08%
District of Columbia	33	210	15.71%	*	*	*	*	*	*	45	296	15.20%
Florida	3,879	25,022	15.50%	4,877	26,192	18.62%	4,950	29,998	16.50%	5,516	30,094	18.33%
Georgia	1,276	10,893	11.71%	1,294	11,561	11.19%	1,411	7,024	20.09%	1,913	14,252	13.42%
Hawaii	362	1,133	31.95%	342	4,377	7.81%	429	1,599	26.83%	480	1,650	29.09%
Idaho	492	2,357	20.87%	570	2,718	20.97%	743	2,704	27.48%	866	3,242	26.71%
Illinois	7,072	23,484	30.11%	7,276	27,415	26.54%	7,999	26,205	30.52%	7,772	27,631	28.13%
Indiana	3,876	13,091	29.61%	4,185	13,417	31.19%	4,317	12,230	35.30%	4,539	12,750	35.60%
Iowa	2,140	6,088	35.15%	2,057	5,625	36.57%	2,257	6,133	36.80%	2,501	6,144	40.71%
Kansas	1,475	6,567	22.46%	1,703	6,543	26.03%	2,065	7,382	27.97%	2,241	7,775	28.82%
Kentucky	1,742	6,551	26.59%	1,815	6,505	27.90%	2,052	6,939	29.57%	1,947	7,365	26.44%
Louisiana	865	6,794	12.73%	992	7,251	13.68%	1,020	7,329	13.92%	1,090	7,070	15.42%
Maine	937	3,148	29.76%	996	3,344	29.78%	1,048	3,334	31.43%	1,108	3,500	31.66%
Maryland	1,976	6,461	30.58%	2,565	7,782	32.96%	2,819	8,353	33.75%	3,088	8,952	34.50%
Massachusetts	5,511	14,183	38.86%	6,185	14,672	42.16%	5,851	14,267	41.01%	6,164	15,695	39.27%
Michigan	4,378	21,035	20.81%	4,464	20,285	22.01%	4,707	21,040	22.37%	5,000	22,892	21.84%
Minnesota	3,577	8,618	41.51%	3,748	8,698	43.09%	4,053	8,887	45.61%	4,396	9,571	45.93%
Mississippi	413	5,483	7.53%	441	5,446	8.10%	690	5,268	13.10%	749	4,867	15.39%
Missouri	2,859	7,598	37.63%	3,967	11,103	35.73%	3,977	11,831	33.62%	4,391	13,424	32.71%
Montana	466	1,322	35.25%	513	1,604	31.98%	516	1,407	36.67%	512	1,481	34.57%
Nebraska	1,155	4,275	27.02%	987	3,955	24.96%	724	2,419	29.93%	1,246	3,778	32.98%
Nevada	338	1,856	18.21%	386	1,682	22.95%	380	2,560	14.84%	454	3,050	14.89%
New Hampshire	937	3,986	23.51%	887	3,354	26.45%	1,030	2,369	43.48%	1,230	2,955	41.62%

Appendix D  
 Nationwide Exit Data by State  
 1996-97 through 2002-2003

	1996-1997			1997-1998			1998-1999			1999-2000		
	Graduated with Diploma	Total Exiters	Percent of exiters graduating with Diploma	Graduated with Diploma	Total Exiters	Percent of exiters graduating with Diploma	Graduated with Diploma	Total Exiters	Percent of exiters graduating with Diploma	Graduated with Diploma	Total Exiters	Percent of exiters graduating with Diploma
New Jersey	7,100	15,636	45.41%	9,416	18,929	49.74%	8,778	19,250	45.60%	9,599	20,864	46.01%
New Mexico	757	3,723	20.33%	906	4,120	21.99%	1,133	4,451	25.45%	803	3,502	22.93%
New York	9,948	40,135	24.79%	9,400	40,597	23.15%	6,813	23,122	29.47%	9,749	41,569	23.45%
North Carolina	2,218	10,759	20.62%	2,741	12,691	21.60%	2,734	11,782	23.20%	2,988	13,397	22.30%
North Dakota	360	779	46.21%	432	1,062	40.68%	380	1,089	34.89%	532	1,316	40.43%
Ohio	6,064	14,786	41.01%	7,020	16,300	43.07%	8,775	18,801	46.67%	9,709	22,844	42.50%
Oklahoma	2,427	6,295	38.55%	2,692	6,782	39.69%	3,036	7,413	40.96%	3,449	8,017	43.02%
Oregon	1,055	6,701	15.74%	788	5,715	13.79%	1,091	7,843	13.91%	1,130	7,484	15.10%
Pennsylvania	8,156	21,293	38.30%	8,653	21,556	40.14%	9,324	23,025	40.50%	6,941	15,674	44.28%
Puerto Rico	400	3,482	11.49%	398	3,176	12.53%	462	3,027	15.26%	553	3,266	16.93%
Rhode Island	908	3,050	29.77%	966	3,572	27.04%	1,016	3,073	33.06%	899	2,673	33.63%
South Carolina	716	5,616	12.75%	703	5,961	11.79%	1,093	6,562	16.66%	1,033	6,241	16.55%
South Dakota	361	1,424	25.35%	366	1,438	25.45%	332	1,199	27.69%	409	1,067	38.33%
Tennessee	2,426	15,322	15.83%	2,036	15,126	13.46%	1,963	17,034	11.52%	2,369	18,553	12.77%
Texas	15,702	18,617	84.34%	18,566	28,929	64.18%	13,236	27,568	48.01%	17,406	30,881	56.36%
Utah	697	4,351	16.02%	1,050	5,103	20.58%	1,596	5,151	30.98%	1,598	5,874	27.20%
Vermont	358	1,411	25.37%	406	1,511	26.87%	374	1,482	25.24%	403	1,446	27.87%
Virginia	3,440	10,584	32.50%	3,818	10,705	35.67%	4,023	11,096	36.26%	4,218	12,573	33.55%
Washington	1,738	5,806	29.93%	2,391	6,591	36.28%	2,391	6,591	36.28%	2,702	8,257	32.72%
West Virginia	1,701	3,803	44.73%	1,730	4,097	42.23%	1,696	4,012	42.27%	1,618	4,315	37.50%
Wisconsin	3,649	12,987	28.10%	3,922	12,101	32.41%	4,229	12,053	35.09%	4,666	12,954	36.02%
Wyoming	339	1,147	29.56%	326	1,137	28.67%	332	1,247	26.62%	386	8,257	4.67%
50 States, D.C, and Puerto Rico	133,983	485,541	27.59%	147,868	519,907	28.44%	149,243	511,543	29.18%	162,339	561,711	28.90%
	Note: No data is available for the 2001-2002 school year											
	Source: Annual Report to Congress on the Implementation of the Individuals with Disabilities Education Act, 1998-2002											

Appendix D  
 Nationwide Exit Data by State  
 1996-97 through 2002-2003

	2001-2002			2002-2003		
	Graduated with Diploma	Total Exiters	Percent of exiters graduating with Diploma	Graduated with Diploma	Total Exiters	Percent of exiters graduating with Diploma
Alabama	1,110	8,001	13.87%	1,050	9,344	11.24%
Alaska	431	1,763	24.45%	421	1,756	23.97%
Arizona	3,093	11,315	27.34%	3,038	11,735	25.89%
Arkansas	1,828	3,268	55.94%	2,783	4,764	58.42%
California	18,185	64,499	28.19%	17,650	63,556	27.77%
Colorado	1,970	9,783	20.14%	2,680	9,935	26.98%
Connecticut	3,213	10,903	29.47%	3,405	11,054	30.80%
Delaware	358	1,469	24.37%	427	1,755	24.33%
District of Columbia	149	991	15.04%	231	1,023	22.58%
Florida	6,234	35,842	17.39%	8,014	39,628	20.22%
Georgia	2,709	13,995	19.36%	2,806	14,298	19.63%
Hawaii	757	2,253	33.60%	1,165	1,641	70.99%
Idaho	973	3,572	27.24%	1,116	3,741	29.83%
Illinois	9,595	32,248	29.75%	8,660	21,616	40.06%
Indiana	4,073	13,486	30.20%	4,091	14,420	28.37%
Iowa	2,824	6,129	46.08%	3,332	7,056	47.22%
Kansas	2,600	7,066	36.80%	2,766	7,124	38.83%
Kentucky	2,187	7,704	28.39%	2,563	7,849	32.65%
Louisiana	1,275	6,002	21.24%	1,310	5,965	21.96%
Maine	1,213	4,168	29.10%	1,340	4,407	30.41%
Maryland	3,780	9,765	38.71%	3,676	10,044	36.60%
Massachusetts	6,078	15,320	39.67%	5,690	15,471	36.78%
Michigan	5,420	21,240	25.52%	5,741	23,784	24.14%
Minnesota	4,792	9,804	48.88%	5,133	9,809	52.33%
Mississippi	781	4,720	16.55%	709	3,926	18.06%
Missouri	5,166	14,680	35.19%	5,727	15,166	37.76%
Montana	768	1,651	46.52%	769	1,806	42.58%
Nebraska	1,193	3,287	36.29%	1,518	4,371	34.73%
Nevada	574	3,727	15.40%	430	2,951	14.57%
New Hampshire	1,242	3,300	37.64%	1,405	3,310	42.45%



Appendix D  
 Nationwide Exit Data by State  
 1996-97 through 2002-2003

	2001-2002			2002-2003		
	Graduated with Diploma	Total Exiters	Percent of exiters graduating with Diploma	Graduated with Diploma	Total Exiters	Percent of exiters graduating with Diploma
New Jersey	9,768	19,802	49.33%	10,965	21,171	51.79%
New Mexico	1,136	4,394	25.85%	1,664	4,780	34.81%
New York	10,734	43,826	24.49%	11,681	44,340	26.34%
North Carolina	3,891	15,582	24.97%	4,137	15,909	26.00%
North Dakota	516	1,322	39.03%	466	1,253	37.19%
Ohio	11,053	22,054	50.12%	12,343	26,530	46.52%
Oklahoma	3,497	8,107	43.14%	3,950	9,036	43.71%
Oregon	1,588	7,334	21.65%	1,812	8,126	22.30%
Pennsylvania	9,671	19,232	50.29%	11,828	23,136	51.12%
Puerto Rico	666	2,970	22.42%	768	3,236	23.73%
Rhode Island	1,110	3,269	33.96%	1,187	3,557	33.37%
South Carolina	1,119	6,945	16.11%	1,375	8,070	17.04%
South Dakota	458	1,059	43.25%	503	1,463	34.38%
Tennessee	2,308	13,727	16.81%	2,299	13,099	17.55%
Texas	21,199	40,085	52.89%	13,243	45,685	28.99%
Utah	1,719	6,607	26.02%	1,759	5,854	30.05%
Vermont	586	1,948	30.08%	611	1,980	30.86%
Virginia	3,979	12,403	32.08%	4,471	14,135	31.63%
Washington	3,546	11,544	30.72%	2,003	9,357	21.41%
West Virginia	1,634	4,598	35.54%	1,861	4,447	41.85%
Wisconsin	5,451	14,816	36.79%	5,775	14,956	38.61%
Wyoming	425	1,408	30.18%	421	1,267	33.23%
50 States, D.C. and Puerto Rico	190,625	594,983	32.04%	194,768	614,692	31.69%

## APPENDIX E

### Diplomas Awarded to Students Receiving Special Education Services by Race

#### School Year 2003-2004

<b>Race:</b>	<b>American Indian/ Alaskan</b>	<b>Asian/ Pacific Islander</b>	<b>Black</b>	<b>Hispanic</b>	<b>White</b>	<b>Total</b>
Regents Diploma (Honors)	0	4	1	0	4	9
Regents Diploma (Regular)	0	13	10	22	28	73
Local Diploma	6	108	732	743	362	1951
Total Diplomas Awarded	6	125	743	765	394	2033
Total Exiters	63	494	5208	5229	1741	12735
Percent of Exiters by Race Receiving Diplomas	9.52	25.30	14.26	14.63	22.63	15.96

#### School Year 2002-2003

<b>Race:</b>	<b>American Indian/ Alaskan</b>	<b>Asian/ Pacific Islander</b>	<b>Black</b>	<b>Hispanic</b>	<b>White</b>	<b>Total</b>
Regents Diploma (Honors)	0	2	1	2	2	7
Regents Diploma (Regular)	2	11	11	23	28	75
Local Diploma	8	93	641	635	346	1723
Total Diplomas Awarded	10	106	653	660	376	1805
Total Exiters	76	488	6046	5704	1746	14060
Percent of Exiters by Race Receiving Diplomas	13.16	21.72	10.8	11.57	21.53	12.84

**School Year 2001-2002**

<b>Race:</b>	<b>American Indian/Alaskan</b>	<b>Asian/Pacific Islander</b>	<b>Black</b>	<b>Hispanic</b>	<b>White</b>	<b>Total</b>
<b>Regents Diploma (Honors)</b>	0	2	0	0	4	6
<b>Regents Diploma (Regular)</b>	0	7	8	19	25	59
<b>Local Diploma</b>	6	92	569	595	287	1549
<b>Total Diplomas Awarded</b>	6	101	577	614	316	1614
<b>Total Exiters</b>	63	483	6085	5707	1797	14135
<b>Percent of Exiters by Race Receiving Diplomas</b>	9.52	20.91	9.48	10.76	17.58	11.42

**School Year 2000-2001**

<b>Race:</b>	<b>American Indian/Alaskan</b>	<b>Asian/Pacific Islander</b>	<b>Black</b>	<b>Hispanic</b>	<b>White</b>	<b>Total</b>
<b>Regents Diploma (Honors)</b>	0	0	0	0	1	1
<b>Regents Diploma (Regular)</b>	0	9	13	12	32	66
<b>Local Diploma</b>	4	78	571	528	315	1496
<b>Total Diplomas Awarded</b>	4	87	584	540	348	1563
<b>Total Exiters</b>	61	494	6589	6084	1946	15174
<b>Percent of Exiters by Race Receiving Diplomas</b>	6.56	17.61	8.86	8.88	17.88	10.30

**School Year 1999-2000**

<b>Race:</b>	<b>American Indian/Alaskan</b>	<b>Asian/Pacific Islander</b>	<b>Black</b>	<b>Hispanic</b>	<b>White</b>	<b>Total</b>
<b>Regents Diploma (Honors)</b>	0	1	0	1	2	4
<b>Regents Diploma (Regular)</b>	0	4	11	11	21	47
<b>Local Diploma</b>	3	67	433	363	258	1124
<b>Total Diplomas Awarded</b>	3	72	444	375	281	1175
<b>Total Exiters</b>	38	421	5565	5160	1678	12862
<b>Percent of Exiters by Race Receiving Diplomas</b>	7.89	17.1	7.98	7.27	16.75	9.14

## APPENDIX F

### Diplomas Awarded to Students Receiving Special Education Services by Disability

#### **School Year 2002-2003**

<b>Disability Category:</b>	<b>Emotionally Disturbed</b>	<b>Learning Disabled</b>	<b>Hard of Hearing</b>	<b>Speech Impaired</b>	<b>Visually Impaired</b>	<b>All Disabilities</b>
<b>Regents Diploma (Honors)</b>	1	0	0	1	0	7
<b>Regents Diploma (Regular)</b>	6	37	8	8	3	75
<b>Local Diploma</b>	109	1432	56	49	10	1723
<b>Total Diplomas Awarded</b>	116	1469	64	58	13	1805
<b>Total Exiters</b>	3001	8983	209	540	69	14060
<b>Percent of Exiters Receiving Diplomas</b>	3.87	16.35	30.62	10.74	18.84	12.84

#### **School Year 2001-2002**

<b>Disability Category:</b>	<b>Emotionally Disturbed</b>	<b>Learning Disabled</b>	<b>Hard of Hearing</b>	<b>Speech Impaired</b>	<b>Visually Impaired</b>	<b>All Disabilities</b>
<b>Regents Diploma (Honors)</b>	2	2	0	1	0	6
<b>Regents Diploma (Regular)</b>	10	24	10	2	2	59
<b>Local Diploma</b>	92	1265	58	49	18	1549
<b>Total Diplomas Awarded</b>	104	1291	68	52	20	1614
<b>Total Exiters</b>	2946	9247	223	480	94	14135
<b>Percent of Exiters Receiving Diplomas</b>	3.53	13.96	30.49	10.83	21.28	11.42

**School Year 2000-2001**

<b>Disability Category:</b>	<b>Emotionally Disturbed</b>	<b>Learning Disabled</b>	<b>Hard of Hearing</b>	<b>Speech Impaired</b>	<b>Visually Impaired</b>	<b>All Disabilities</b>
<b>Regents Diploma (Honors)</b>	0	1	0	0	0	1
<b>Regents Diploma (Regular)</b>	7	30	8	3	4	66
<b>Local Diploma</b>	121	1229	38	32	11	1496
<b>Total Diplomas Awarded</b>	128	1260	46	35	15	1563
<b>Total Exiters</b>	3354	9967	223	452	77	15174
<b>Percent of Exiters Receiving Diplomas</b>	3.82	12.64	20.63	7.74	19.48	10.30

**School Year 1999-2000**

<b>Disability Category:</b>	<b>Emotionally Disturbed</b>	<b>Learning Disabled</b>	<b>Hard of Hearing</b>	<b>Speech Impaired</b>	<b>Visually Impaired</b>	<b>All Disabilities</b>
<b>Regents Diploma (Honors)</b>	0	1	1	1	0	4
<b>Regents Diploma (Regular)</b>	6	14	4	6	4	47
<b>Local Diploma</b>	100	914	25	30	16	1124
<b>Total Diplomas Awarded</b>	106	929	30	37	20	1175
<b>Total Exiters</b>	2575	8601	165	388	88	12862
<b>Percent of Exiters Receiving Diplomas</b>	4.12	10.8	18.18	9.54	22.73	9.14

Appendix G  
 NYC IEP Diplomas Awarded  
 1996-97 through 2003-04

<b>Academic Year</b>	<b>IEP Diplomas</b>	<b>Total Diplomas</b>	<b>Total Exiters</b>	<b>Percent of diplomas that are IEP Diplomas</b>	<b>Percent of exiters awarded IEP diplomas</b>
1996-1997	1103	3535	14,832	31.20%	7.44%
1997-1998	1793	3574	12,418	50.17%	14.44%
1998-1999	1855	3451	14,862	53.75%	12.48%
1999-2000	1596	2886	12,862	55.30%	12.41%
2000-2001	1669	3383	15,174	49.33%	11.00%
2001-2002	1422	3159	14,135	45.01%	10.06%
2002-2003	1791	3720	14,060	48.15%	12.74%
2003-2004	1760	3890	12,735	45.24%	13.82%
<b>Total</b>	12989	27598	111,078	47.07%	11.69%

Appendix H  
2003-2004 District 75  
Reported Graduates and Completers by School

School	Regents	IEP	Total
<b>MANNHATTAN</b>			
PS 35	1	8	9
PS 79	0	15	15
PS 94	N/A	N/A	N/A
PS 138	0	2	2
PS 162	0	5	5
Robert F Kennedy	1	0	1
PS 226	N/A	N/A	N/A
PS 721	0	18	18
PS 723	0	1	1
PS 753	N/A	N/A	N/A
PS 811	1	2	3
	<b>3</b>	<b>51</b>	<b>54</b>
<b>BRONX</b>			
PS 010	0	16	16
Lewis and Clark	0	1	1
PS 17	N/A	N/A	N/A
PS 168	0	1	1
PS 176	N/A	N/A	N/A
PS 186	N/A	N/A	N/A
PS 188	N/A	N/A	N/A
PS 721	0	56	56
PS 754 - CD	0	55	55
PS 811	N/A	N/A	N/A
	<b>0</b>	<b>129</b>	<b>129</b>
<b>BROOKLYN</b>			
PS 4	N/A	N/A	N/A
PS 36	N/A	N/A	N/A
PS 53	0	10	10
PS 77	0	15	15
PS 140	N/A	N/A	N/A
PS 141	N/A	N/A	N/A
PS 231	N/A	N/A	N/A
PS 368	1	0	1
PS 369	N/A	N/A	N/A
PS 370 Jim Thorpe	3	1	4
PS 371 Rashkis	8	29	37
PS 373	0	54	54
PS 396	N/A	N/A	N/A
PS 403	N/A	N/A	N/A
PS 721	0	59	59
PS 753 CD	0	23	23
PS 771	N/A	N/A	N/A
PS 811	0	12	12
PS 372	N/A	N/A	N/A
	<b>12</b>	<b>203</b>	<b>215</b>

School	Regents	IEP	Total
<b>QUEENS</b>			
PS 4	0	5	5
PS 9	N/A	N/A	N/A
PS 23	1	0	1
PS 75	N/A	N/A	N/A
PS 177	0	13	13
PS 224	N/A	N/A	N/A
PS 233	0	35	35
PS 255	N/A	N/A	N/A
PS 256	4	1	5
PS 404	N/A	N/A	N/A
PS 721	0	58	58
PS 752	0	18	18
PS 811	1	1	2
PS 993	7	5	12
	<b>12</b>	<b>0</b>	<b>12</b>
<b>STATEN ISLAND</b>			
PS 25	16	5	21
PS 37	0	2	2
PS 373	N/A	N/A	N/A
PS 721	0	23	23
	<b>16</b>	<b>30</b>	<b>46</b>