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**Effective Cognitive Learning Solutions for Special Education
Students of NYC Public Schools in Underserved Communities
Prepared for: Dr. Sheying Chen Pace University**

Nicole N. Garvin

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Effective Cognitive Learning Solutions for Special Education Students of NYC Public Schools in Underserved Communities

Prepared for: Dr. Sheying Chen

Pace University

Nicole N. Garvin

April 26, 2021

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ABSTRACT

The goal of this report was to study scientific-based programs that promote the Theory of Cognition as the foundation to learning and teaching special education students and students classified as learning disabled in the public schools of under-served communities; to inform families who live and send their children to public schools in under-served communities of these alternative approaches to learning, inform them of their rights during IEP reviews and requesting an impartial hearing; and stop the School to Prison Pipeline. The research shows how students classified as special education in the most restrictive environment and students classified as Learning Disabled in the least restrictive environment benefit from such cognitive programs as well as why the specific diagnosis of a learning disability is paramount for finding the best learning program to meet a student's needs. Additionally, the data shows how susceptible special education students and those receiving services under special education, from under-served communities are to becoming statistics within the School to Prison Pipeline; However, rather than investing funds in the proper education of all students through scientific-based programs, parents are forced to vie for funds and placements in schools and private programs to meet their children's needs in a 'Squeaky Wheel Gets the Oil' fashion, proving to be counter to the idea of social equity throughout New York City Public Schools & to the overall idea of a Free And Appropriate Public Education (FAPE).

CHAPTER ONE

INTRODUCTION

The IDEA is a funding statute that mandates a “child’s entitlement to a free and appropriate public education (FAPE) for all eligible children with learning disabilities.” (Guernsey,T., Klare, K. 1993, pgs 9-10). “Each state is charged with the task of devising and implementing its own program to monitor the performance of its public schools in providing special education and related services;” (Guernsey,T., Klare, K. 1993, pgs. 9-10) However, not every program devised for special education is a fit for each student; not every school is capable of providing the necessary environment conducive to the learning needs of general education students, least of all, special education students; and with the added competitive pressure to keep up with the idea of being the ‘World Leaders on Education,’ children identified as having learning disabilities will be sorely left behind if their Individualized Education Plans (IEP) are not expanded to incorporate alternative but effective cognitive solutions; most especially in under-served communities further exasperated by the pandemic and constant disruption to their learning environment. The alternative being proposed is the use of effective, ¹scientific based learning that focuses on the Theory of Cognition to devise a better curriculum for both, special education students (MRE) and students receiving services under special education (LRE), in under-served communities. For the purposes of this report MRE refers to Most Restrictive Environment, while LRE refers to the Least Restrictive Environment and scientific-based learning refers to programs that have its foundation built upon the ²Theory of Cognition.

¹ Scientific-based learning refers to programs that utilize the Theory of Cognition as an approach to teaching and learning. It is used interchangeably throughout this report

² Theory of Cognition is the process of figuring out an individual’s thought process or how they view things as the key to understanding how they learn

In Bronx District 10, a largely under-served district, there are a total of 78 schools: 23 High Schools and a combination of 55 Pre-k thru 8th grade schools. Of the 23 high schools that were scored on a scale of 1-4, in the area of College, Career, and Civic Readiness (CCCR): 4 schools (Walton, Theodore Roosevelt, John F. Kennedy, and Grace H. Dodge) were closed down due to the volume of criminal activity, overcrowding, and poor performance, so they became real estate to house smaller, new schools and were no longer included in the CCCR scale; 2 schools (DeWitt Clinton & Kingsbridge International) scored a TSI (Targeted Support & Improvement) which means they failed to prepare some of their student subgroups (IEP students and/or racial/ethnic groups) with indicators of success. If after a few years, the schools do not improve, they will be bumped down to a CSI (Comprehensive Support and Improvement), which means they failed to prepare ALL opposed to SOME subgroups with indicators of success. If they still do not meet student success standards after being bumped down to a CSI, further action is taken, which historically suggests that they will most likely be shut down and students transferred into different schools; 8 schools scored at Level 1; 6 schools scored at Level 2; 2 schools scored at Level 3; and 4 schools scored at Level 4. Combined, the overall rating of District 10 schools in this area was a **Level 1**. The biggest problem here is that although many of the schools were deemed “In Good Standing,” the majority, if they had not been shut down or rated TSI, scored either a Level 1 or a Level 2 in the area of preparedness for College, Career, and Civic Readiness. Civic Readiness is *“the ability to make a positive difference in the public life of our communities through the combination of civic knowledge, skills and actions, mindsets, and experiences.”*

(<https://www.regents.nysed.gov/common/regents/files/CCCRWG%20%20Civic%20Readiness%20Initiative%20Presentation.pdf>) Simply put, this means that if a school has a 70% graduation rate and score a Level 1, both general & special education students, alike, are not prepared enough

for college, careers, and/or civic readiness as the data presents no distinction between the two classifications or a percentage to reflect how many of the students fall under this category individually. Furthermore, there needs to be a closer look into why because preparedness for College, Career, and Civic Readiness are described as goals for special needs students on their IEP's (the terminology is different but the intention is the same) to be achieved under the IDEA mandate for special education students, in addition to the right to a free and appropriate public education (FAPE). Based on this data, it can be concluded that all but 6 schools in District 10 are in violation of the IDEA and realistic alternatives are needed immediately to address this. Finally, the idea of having to spend several years allowing a school or schools to turn things around is noble but wasteful because students need and deserve a more immediate fix before they either age out or drop out of the school system; most especially special needs children. In my interview with Special Education Attorney, Michele Good, she stated that there has been very little to no change within the Department of Education and she has been advocating for parents through the Impartial Hearing process for more than 23 years. Typically, by the time a parent or guardian retains her services, they are at their wits end with the Department of Education and find their services ill-equipped to meet the needs of their child.

The goal of my thesis is not to spend an immense amount of time criticizing the New York City Department of Education because the truth of the matter is, no one becomes an educator for prestige or monetary gain, but rather to further study a solution to the ongoing problem of special education curriculum within the NYC public schools of underserved communities, suggest a new way of strengthening and delivering scientific methods of learning that address the cognitive issues that often impact students in the least and most restrictive environments, teach parents what their rights are and what to ask for once their child has been evaluated and an IEP has been formed,

explain the Impartial Hearing Process, suggest and implement mediative actions for students in higher grades that have either never had an evaluation or have an evaluation but an ineffective program to meet their needs, to prevent high risk students from the possibility of dropping out and stop the ‘School to Prison Pipeline.’ Doing so would ensure the success of special education students as well as those who receive supportive services under special education in under-served communities.

THE PROBLEM

Many families in under-served communities have never heard of cognitive learning programs and would not be able to afford them unless an Impartial Hearing Officer ordered the Department of Education to pay for it; However, many families in under-served communities do not understand their right to an impartial hearing, the impartial hearing process, or how to attain an advocate at little to no cost. They also do not demand a specific diagnosis and are not told they can request a private evaluation at little to no cost so that a diagnosis could be determined. Finally, students of color in under-served communities make up most of the School to Prison Pipeline and up to 30% were found to have intellectual disabilities.

While preparing students for the world outside of high school is supposed to be one of the purposes of an Individualized Education Plan (IEP), public school IEP’s are greatly lacking because while the goals, themselves, aren’t the problem, it’s the ability to attain those goals with an accurate program that distinguishes those goals as either suggestions, guestimates, or plausible actions of what might help the special needs student achieve success; ‘Might’ because the Committee On Special Education (CSE) maintains that they are not allowed to legally, diagnose a specific disability and can only present a general classification of ‘Learning Disabled.’ This raises two legitimate questions: 1) ‘If you cannot tell the parent what the specific disability is, how can

you devise an Individual Education Plan to meet the student's needs?' and 2) 'If a school district rates a preparedness level of 1-2 in CCCR for schools that are not considered specialized like Bronx Science Highschool, isn't that indicative of a need to change the way students are being taught? Furthermore, some school-based support team evaluators do not mention to the parents what their rights are and depending on the parent, many will take evaluators of the school based support team at face value without questioning what other solutions or steps can be taken.

It has already been proven that the old way of rote learning is largely ineffective for special needs students and quite possibly, even some general education students. The Department of Education acknowledges this which is why classifications, restrictions, assistive technology, and services under special education exist; However, even with these arrangements in place, none are as effective as Scientific-Based Learning. The root of Scientific-based learning is the Theory of Cognition, which is the process of figuring out an individual's thought process or how they view things as the key to understanding how they learn. Scientific-based learning has been in existence for more than 8 decades and taps into the mind of the special needs child in a powerful way; However, until fairly recently, effective scientific methodology was a benefit only afforded to the wealthy and those astute enough to maneuver the legal ins and outs of special education law. Additionally, most of the schools and programs with proven track records of success in scientific methodology are not found in underserved communities nor do many families in underserved communities know about them. My goal is to introduce schools in underserved communities to scientific methods of learning that can greatly bolster academic success for special needs students, level the educational playing field between special & general education students and promote a stronger sense of social equity in education. Right now, the cost of one of the leading, private special education schools (Winston Preparatory) is \$65,900.00 per year, which is more than Yale

by \$10,900.00, and increases yearly; However, as expensive as it is, many families have decided the sacrifice is worth it when they see their children thriving in a way not afforded to them in public school programs. Typically, these parents do not live in underserved communities and many of them do not share in the same experiences of the underserved. The common connections between the 2 worlds are cost, the fact that their children must learn in a unique way, and the desire for their children to become thriving members of society, who can stand on their own 2 feet. Furthermore, NYC public schools in underserved communities in such a need to be reconstructed in such a way that a parent who could not afford to send their children to such private schools, day programs, or would not qualify for educational loans, could be assured that their special needs child is receiving the same quality of education as their private school counterparts. While Impartial Hearings do assist in getting the maximum amount of assistance, monetarily and scholastically, undocumented families as well as some non-native English speakers do not participate in these hearings for valid reasons. Special needs children are very capable of achieving remarkable goals when they are educated in a way that is conducive to their learning style and deserve to have the appropriate programs in place that makes their right to a Free and appropriate public education valid and not a matter of the ‘Squeaky Wheel Gets the Oil’ syndrome.

The State of New York is in the unique position of being able to deliver these goals should they choose to because the educational tools needed for scientific based learning currently exist in their own back yard, yet they are either not using them to its fullest potential (meaning, extracting the areas of the program that make it a “scientific-based program’) or are not using it at all.

Through the use of Quantitative, Qualitative, Analytical, Explanatory, and empirical data, and a case study, I intend to prove that incorporating scientific methods of learning in public schools will vastly improve the cognitive, comprehensive, decoding, encoding, and computational

learning skills of students classified as either learning disabled or through private assessment, diagnosed with a specific disability and those who need the more restrictive setting of Special Education. It is also imperative to make the distinction between a public and private assessment; reminding that the Department of Education cannot legally diagnose a student with a specific disability, whereas a privately performed evaluation with the appropriate professional (neuropsychologist/neuropsychiatrist) can. The distinction makes an invaluable difference in how the student's IEP (Individualized Education Plan) is constructed and how their services are rendered. A successful IEP will not only outline goals but include the programs and techniques being used to assist the student, produce a boost in the students overall academic & self-confidence, and foster a student's personal vision of future success. On a larger scale, an appropriate educational program for a special education student or a student who receives services under special education (i.e. Resource Room and/or push-in, pull out service criteria) will greatly diminish the dropout rate between grades 8-12 and lower the rate of negative societal impacts such as incarceration, drug & alcohol dependency, and gang related incidences. The current state of public education appears to be turbulent due to pre-existing issues and remote learning due to the pandemic. Additionally, while some students in general education classes appear to be thriving, those in special education classes and receiving services under special education are struggling needlessly because the evidence that proves scientific based learning has made a tremendous difference in the lives of children with learning disabilities exists; However, because the Department of Education maintains that there is not enough quantitative evidence to justify a scientific based learning program for special education students in the public schools, the programs remain unavailable unless the parent can incur the expense. Families in underserved communities simply cannot. While the hope is that there are minimal negative impacts on the special education

community due to remote learning, the truth is that special education programs in New York City Public Schools have been struggling for more than 30 years, which has resulted in enough impartial hearings to possibly deplete the system when parents realize that such hearings are a viable option. With the implementation of the right, scientific based learning program for special education students and students receiving services under special education, the number of impartial hearings and tuition payouts to private special education schools can be greatly reduced over time. Additionally, the parents of special needs children in underserved communities will feel a renewed sense of hope and faith in their children's school and their learning abilities when they witness the positive impacts that scientific based learning can have on their child.

CHAPTER TWO

LITERATURE REVIEW

Scientific methods of learning are not new concepts or modalities of teaching and learning. For more than 50 years, instruction in utilizing the theory of cognition has been used to teach children and adults challenged with learning disabilities, in private settings. These challenges often impair the sensory-cognitive functions needed for reading and comprehension and left unchecked, not only prohibits a child's educational success but greatly impairs their outlook of a positive & successful future. The Lindamood-Bell Centers have been working with individuals "with learning challenges, including dyslexia, ADHD, and Autism" (<http://lindamoodbell.com/we-believe>) for 35 years. Utilizing the theory of cognition and an intensive, individualized approach to school, their centers and academy (Lindamood-Bell Academy) have been progressively successful in re-mediating children and adults with various learning disabilities; However, due to expense, the rigorous schedule involved in keeping the student on task, and simply not knowing that centers and academies like Lindamood-Bell exist, parents in under-served communities miss out on the benefits afforded to their children's educational journey. Additionally, because affordability is one of several deterrents to parents in under-served communities, data reflecting the successful impacts of Lindamood-Bell's teaching methodology based on children who attend New York City public schools in under-served communities does not exist. This may also factor into why the Department of Education feels that they don't have enough quantitative data to justify the benefits of fully embracing scientific methodology as an alternative approach to learning, under a special education program or service. Other scientific approaches to learning include Kolb's Experiential Learning Theory (KELT), "which is comprised of concrete experience, reflective observation, abstract conceptualization, and active experimentation, where a learner touches all bases in a cycle." (Schenck, J., Cruikshank, J. 2015, p.2) Unfortunately, Kolb's Experiential

Learning Theory was unsuccessful as it “failed to increase the understanding of learning,” (Schenck, J., Cruikshank, J. 2015, p.1) which is paramount to finding a method which addresses the needs of the various degrees of learning disabilities. Another suggested approach to learning has been Multisystemic Therapy (MST). In 2018, Blanckstein, van der Rijkin, Eeren, Lange, Scholte, Moonen, De Vuyst, Leunissen, and Didden conducted a study using an “adaptation of multisystemic therapy” (MST-ID) (Blanckstein, A., van der Rijkin, R., Eeren, H., Lange, A., Scholte, R., Moonen, X., De Vuyst, K., Leunissen, J., Didden, R. 2018, p.1) to determine whether or not it would yield better results for adolescents that not only exhibited “anti-social and delinquent behavior but also has an intellectual disability.” (Blanckstein et al 2018, p.1) The results were MST-ID lowered run ins with the police and reduced rule-breaking behavior for up to 6 months. There was even an improvement in “parenting skills, family relations, social support, involvement with pro-social peers, and sustained positive behavioral changes.” (Blanckstein et al 2018, p. 9) While these results are impressive, MST-ID does not address the way in which students process information before them or learn. Additionally, there is an acute difference between a student with an intellectual disability and one with a learning disability. LD classification is very specific and outlined as followed:

1. “There must be an intrinsic neurological problem (i.e. faulty processing of information)
2. Intraindividual differences must be present (problems in learning are unique to that child)
3. A discrepancy between the student’s potential and his/her academic achievements
4. The student must not exhibit any exclusionary factors (e.g the learning problem must not be the result of mental retardation, sensory problems, limited command of English, cultural differences, and emotional illness; and

5. The student must exhibit developmental and/or academic problems. If a student's learning difficulty can be explained by other factors not attributable to a developmental or academic problem, that student does not meet the criteria for special education.” (Winters, C. 1997, p.2)

Additionally, students classified with a learning disability have an average or above average IQ; However, there tends to be an organic discrepancy between their academic potential and achievement. What the article does confirm is that children and adults with intellectual disabilities are pre-disposed to character issues that can lead to offending behavior and result in involvement with the juvenile justice system and prison. Furthermore, both learning and intellectual disabilities, abuse, and co-occurring mental health issues increases the risk of juvenile delinquency significantly. Blanckstein et al states that “10-30% of youths in detention have intellectual disabilities” (Blanckstein 2018, p.2) and “without intervention, the behavior problems of adolescents with intellectual disabilities often persist.” (Blanckstein 2018, p.2) What has often been up for debate in public schools has not been the teaching curriculum or methodology of teaching but rather the type of service that requires a child to either be isolated within the classroom or pulled out from the classroom. In the symposium, ‘The Education of Children with Learning Disabilities,’ Barsch mentions that he is “completely against the idea of classes for learning disabilities as full segregated units set apart from the rest of education.” (Barsch 1966, p.12) He feels that the classroom separation of learning-disabled children should only be provided if there is a plan to mainstream the student back to general education. While classification can be a social issue that publicly stigmatizes the child in need of supportive services or full special education services, the underlying problem isn't whether or not the student is being isolated but the ability to properly educate children with learning differences, so that they may become thriving &

productive members of society, capable of standing on their own two feet. Furthermore, I disagree with Barsch's statement for a few reasons: 1) Children with learning disabilities thrive with learning techniques afforded to them in smaller, less distracting environments. In the state of New York, the law dictates that a classroom size can be as large as 35 students, which is counterproductive to a student with a learning disability; thus they tend to feel a lot less anxiety in a smaller classroom among their peers. In my interview with Mr. Hagrid (name changed for anonymity), he stated that the ideal classroom size for children with learning disabilities would be 8:1, 2) Pull-out services, where the student is pulled out of the classroom during particular times of the day, can prove to be disruptive and embarrassing for the student as it indicates that they are in need of extra help and makes them susceptible to bullying, 3) Because the Department of Education cannot legally diagnose a student, imposing an opinion about what set up works best for a child with learning challenges without a legal diagnosis is not only irresponsible but counterproductive to the possibility of being mainstreamed later down the road, 4) the vast majority of public schools do not possess the programs or structure for a well-tailored special education program for special needs students; therefore, many parents opt for Impartial Hearings as a step to getting their child's needs met, and 5) Because one of the criteria's to qualify for supportive services under special education is a child who is at least 2 grade levels behind, ensuring a program that works best for the student and helps to bring them up to speed is critical, warrants smaller class instruction. Additionally, in some public schools, students have been promoted through 'grandfathering,' which promotes the student whether they qualify for promotion or not. The harm in doing so is that there have been some cases where students are Junior's in high school but do not have beyond a 2nd grade reading and math level. This was the case for retired Attorney, Jay Toolman (name changed for anonymity). In my interview Mr. Toolman, he spoke about a

client he tried to assist, who had a horrible home life and no one to advocate for him. By the time Jay took him on as a client, he was a rebellious teenager being taught how to be a criminal by an unrelated criminal. Jay managed to get him evaluated and his results showed that his reading level was the grade equivalent of a 2nd grader, but he was a Junior in high school. Jay then had him evaluated at Lindamood-Bell, so that he could work through his academic challenges privately but despite his best intentions, he could not get his client to concede to getting the help he knew he needed. To date, Jay's client is serving 46 years to life in prison. In the 2010 article, 'Learning in Higher Education – How Cognitive and Learning Styles Matter,' authors Evans, Cools, and Charlesworth, mention that "individual differences in processing are integrally linked to a person's cognitive system...they are a person's preferred way of processing...they are partly fixed, relatively stable, and possibly innate preferences." (Evans, C., Cools, E., Charlesworth, Z. 2016, p.1) As such, the theory of cognition proves to be the most effective approach to the kind of scientific methodology that should be used as an alternative form of teaching special education students in underserved public school communities. It takes an individualized approach to show how the student processes information presented to them and affords some insight into their learning style, which should be added to their Individualized Education Plan (IEP). Furthermore, because schools have moved to a remote learning environment and long after the pandemic, remote learning will most likely remain a viable option for institutions of higher learning, students are being forced to take their educational experience into their own hands. This is challenging enough for general education students but for the public school attending, special education student living in an underserved community, techniques that promote the theory of cognition would prove to be extremely beneficial as they are techniques that can be put into practice daily and made handy when having to figure things out on their own. The article, 'Achieving Success for the Resistant

Student,' supports this point of view. The author, Larry Johannessen, states that cognitive views of learning are a more productive approach for students. While he is mainly referring to high risk students, often, the students who make up this group have unassessed and undiagnosed learning disabilities. He feels that "at the heart of the cognitive approach to teaching and learning is the idea that instead of focusing on the mechanics of language and lecturing about facts and information, teachers need to provide instruction that will enable nonacademic exceptional students to learn how to learn." (Johannessen, L. 2013, p.6) I agree with this approach as it is wiring the brain with the ability to think for oneself and use their best judgement to figure things out. Additionally, in my interview with Ms. Forbes, Director of Lindamood-Bell, NYC, she mentioned that when the pandemic hit, Lindamood-Bell had already implemented an on-line component 3 years prior, utilizing their own platform similar to zoom but specific to Lindamood-Bell. Students of the program who had the benefit of the on-line platform were not only adept enough to transition to a remote learning environment without issue but were able to adapt much easier than their public-school counterparts. Again, the inability to think for oneself with confidence is a trait that without proper cognitive training, makes a student with a learning disability easily misled and susceptible to people pleasing. It is also this trait that often gets children with learning disabilities into trouble. Johannessen also warns that teachers who use cognitive approaches to learning should be prepared to be questioned by administrators, parents, students, and even peers because while it is a very effective way of teaching and learning, it is also unique. Considering the programs constructed by the Lindamood-Bell program, which will be included in the latter portion of my thesis, questions are par for the course.

CHAPTER THREE

METHODOLOGY

The methodology used to support the need for scientific based learning for special education students attending public schools in underserved communities were quantitative, qualitative, analytical, and empirical. Numerical data (Quantitative) was needed to show how Bronx District 10 (a largely, underserved community) rated overall on the CCCR scale, which is measured from 1-4, with 1 being the lowest and 4 being the highest, using data.nysed.gov, and the number of schools within the District 10 community that rated between 1-4 in the district. The purpose of this information was to reflect the anomaly of schools rated as “In Good Standing,” yet also rating a 1 in the area of preparedness for college, careers, and civic readiness. Additionally, I attempted to retrieve data for District 10’s state-wide reading and math testing for students classified under special education (MRE), which also includes students receiving services under special education (LRE); However, all of the information under District 10 was removed from the nysed.gov website shortly after pulling the data on Preparedness for college, career, and civic readiness. Qualitative research was used to show the correlation between the ‘School to Prison Pipeline’ and juvenile & adult offenders with intellectual disabilities. This is an important factor because the data is expected to support what can happen when services to strengthen the deficits of a student classified as learning disabled (LD) have either not been offered, addressed, or ineffective. Furthermore, quantitative data was used to determine how many New York City public school students classified under special education contribute to the dropout rate between grades 8 – 12. The drop-out rate information is important because there is a direct correlation between students with learning disabilities, delinquency, and the juvenile justice system. According to Clyde Winters, author of ‘Learning Disabilities, Crime, Delinquency, and Special Education,’ the social characteristics of incarcerated youth vary from functionally illiterate to former juvenile delinquents who were drug

and alcohol abusers to high school dropouts or mentally retarded. “60% of inmates dropped out of school before 10th grade and between 28-43% of incarcerated juveniles have special education needs. Many of them have learning disabilities.” (Winters, C. 1997, p.3) Furthermore, 30-50% of inmates in adult prisons need special education and suffer from specific learning disabilities due to cognitive and physical difficulties. “Learning Disabled is the second largest category of special education” (Winters, C. 1997, p.2) and nationally accounts for 43.6% of special education students, so our Department of Education needs to ensure that appropriate means of educating students before they become at risk and drop out, have the means or programs in place to be properly educated. Furthermore, I used a bar chart to reflect empirical data which was based on the IEP’s of Alla Walters (name changed for anonymity), Lindamood-Bell evaluations, historical & explanatory data to explain declines that impeded Alla’s learning. I interviewed several Educators, Headmasters, and Attorney’s specializing in Special Education Law for their thoughts on the state of special education in New York City. Their expertise in these matters were paramount to my research as working remotely and building shutdowns made it especially challenging to gather information, while keeping the integrity of the research confidential.

One of the main problems I ran into while trying to pull my reports was the fact that the information needed from www.data.nysed.gov was removed from the Bronx County-District 10 site, shortly after reviewing the information for college, career, and civic readiness so revisions to some of the data was changed to solely reflect the preparedness for college, career, and civic readiness to make the correlation between school performance, the need for more effective learning programs for special needs students in MRE & LRE, and the lack of social equity in our public education system. This was mildly disturbing as the public has the right to this information. Furthermore, the records management area of the department of education appeared understaffed, possibly overworked, and

inefficient. To recover lost data, I had to reach out to records management and just like an IEP meeting, I was never told that they had a turn-around time of up to 45 days for school records. It was the Department of Education legal department who filled me in and made an exception.

Qualitative Research was used to describe the results of the quantitative data, to conduct interviews with former and current Special Education teachers of both public and private special education schools, and Attorneys who specialize in special education law and have renown reputations in their field. Additionally, an analysis of four different scientific modalities of learning was conducted to determine which yielded the best results for special education and resource room students. It is important to notate that all four programs are designed to address the theory of cognition to boost the reading and comprehension levels of the students; However, only one addresses mathematical concepts and is evidence-based. Finally, a case study of a student who spent time in New York City public schools as a general education & resource room student (Least Restrictive Environment), a private special education school (Most Restrictive Environment), and mainstreamed back into general education with supportive services was used to further determine the effectiveness of scientific based learning versus public school program approaches to learning and the quality of the special education in public school versus a private special education school and a center for scientific based learning, using cognitive theory. Details of the qualitative criteria of the research are described below:

1. Interviews – Phone and Zoom interviews with the following Special Education teachers and Attorneys who specialize in Special Education Law was incorporated into the research:
 - a. DeHaven, W. (Bill) – Former Headmaster & Math Teacher, Winston Preparatory School & Winston Transitions.
 - b. Forbes, A. – Director, Lindamood-Bell, NYC

- c. Garvin, Y. – Special Education Teacher, Bronx District 10, New York
- d. Good, M. – Attorney, Special Education
- e. Hagrid, S. – Headmaster, Winston Preparatory School
- f. Toolman, J. – Attorney, Special Education
- g. ³Zapa, D. – Former NYC Special Education Teacher

The purpose of these interviews were to understand the class dynamic of the students taught in their special education classrooms, to understand the current programs used in the classroom to assist their students in conjunction with the analysis of the listed programs below, to better understand the impacts of remote learning on special education programs normally taught in a public school classroom, to better understand the resistance of scientific based learning in public education school, to assess whether or not the NYC Department of Education has made any strides in creating & implementing better special education programs, IEP Assessments, and recommendations. Furthermore, in trying to understand the resistance against scientific based learning in New York City public schools, the following research questions arose:

- A. Does the roll out of a program like Lindamood-Bell Learning Center on Campus violate the terms of the United Teachers Federation (NYC based teachers union)?
- B. Even though Lindamood-Bell does have a Teacher Partnership Program, is the concern that public-school special education teachers may feel as though their jobs are in jeopardy?
- C. Despite their success and 35-year presence, does the fact that Lindamood-Bell instructors do not have certifications in education to teach according to New York State standards factor into their ability to have a presence in New York City Public Schools?

³³ Names of Interviewee's and Case Study have been changed to preserve anonymity

Unfortunately, phone calls and an in-person visit to the United Federation of Teachers Headquarters were not returned and because their administrative personnel are working remotely, no one was on-site to answer questions; However, in a follow up interview with Ms. Forbes, Director of Lindamood-Bell, NYC, it was confirmed that because Lindamood-Bell trained Clinicians are not hired on the basis of being NY State licensed teachers, which is not necessary for their program, they cannot function in the capacity of a teacher on an actual New York City Public School site. Thus, I conclude that to do so would cause a conflict from a union's perspective. Additionally, the training to be considered a Lindamood-Bell Clinician is very intensive and rigorous, requiring a 5 day per week/ 4 hours per day commitment, which a special education or general education teacher could not commit to simply for work-related reasons. Furthermore, because Lindamood-Bell does have a Teacher Partnership Program, NYS licensed teachers who participate in the partnership can and do receive assistance from Lindamood-Bell Clinicians, therefore, teachers participating in this program are more interested in developing additional skills to assist their students than focusing on job insecurity. Finally, it is important to note that being a Clinician or training to become a Clinician under Lindamood-Bell does not mean that some are not teachers by profession but rather could be taking their skills in a different direction in order to meet Lindamood-Bell's clinical requirements. Again, this is one point of view in addressing the research questions as they presented themselves. Should the United Federation of Teachers (UFT) choose to verify this point of view later, they will be more than welcomed to do so.

Analysis of the following Scientific Method Programs was incorporated to assess which proved most effective for the range of learning disabilities that exist, despite their individual successes in education:

- a. Lindamood-Bell – LiPS Programs, On Cloud Nine, Seeing Stars, Visualizing & Verbalizing
 - b. Orton-Gillingham Foundations
 - c. Teachers College Reading & Writing Method
 - d. Wilson Reading System
- 3. Case Study: Alla Walters – name changed to protect the identity of the student. This case study follows the educational journey of a current college student from primary school through high school. What makes the case unique is that the student’s records include quantifiable & qualifiable data from their time in public school as a general education student, a student receiving resources under special education, a student receiving scientific based method tutoring, a student in a private special education school where scientific based methodology is continued, and then a student who was able to return to a general education high school, graduate with a regents diploma, and is now a senior in college. What the data will also show, is that when they returned to a general education public school, there was a regression because the school did not utilize scientific based learning and the special education program proved to be ineffective; However, the student was able to utilize their scientific methodology tools to help them do well in their classes, along with extra time on exams.

Secondary Data Collection – Since schools have been moved to remote learning environments, there may be aspects of my research dependent upon existing data sets opposed to first-hand research. To date, use of secondary data collection has not been determined as necessary but could change as time becomes more restrictive.

**Analysis of Lindamood-Bell, Orton Gillingham Foundations, Columbia University
Teacher's College Reading & Writing Program, and Wilson Reading System**

Lindamood-Bell has been in existence for 35 years, yielding tremendous success with students, young and the mature, and who suffer from various learning disabilities. Their dedication to teach using the theory of cognition has proven that children and adults challenged by learning disabilities are, in fact, not learning disabled but learning abled with the correct learning tools in place. These tools have been formed into various programs, that are structured to meet the individual needs of each student based on their assessment results as followed:

Seeing Stars: A phonetic program based on symbol imagery for “phonological and orthographic processing in reading and spelling.” (<https://lindamoodbell.com/program/seeing-stars-program>).

The program teaches students how to visualize the word they are trying to spell, air write it (literally spell the word in the air using your finger) and then write it down. What generally happens in this case is that the student does possess some phonetic awareness but has challenges “remembering sight words and spelling words” (<https://lindamoodbell.com/program/seeing-stars-program>) and cannot remember the visual patterns of words (orthography). So, essentially, when a student has trouble “memorizing sight words, sounding out words, orthographic & phonemic awareness, contextual reading fluency, and orthographic spelling,”

(<https://lindamoodbell.com/program/seeing-stars-program>) Seeing Stars is the program they will greatly benefit from.

Visualizing and Verbalizing: Addresses cognitive development, comprehension, and thinking. This portion of the program assists students who can read words accurately but not comprehend what it is they’re reading. When this happens, it is usually indicative of “weak concept imagery.” (<https://lindamoodbell.com/program/visualizing-and-verbalizing-program>)

Weak concept imagery prohibits the reader from attaining a full understanding of the information they have read and only recall a part of the information and not the whole; thus, students who exhibit weakness in reading and listening comprehension, critical thinking and problem solving, following directions, memory, oral and written language expression, grasping humor, interpreting social situations, and understanding cause and effect, would greatly benefit from the visualizing and verbalizing program.

LiPS: Addresses reading, spelling and speech. This program enables “students to prove the identity, number, and order of phonemes in syllables and words.”

(<https://lindamoodbell.com/program/lindamood-phoneme-sequencing-program>)

Weak phonemic awareness impacts decoding and spelling skills. This causes individuals to omit, add, substitute, and reverse sounds and letters, which are common traits of dyslexia. The LiPS Program assists students with “discovering and labeling oral-motor movements of phonemes;” (<https://lindamoodbell.com/program/lindamood-phoneme-sequencing-program>) thus, allowing students “to verify the identity, number, and sequence of sounds in words. Once established, phonemic awareness is then applied to reading spelling and speech.”

(<https://lindamoodbell.com/program/lindamood-phoneme-sequencing-program>)

Talkies: Addresses oral language comprehension and expression. This program helps to strengthen weaknesses in concept imagery, which prevents individuals from comprehending and expressing language well. The Talkie program is used in practice for students with severely delayed language development as well as those individuals diagnosed with an autism spectrum disorder and “need simpler smaller steps of instruction to establish the imagery-language connection.” (<https://lindamoodbell.com/program/talkies-program>) The goal of this program “is

to develop the dual coding imagery and language as a base for language comprehension and expression.” (<https://lindamoodbell.com/program/talkies-program>)

On Cloud Nine Math Program: is the Math version of Visualizing & Verbalizing. Because math requires cognitive processing, dual coding of imagery, language, and thinking, it encompasses some of the same characteristics needed for cognitive development and comprehension. Imagery is also fundamental to the process of thinking with numbers; thus, this program assists students with the inability to remember math facts, struggles with computation, new math concepts, word problems and dyscalculia. The primary cause of math difficulties is that individuals tend to think they can memorize facts opposed to being able to think, reason, and problem solve with numbers.

In speaking with Adrienne Ford, Director of Lindamood-Bell, she states that what makes Lindamood-Bell so different from programs like Orton Gillingham, Teachers College Reading and Writing Method, and Wilson Reading System is the fact that while they allow teachers to engage in Lindamood-Bell training, they do not get certifications because it requires a lengthy commitment as an instructor, in an intensive 5 day per week program in order to keep in step with authentic Lindamood-Bell training. Whereas, a teacher can take a course in the other programs and be deemed a certified instructor. Additionally, none of the forementioned programs have been around as long as Lindamood-Bell or are evidence based opposed to research based. When asked if Lindamood-Bell still faces some resistance from the Department of Education regarding their Learning Center on Campus Program or Teacher Partnership Program, she felt as though that was more of a yes and no question. On the one hand, parents must resort to Impartial Hearings to get the Department of Education to pay for a child’s program but at the same time, it appears to be more of a formality than a fight. This is actually a relief and shows growth on the part of the Department of Education because it was not always that accommodating. While Lindamood-Bell

does offer a scholarship to cover students in need of the program, they can only offer 2 per year, so Ms. Ford recommends that if a parent cannot afford the Lindamood-Bell tuition, cannot qualify for the tuition payment program, which is a separate financing affiliation, and is not selected for their scholarship, her best recommendation is going the Impartial Hearing route. Finally, Lindamood-Bell also has a research partnership with the University of Alabama, which can also suffice as an alternate way of covering the tuition for students ages 7-13. The family would have to be willing to travel to Alabama, have the necessary assessment and if a fit for the program, can utilize the Lindamood-Bell Program remotely, free of charge. Their remote platform works like zoom, has been in use for the last 6 years, and affords the student 1:1 instruction that they benefit greatly from.

The Orton Gillingham Approach is described as a “direct, explicit, multisensory, structured, sequential, diagnostic, and prescriptive”

(<https://www.ortonacademy.org/resources/what-is-the-orton-gillingham-approach/>) approach to teaching literacy. While Orton Gillingham has been a validated practice for 80 years and uses a scientific based approach, it is a little unclear what as to what they mean when they describe how they work by “pacing instruction and the introduction of new materials to individual’s strengths and weaknesses.” (<https://www.ortonacademy.org/resources/what-is-the-orton-gillingham-approach/>) Unlike Lindamood-Bell, Orton Gillingham offers four different training levels: Orton-Gillingham Classroom Educator (30 hours), Associate Level (60 or 70 hrs.), Certified Level (100 hrs.), and Fellow Level (250 hrs.). There are also additional curriculum requirements that vary per level. Orton-Gillingham appears to be structured towards students with dyslexia opposed to varying types of disabilities and prides themselves on the flexibility of their program and the fact that training is taught by their Fellows opposed to the Academy, so that there are no conflicts of

interest with the same organization teaching and certifying. Additionally, much like Lindamood-Bell, Orton Gillingham does have an on-site school presence in 18 different schools; However, they do not have a remote learning presence beyond an online introductory course or a structured math program although some of their instructors have gotten creative with their approach. Columbia University Teacher's College Reading and Writing Program is a scientific based program which uses phonetic, visual, and stimulative auditory learning processes to address the reading and writing needs of school aged children. I first discovered and wrote about this program in December 2018 as I learned that the former IS/PS 20 school in District 10 found a way to have this program implemented in their school to specifically meet the needs of their special education students. Typically assessments would be made to monitor the success of the program; however, results from the 2019-2020 school year for District 10 was not reflected on the www.data.nysed.gov website to make a determination of success with the program. In my 2018 interview with special education teacher, Y. Garvin, she mentioned that the full utilization of the program was not being implemented because of the Department of Education's aversion to scientific based learning, so the phonetic portion of the program was replaced with Orton Gillingham's Foundation Program, while the scripted lesson plans of the Teacher's College Reading and Writing Method (TCRWM) were being used to address the written and stimulative auditory process. Each lesson takes no longer than 10 minutes and introduces children to different writing styles and teaches them how to read with a flow. This is very different from the various programs under Lindamood-Bell but does seem to have the flexibility of Orton-Gillingham. Additionally, there is a 'Pen Only' rule for the written component of the program. This is so the teacher and the child could see their writing progress much better without erasures. The writing portion is called "Writing from the Heart," which starts off with a heart outline that each child fills with words that

come to their minds. The words are stimulated by a question the teacher asks, with the goal being to write as many words inside of the heart so that students can form a sentence and expand upon their story. Unlike the other programs, TCWRM is only 6 years old, not geared towards adults with learning disabilities, and does not have a math component; technically, neither does Orton Gillingham but they mentioned some instructors managing to use their approach to assist with math. In 2018, I mentioned that there seemed to be no action plan to roll the program out to students not fortunate enough to have been introduced to the program in their primary years. This poses the question of what program do you implement for students who may now be identified as at-risk students? Furthermore, one of the core problems to the roll out of the Teacher's College Reading and Writing Method was the fact that they handed out the program by grade opposed to what the student's comprehension level was, which is not the way special education works. Students in special education are there because they are not at grade level for various reasons. Students classified as Learning Disabled are not at grade level either, so it's a little troubling that a school would not realize this. As a result, I am wondering if the results of reading comprehension exams were not posted due to the outcome of this mistake.

Finally, there's the Wilson Reading System, which former New York City Special Education Teacher, D. Zapa, introduced to her class last winter (2020). Much like Lindamood-Bell and the Orton-Gillingham Approach, The Wilson Reading System has 30 years of teaching students with language-based disabilities under their belt. Additionally, much like Lindamood-Bell, the program was designed for children in grades 2-12 AND adults and has an intensive structure as prescribed by the International Dyslexia Association. Furthermore, Wilson utilizes a 10-part lesson plan that addresses: decoding, morphology, and the study of word elements, encoding and orthography, high frequency word instruction, oral reading fluency, vocabulary, and comprehension. Wilson uses a

12-step sequential system that does not correspond with grade level, which it shouldn't, and addresses the following key components:

1. Word Structure, in depth for automatic decoding and spelling
2. Word Recognition and spelling of high frequency words, including irregular words
3. Vocabulary, word understanding, and word learning skills
4. Sentence level text reading with ease, expression, and understanding
5. Listening comprehension with age-appropriate narrative and informational text
6. Reading Comprehension with narrative and expository text of increasing levels of difficulty
7. Narrative and informational text structures
8. Organization of information for oral or written expression
9. Proof reading skills
10. Self-monitoring for word recognition accuracy and comprehension

Students move at a pace based on the mastery of their skill set, “understanding of language concepts, and the ability to apply skills and concepts to connected text with accuracy, fluency, and understanding.”<https://www.wilsonlanguage.com/programs/wilson-reading-system/overview/curriculum/>

Lesson plans are divided into 3 blocks, requiring 90 minutes per lesson as followed:

1. Block 1: Parts 1-5, emphasis on word study/ foundational reading skills
2. Block 2: Part 6-8, spelling/foundational writing skills
3. Block 3: Part 9-10, fluency and comprehension

Much like Lindamood-Bell, there have been several studies evaluating the effectiveness of the Wilson Reading System. All yielded positive results varying in the areas of reading fluency and comprehension, phonics, vocabulary, decoding, phonological and phonemic awareness, and literacy achievement. These are the type of results I was searching for with Orton-Gillingham since they have 80 years of service but did not find such results for some reason. Additionally, Wilson makes it clear that they are a reading system, thus, there is no math component, which is a shame since word problems prove to be problematic due to issues of comprehension. Finally, if I had to put the programs in an order by preferable scientific based methodology, it would look like this:

1. Lindamood-Bell: While Lindamood-Bell appears to be the most intensive of the 4 programs, it is necessary to follow the guidelines that work best for the student with the disability and in accordance with the International Dyslexia Society. Additionally, Lindamood-Bell was the first of the four to speak to and reflect evidence-based data to support their history of success. They are the only program to have a featured math program, which has proven just as effective as their visualizing and verbalizing reading program. They have 35 years of experience and accept adult students into their program if there is an inherent need.
2. Wilson Reading System: While not in existence as long as Lindamood-Bell or Orton-Gillingham, the Wilson Reading System is closest to Lindamood-Bell regarding the integrity of their program. They are designed for students and adults, have an evidence-based track record of proven success, and works in accordance with the International Dyslexia Society.

3. Orton-Gillingham Approach: While this method has been around for 80 years, there seemed to be more of an emphasis on certifying those interested in their method than student success stories. Their willingness to certify teachers, makes them a little bit more palatable to the Department of Education because the cost to certify is low and does not conflict with the Teachers Union since there is no threat of taking a teachers job and, seemingly, adds to the qualifications of the teacher. There wasn't any data on their site that spoke to the success of their students as a result of their approach nor was there any evidence based testing or research reflected to show how their research makes a difference in the lives of students with learning disabilities, so I am wondering if they are staking their success on their long standing reputation. Their site states that they are more flexible in their approach and their focus is mainly centered around dyslexia. Unlike Lindamood-Bell, they do not have a dedicated math element or program.
4. Columbia University Teachers Reading and Writing Program: The fact that their program was not rolled out properly by PS 20, their results have not been transparently shared, and they are strictly a reading and writing program, holds no bearing as to why they are ranked in last place. Their program is new in comparison to the others and therefore does not have the evidence-based track record as its counterparts, is strictly for children, and does not offer a math component. This program seems quite basic in comparison to its counterparts but appears effective in its efforts to get special education students reading and writing with excitement.

CASE STUDY

Alla was born in the 1990's via a normal birth. At a whopping birth weight of 8pds 12 oz and 22 inches long, she exhibited no signs of mental or physical challenges and for the most part, proved to be an extremely bright and happy child. She began walking at 12 months and was potty trained by 16 months. She was then placed in a progressive daycare that emphasized the importance of early learning, introduced the use of computers, and tested the children's motor skills using timed puzzles. Alla always came in first place, beating out her classmates with 2 seconds to spare. After a significant move to New York with her mom, she was placed in the care of a babysitter opposed to daycare as a matter of financial necessity and then later placed in a private school for Kindergarten in Riverdale. After her mom was made aware of some problems with the school, she managed to acquire a variance letter and had Alla transferred to a school closer to her job in the tony District 2 School system. It was during Alla's first year in her new school that her problems with reading began. Alla was memorizing books but not comprehending what she had read. This became most evident when she would turn to the next page and couldn't recognize the same word that she had read on the previous page. Alla's mom wondered if this was a side effect of the argument she had over vaccination with Alla's doctor in New York. When Alla and her mother lived in a different state, her pediatrician had brought Alla's shots up to date but when Alla was about to start the 1st grade, her new pediatrician stated that Alla's shots were not up to date, which resulted in a 3 way argument between her mom, the former pediatrician, and her current pediatrician. Because the current pediatrician was very specific about the vaccination Alla was missing, was clear that without it, Alla would not be able to start school, and her former pediatrician exhibited doubt about bringing Alla's vaccination up to speed, Alla's mom allowed the current doctor to give Alla the vaccination she was told was missing. It appeared that a few

months after that, Alla's trouble with reading began, so Alla began an intensive reading program called Reading Recovery. The program had some success but required an intensive reading schedule, which was hard to maintain over the summer as that was Alla's time with her dad. Despite the Reading Recovery Program, Alla still struggled. Her school did not have a Special Education program because they were a charter school and not funded by the Department of Education although they still outperformed the area school and Alla's homeschool district, so Allah's mom consented to having Alla evaluated by the CSE (Committee on Special Education). The result of the testing showed that Alla had a high IQ but there was a disconnect in her cognitive processing. Under this premise, Alla classified as having a learning disability; However, this presented some challenges for Alla's mom: 1) What was the specific disability? 2) How was she supposed to help her if she doesn't know what the disability is? 3) How is the school supposed to help her if they don't have a special education program or know what the disability is? (Alla's school was a charter school and although high performing, they did not have the funding for a special education program). Rather than move Allah from a safe and generally good school for general education, Allah's mom decided to try Sylvan Learning Center; However, after 2 months, the Director let Alla's mom know that they were not equipped to teach a child exhibiting a learning disability and recommended that she have her privately assessed. Sylvan and other learning centers like Sylvan were designed for general education students who might be a little behind but not with IEP's. At the same time, Alla's mom had been approached by the school principal and Alla's teacher about retaining Alla opposed to promoting her to the next grade, so Alla's mom brought the Sylvan Director with her to the meeting to ensure that what was being expressed was the same issues being seen at the center. During the meeting, it was clear that educationally, Alla was really struggling and would have an even harder time in the 3rd grade, so after conferring with

the Sylvan Director, Alla's Principal, and general education teacher. Alla's mom made the hard decision to have Alla retained. During the repeat of Alla's 2nd year she seemed to do much better but still had some challenges. Alla also had a terrible accident at school that resulted in a head trauma requiring 20 stitches (12 internal, 8 external) and the concern was how was this going to impact Alla's learning. The school was liable for what happened but Alla's mother was more concerned with what processes to put in place to ensure Alla's educational needs were being met, so her research began. A week after 3rd grade began for Alla, the World Trade Center was attacked. Alla and her classmates who were in their classrooms at the time were thankfully shielded from the sight because their classroom faced the north side of the building; however, accounts of what happened made it to school and Alla, not realizing that her mother was in the school office updating her emergency contact list, was hysterical. Alla's mom went to the classroom intuitively to check on Alla and let her know she was okay. When it came time to evacuate, however, a teacher panicked, and it forced the kids to turn around and see the horror left behind by the 1st tower that had fallen. More rupturing ensued, so Alla's mom let the principal know that she was leaving with Alla to start the journey uptown. When smoke started billowing up the street Alla's mom grabbed her and ran. It was one of the worst days of their lives along with an equally traumatic year. Alla's supportive services had been disrupted because of the events of 9/11. The entire school was essentially traumatized and when they weren't in shock, they were angry. Trying to move forward was hard but Alla's mom knew that Alla would only be as fine as she was, so she tried to balance the extreme anger and extreme sorrow she felt to keep her daughter from realizing the difficulty she was having with her emotions. When Alla finished out the year, her mother brought her back to their neighborhood school and volunteered as a PTA mom so that she would always have a presence to ensure Alla was okay. Things were not okay. The special education teacher had no

control over the resource room kids and many of the kids that general education teachers could not deal with were dumped into the special education classrooms, which did not foster a safe environment for Alla. Realizing that the school was in violation of Alla's triennial IEP, Alla's mom started the Impartial Hearing process to have the Department of Education pay for a private school placement. At the time, Alla's mother did not know much about the Impartial Hearing process, so she wasn't sure what of what she needed but she knew what she wanted, so she wrote and faxed a letter to the Impartial Hearing Office, requesting a meeting. At the time, Alla was in a District 10, Title 1 school, in her community that was grossly ill-equipped from a special education perspective and largely felt the mistake of moving her from a District 2 charter school without a special education program to a Title 1 neighborhood school, with a special education program that was grossly lacking. The first Impartial Hearing resulted in a continuance, without prejudice because although Alla's mom could prove that District 10 failed to perform Alla's Triennial, she didn't have any private school options to present because Alla would need to be accepted into a school first and then tuition responsibility and placement could be considered. Additionally, the Hearing Officer found District 10 culpable for the lapse in not performing the Triennial and ordered them to perform it before the next scheduled hearing. Alla's mom was not deterred, she just needed to fight smarter and figure out a way to get legal advice. The issue was that she made too much to qualify for an advocate but not enough to afford a private lawyer, so she found a work around. She contacted Michele Good's law office (name changed for anonymity) and set up a meeting with one of her partners. She paid the attorney \$200.00 for an hour-long discussion on presenting evidence, the IDEA, balancing the scales of justice, and Alla's school history. Alla's mother began putting together relevant background evidence and researching appropriate school placements. In the short term, George Bush legislated 'No Child Left Behind'

which became a timely answer to removing Alla out of her neighborhood school and placing her in a better performing school in Riverdale. Further research led Alla's mom to Lindamood-Bell, so she met with the Director to discuss Alla's learning challenges and how Lindamood-Bell could help her. While Alla's mother was sure that Lindamood-Bell could help Alla, the tuition cost was much higher than she could afford. It would cost **\$1,780 per week** to implement the program Alla desperately needed, so she asked the Director if she would be willing to perform Alla's evaluation if she could get the department of education to pay for it through an impartial hearing. She agreed and Alla's mother had a 2nd Impartial Hearing for Lindamood-Bell Instruction and transportation to get there. During the hearing, Alla's mother was able to provide the evaluation from Lindamood-Bell and the fact that they had already tried Sylvan Learning Centers, but they were ill-equipped to educate a child with an IEP. Alla's retainment in the 2nd grade was also a factor, so the Impartial Hearing Officer ordered Lindamood-Bell for Alla, along with transportation. Alla's mother provided the Hearing Officers Decision to Lindamood-Bell and Alla was able to start the program. The next challenge was getting Lindamood-Bell paid in a timelier fashion and the transportation fulfilled. The issue was although the Hearing Officer ordered payment, the way the legal verbiage was constructed was wrong and as a result, the transportation wasn't going to be provided until that was worked out, so Alla's mother contacted the Impartial Hearing Office to have the verbiage updated and resolve the issue of transportation. Lindamood-Bell was paid but the transportation order was ignored, so Alla's mom had a married couple from her church assist with transit. Under the Lindamood-Bell program Alla made remarkable strides. Because Lindamood-Bell subscribes to cognitive learning theory, they were able to meet Alla's needs and bring her beyond her grade equivalent. Alla's mother continued her research for private placement for Alla and discovered Winston Preparatory School. She managed to attend the last WPS Open

House for the school year and knew that she had found the right place. Until that moment, the other Special Education Schools that were considered DOE Approved Schools could not accept any more students but that had nothing to do with why Alla's mother chose Winston; she chose Winston because of the enormous amount of hope Winston instilled into every parent through their evidence-based research, excellent structure and approach to cognitive teaching and learning, and the safe space they provided for learning disabled classified children to thrive in. Alla's mom applied within 24 hours and Winston Prep accepted Alla within 3 weeks. The next Impartial Hearing Alla's mother had was for reimbursement for a neuropsychological evaluation and the follow up review to be performed by NYU Child Study Team. The evaluation cost was **\$3,660.00** but Alla's mother made the sacrifice because until she discovered the NYU Child Study Team, she wasn't aware that at Alla's IEP meetings, she could've requested a private evaluation through a Department of Education Approved vendor and by the time she found out and compared their services to the NYU Child Study Team, it was clear that the NYU Child Study Team would perform the most thorough evaluation. The results supported that the instruction Alla received under Lindamood-Bell had been extremely beneficial and while the NYU child study team would not diagnose Alla as Dyslexic in writing, they did support Lindamood-Bell's assessment that Alla exhibited the "classic strains of dyslexia." This allowed for a renewed sense of hope and reassurance that the path Alla's mom was taking was the key to Alla being educated successfully. The next Impartial Hearing Alla's mother had was the continuance to her first Impartial Hearing where District 10 was supposed to perform Alla's Triennial. Because District 10 failed to perform the triennial or contact Alla's mother at all, the Hearing Officer ordered Alla's placement at Winston Preparatory School and that the expense be incurred by the Department of Education; However, that wasn't the end of the battle. Alla's mom had 2 problems unraveling at the same

time. The first problem was the principal from the joint JHS/HS that all 5th graders in Alla's current public school were to be promoted to, planned on not accepting any children who had been transferred under the No Child Left Behind Act, which meant that Alla would've been left without a public school placement if Alla's mom was unsuccessful with tuition payment for Winston Preparatory School. While this was illegal, the principal received a standing ovation from all their neighborhood parents when she announced her defiance at the open school night for new and potentially new parents. The second problem was although the Impartial Hearing Officer ordered placement at Winston Preparatory School, he neglected to include the deposit fee (10% of the overall tuition, \$36,750) and the remaining balance of the tuition which was necessary since Winston Preparatory School was and is not a Department of Education approved school. Alla's mother knew that she had to kill two birds with one stone, so she had another Impartial Hearing to fix the Impartial Hearing Order and received the Impartial Hearing Officer's Decision just in time to save Alla's seat at Winston Prep. By this point, Alla's mom had 5 impartial hearings and would have 4 more during Alla's time at Winston Preparatory School because they were not considered a NYC Department of Education approved school; meaning Winston Preparatory was free to run their school as they wished (within the best interest of all students) without any input from the Department of Education. A philosophy strongly upheld and one Alla's mom agreed with. Alla's mom thanks the bias of the JHS/HS Principal and District 10 whole-heartedly for signing that first tuition payment for Winston Prep; all \$36,750.00 of it.

Alla started Winston Prep in the 6th Grade and loved it. She had already had a head start thanks to the cognitive teachings of Lindamood-Bell and when assessed before leaving the program, had increased 2 grade levels in reading and comprehension. Lindamood-Bell had done for Alla in 5 months what public education could not do for her in 5 years and while this is not

meant to slight the Department of Education, we want them to understand the difference it makes in a special needs child's life when they are educated properly through cognitive learning theory techniques; meaning that with the full knowledge of their disability diagnosis, a parent can begin the process of finding the programs that can best educate their children. If these programs are made available within the public-school system, this would not only level the playing field for Special Needs children throughout New York State, but most especially in underserved communities, where parents most likely have never heard of some of these programs and are losing hope in what the future will look like for their special needs child.

At Winston, Alla no longer needed an IEP because as a private school, they did not need them; However, because District 2 (Winston's new district) wanted to have proof of Alla's progress for future impartial hearings, so they continued to have yearly IEP meetings at Winston. The IEP's along with Winston's lengthy progress reports left no questions about the work being done to assist in Alla's overall progress. Alla took Language and Literature, Math, Science, History, Art, Physical Education, and Socialization and Communication/ Enrichment during her 1st semester. Her report cards were broken down by Focus, an area that pinpointed the strengths and weaknesses of the student; Methods to achieve objectives, and subject specifics. By the time Alla reached the 8th Grade, she was on Winston Prep's honor roll, the basketball and softball team. Her mother's trips to the Impartial Hearing Chambers were cut down to once a year for tuition reimbursement. At Alla's moving up ceremony to the 9th grade, the Headmaster asked Alla's mother if she could stay another year because he had never seen a student make such a tremendous turnaround. Alla's mother deferred to Alla and because she wanted to stay, Alla's mother fought one last fight for tuition and won.

In Alla's last year at Winston (9th grade), it was becoming clear that it was time for a new setting. As a reward, Winston students who did well on their report cards were given the reward of being able to leave early. Many times, Alla was the only who could do so. During class with her peers, she would grow impatient and want to move on, not realizing how that was making her peers feel. During one of her mother's last parent/teacher conferences, she asked each of her teachers if they felt she was strong enough to return to general education if she had supportive services, and everyone said yes. When all was said and done, Alla was enrolled in the NYC Museum School, which was not her first choice but it was literally down the street from Winston Prep and Alla was allowed to stop by whenever she needed extra help. Since Alla was now back in public school, she was back to generic IEP's and Alla was part of Collaborative Team Teaching. Alla did well because she was equipped with the techniques afforded by Lindamood-Bell and Winston Prep but had a hard time with some of her Regents exams. Prior to Alla's graduation ceremony, her mother went to the resource room to retrieve Alla's last IEP. She was met by a new special education teacher who expressed concern because Alla's last review showed that Alla's grade equivalent was 10.9. She wanted to make sure that Alla's college had a copy of it, so they knew how to structure her freshman year. Alla's mom decided that when the time was right she would pick up the cause for other parents with exceptional students, who deserved the right to a free and appropriate education that utilized effective cognitive programs to assist them in the learning process; beginning with her community. Ultimately, Alla graduated with a Regents diploma and was accepted into 2 colleges. Alla did extremely well and graduated first with her Associates degree and is currently finishing her bachelor's degree in Psychology. She is a married mother of one, a retail manager, and runs her own bakery business. It is safe to say that she is doing quite well for herself.

CHAPTER FOUR

FINDINGS

Alla's story is one of success because of early interventions, an extremely involved and advocating mother, tribal support through her church family, a child's desire to want to do well, and faith; However, not every child from their neighborhood and, specifically, their district, have been this fortunate. Empirical data based on the Lindamood-Bell evaluations showed that when Alla first joined Lindamood-Bell in 2003, she was below grade level and at that point had already been retained. Her grade equivalent was 4th Grade, with a mental age of 8 years 7months, with a raw score of 23 (25 starts the average range), a standard score of 93, and a percentile of 33. After remediation through Lindamood-Bell, Alla was re-evaluated on March 5, 2004 and her scores were: Raw Score 36, Standard Score 110, Percentile 74th, Mental age 14years, 10 months, and Grade Equivalent 8th grade 7 months. For consistency, Lindamood-Bell assessed Alla again on May 4, 2004, and her scores reflected the same as her March 5, 2004 scores with exception of being 1 point off in standard score (109 opposed to 110) and a 2 percentile drop (72nd opposed to 74th). This was most likely attributed to the hardship of getting Alla from her primary school in Riverdale to Lindamood-Bell's West 4th Street location in the village. However, the most challenging drops in Alla's scores was her last assessment on August 17, 2004 which reflected a Raw score of 33, a standard score of 102, a drop in percentile to 55th, a mental age of 12 years 4 months and a Grade Equivalent of 6th grade 9 months. The decline was attributed to the fact that from June until Alla's evaluation in August, Alla had been away for the summer with her dad and did not have the supportive services in place that would allow for continuity of the program.

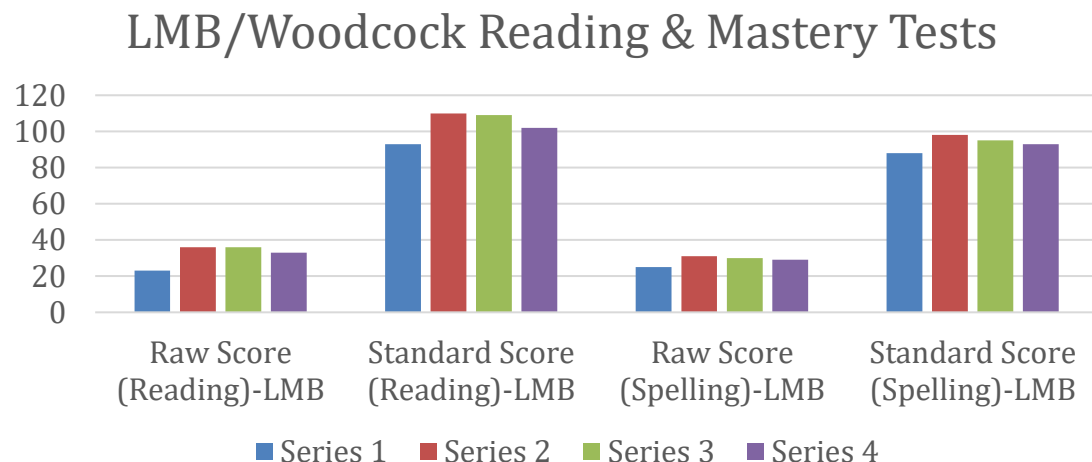


Figure 1.1 The data above reflects Pre-eval, Eval, and Re-Evaluations of the Woodcock Reading Mastery Test & the Wide Range Achievement Test (Spelling) given to Alla on 10/30/2003, 3/5/2004, 5/4/2004, and 8/17/2004. While the data reflects a steady increase in Alla's reading and comprehension, the slight decline at the end was the result of Alla spending her summers away, without the reinforcement of cognitive learning.

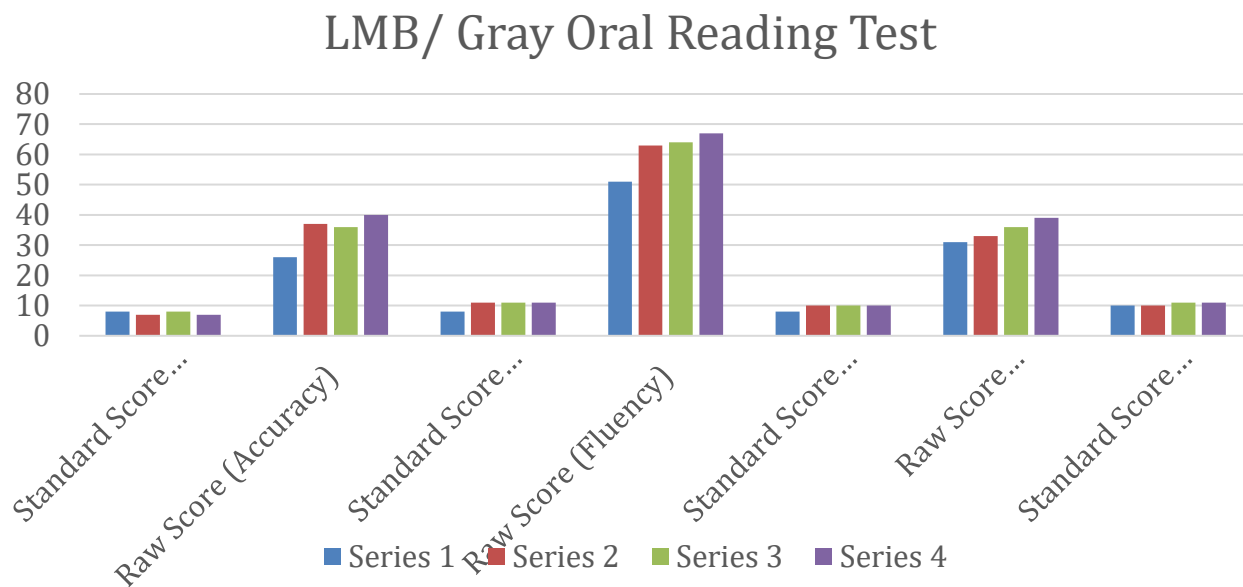


Figure 1.2 The data above reflects Pre-eval, Eval, and Re-Evaluations of the Gray Oral Reading Tests given to Alla on 10/30/2003, 3/5/2004, 5/4/2004, and 8/17/2004. The exam tests for raw & standard reading rate, accuracy, fluency, and comprehension. While the data reflects a steady increase in Alla's reading and comprehension, the slight decline at the end was the result of Alla spending her summers away, without the reinforcement of cognitive learning.

What is most important about the observation of the decline in Alla's testing scores during periods where she was away without the reinforcement of cognitive theory for extended periods of time, is that it presented a pattern of decline whenever there was a long-term absence of effective cognitive programs to assist with her learning process. This was witnessed again when the last IEP report was constructed for Alla in 2010. The IEP showed that despite Alla's grades and the fact that she was graduating from high school, her last assessment reflected a grade equivalent of 10.9; thus CTT was ineffective because her public high school did not possess the appropriate program to assist Alla through her learning challenges.

What was good is that Alla would use the techniques she learned to read books during her time with dad, so that assisted with keeping her on the higher end of her grade level. The other challenging drop was when Alla was mainstreamed back into general education with the supportive services of collaborative team teaching. Because Alla did not have the same cognitive instruction that privately run programs and schools have the advantage of, Alla was not 'grade equivalent at the time of her graduation and it explains why her Regents exams were so difficult. In short, collaborative team teaching was ineffective for Alla because the sensory cognitive programs that she needed in place to assist with her learning were not available to her. Second, findings based on the Preparedness for College, Career, and Civic Readiness (CCCR) under data.nysed.gov showed anomalies between schools rated in “Good Standing” under Bronx District 10 and the CCCR rating, which received a 1. This means that the majority of the schools under this district have not prepared their students enough academically for life beyond high school and because there is no distinction between general and special education in this area, the results are read as cumulative of general and special education. Third, the right cognitive theory program matters. Bronx District 10 school, PS 20 rolled out the Teachers College Reading & Writing Method in 2018; However, quantifiable data is still unavailable and the feedback from educators are mixed. Most concerning is the feedback provided below:

1. Controversial – some feel the program is geared towards students who have had the benefit of being in high performing schools
2. Not the best suited program for inner city kids
3. Does not meet the needs of ESL students
4. **The program is not fully utilized because the NYC DOE still maintains not enough quantifiable data to prove scientific methodology works**

5. Remediating students in upper level grades (6-12) is proving problematic because they didn't have the benefit of early intervention

Fourth, Lindamood-Bell and the Wilson Reading System proved to be the top two programs found on the Theory of Cognition. Both have an evidence-based track record of success; However, Lindamood-Bell has the edge because they also have a math program to address students with dyscalculia and general math challenges. They also have an on-line component that started 3 years prior to the pandemic and have recently expanded their program to include students on the Autism spectrum. This doesn't mean that the other programs are ineffective because they do work; However, Lindamood-Bell and Wilson Reading System are not only evidence-based but have expanded their base to include adults and in one case, those on the spectrum. Fifth, the quantitative evidence exists that proves scientific methodology works tremendously for students classified as learning disabled and special education with an MRE restriction; therefore, stating that the quantifiable data doesn't exist is no longer a viable excuse for the Department of Education. Additionally, any scientific-based learning program used for instruction, should be fully used as intended to better determine and measure its success; Fifth, while the goals of an IEP are well intentioned, none of Alla's expressed how or what programs were going to be used to assist the student in reaching those goals; Sixth, because parents who are digging deeper for answers are not satisfied with their child's special education curriculum in public school and private programs are very expensive, they are left with no choice but to sue the Department of Education through the Impartial Hearing process, which is not only time consuming but emotionally challenging for families. Additionally, hearings are held Monday through Friday between 8:30 – 5pm. It's hard enough for a parent (or parents) who have paid time off to make these meetings but even more challenging for parents in underserved communities, who work multiple jobs, with multiple

children, and do not have the luxury of paid time off. Seventh, children in underserved communities are falling through the cracks. Many are finding themselves in the School to Prison Pipeline, beginning with juvenile detention where evaluations are revealing that up 30% of detainees have been classified with intellectual disabilities, 28-43% need services under special education, and 30-50% of adult inmates need services under special education and have specific learning disabilities that impair them cognitively and disabilities that impair them physically. Eighth, NYC law allows up to 35 students in a class. In some underserved communities, public schools exceed that number, making pull out and push in services for students classified as Learning Disabled more disruptive than helpful. Ninth, strong advocates and a student's willingness to learn make all the difference in the outcome of children with learning disabilities.

School to Prison Pipeline	Intellectual Disability	Learning Disability
Juvenile Detention	30%	28 – 43%
Adult Prison	*2 – 10%	30 – 50%

Table 1.1 Reflects the number of juvenile delinquents and adult inmates who present with intellectual disabilities (*IQ of 70 or less) and cognitive learning disabilities (average to above average IQ) in the school to prison pipelineⁱⁱ

CHAPTER 5

ANALYSIS OF FINDINGS

Considering the findings from a cumulative perspective has proven largely disturbing for very good reason. First, the issues within the New York City Department of Education are not new as the district and school reports are a matter of public record and displayed on their website. What is hard to determine is why the Department of Education doesn't feel embarrassed enough by the results in some of their districts to want to make a considerable change. Instead, they would rather be sued through impartial hearings to have the needs of every child met and if you look closely at the data, parents who are exercising their rights to an Impartial Hearing are more likely to come from more affluent neighborhoods than underserved neighborhoods. Additionally, this inherent problem of the 'Squeaky Wheel Gets The Oil' syndrome does not support a student's right to a Free and Appropriate Public Education; Instead, it turns a student's educational experience into the Hunger Games for Education, with special needs students from underserved communities being used for sport. The findings display an extreme amount of social inequity within our education system and uncovers a disturbing trend as to who is making up the School to Prison Pipeline and some of the root causes; The poor, the African American, the brown, ESL speakers, the learning and intellectually disabled, and judging from the extreme resistance to consider cognitive theory/scientific methods of learning that prove to be effective, it is not unfair to say that those with the power to change this dynamic, simply do not want to. Parents and children from underserved communities are suffering tremendously because of this disparity in education, lack of knowledge regarding cognitive theory programs that can change the outcome of their child's future, and not understanding their educational rights regarding evaluations, IEP's, and Impartial Hearings. Without a major overhaul in the way Special Education and Learning Disabled Classified students are taught, public school students with these classifications, from underserved

communities run a higher probability of being statistically included in the make-up of the School to Prison Pipeline.

CHAPTER 6

RECOMMENDATIONS

Based on the findings listed above, the following recommendations are being made:

1. Like MRE environments, create classes for students classified as learning disabled, grouping them in an 8:1 class by the similarities in their evaluations, and teach them using effective, evidence-based, cognitive learning programs. After 2 years, begin integrating students into general education with less intensive supportive services based on their progress and readiness
2. Institute a 2-Part Focus to meet the needs of students at risk of falling through the cracks; Part 1 should focus on grades 6-12 as they are students who typically don't have the benefit of early intervention and represent a high risk of dropping out. Part 2 should focus on grades K-5 to avoid latent interventions
3. The school district should work together with the United Teachers Federation to figure out what a special education curriculum revamping to include scientific based methods, such as cognitive theory, means on a large and small scale
4. School Based Support Teams must present the rights of the parent upfront and present program options for the parent to review to ensure that any recommendations made for the student will be beneficial and conducive to their educational experience
5. Instead of treating parents with a Squeaky Wheel Gets the Oil mentality, incorporate cognitive based programs that would meet the needs of the student opposed to wasting taxpayers time, money, and energy with impartial hearings.

CONCLUSION

The state of Special Education for students attending public schools in underserved communities are in peril. According to the www.data.nysed.gov website, Bronx District 10, scored an overall score of 1 in the area of college, career, and civic readiness. This means graduating seniors, regardless of whether they are general education students or special education students, are not prepared for life beyond high school. This fact is most especially detrimental to special education students and/or students receiving services under special education because unlike their general education counterparts, special education students have characteristics that often lead them into delinquency, drug and/or alcohol dependency, and the School to Prison Pipeline. The main goal of my thesis was to take a deeper look into the advantages of scientific based learning to address the cognitive issues that special education students often lack and impairs their ability to think for themselves, impacts their reading and comprehension, and often railroads them into trouble. Implementing a full scientific learning methodology would greatly level the playing field between general education students and special education students, provide special education students and their families alike with a sense of hope for their future, and restore their faith in the public school system. Most importantly, the quantitative data does exist to prove that scientific-based learning is the key to meeting the educational needs of students with learning disabilities and children in the most restrictive environments under special education. From a monetary perspective, this will allow funding reserved for Impartial Hearings to be partially reallocated back to effective scientific learning methods that can be utilized fully, so that cognitive theory can be realized for every student that needs it. It is time for the NYC Department of Education to do things differently and go beyond just considering alternative solutions to learning but rather implementing the cognitive

programs that will help ALL students and promote social equity across public school education and our great state.

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APPENDICES

APPENDIX A – IMPARTIAL HEARING DECISIONS

APPENDIX B – LINDAMOOD-BELL LEARNING ABILITY EVALUATION SUMMARY

APPENDIX C – NYU CHILD STUDY CENTER: NEUROPSYCHOLOGICAL & EDUCATIONAL EVALUATION

APPENDIX D – IEP’S

APPENDIX E – NYC MUSEUM SCHOOL STUDENT TRANSCRIPT

ⁱ The Records Management Department of the NYC Dept. of Education did not fully comply with the request for IEP records from grades 10 – 12; instead they left out the entire 12th grade year as it reflects the student’s grade equivalent, which was below 12th grade

ⁱⁱ Also see Youthful Offending Delinquency: The Comorbid Impact of Maltreatment, Mental Health Problems, and Learning Disabilities by Mallett, C. and Screening with Young Offenders with an Intellectual Disability by McKenzie, K. et al

APPENDIX A

STATEMENT OF AGREEMENT AND ORDER

Case Number: 52471

NYS Case Identifier Number: 6289

Student's Name:

[REDACTED]

Date of Birth:

[REDACTED]

District:

10

Hearing Requested By:

Parent

Date of Hearing:


October 22, 2003

Hearing Officer:

William J. Wall, Esq.

Case No. 52471

NAMES AND TITLES OF PERSONS WHO APPEARED


Yolanda Alexander

Parent
Chairperson Designee, CSE Department of Education
District 10

Case No. 52471

On October 22, 2003, I conducted an impartial hearing pursuant to the Individuals with Disabilities Education Act, 20 U.S.C. §1415(f)(1), regarding the special education program of [REDACTED] W. at the Committee on Special Education, District 10, 5500 Broadway, Bronx, NY. A list of persons in attendance and documents accepted into evidence is attached to this decision.

AGREEMENT

The district and the parent reached the following agreement.

[REDACTED] is to receive a Related Service Authorization or the appropriate authorization for testing and tutoring at the Lindamood-Bell Institute of the parent's choice. The Department of Education is to pay for testing performed by Lindamood-Bell and for a maximum of eight hours per week of tutoring for [REDACTED] based on the results of the testing. The tutoring is to continue for the remainder of the school year, which ends in June 2004.

In addition, [REDACTED] is to continue to receive her resource room services as indicated on her Individualized Education Program. It is hereby clarified with respect to those hours that [REDACTED] is to receive three of those hours as "push in" services and the remaining two hours in a location that is separate from the classroom.

ORDER

The agreement is so ordered.

Dated: November 25, 2003

WILLIAM J. WALL ESQ.
Impartial Hearing Officer

WJW:ds

PLEASE SEE NEXT PAGE FOR NOTICE OF APPEAL

Case No. 52471

PLEASE TAKE NOTICE

Within 30 days of the receipt of this decision, the parent and/or Board of Education has a right to appeal the decision to the State Review Officer of the New York State Education Department under Section 4404 of the Education Law and the Individuals with Disabilities Education Act. Failure to file the notice of intention to seek review is a waiver of the right to appeal this decision.

Directions and forms for filing an appeal are included with this decision. Directions and forms can also be found in the Office of State Review website: www.sro.nysed.gov/appeals.htm.

HellerEhrman

ATTORNEYS

120 West 45th Street
New York, NY 10036-4041
Main (212) 832-8300
Fax (212) 763-7600

Facsimile Transmittal

To: Yolanda Alexander, CSE - Department of Education
Telephone: 718-584-8002 **Fax:** 718-584-8676
From: [REDACTED]
Telephone: 212-847-8818
Direct Fax: 212-763-7600
No. of Pages: 4 (including cover)
Date: November 5, 2003

Message:

Yolanda,

Attached are the recommendations from the Linda Mood Bell Center, based on [REDACTED] assessment, as well as the cost for treatment.

I had also faxed the bill for the assessment but had not heard back from you regarding whether or not you had received it, as well as what is going on with the contract between the CSE & the Linda Mood Bell Center. In the event you need to speak with their contact person and have misplaced her information, her name is Gisselle Crout and can be reached at 1-800-233-1819.

In the mean time, a follow up to this fax would be greatly appreciated.

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11/5/03 10:25 AM ()

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Heller Ehrman White & McAuliffe LLP www.hewm.com

New York Washington, D.C. Madison, WI San Francisco Silicon Valley Los Angeles San Diego Seattle Portland Anchorage
Hong Kong Singapore **Affiliated Offices:** Milan Paris Rome

Case No. 52471

DOCUMENTATION ENTERED INTO RECORD

1. IEP, 7/16/03, 10 pp. Department of Education



Treatment Recommendations: Concept Imagery, Phonemic Awareness/Symbol Imagery

Date: November 3, 2003

Regarding: Treatment Recommendations for [REDACTED]

To Whom It May Concern:

A diagnostic evaluation indicates weakness in Concept Imagery—the ability to create a visual gestalt (whole) from oral or written language—which contributes to associated weakness in oral and written language comprehension and expression, problem solving, and following oral directions. Weakness in concept imagery causes the propensity to process parts of information rather than wholes (gestalts).

Treatment with the Visualizing and Verbalizing® Program involves Socratic questioning to stimulate sensory information to develop the ability for conscious visualization and verbalization—dual coding of language and imagery—of language concepts. Pictures, words, sentences, and paragraphs are dual coded to develop an imaged gestalt for oral and written language. Once the imaged gestalt is developed to an automatic level, the imagery is applied to higher order thinking skills of main idea, conclusion, inference, prediction, and evaluation. These critical thinking skills are applied to following directions and problem solving tasks, as well as general language comprehension and expression. The student can then perform cognitive tasks previously unable to be performed in relation to language and literacy development.

The diagnostic evaluation also indicates the presence of weakness in phonemic awareness/symbol imagery—the ability to auditorily perceive and visually image the identity, number, and sequence of sounds and letters within words. This difficulty in sensory-cognitive processing contributes to weaknesses in word attack, word recognition, contextual reading fluency, and spelling.

The student experiences weakness in perceiving groups of sounds and corresponding letter symbols for when and where a sound and letter is added, substituted, omitted, or shifted in a syllable. Auditory cues are received, but may not be adequately processed. The difficulty of holding sequences of sounds and letters in visual memory contributes to difficulty in self-correcting reading and spelling errors. This type of sensory-cognitive weakness is highly correlated with literacy disorders, including dyslexia and weakness in contextual reading fluency.

Treatment with the Lindamood Phoneme Sequencing® Program and/or the Seeing Stars® Program involves Socratic questioning to stimulate sensory information related to reading and spelling words and text. In a treatment progression, ability is developed for conscious motor and visual sensory experience of sounds and letters within words—moving from isolated phoneme/graphemes to simple and complex single syllables, affixes, multisyllabic words, orthographic expectancies, and contextual integration. The student can then perform cognitive tasks previously unable to be performed in literacy development.

Treatment is continued in these sensory-cognitive functions until the student manifests self-generating, self-correcting cognitive processing. The patient's performance can be expected to improve and stabilize through the treatment progression indicated.

It is highly recommended that [REDACTED] receive intensive sensory-cognitive training—four hours daily—for 200 hours. There will be a re-evaluation at the end of the treatment period to determine progress and provide recommendations for further treatment or follow-up, as indicated.

Lindamood-Bell is dedicated to creating the magic of learning by providing sensory-cognitive treatment. We welcome the opportunity to work with [REDACTED]


Liz Craynon, Clinic Director Lindamood-Bell



LINDAMOOD-BELL

Learning Processes

TREATMENT PLAN & GENERAL INFORMATION

Recommendations to Begin Treatment:

Initial/Approximate 120 to 200 sessions

☒ Intensive, 15-30 hrs. per week-TX daily \$ 1780 per week.

☐ Regular, 5-10 hrs. per week-TX daily \$ _____ per week.

☐ Other _____

Payment:

Lindamood-Bell requires payment before treatment. Just like other private schools and agencies, we are not in a position to extend credit. Payment is due the Monday of each treatment week; we do accept Visa and MasterCard. If payment is not received promptly, treatment services will be suspended.

How to Enroll:

See or call the office manager to schedule treatment, sign the financial agreement, and sign the indemnity release!

Deposit:

A deposit equal to one week's treatment is required to reserve your place on our schedule and will be applied toward your first week's treatment invoice. Should you need to cancel your reservation, please give us at least two weeks notice so we may refund your deposit. A \$100 cancellation fee will apply. Refunds will not be available if treatment is cancelled within two weeks of your start date.

Scheduling:

Students are scheduled in the morning or afternoon depending on Lindamood-Bell's schedule availability. If you prefer a certain time slot, please place your request as soon as possible. Requests for time slots are filled in the order in which they are received. Evening and weekend hours may be available during the school year.

Please be Aware:

- Lindamood-Bell reserves the right to refuse service.
- Treatment results are not guaranteed. Effects are not predictable since behavior, participation and individual differences impact progress. You will, however, be kept up to date on progress through updates with a consultant.
- Students are expected to maintain behavior within reasonable limits—each individual must respond to direct questions and monitor excessive behavior that is passive or active.
- Lindamood-Bell fees are subject to change. Please confirm treatment fees at the time of enrollment.

HellerEhrman

ATTORNEYS

120 West 45th Street
New York, NY 10036-4041
Main (212) 832-8300
Fax (212) 763-7600

Facsimile Transmittal

To: Yolanda Alexander, CSE -Dept. of Education
Telephone: 718-584-8002 **Fax:** 718-584-8676

From: [REDACTED]
Telephone: 212-847-8818
Direct Fax: 212-763-7600

No. of Pages: 3 (including cover)
Date: November 22, 2003

Message:

Hi Yolanda,

The following is the amended recommendation for [REDACTED] attendance at Linda Mood Bell.

Document3
11/22/03 8:29 PM Q

The information contained in this communication is intended only for the use of the addressee and may be confidential, may be attorney-client privileged and may constitute inside information. Unauthorized use, disclosure or copying is strictly prohibited, and may be unlawful. If you have received this communication in error or you have not received all pages, please call the sender immediately at (212) 832-8300.

Heller Ehrman White & McAuliffe LLP www.hewm.com

New York Washington, D.C. Madison, WI San Francisco Silicon Valley Los Angeles San Diego Seattle Portland Anchorage
Hong Kong Singapore Affiliated Offices: Milan Paris Rome



Treatment Recommendations: Concept Imagery, Phonemic Awareness/Symbol Imagery

Date: November 18, 2003

Regarding: Treatment Recommendations for [REDACTED]

To Whom It May Concern:

A diagnostic evaluation indicates weakness in Concept Imagery—the ability to create a visual gestalt (whole) from oral or written language—which contributes to associated weakness in oral and written language comprehension and expression, problem solving, and following oral directions. Weakness in concept imagery causes the propensity to process parts of information rather than wholes (gestalts).

Treatment with the Visualizing and Verbalizing® Program involves Socratic questioning to stimulate sensory information to develop the ability for conscious visualization and verbalization—dual coding of language and imagery—of language concepts. Pictures, words, sentences, and paragraphs are dual coded to develop an imaged gestalt for oral and written language. Once the imaged gestalt is developed to an automatic level, the imagery is applied to higher order thinking skills of main idea, conclusion, inference, prediction, and evaluation. These critical thinking skills are applied to following directions and problem solving tasks, as well as general language comprehension and expression. The student can then perform cognitive tasks previously unable to be performed in relation to language and literacy development.

The diagnostic evaluation also indicates the presence of weakness in phonemic awareness/symbol imagery—the ability to auditorily perceive and visually image the identity, number, and sequence of sounds and letters within words. This difficulty in sensory-cognitive processing contributes to weaknesses in word attack, word recognition, contextual reading fluency, and spelling.

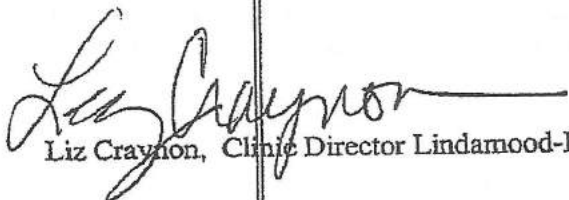
The student experiences weakness in perceiving groups of sounds and corresponding letter symbols for when and where a sound and letter is added, substituted, omitted, or shifted in a syllable. Auditory cues are received, but may not be adequately processed. The difficulty of holding sequences of sounds and letters in visual memory contributes to difficulty in self-correcting reading and spelling errors. This type of sensory-cognitive weakness is highly correlated with literacy disorders, including dyslexia and weakness in contextual reading fluency.

Treatment with the Lindamood Phoneme Sequencing® Program and/or the Seeing Stars® Program involves Socratic questioning to stimulate sensory information related to reading and spelling words and text. In a treatment progression, ability is developed for conscious motor and visual sensory experience of sounds and letters within words—moving from isolated phoneme/graphemes to simple and complex single syllables, affixes, multisyllabic words, orthographic expectancies, and contextual integration. The student can then perform cognitive tasks previously unable to be performed in literacy development.

Treatment is continued in these sensory-cognitive functions until the student manifests self-generating, self-correcting cognitive processing. The patient's performance can be expected to improve and stabilize through the treatment progression indicated.

It is highly recommended that [REDACTED] receive intensive sensory-cognitive training—two hours daily—for a *minimum* of 200 hours. There will be a re-evaluation at the end of the treatment period to determine progress and provide recommendations for further treatment or follow-up, as indicated.

Lindamood-Bell is dedicated to creating the magic of learning by providing sensory-cognitive treatment. We welcome the opportunity to work with [REDACTED]


Liz Craynon, Clinic Director Lindamood-Bell



THE NEW YORK CITY DEPARTMENT OF EDUCATION

Impartial Hearing Office

131 Livingston Street - Room 201
Brooklyn, New York 11201

Telephone: (718) 935-3280

FAX: (718) 935-2528

MEMORANDUM

DATE: October 2, 2003

TO: Sileni Nazario, Chairperson,
Committee on Special Education District 10

FROM: Denise Washington, Chief Administrator

RE: **Scheduled Impartial Hearing**
[REDACTED]
Case #: 52471

This is to confirm that an impartial hearing has been scheduled for the above referenced child. The hearing was requested on Monday, September 22, 2003 by the parent. Enclosed is a copy of the request.

The hearing has been scheduled for:

Wednesday, October 22, 2003
10:00 A.M.
at 5500 Broadway
Bronx, New York 10463
Room 2ND FL

If wheelchair accessibility or other special accommodations are needed for the hearing, please contact this office no later than five work days prior to the hearing.

Please be aware that you must submit to the parent (or the attorney or advocate, if any - see below), at least five work days prior to the hearing any evidence you intend to present as evidence at the hearing, and in accordance with Regulation of the Chancellor A-820 (Student Records: Access and Disclosure.) Failure to disclose this material in a timely manner may render the evidence inadmissible. Please bring to the hearing a copy of all documentation you wish entered into the record.

Parent's Representative:

n/a

Yoli



Irma Zardoya
Superintendent

REGION ONE LEARNING SUPPORT CENTER-OFFICE OF THE SUPERINTENDENT

One Fordham Plaza • Bronx, New York 10458 • (718) 741-7030 • Fax (718) 584-5502
District Website: csd10.org Email: izardoy@nycboe.net

Sileni Nazario
Chairperson

November 26, 2003

Mr. William J. Wall, Esq.
Impartial Hearing Officer

Re: [REDACTED]
Case #52471

Dear Mr. Wall:

I need to speak with you regarding the above case. There appears to be some discrepancies with your decision. You stated that the parent and I agreed to 8 hours of Linda Mood-Bell when, in fact, you ordered the 8 hours. The second issue was your wording of "Related Service authorization or the appropriate authorization" does not constitute reimbursement for the parent (according to the Office of Legal Services.)

Please contact me at (718) 584-8002, ext. 3032.

Thank you.

Sincerely,

Yolanda Alexander

Yolanda Alexander
Regional Evaluation, Program and
Placement Officer

YA:jc

Sep 22 03 03:54p

2127637618

#10262

September 22, 2003

Parent of [REDACTED]

Main (212) 832-8300

Fax (212) 763-7600

Marisol
Impartial Hearing Office
Department of Education
Room 118
110 Livingston Street
Brooklyn, NY 11201

IMPARTIAL HEARING OFFICE
2003 SEP 22 PM 4:01

Re: Impartial Hearing for Private Tutoring Nickerson Letter

Dear Marisol:

I am requesting another impartial hearing for private tutoring with the Lindamood-Bell Center. This request is being made because I am unable to get [REDACTED] into a private school specializing in learning disabilities. This is primarily due to the timing of my case which caused all available seats to be taken until the fall of next year (2004-2005).

Sincerely,

[REDACTED]
Parent of [REDACTED]

Document 3
9/22/03 3:51 PM 0

Heller Ehrman White & McAuliffe LLP 120 West 45th Street New York, NY 10036-4041 www.hewm.com

New York Washington, D.C. Madison, WI San Francisco Silicon Valley Los Angeles San Diego Seattle Portland Anchorage
Hong Kong Singapore Affiliated Offices: Milan Paris Rome

2127637618

95%

P.01

2003 16:01



Impartial Hearing Office
131 Livingston Street - Room 201
Brooklyn, New York 11201

Fax (718) 935-2932

FAX COVER SHEET

DATE: 9/25/03

PHONE: 718-935-3231

TO: Robbin Bland

FAX: 718-935-2932

FROM: Marisol Negron, Case Manager

RE: [REDACTED] ID # [REDACTED]

Number of pages including cover sheet: 2 to 244 [REDACTED]

Here is a copy of the request:

Hearing is scheduled for:

10/20/03 at 12:30
If I don't hear from you within two days the hearing will be scheduled without you. As per administrator I am not allowed to keep request for more than two days on my desk.
Please call me ASAP.

William Hsu

#52471

#10262

September 22, 2003

Parent [REDACTED]

Main (212) 832-8300

Fax (212) 763-7600

Marisol
Impartial Hearing Office
Department of Education
Room 118
110 Livingston Street
Brooklyn, NY 11201

IMPARTIAL HEARING OFFICE
2003 SEP 22 PM 4:01

Re: Impartial Hearing for Private Tutoring Nickerson Letter

Dear Marisol:

\$89.00

212-627-8576

I am requesting another impartial hearing for private tutoring with the Lindamood-Bell Center. This request is being made because I am unable to get [REDACTED] into a private school specializing in learning disabilities. This is primarily due to the timing of my case which caused all available seats to be taken until the fall of next year (2004-2005).

Sincerely,

[REDACTED]

[REDACTED]

Parent of [REDACTED]

DocumentJ
9/22/03 3:51 PM J

Heller Ehman White & McAuliffe LLP 120 West 45th Street New York, NY 10036-6041 www.hewm.com

New York Washington, D.C. Madison, WI San Francisco Silicon Valley Los Angeles San Diego Seattle Portland Anchorage
Hong Kong Singapore Affiliated Offices: Milan Paris Rome

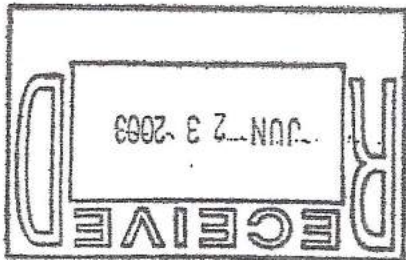
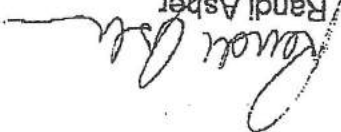
10. Ms Robin Bland-Washington
Enter as evidence

6/9/03

Dear Mr. Richard Harbus,

As of September 2000, I have worked with [redacted] in the resource room. Working within a group of eight children we worked on skills in order to meet their learning needs. In the group we worked on her reading, writing, and math skills. Since [redacted] needed additional support in reading/spelling, time was scheduled so that those individual needs were supported. In order to meet her individual math needs, I would usually remain in the classroom during her math period. I worked with her one period a day/ 5 times a weeks either in a push-in or pull-out setting. [redacted] was always enthusiastic, eager to work, and helpful in the resource room or in the classroom. [redacted] worked well with her peers in the small group as well as in the classroom.

Randi Asper
SETSS Provider



* Submitted by

Parent for the

Impairments

-Robin

Bland

#7910

May 7, 2003

Parent of [REDACTED]

Main (212) 832-8300
Fax (212) 763-7600

Department of Education
Impartial Hearing Request
131 Livingston Street
Room 201
Brooklyn, NY 11201

Re: Request for Impartial Hearing

Dear Department of Education:

I am requesting an impartial hearing on behalf of my daughter, [REDACTED], who attends PS 20, in the Bronx, with 2 hours of resource room instruction per week. I would also like to request a voucher for my daughter to attend a private school in Manhattan, that will focus on her needs, as her current school has failed to do so.

I can be reached at one of the following numbers:

Home - 718-367-2147 (after 6:30 PM or before 8:00 AM)
Work - 212-847-8818 (9:30 AM - 5:30 PM)
Cell Phone - 917-517-8593 (Any time)

Home Address:

[REDACTED]
Bronx, NY 10458

Sincerely,

[REDACTED]
[REDACTED]
Parent of [REDACTED]

Heller Ehrman White & McAuliffe LLP 120 West 45th Street New York, NY 10036-4041 www.hewm.com

New York Washington D.C. Madison, WI San Francisco Silicon Valley Los Angeles San Diego Seattle Portland Anchorage
Hong Kong Singapore Affiliated Offices: Milan Paris Rome

02-26790

02V

P.01
TOTAL P.02

Case # 52471

10/22/03

Interim Order

It is hereby ordered, as a result of an Imperial Hearing held on this date that ~~the student~~ is to receive an RSA for ^{the appropriate authorization} ~~testing and tutoring~~ at the Linda Moody-Bell Institute of the parent's choice.

This order directs the Department of Education to pay for the testing performed by Linda Moody-Bell and for a maximum of 8 hours per week of tutoring for ~~the student~~ based on the results of the testing for the remainder of the school year, June 2004.

William J. Hall

IMPARTIAL HEARING OFFICER

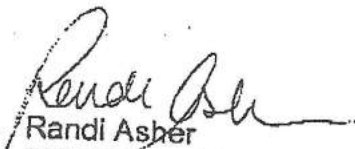
* OR THE APPROPRIATE AUTHORIZATION

10: Ms Robin Bland-Washington
Enter as evidence

6/9/03

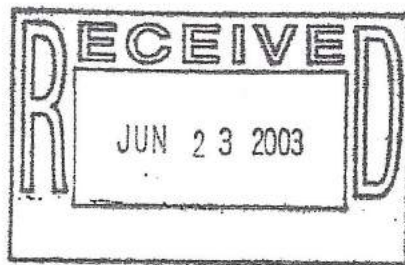
Dear Mr. Richard Harbus,

As of September 2000, I have worked with [REDACTED] in the resource room. Working within a group of eight children we worked on skills in order to meet their learning needs. In the group we worked on her reading, writing, and math skills. Since [REDACTED] needed additional support in reading/spelling, time was scheduled so that those individual needs were supported. In order to meet her individual math needs, I would usually remain in the classroom during her math period. I worked with her one period a day/ 5 times a weeks either in a push-in or pull-out setting. [REDACTED] was always enthusiastic, eager to work, and helpful in the resource room or in the classroom. [REDACTED] worked well with her peers in the small group as well as in the classroom.


Randi Asher
SETSS Provider

From: [REDACTED]

5892628



*Submitted by
Parent for the
Impartial hearing!

-RB
Robin Bland

IMPARTIAL HEARING INFORMATION SHEET

<u>[REDACTED]</u> Student's Name	<u>[REDACTED]</u> NYC ID#	<u>02-26790</u> CSE #
<u>[REDACTED]</u> Guardian's Name	<u>[REDACTED]</u> Address Bronx, NY 10458	<u>[REDACTED]</u> Phone No.

<u>5/29/03, 6/23/03</u> Date Scheduled	<u>Richard Harbus, Esq.</u> Impartial Hearing Officer
<u>Robbin Bland</u> Chairperson's Designee	<u>5/15/03</u> Date Assigned

Reason for Impartial:

Parent states that child has two hours of resource room instruction per week and is still not doing well. She would like a private school voucher for Manhattan. She feels that the currently school has failed [REDACTED].

Resolution:

As ordered a P-1 (Nikerson letter) was issued to the parent. The parent received an evaluation at the CSE and the SBST was supposed to have an EPC before the next impartial hearing date. Due to scheduling difficulties – this did not happen.

Date Material Sent:	<u>5/15/03</u>
Date Decision Received	<u>7/11/03</u>

"BUILDING A COMMUNITY OF LEARNERS AND LEADERS"

FINDINGS OF FACT AND DECISION

Case Number: 50296

NYS Case Identifier Number: 3966

Student's Name:

[REDACTED]

Date of Birth:

[REDACTED]

District:

10

Hearing Requested By:

Parent

Dates of Hearing:

May 29, 2003


June 23, 2003

Hearing Officer:


Richard Harbus, Esq.

Case No. 50296

NAMES AND TITLES OF PERSONS WHO APPEARED MAY 29, 2003

	Mother	
Robbin Bland-Washington	Administrator, CSE, District 19	Department of Education
Susan LeCointe	Assistant Principal, P.S./M.S. 20	Department of Education

NAMES AND TITLES OF PERSONS WHO APPEARED JUNE 23, 2003

	Mother	
Robbin Bland-Washington	Administrator, CSE, District 19	Department of Education
Susan LeCointe	Assistant Principal, P.S./M.S. 20	Department of Education

Case No. 50296

██████████ is eleven and a half years old and is a student at P.S. 20 in the Bronx, receiving two hours of resource room instruction per week. She is classified as hearing disabled. ██████████ parent sought an impartial hearing because of various concerns about the program and school site.

I was appointed as hearing officer on May 7, 2003. The first day of the hearing was on May 29, 2003. The parent was present; the Board of Education was represented by Robbin Bland-Washington, Committee on Special Education (CSE) Administrator, CSE, District 10. On May 29, 2003, Ms. Bland-Washington stated that the CSE was going to evaluate ██████████ on June 5, 2003. Accordingly the hearing was adjourned until June 23, 2003. This would allow sufficient time for all tests and evaluations to be completed, for the CSE review team to meet with the parent, and for a new Individualized Education Program (IEP) to be prepared.

On June 23, 2003, the same parties were present. The parent testified that she had received no communication from the CSE with respect to a meeting and that she had not received a new IEP or any document concerning ██████████ school placement. Ms. Bland-Washington testified and essentially confirmed the parent's testimony. She said that the CSE had prepared the evaluations, but, due to scheduling difficulties, had not met with the parent. The CSE did not have an IEP for ██████████. There was no school site for her.

I find that the CSE had sufficient and ample time to meet with the parent, prepare an IEP, and recommend a site for ██████████ between the date of the evaluation on June 5, 2003, and the continued date of the hearing on June 23, 2003. Thus, as of the date of the hearing on June 23, 2003, the CSE did not have a suitable and appropriate public placement available for ██████████ for the school year beginning in September 2003. This entitles the parent to receive a "Nickerson" letter, and the CSE of District 10 is accordingly ORDERED to immediately issue the "Nickerson" letter. The "Nickerson" letter requires that the Board of Education fund ██████████ education at a suitable and appropriate, State-approved, private facility for the academic year September 2003 through June 2004.


Case No. 50296

██████ is, of course, entitled to a public school placement until such time as her parent secures a private placement. The CSE of District 10 is accordingly ORDERED to continue its efforts to find a suitable and appropriate public placement for ██████ for the next school year. The parent shall have the right to initiate and Impartial hearing should she disagree with any of the recommendations or determinations made by the CSE.

Dated: June 11, 2003

CSE Review
7/16/03

P-1
7/16/03


RICHARD HARBUS, ESQ.
Impartial Hearing Officer

RH:nn

PLEASE TAKE NOTICE

Within 30 days of the receipt of this decision, the parent and/or Board of Education has a right to appeal the decision to the State Review Officer of the New York State Education Department under Section 4404 of the Education Law and the Individuals with Disabilities Education Act. Failure to file the notice of intention to seek review is a waiver of the right to appeal this decision.

Directions and forms for filing an appeal are included with this decision. Directions and forms can also be found in the Office of State Review website: www.sro.nysed.gov/appeals.htm.

FINDINGS OF FACT AND DECISION

Case Number: 53211

NYS Case Identifier Number: 7341

Student's Name:

[REDACTED]

Date of Birth:

[REDACTED]

District:

10

Hearing Requested By:

Parent

Date of Hearing:

December 9, 2003

Hearing Officer:

Craig Tessler, Esq.

Hearing Officer's Findings of Fact and Decision

1

Case No. 52936

NAMES AND TITLES OF PERSONS WHO APPEARED

~~REDACTED~~
Yolanda Alexander

Mother
Chairperson Designee,
CSE, District 10

Department of Education

Case No. 52936

INTRODUCTION

On November 24, 2003, I was appointed to conduct an impartial hearing pursuant to the Individuals with Disabilities Education Act, 20 U.S.C. §1415(f)(1), regarding the special education program of [REDACTED]; the hearing was held on November 20, 2002. Lists of persons in attendance and documents received in evidence are appended to the record. }

BACKGROUND

[REDACTED] is a ten year old student classified as learning disabled and attending a general education fifth grade class at P. 24; she is mandated to receive special education teacher support services ("SETSS") five times per week in an 8:1 group. Neither classification nor placement are disputed. On November 12, 2003, another hearing officer issued a statement of agreement and order (Exh. 1) pursuant to which the Department of Education was to pay for [REDACTED] testing by the Lindamood Bell learning center, and for any tutoring which that testing determined was necessary, up to eight hours per week, for the remainder of the 2003/2004 school year. Any such tutoring was to be in addition to [REDACTED] SETSS. [REDACTED] parent, requested the hearing on November 20, 2003, to request that the department pay the Lindamood Bell center for the testing, and for ten hours of tutoring per week.

At the hearing, the parent stated that the testing had been done (Exh. A), and that the Lindamood Bell center director recommended that [REDACTED] have two hours daily of tutoring, with a minimum of 200 hours. Ms. G. stated that the testing cost \$645.00, and the tutoring costs \$89.00 per hour. She said that [REDACTED] will have to leave school forty minutes before dismissal time to attend the tutoring sessions, and her classroom teacher and SETSS provider have agreed to structure her day so she will not miss any essential material.

FINDINGS OF FACT AND CONCLUSIONS OF LAW

I find that [REDACTED] requires the private tutoring by the Lindamood Bell center to make educational progress and benefit from her educational program. I find that the center's evaluation established that [REDACTED] requires ten hours of tutoring per week, and


Case No. 52936

shall order the department to pay the Lindamood Bell center directly for the \$645.00 cost of [REDACTED] evaluation, and for ten hours of tutoring per week, at the rate of \$89.00 per hour, from November 21 2003 (the date of the evaluation) until the end of the 2003/2004 school year.

ORDER

IT IS THEREFORE ORDERED THAT the Department of Education shall immediately pay the Lindamood Bell center for the \$645.00 cost of [REDACTED] evaluation, and shall pay the Lindamood Bell center for ten hours of tutoring per week for [REDACTED], at the rate of \$89.00 per hour, from November 21 2003, until the end of the 2003/2004 school year.

Dated: December 18, 2003


CRAIG TESSLER, ESQ.
Impartial Hearing Officer

PLEASE TAKE NOTICE

Within 30 days of the receipt of this decision, the parent and/or Board of Education has a right to appeal the decision to the State Review Officer of the New York State Education Department under Section 4404 of the Education Law and the Individuals with Disabilities Education Act. Failure to file the notice of intention to seek review is a waiver of the right to appeal this decision.

Directions and forms for filing an appeal are included with this decision. Directions and forms can also be found in the Office of State Review website: www.sro.nysed.gov/appeals.htm.



Winston Preparatory School
education for the individual

02-26790

May 21, 2004

We are very happy to offer enrollment to [REDACTED] at Winston Preparatory School for the 2004-2005 school year. We believe both her talents and areas of academic need are a strong match with Winston's program and educational philosophy. We look forward to working together towards our over-arching goals of self-awareness, independence and academic skill mastery.

Tuition for the 2004 – 2005 academic year is \$35,500.00. A deposit of \$3,550.00 is required, along with your signed contracts and preferred method of payment, by June 3, 2004 in order to hold the enrollment position for your child.

Each family plays an important role at Winston, and we look forward to communicating with you to make this the best possible experience for [REDACTED]. To this end, if you would like to speak with me while you are considering your decision for the fall, please do not hesitate to contact me for an appointment. Additionally, if you are interested in applying for Financial Aid please contact Makea McDonald at extension 14 for the appropriate paperwork.

Cordially,

Scott Bezsylo
Headmaster

4 West 76th Street
New York, NY 10023
(212) 496-8400
(212) 362-0927 fax

info@winstonprep.edu
www.winstonprep.edu



Winston Preparatory School
education for the individual

Dear Winston Families,

As many of you know, the Board of Trustees and I have been working since 1997 to find a new and better home for Winston Prep – one which would more appropriately serve the needs of our students, and would allow our vision for the school to be realized.

After much searching, we have finally found an ideal facility at 122-126 West 17th Street, between 6th and 7th Avenues. This 35,000 square foot, four-storey building was designed to be a school. It has large sunny classrooms with high ceilings, a gym with a stage, a rooftop PT deck, and lots of room we can configure to fit our needs. It is a wonderful space that is unique among the City's real estate offerings, and will be a fine home for the school for at least the next 15 years.

Although some renovation (both short- and long-term) will be required, this move comes at a perfect time to fit our educational development, our current financial resources, and our future fund-raising plans. This undertaking will not be without its challenges. The Board of Trustees, its Building, Development and Finance committees, as well as yours truly, will be asking for your help and support to bring Winston Prep fully and strongly into this new era. For now, on behalf of the Board President, Chris Dark, and all the Trustees, I would like to thank all of you whose generosity has brought Winston Prep to the dawn of this new era.

Winston Prep has, in the last six years, redefined its place in the world of education, providing a scientifically informed and artfully practiced form of individualized education. With this projected move, we will be able to do this better, for more students in need, and in evolving forms of our educational model.

The stamp of approval by New York State is all that remains to close this deal. We are already focusing all our creativity and energy on taking possession of the facility on July 1, 2004, and preparing for a mid-September beginning to our next school year.

We hope that all of you will join us in celebrating this event in a variety of important ways, over the transitional period and beyond. We are at a point from which we can reflect on and learn from our past, and from which we can dream and grow in the future. The Board, Faculty and I are dedicated to protecting the school's unique mission. Winston will always be about education for the individual, and therefore about our students, your sons and daughters, for whom we are all here. We are dedicated to guiding them through their journey in ways that other schools cannot, with our minds focused on the science of learning and our hearts connected to theirs.

Accordingly, we invite you to join us in delivering the art and science of hope to more students in ever more sophisticated and effective ways at the Winston Preparatory School - 122-126 West 17th Street!

Energetically Yours,

Scott Bezsylko

Headmaster, Winston Preparatory School



THE NEW YORK CITY DEPARTMENT OF EDUCATION

Impartial Hearing Office

131 Livingston Street - Room 201
Brooklyn, New York 11201

Telephone: (718) 935-3280
FAX: (718) 935-2528

April 30, 2004

[REDACTED]
[REDACTED]
BRONX, NY 10458

RE: [REDACTED]
Case #: 54128
Hearing Date: 04/21/2004

Enclosed please find the hearing officer's decision for the above referenced case.
Please contact Carmen Rosa if you have any questions.

Very truly yours,

Denise Washington
Chief Administrator

Encl: Findings Of Fact And Decision

c: Paul Ivers, Esq., Office of Legal Services
Ellen Newman, Lead Regional Administrator of Special Education, Region 1
Sileni Nazario, Chairperson, Committee on Special Education District 10
Rachel Potasznik, Esq., Impartial Hearing Officer

FINDINGS OF FACT AND DECISION

Case Number: 54128

NYS Case Identifier Number: 8467

Student's Name:

[REDACTED]

Date of Birth:

[REDACTED]

District:

10

Hearing Requested By:

Parent

Date of Hearing:

April 21, 2004

Hearing Officer:

Rachel Potaszniak, Esq.

Case No. 54128

A hearing was held before the undersigned in the matter of [REDACTED] pursuant to the Individuals with Disabilities Education Act (IDEA), 20 U.S.C. §1415(f)(3). The hearing was held at the parent's request to determine the appropriate placement and services for the student. The Impartial Hearing Office received the parent's request on April 1, 2004 and the matter was assigned to another hearing officer and scheduled by the parties to April 21, 2004. The time for compliance was extended at the request of the parties to May 21, 2004. Appended to the record are lists of persons in attendance. No documents were submitted into evidence.

BACKGROUND

The student is a fifteen-year-old female classified as learning disabled. A prior impartial hearing was held and an order issued December 18, 2003 awarding the student compensatory services at Linda Mood Bell and a Nickerson letter. Despite the order that the student was to receive the tutoring in September 2004, she was unable to commence the tutoring services until December 2004. The student's last Individualized Education Program (IEP) was determined to be defective and a Nickerson letter was issued for the 2003/2004 school year.

THE DISTRICT'S POSITION


Robert Silkowitz, the Region 1 Committee on Special Education (CSE) Chairperson represented the District. Mr. Silkowitz did not dispute any of the facts asserted by the parent. He did not dispute the award of tutoring services at the Linda Mood Bell center at the prior impartial hearing and the determination of the student's lack of a valid IEP. He also did not dispute the finding of the hearing officer's awarding the parent a Nickerson letter for the 2003/2004 school year.

PARENT'S POSITION

[REDACTED], the student's mother requested that the tutoring services at Linda Mood Bell awarded in the December 18, 2003 order pursuant to an impartial hearing be extended to the 2004/2005 school year because [REDACTED] was unable to commence the tutoring in November 2003 due to the Department of Education's failure to sign the contract provided by Linda Mood Bell. [REDACTED] was only able to begin the tutoring in

Case No. 54128

NAMES AND TITLES OF PERSONS WHO APPEARED


Robert Silkowitz

Mother
Chairperson Designee,
CSE, District 10

Department of Education

Case No. 54128

February 2004 when the contract was finally signed. Since [REDACTED] father has custody in the summer months in New Jersey, she is unable to attend tutoring sessions during those months. She had been awarded 120 hours of tutoring and she is requesting that the award be extended to September 2004 so that [REDACTED] may receive the full benefit of the 120 hours previously awarded.

The parent also requests that the District provide transportation from school to Linda Mood Bell by 3:20 P.M. or in the alternative reimbursement for travel costs up to \$60.00 per week for transportation to the tutoring location.

Ms. G. requested that the Nickerson letter awarded by the prior hearing officer be extended for the 2003/2004 school year so that she may continue to seek an appropriate non-public school placement for [REDACTED].

FINDINGS OF FACT AND CONCLUSIONS OF LAW

The Board of Education bears the burden of demonstrating the appropriateness of the program recommended by its CSE. (Matter of Handicapped Child, 22 Ed. Dept. Rep. 487; State Review Officer's Decision, Appeal No. 92-7; State Review Officer's Decision, Appeal No. 93-9) To meet its burden, the Board of Education must show that the recommended program is reasonably calculated to allow the child to receive educational benefits (Board of Education of Hendrick Hudson Central School District v. Rowley, 458 U.S. 176 [1982]), and the recommended program is the least restrictive environment for the child. (34 CFR Sec. 300.550[b]; 8 NYCRR Sec 200.6 [a] [1]). An appropriate program begins with an IEP which accurately reflects the results of evaluations to identify the child's needs, establishes annual goals and short-term instructional objectives that are related to the child's educational deficits, and provides for the use of appropriate special education services to address the child's special education needs (Application of a Child with a Disability, Appeal No. 93-12; Application of a Child with a Disability, Appeal no. 93-9).

The Department did not dispute the facts presented by the parent. Mr. Silkowitz stipulated that the last IEP developed was defective and that he did not oppose the requested Nickerson letter. Mr. Silkowitz did not agree with the grant of compensatory

Case No. 54128

services but did not dispute that they had been awarded by the last impartial hearing officer and did not present any evidence to challenge such award, nor did he present any evidence to challenge the parent's request for transportation services.

Based on the evidence presented, I find that the District failed in its burden to provide the student with a free appropriate education and that the parent presented sufficient evidence to indicate that the student was entitled to compensatory services, transportation and a Nickerson letter.

ORDER


1. The grant of reimbursement for tutoring at the Linda Mood Bell Learning Center shall be extended through the end of June 2004 and resume in September through December 2004 for a total of not more than 120 hours at \$89.00 per hour.

2. The District shall reissue a Nickerson letter for the 2004/2005 school year.

3. The District shall provide transportation after school to the Linda Mood Bell Learning Center by 3:20 P.M. or in the alternative shall provide reimbursement to the parent for up to \$60.00 per week for transportation services.

SO ORDERED.

Dated: April 30, 2004


RACHEL POTASZNIK, ESQ.
Impartial Hearing Officer

RP:ds

PLEASE TAKE NOTICE

Within 30 days of the receipt of this decision, the parent and/or Board of Education has a right to appeal the decision to the State Review Officer of the New York State Education Department under Section 4404 of the Education Law and the Individuals with Disabilities Education Act. Failure to file the notice of intention to seek review is a waiver of the right to appeal this decision.

Directions and forms for filing an appeal are included with this decision. Directions and forms can also be found in the Office of State Review website: www.sro.nysed.gov/appeals.htm.



Impartial Hearing Office

131 Livingston Street - Room 201
Brooklyn, New York 11201

Telephone: (718) 935-3280
FAX: (718) 935-2528

02-26790

July 27, 2004

[REDACTED]
[REDACTED]
BRONX, NY 10458

RE: [REDACTED]

Case #: 54447

Hearing Date: 06/15/2004

Enclosed please find the hearing officer's decision for the above referenced case.

Please contact Carmen Rosa if you have any questions.

Very truly yours,

Denise Washington
Chief Administrator

Encl: Findings Of Fact And Decision

c: Paul Ivers, Esq., Office of Legal Services
Ellen Newman, Lead Regional Administrator of Special Education, Region 1
Sileni Nazario, Chairperson, Committee on Special Education District 10
Peter G. Albert, Esq., Impartial Hearing Officer

INTERIM ORDER

Case Number: 54447

NYS Case Identifier Number: 8934

Student's Name:

[REDACTED]

Date of Birth:

[REDACTED]

District:

10

Hearing Requested By:

Parent

Date of Hearing:

June 15, 2004

Hearing Officer:

Peter G. Albert, Esq.

Case No. 54447

A hearing was held before the undersigned in the matter of [REDACTED], pursuant to the Individuals with Disabilities Education Act, 20 U.S.C. §1415(f)(1). The parent requested the instant hearing on May 18, 2004, to determine an appropriate placement, for the student, as well as tuition reimbursement. The time for compliance was extended, at the request of the parent, to July 29, 2004, due to two hearings already scheduled for District 10 on the day of the Hearing Officer's availability. Appended to the decision are the list of persons in attendance and documents submitted into evidence.

BACKGROUND

[REDACTED] is an eleven (11) year old girl who has been classified by the Committee on Special Education (CSE) as learning disabled. A prior impartial hearing was held and an order issued December 18, 2003, awarding the student compensatory services at Linda Mood Bell (scheduled to commence September 2004) and a Nickerson letter. However, the ordered tutoring services did not begin until December 2004. In addition, the student's last Individualized Education Program (IEP), dated July 16, 2003, was determined to be defective, and that was the primary basis on which relief was granted.

The parent requested a second hearing on April 1, 2004, to determine the appropriate placement and services for the student. The issues addressed at this hearing were (1) whether the Linda Mood Bell tutoring services, awarded December 18, 2003, should be extended to the 2004-2005 school year because of the delay in obtaining the services caused by the Department of Education's failure to sign the contract provided by Linda Mood Bell; (2) whether the District must provide transportation from school to the Linda Mood Bell program, or in the alternative, reimburse the parent for travel costs; and (3) whether the Nickerson letter awarded by the prior hearing officer should be extended for the 2004-2005 school year, thereby enabling the parent to continue to seek an appropriate non-public school placement for the student.

On April 30, 2004, the hearing office ordered that:

1. The grant of reimbursement for tutoring at the Linda Mood Bell Learning Center be extended through the end of June 2004 and then continue for the period of September to December 2004, at a total not to exceed \$89.00 per hour.

Case No. 54447

NAMES AND TITLES OF PERSONS WHO APPEARED

~~REDACTED~~
Robert Silowitz

Mother
Chairperson Designee, CSE,
District 10

Department of Education

Case No. 54447

2. The District reissue a Nickerson letter for the 2004-2005 school year.
3. The District provide transportation after school to the Linda Mood Bell Learning Center, or in the alternative, provide reimbursement to the parent for up to \$60.00 per week for transportation services. (See Hearing Officer Ex. 2)

THE DISTRICT'S POSITION

Robert Silkowitz, the Region 1 Committee on Special Education (CSE) Chairperson, represented the District. Mr. Silkowitz did not dispute any of the facts asserted by the parent; namely, the lack of a valid IEP, or any part of the April 30, 2004, Findings of Fact and Decision.

PARENT'S POSITION

The parent argued that because she had exhausted the Department of Education's list of State-approved private schools and still has not been able to obtain an appropriate placement for her daughter, that the Department of Education should pay the tuition costs for [REDACTED] to attend the Winston Preparatory School. The parent's testimony indicated that despite her efforts to obtain an appropriate placement for [REDACTED], no such placement was available. The parent testified that the Winston Preparatory School was appropriate for her daughter and had accepted her daughter's application for admission into that school's "Focus Program."

FINDINGS OF FACT AND CONCLUSIONS OF LAW

The District did not dispute the facts as presented by the parent. Essentially, the District concedes that the July 2003 IEP was invalid. Based on the evidence presented, I find that the District failed in its burden to provide the student with a free appropriate public education (FAPE).

The last IEP developed for the student was issued as the result of a CSE meeting held on July 16, 2003. (IHO Exh. I) This CSE was not properly constituted since a mandatory member of the CSE, i.e., a general education teacher, was not present. Application of a child with a Disability (Arlington C.S.D.), New York State Review Officer's Decision, Appeal No. 02-80.

Case No. 54447

I also note that the CSE has not conducted an annual review for the student since its July 16, 2003 meeting. The lack of a timely meeting and development of an IEP are fatal to the District's position.

The parent sought admission for the student at the Winton Preparatory School's Focus Program. The Focus Program utilizes a multi-sensory method of instruction and offers students daily one-to-one instructional sessions as part of their regular educational curriculum. These one-to-one sessions identify and develop learning strategies in the student's greatest areas of need, both academically and socially. The program also assists each individual student in the improvement of his/her decoding, encoding, auditory processing, semantic, and mathematical skills.

Accordingly, I find this placement to be appropriate to address the student's needs and allow her to receive educational benefits.

Finally, the balance of equities clearly tips in the favor of an award of tuition reimbursement. School Committee of Burlington v. Department of Education of Massachusetts, 471 U.S. 359 (1985); Application of Child with a Disability (Lakeland C.S.D.), New York State Review Officer's Decision, Appeal No. 04-21. The parent cooperated with the District and the CSE process in all respects. However, the CSE was unable to fulfill its obligations.

ORDER

Accordingly, it is hereby ordered that the District shall issue a Nickerson letter to cover the cost of tuition at the Winston Preparatory School for the 2004-2005 school year.

SO ORDERED.

Dated: July 27, 2004

Peter G. Albert, Esq.
PETER G. ALBERT, ESQ. (PW)
Impartial Hearing Officer

PGA:nn

PLEASE SEE FOLLOWING PAGE FOR APPEAL NOTICE

Case No. 54447

PLEASE TAKE NOTICE

Within 35 days of the date of this decision, the parent and/or the New York City Department of Education has a right to appeal the decision to the State Review Officer of the New York State Education Department under Section 4404 of the Education Law and the Individuals with Disabilities Education Act.

"The notice of intention to seek review shall be served upon the school district not less than 10 days before service of a copy of the petition for review upon such school district, and within 25 days from the date of the decision sought to be reviewed. The petition for review shall be served upon the school district within 35 days from the date of the decision sought to be reviewed. If the decision has been served by mail upon petitioner, the date of mailing and the four days subsequent thereto shall be excluded in computing the 25- or 35-day period." (8NYCRR279.2[b]) Failure to file the notice of intention to seek review is a waiver of the right to appeal this decision.

Directions and sample forms for filing an appeal are included with this decision. Directions and forms can also be found in the Office of State Review website: www.sro.nysed.gov/appeals.htm.

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DOCUMENTATION ENTERED INTO RECORD

I.	IEP	Impartial Hearing Officer
II.	Findings of Fact and Decision	Impartial Hearing Officer
III.	Letter from Winston Prep	Impartial Hearing Officer
IV.	Information Letter	Impartial Hearing Officer
V.	Enrollment Agreement	Impartial Hearing Officer

STATEMENT OF AGREEMENT AND ORDER

Case Number: 58181

NYS Case Identifier Number: 13168

Student's Name:

[REDACTED]

Date of Birth:

[REDACTED]

District:

10

Hearing Requested By:

Parent

Date of Hearing:


February 17, 2005

Hearing Officer:

Lynn B. Almeleh, Esq.

Case No. 58181

NAMES AND TITLES OF PERSONS WHO APPEARED


Eduardo Santiago

Parent
Chairperson Designee, CSE,
District 10

Department of Education

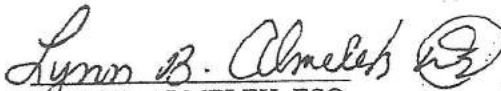
Case No. 58181

On January 18, 2005, I was appointed to hear the Matter of [REDACTED], pursuant to the Individuals with Disabilities Education Act (IDEA), 20 U.S.C. §1415(f)(1). On February 17, 2005 the matter was heard. At this time, it was determined that the parent's claim for 2004-2005 was moot as payment had been made by the Department of Education. Likewise, it was determined that the parent's claim for 2005-2006 was premature as the Department of Education has yet to address this school year. Nevertheless, in certain off the record colloquy, the parents agreed to the following terms and conditions as a condition precedent to the Committee on Special Education's convene and recommendation for the 2005-2006 school year. The child is currently twelve years old and attends Winston Preparatory School. A list of persons in attendance and of evidence is appended hereto.

Wherefore, it is ordered that:

1. *The parent's request for the 2004-2005 school year is withdrawn.*
2. *The CSE shall conduct a psychological/educational evaluation with specific emphasis on the child's reading deficits and interventions necessary to address those issues. The evaluation shall be made by an individual certified in Remedial Reading instruction or possessing specific expertise in the area of reading disabilities. This evaluation shall be completed by April 15, 2005.*

February 22, 2005


LYNN B. ALMELEH, ESQ
Impartial Hearing Officer

LBA:ds

"The notice of intention to seek review shall be served upon the school district not less than 10 days before service of a copy of the petition for review upon such school district, and within 25 days from the date of the decision sought to be reviewed. The petition for review shall be served upon the school district within 35 days from the date of the decision sought to be reviewed. If the decision has been served by mail upon petitioner, the date of mailing and the four days subsequent thereto shall be excluded in computing the 25- or 35-day period." (8NYCRR279.2[b]) Failure to file the notice of intention to seek review is a waiver of the right to appeal this decision.

Directions and sample forms for filing an appeal are included with this decision. Directions and forms can also be found in the Office of State Review website: www.sro.nysed.gov/appeals.htm.

02-26790

FINDINGS OF FACT AND DECISION

Case Number: 100589
NYS Case Identifier Number: 15161
Student's Name: [REDACTED]
Date of Birth: [REDACTED]
District: 10
Hearing Requested By: Parent
Date of Hearing: August 5, 2005
Hearing Officer: Craig Tessler, Esq.

Case No. 100589

NAMES AND TITLES OF PERSONS WHO APPEARED

~~XXXXXXXXXX~~
Delilah Zapata

Parent
Chairperson Designee, CSE,
District 10

Case No. 100589

INTRODUCTION

On July 19, 2005, I was appointed to conduct an impartial hearing pursuant to Individuals with Disabilities Education Act (IDEA), 20 U.S.C. §1415(f) to determine the special education program of [REDACTED]; the hearing was held on August 5, 2005. Lists of persons in attendance and documents received in evidence are appended to the record.

BACKGROUND

[REDACTED] is a fourteen year old student classified as learning disabled who attends the Winston Preparatory School (Winston Prep), a private program which is not on the State Education Department (SED) list of schools approved to provide education to students with disabilities. Classification is not disputed. The most recent Committee on Special Education (CSE) meeting regarding [REDACTED] program was an annual review on June 22, 2004; an Individualized Education Program (IEP) of that date (exh. B) recommended a general education class with five periods per week of Special Education Teacher Support Services (SETSS). On June 25, 2004, at the request of [REDACTED] G., [REDACTED] parent, an impartial hearing was held before another hearing officer, and, on August 26, 2004, in an amended findings of fact and decision (exh. H), that hearing officer ordered that the department of education pay for [REDACTED] 2004/05 tuition at Winston Prep. On January 18, 2005, Ms. G. requested another impartial hearing, and, in a statement of agreement and order dated February 22, 2005 (exh. A), the CSE agreed to conduct a psychological/educational evaluation of [REDACTED], with emphasis on her reading deficits and interventions necessary to address those deficits, by April 15, 2005. The CSE did not conduct the evaluation. Ms. G. requested the instant hearing on July 19, 2005, seeking department of education payment for (i) a private evaluation, and (ii) [REDACTED] 2005/06 tuition at Winston Prep.

THE CSE'S CASE

At the hearing, the CSE representative acknowledged that the CSE did not comply with the statement of agreement and order, and that nothing was done to conduct an evaluation until August 4, 2005, when an evaluation appointment letter was issued (exh. 1); this letter was issued the day before the instant hearing and almost four months after

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they agreed to have the evaluation done. The department did not present any witnesses or submit any documentary evidence other than the appointment letter.

THE PARENT'S CASE

Ms. G. testified that she was in touch with the CSE after the February 22 impartial hearing about the evaluation, but was told that [REDACTED] records were lost, or that different CSEs were responsible for arranging the evaluation. Her hearing request notes that the NYU Child Study team can do the evaluation for \$3,600.00. Ms. G. testified that [REDACTED] has made excellent progress at Winston Prep. She has been offered a place there for 2005/06 (exh. F); tuition is \$36,750.00. (Exh. E) Ms G. submitted her 2004 form 1040 (exh. I), which reflects a gross income of about \$44,000; she is a single parent and this is the only source of income to support herself and her daughter.

Ms. G. submitted evidence about Winston Prep's program. (Exh. G). The school is a middle and high school program for students with specific language-based learning disabilities, which groups students according to their strengths and weaknesses, not according to age or chronological grade level. Applicants submit evaluations, including cognitive and academic testing, emotional assessments, and prior school records. Winston Prep designs a curriculum to address an individual student's needs, and uses multi-sensory instruction techniques. Classes usually have 10 to 12 students with one teacher. The school's has the "Focus" program, in which students are assigned to meet daily with a reading specialist, learning specialist or speech pathologist on a 1:1 basis; this person acts as remedial teacher and mentor. Winston Prep's program is designed to "close the gap" between a student's achievement level and intellectual potential. Approximately 95% of the school's graduates go to college.

[REDACTED] "focus" teacher reports (exh. C) that she gained skills, but still requires the 1:1 instruction and small class settings offered at Winston Prep. [REDACTED] dyslexia and learning problems are exacerbated by anxiety, which the Winston Prep environment has alleviated; she is encouraged to take risks and is prompted with help in reading and writing.

[REDACTED] final 2004/05 Progress Report (exh. D) indicates that she made consistent academic gains throughout the year. [REDACTED] completed classwork and homework

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held that parental placement in a private school cannot be proper under IDEA unless the private school meets the State Education Agency's standards.

In Carter, the Court held that the "State-approval" requirement does not apply to parental-placement reimbursement cases (although it does apply to private school placement by public school officials); such a parental placement is proper if the private school is reasonably calculated to enable the child to receive educational benefits. The Court stated that it would be inconsistent with the Act's goals to forbid parents from educating their child at a school that provides an appropriate education simply because that school lacks the stamp of approval of the same public school system that failed to meet the child's needs in the first place. To win reimbursement under Carter, it must be shown that: (1) The public placement violates the IDEA; and (2) the private placement is proper and is reasonably calculated to enable the child to receive educational benefits. The Court must also consider equitable factors, such as communication and cooperation between the parent and the school board, the parent's awareness of and timely exercise of due process rights, and the appropriate and reasonable level of reimbursement.

I find that [REDACTED] parent met the Carter requirements. There is no valid recommendation by the CSE; in fact, there is only inexcusable inaction on the CSE's part. I find that Winston Prep's program is an appropriate placement for [REDACTED], even though it is not a State Education Department-approved program. The program offers a structured, small class environment to address [REDACTED] learning deficits, uses consistent multi-sensory instructional techniques, and group students with similar deficits and strengths. The school designs a curriculum specifically designed to address [REDACTED] deficits. The "focus" teacher provides daily 1:1 instruction which [REDACTED] requires to make progress. [REDACTED] progress is regularly monitored and her program can be modified to suit her developing needs. I find that the program is reasonably calculated to ensure that [REDACTED] benefits educationally and makes academic and social progress; it provides an education in substantial compliance with all the substantive requirements of IDEA.

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assignments, and greatly improved her word attack skills. Her writing, organizational, reading comprehension, math skills and self-confidence all improved. In science and history classes, [REDACTED] increased her knowledge and improved her note-taking and study skills. [REDACTED] was attentive and participated in class discussions. [REDACTED] did well in art and physical education. She demonstrated strong self-advocacy skills and improved self-esteem.

FINDINGS OF FACT AND CONCLUSIONS OF LAW

I find that [REDACTED] parent met the burden of showing that she is entitled to Department of Education payment for an independent evaluation and for [REDACTED] 2005/06 tuition at Winston Prep. I find that the CSE totally failed to comply with the terms of the statement of agreement to conduct an evaluation despite the parent's efforts to have the evaluation done. The CSE offered absolutely no excuse for its failure to evaluate [REDACTED] and did nothing about it until the day before the hearing. They appeared at the hearing with neither an evaluation nor current IEP to defend. I conclude that the parent is entitled to an independent evaluation at department of education expense. I also find that the CSE failed to conduct an annual review of [REDACTED] and made no valid recommendations for her for the 2005/06 school year. I find that [REDACTED] parent has shown that Winston Prep is an appropriate site for [REDACTED], that equitable considerations support a tuition award, and that Ms. G. has shown that she cannot afford to pay the tuition and is entitled to prospective payment.

In Florence County School District Four v. Carter by Carter, 114 S.Ct. 361 (1993), the Supreme Court held that a court may order reimbursement for parents who unilaterally withdraw their child from a public school that provides an inappropriate education under IDEA and put the child in a private school that provides an education that is otherwise proper under IDEA but is not approved by the State Education Agency pursuant to IDEA. This decision expands the Court's decision in School Committee of Burlington v. Department of Education of Massachusetts, 471 U.S. 359 (1985), which held that court may order reimbursement to parents who disagree with a proposed IEP and unilaterally place their child in a private school; Carter rejects the second circuit opinion in Tucker v. Bay Shore Union Free School District, 873 F.2d 563 (1989), which

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year. The parent then sued in district court for an order that as long as the district agreed it could not find an appropriate placement for the student, it should pay prospectively the tuition at the non-approved private school, rather than requiring the parent to go through the costly and time-consuming hearing process each year. The court reviewed Carter and held that the IDEA's substantive guarantee of a free and appropriate education takes primacy over a State's approval procedures when those two statutory provisions conflict. The court noted that the Burlington/Carter reimbursement remedy is available only to those parents who have adequate means to pay for what they consider to be an appropriate placement; "[I]n a situation where a parent does not have the adequate means to finance unilateral placement and is told by a court years later that they were right, the victory would not only be empty but meaningless. By prohibiting prospective placement, [the state] would deny assistance to families that are not able to front the costs of a private non-approved school, without exception," (34 F.Supp. 2d at 804) The State argued that compelling prospective tuition payment to a non-approved private school would violate the procedural requirements of the IDEA and State law and Regulation that private programs must meet the State's standards. The Connors Court firmly rejected the State's position: "It simply cannot be the case that an act designed to grant 'all' disabled children access to needed services would undermine that very goal by making such access dependent upon a family's financial situation... The purpose of the Act...is not advanced by requiring parents, who have succeeded in obtaining a ruling that a proposed IEP is inadequate, to front the funds for continued private education." (Id. at 804, 805) The Connors Court noted that once the Burlington/Carter prerequisites are met, the issue is not the fact of payment, but the timing of that payment, and stated that when "...a parent shows that his or her financial circumstances eliminate the opportunity for unilateral placement in the non-approved school, the public school must pay the cost of private placement immediately." (Id. 806) The Court also notes that it is "beyond cavil" that an impartial hearing officer can order prospective tuition funding; to hold otherwise would be to deny a child the right to access to services under the IDEA.

Another case, Sabatini v. Corning-Painted Post Area School District, 78 F.Supp. 2d 138 (USDC, WDNY), involved a student for whom the CSE had recommended a

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I find that equitable considerations also support an award of tuition. The CSE did not allege any lack of cooperation or communication by the parent, who made a timely hearing request. I find that the amount of reimbursement requested is reasonable. The parent has thus met the three-prong Burlington/Carter test, but her request poses an additional issue: she argues that she is entitled to prospective tuition funding; i.e., that the Department of Education should pay Winston Prep directly for Alexa's tuition, notwithstanding the fact that Burlington and Carter are couched in terms of reimbursement to parents who had already paid for the tuition. The parents's position is based upon the premise that the substantive intent and purpose of the IDEA is to ensure that students with a disability have a free and appropriate public education (FAPE), and this overrides the procedural requirements of IDEA and State law and Regulation, including the requirements that a special education program must meet the standards of the State Education Agency, that the New York State Education Commissioner must approve a private program to provide education to students with disabilities, and that the Commissioner must approve any contracts with private schools. As stated above, Carter and Burlington stand for the proposition that a unilateral private placement is proper where no appropriate public placement is offered, and the private placement can be in a non-State-approved school. Burlington appears to sanction the further step of prospective payment: "In a case where a court determines that a private placement desired by the parents was proper under the [IDEA] and that an IEP calling for placement in a public school was inappropriate, it seems clear beyond cavil that "appropriate" relief would include a prospective injunction directing the school officials to develop and implement at public expense an IEP placing the child in a private school."

In Connors vs. Mills, 34 F.Supp 2d 795 (NDNY, 1998), after a parent requested an impartial hearing regarding a unilateral placement for the 1994-1995 school year, the parent and the local school district agreed (i) that the district could not provide an appropriate placement for the student, (ii) that the unilateral placement in a non-approved private program was appropriate, and (iii) that the district would reimburse the parent for the cost of the unilateral placement. The same placement and agreement occurred the following school year, after the parent requested another impartial hearing for that school

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residential facility; the recommendation was rejected by the District Board of Education. After the student and his parent requested an impartial hearing, the parties entered into a settlement under which the district agreed to search for a residential program, and to provide an appropriate education for the 1998-1999, 1999-2000 and 2000-2001 school years. The district was not able to find a residential placement for the student. The student was accepted by a college in Connecticut which provides services to students with disabilities. The district sought approval for the student's placement from the State Education Department pursuant to New York Education Law 4402(2)(b)(2), which provides that all contracts with schools to provide education to students with disabilities are subject to approval by the Commissioner of Education; the State Education Department responded that the college was not approved and the district refused to place the student there. The student and his parent requested an impartial hearing, after which the hearing officer found that the district had failed to provide the student with a free appropriate public education (FAPE) and that the college was an appropriate placement, and ordered the district to place the student in the college. The district appealed to the State Review Officer, who failed to render a timely decision, and the student and his parent filed suit a federal Court to implement the hearing officer's order and for other relief. The school district argued that the Commissioner of Education was an indispensable party to the action, because his permission is necessary for a school district to contract with a private residential school, but the Court held that "...where a child's right to a FAPE is in direct conflict with the State's approval process[,] Carter makes clear that...the State's interest in maintaining its approval process must yield to the child's and society's strong interest in making a FAPE available when mandated by IDEA....," and concluded that the Commissioner was not an indispensable party. The Court noted that the issue of whether the private school would be paid directly or the parent reimbursed was a distinction without a difference, because the ultimate issue in either case is identical: can the IDEA compel the school district to disburse funds for the student's tuition at a private school. The Court awarded the plaintiffs a preliminary injunction ordering the district to "...make whatever financial arrangements are

Case No. 100589

necessary..." to implement the hearing officer's decision and place the student in the non-State-approved private school.

(See also Susquenita School District v. Raelee, 96 F.3d 78 (3d Cir., 1996) which involved a student whose parent rejected the school district recommendation and unilaterally placed the student in a non-approved private school; a hearing officer found for the school district, but the parent appealed to a state review panel, which found the district's recommendation not appropriate, ordered tuition reimbursement, and ordered that the private school would be the student's "pendent placement." The school district appealed to the district court, and requested a stay of the state review decision, which the district court denied; the school district then brought an interlocutory appeal of the denial. The appeals court upheld the denial of the stay and ordered the school district to place the student at the non-approved private school and pay the tuition at the school pendente lite, until the appropriateness of the recommended program was decided by the district court. The court noted that the issues of pendent placement and financial responsibility for tuition payment are linked; it determined that from the point of the state review panel decision, the student's "pendent" placement was the non-approved private school, and the concomitant obligation to pay tuition therefore fell upon the district. The court rejected the district's contention that Burlington prohibited prospective payment during litigation, and held that the concerns underlying retroactive reimbursement also apply to prospective payment: "We conclude that the policies underlying the IDEA and its administrative process favor imposing financial responsibility upon the local school district as soon as there has been an administrative panel or judicial decision establishing the pendent placement." (96 F.3d at 85) The court stated that the purpose of the IDEA is not advanced by requiring parents who have succeeded in obtaining a ruling that a proposed IEP is inadequate to front the funds for continued private education. "The burden that such an approach would place on many families is overwhelming. The cost of private education, especially in institutions specializing in teaching the learning disabled, is substantial. Families without means would be hard pressed to pay for private education...[t]he prospect of reimbursement at the end of the litigation turnpike is of little consolation to a parent who cannot pay the toll at the outset." (Id. at 87))

Case No. 100589

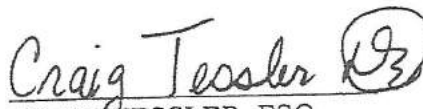
I find the Connors and Sabatini decisions persuasive and conclude that the Department of Education may be required to directly or prospectively pay tuition to a non-approved private program after the Burlington/Carter tests are met, and the parents have shown by clear and convincing evidence that they cannot afford to pay tuition "up front." Connors and Sabatini set forth overwhelming arguments that the substantive right of a student with a disability to a FAPE will always trump State and federal procedural requirements; i.e., that the substantive requirements of the IDEA prevail over State law and Regulation. (See also New York State Review Officer's Decision, No. 97-78, where the State Review Officer rejected the Board of Education's argument that a state statutory guideline on funding prohibited an impartial hearing officer from ordering the Board of Education to pay tuition to a non-approved private school, stating that the statute cannot alter the federal requirement for a FAPE, regardless of the effect on the way the State and its subdivisions pay for special education services.)

I conclude that since the Burlington/Carter tests have been met, and the parent has produced clear evidence that she cannot afford to pay tuition, the Department of Education must fund [REDACTED] tuition at Winston Prep.

ORDER

IT IS THEREFORE ORDERED THAT: a) the department of education shall directly fund [REDACTED] 2005/06 tuition at Winston Prep in the amount of \$36,750.00; and b) the department of education shall pay for an independent evaluation of [REDACTED] by the NYU Child Study Team, at a cost of \$3,600.00.

Dated: August 31, 2005


CRAIG TESSLER, ESQ.
Impartial Hearing Officer

CT:ds

Case No. 100589

PLEASE TAKE NOTICE

Within 35 days of the date of this decision, the parent and/or the New York City Department of Education has a right to appeal the decision to the State Review Officer of the New York State Education Department under Section 4404 of the Education Law and the Individuals with Disabilities Education Act.

"The notice of intention to seek review shall be served upon the school district not less than 10 days before service of a copy of the petition for review upon such school district, and within 25 days from the date of the decision sought to be reviewed. The petition for review shall be served upon the school district within 35 days from the date of the decision sought to be reviewed. If the decision has been served by mail upon petitioner, the date of mailing and the four days subsequent thereto shall be excluded in computing the 25- or 35-day period." (8NYCRR279.2[b]) Failure to file the notice of intention to seek review is a waiver of the right to appeal this decision.

Directions and sample forms for filing an appeal are included with this decision. Directions and forms can also be found in the Office of State Review website: www.sro.nysed.gov/appeals.htm.

Case No. 100589

DOCUMENTATION ENTERED INTO RECORD

- | | | |
|----|------------------------------------------------------|--------|
| A. | Statement of Agreement, 2/22/05, 5 pp. | Parent |
| B. | IEP, 6/22/04, 9 pp. | Parent |
| C. | Letter - Focus Teacher, Undated, 1 p. | Parent |
| D. | Progress Report, 6/05, 6 pp. | Parent |
| E. | Winston Prep Tuition Information, 5/06, 1 p. | Parent |
| F. | Acceptance Letter, 4/5/05, 1 p. | Parent |
| G. | Winston Prep Information, Undated, 13 pp. | Parent |
| H. | Amended Finding of Fact and Decision,
2004, 2 pp. | Parent |
| I. | Form 1046, 2004, 2 pp. | Parent |



New York University
Child Study Center

550 First Avenue New York, NY 10016
Telephone: (212) 263-6622 Facsimile: (212) 263-0990



FACSIMILE TRANSMISSION LETTER

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Date:

3/10/06

Recipient:

[REDACTED]
Robin Tashima

Phone: ()

Fax: (212) 764-0445

Sender:

Samantha Michien
[REDACTED]

Phone: (212) 263-3684

Fax: (212) 263-0990

Number of pages (including cover sheet): 16 Page(s)

Remarks:

APPENDIX B

Learning Ability Evaluation Summary

Name: [REDACTED]

Birth Date: [REDACTED]

Gender: [REDACTED]

	Pre-eval	Eval	Eval	Re-eval
Chrono Age:	10-9	11-2	11-4	11-7
Grade:	5.2	5.6	5.8	6.0

Hours of Instruction:

Seeing Stars® 90 hours

Visualizing and Verbalizing® 78 hours

Total 168 hours

Pre-eval Date	Eval Date	Eval Date	Re-eval Date
<u>10/30/2003</u>	<u>3/5/2004</u>	<u>5/4/2004</u>	<u>8/17/2004</u>

10 yrs old

11 yrs old

Peabody Picture Vocabulary Test - III, Form IIIA

134	136 Raw
99	96 Standard Score
47th	39th Percentile
10-8	10-11 Age Equivalent

Detroit Tests of Learning Aptitude - 4

Word Opposites	26	31 Raw
	7	8 Standard Score
	16th	25th Percentile
	9-0	10-3 Age Equivalent

‡Detroit Tests of Learning Aptitude

Verbal Absurdities	28	25 Raw
	13-0	12-3 Mental Age

‡Detroit Tests of Learning Aptitude - 2

Oral Directions	38	43 Raw
	11	11 Standard Score
	63rd	63rd Percentile

Name: XXXXXXXXXX

Pre-eval Date	Eval Date	Eval Date	Re-eval Date
<u>10/30/2003</u>	<u>3/5/2004</u>	<u>5/4/2004</u>	<u>8/17/2004</u>

Woodcock Reading Mastery Tests - Revised/NU, Form G

Woodcock NU Word Attack	23	36	36	33 Raw
	93	110	109	102 Standard Score
	33rd	74th	72nd	55th Percentile
	8-7	14-10	14-10	12-4 Mental Age
	4.0	8.7	8.7	6.9 Grade Equiv.

Slosson Oral Reading Test - R3

	139	160 Raw
	102	104 Standard Score
	55th	59th Percentile
	10.9	12.3 Age Equivalent
	5.9	7.2 Grade Equiv.

Wide Range Achievement Test - Revised/3, Forms Blue/Tan/Tan/Blue

Spelling	25	31	30	29 Raw
	88	98	95	93 Standard Score
	21st	45th	37th	32nd Percentile
	3	5	4	5 Grade Equiv.
Arithmetic	31			31 Raw
	97			90 Standard Score
	42nd			25th Percentile
	4			4 Grade Equiv.

Name: [REDACTED]

Pre-eval Date	Eval Date	Eval Date	Re-eval Date
<u>10/30/2003</u>	<u>3/5/2004</u>	<u>5/4/2004</u>	<u>8/17/2004</u>

‡Gray Oral Reading Test, Form A

Paragraph Reading	42	58 Raw
Recall per passage:	4.2	6.8 Grade Equiv.
pssg#4, second grade	4	Raw
	100	Percent
pssg#5, third grade	3.5	Raw
	88	Percent
pssg#6, fourth grade	2	Raw
	50	Percent
pssg#7, fifth grade	1.5	4 Raw
	38	100 Percent
pssg#8, sixth grade	1.5	1 Raw
	38	25 Percent
pssg#9, eighth grade	1	1 Raw
	25	25 Percent
pssg#10, tenth grade	1	0.5 Raw
	25	13 Percent
pssg#11, twelfth grade	0.5	0 Raw
	13	0 Percent
pssg#12, fourteenth (college) grade		1 Raw
		25 Percent

Name: ~~XXXXXXXXXX~~

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Pre-eval Date	Eval Date	Eval Date	Re-eval Date
<u>10/30/2003</u>	<u>3/5/2004</u>	<u>5/4/2004</u>	<u>8/17/2004</u>

Gray Oral Reading Tests 4, Forms A/B/B/A

Rate	25	26	28	27 Raw
	8	7	8	7 Standard Score
	25th	16th	25th	16th Percentile
	9.3	9.6	10.0	9.9 Age Equivalent
	4.2	4.4	5.0	4.7 Grade Equiv.
Accuracy	26	37	36	40 Raw
	8	11	11	11 Standard Score
	25th	63rd	63rd	63rd Percentile
	9.6	12.0	11.9	12.9 Age Equivalent
	4.4	7.0	6.7	7.7 Grade Equiv.
Fluency	51	63	64	67 Raw
	8	10	10	10 Standard Score
	25th	50th	50th	50th Percentile
	9.3	10.9	11.0	11.3 Age Equivalent
	4.2	5.7	6.0	6.2 Grade Equiv.
Comprehension	31	33	36	39 Raw
	10	10	11	11 Standard Score
	50th	50th	63rd	63rd Percentile
	11.0	11.3	12.0	13.0 Age Equivalent
	6.0	6.2	7.0	8.0 Grade Equiv.

Lindamood Auditory Conceptualization Test

Ia	10	10 Raw
Ib	4	6 Raw
II	7	8 Raw
BONUS		2 Raw
	64	76 Raw

Symbol Imagery Test

26/50	38/50 Raw
95	117 Standard Score
37th	87th Percentile
9-8	>17-6 Age Equivalent

Informal Tests of Writing

Sound/Symbol	23/32	28/32 Raw
Nonsense Spelling	2/3	2/3 Raw

Name: [REDACTED]

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Pre-eval Date	Eval Date	Eval Date	Re-eval Date
<u>10/30/2003</u>	<u>3/5/2004</u>	<u>5/4/2004</u>	<u>8/17/2004</u>

Comprehensive Test of Phonological Processing

Elision	18	Raw
	12	Standard Score
	75th	Percentile
Blending Words	10	Raw
	7	Standard Score
	16th	Percentile
Memory for Digits	11	Raw
	7	Standard Score
	16th	Percentile
Rapid Digit Naming	31	Raw
	10	Standard Score
	50th	Percentile
Nonword Repetition	12	Raw
	10	Standard Score
	50th	Percentile
Rapid Letter Naming	38	Raw
	9	Standard Score
	37th	Percentile
Rapid Color Naming	57	Raw
	9	Standard Score
	37th	Percentile
Phoneme Reversal	4	Raw
	8	Standard Score
	25th	Percentile
Rapid Object Naming	61	Raw
	9	Standard Score
	37th	Percentile
Blending Nonwords	8	Raw
	9	Standard Score
	37th	Percentile
Segmenting Words	4	Raw
	6	Standard Score
	9th	Percentile
Segmenting Nonwords	4	Raw
	6	Standard Score
	9th	Percentile

‡ - Measure administered for instructional planning purposes.

11-21-2011

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APPENDIX C



NEW YORK UNIVERSITY

New York University Child Study Center

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INSTITUTE FOR LEARNING AND ACADEMIC ACHIEVEMENT CONFIDENTIAL NEUROPSYCHOLOGICAL AND EDUCATIONAL EVALUATION

Name: [REDACTED]
Date of Birth: [REDACTED]
Dates of Evaluation: November 30, December 7, 13, 2005 and March 2, 2006
Age: 13 years old
School: Winston Preparatory School
Grade: Seventh
Handedness: Right
Examiners: Matthew Cruger, Ph. D.
Susan J. Schwartz, M.A., Ed.

REASON FOR REFERRAL AND BACKGROUND INFORMATION

[REDACTED] was referred for a neuropsychological and educational evaluation in order to develop a profile of her learning strengths and weaknesses. She was classified by the New York City Board of Education Committee on Special Education in June 2000 due to her difficulties with reading.

[REDACTED] lives with her mother, [REDACTED], in Bronx, NY. Ms. [REDACTED], [REDACTED], is an executive assistant who has returned to college to complete her degree. [REDACTED] father, [REDACTED], graduated from high school and works in job placement. Ms. [REDACTED] and Mr. [REDACTED] were never married. He currently lives in [REDACTED] and is married with a step daughter. [REDACTED] gets along very well with both parents and she speaks with her father on a daily basis and visits when she has vacation from school. Family history is significant for [REDACTED] and [REDACTED].

Ms. [REDACTED] reported that her pregnancy with [REDACTED] progressed as expected despite some family stress. She spontaneously went into labor and [REDACTED] was born via vaginal delivery that required assistance of a vacuum. Ms. [REDACTED] experienced post birth complications, however, [REDACTED] was a healthy newborn who ate and slept well and who developed speech, language and motor skills as expected. Medical history is significant for one accident that required stitches to her head in 1996 when she banged her head on a bench at recess. In addition, oral surgery was required due to baby tooth decay. [REDACTED] hearing and vision have been screened and are normal.

CONFIDENTIAL EVALUATION: [REDACTED]

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Currently, [REDACTED] attends a special education school, Winston Preparatory School. [REDACTED] mathematical abilities have always been effective. She has neat handwriting and enjoys writing. She is creative, athletic and has many friends. In addition, she is hard-working and confident since receiving appropriate educational support for her reading difficulties. Both [REDACTED] and Ms. [REDACTED] suffered anxiety after 9-11 and received treatment that was helpful.

BEHAVIORAL OBSERVATIONS AND CLINICAL INTERVIEW

[REDACTED], a friendly and cooperative young lady, presented for this evaluation stating that she had dyslexia and that she was interested in knowing how this condition was affecting her performance in school. She readily answered the examiner's questions and adequately maintained her attention, focus and concentration in the structured testing situation. She also appeared to be giving her best effort throughout the testing. [REDACTED] benefited from feedback, encouragement and guidance as she progressed on tasks. She worked methodically when faced with mathematical problems. At times, her comprehension seemed negatively effected by lack of vocabulary knowledge. At these times, [REDACTED] often asked for clarification or for a definition of a word she did not know.

[REDACTED] talked openly about her experiences outside of school, which included family relationships, contacts with friends, and extracurricular involvements. In addition, she easily described her classes and the requirements for her school work. She stated that she most enjoyed math and that it was her best subject. She said that she "loves" her school and that she has made very good friends.

TEST RESULTS

Intellectual Functioning

On the WISC-IV, a multifaceted test of intellectual ability, [REDACTED] attained a Full Scale IQ score of 95 (37th %ile), which places her within the average range of overall intellectual functioning compared to other individuals her age. Further analysis of her performance on the different types of tasks that she was asked to complete revealed that [REDACTED] verbal comprehension and expression skills (39th %ile) and her nonverbal reasoning skills were within the average range (30th %ile). [REDACTED] displayed average abilities on an index of auditory working memory (47th %ile) and her visual processing speed was within the average range (50th %ile).

[REDACTED] performances were within the average range on tests of verbal reasoning and comprehension (Verbal Comprehension Index=39th %ile). [REDACTED] performed within the average range on a test of abstract verbal reasoning, a test that required her to express her knowledge about social rules and norms, and on a challenge that required her to answer questions about factual information (50th-63rd %ile). She performed at the lower limits of the average range on a test that required her to give definitions for words (25th %ile). Her performance did not improve when she was asked to complete a vocabulary test of the same words where she was allowed to choose the correct word definition from a set of choices (25th %ile). These finding suggest that [REDACTED] has relative weaknesses in the area of word knowledge and these difficulties are likely based on her problems with reading which limits her ability to learn words by reading more complicated texts. Although [REDACTED] has adequately developed abilities for using verbal

CONFIDENTIAL EVALUATION: [REDACTED]

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comprehension and expression to reason through challenges, she had relative weaknesses in the area of word knowledge.

[REDACTED] overall performance on tests that involved the perceptual organization of visual information and nonverbal problem solving skills was within the average range (Perceptual Reasoning=30th %'ile). She performed within the average range when she was required to examine pictures and locate the missing details in each image, use nonverbal abstract reasoning to examine patterns in visual material, and on a task that required her to categorize visual images (37th-75th %'ile). She performed within the low average range on a test where she was asked to form designs with multicolored blocks (16th %'ile). Of note, [REDACTED] worked slowly on these challenges and had slight difficulty analyzing the visual details of the images. These struggles with visual analysis were alleviated when she was asked to complete another test involving novel designs, as she was able to complete all the designs with no errors (63rd %'ile). It is likely that the repeated exposure to the stimuli helped her develop proficiency. These findings indicate that [REDACTED] has adequately developed abilities for challenges that involve visual-spatial information and require abstract nonverbal reasoning.

Average abilities were noted in [REDACTED] performance on tasks of auditory attention and mental control (Working Memory Index=47th %'ile). For example, [REDACTED] performed within the average range when she was asked to repeat strings of numbers forward and backward and when she was asked to listen to a series of numbers and letters read aloud to her and then repeat them back in a different sequence (50th %'ile). These results suggest that she has adequately developed skills for attending to auditory information and for holding that information in mind while manipulating it.

[REDACTED] performed within the average range on tasks that measured the speed at which she processes visual information (Processing Speed Index=50th %'ile). She performed at the upper limits of the average range on a task that required her to quickly identify matching pairs of geometric symbols (75th %'ile) and at the lower limits of the average range on a graphomotor coding task that required her to quickly fill in corresponding symbols associated with different numbers (25th %'ile). Her performance on additional tests of visual scanning suggested adequately to well-developed skills (60th-90th %'ile). These results suggest adequate abilities for quickly and accurately processing simple visual information.

Language Screening

[REDACTED] performance on oral language measures reflected variable skills and confirmed the relative weakness noted above in vocabulary development and word knowledge.

Average performance was noted on the Verbal Comprehension and Rapid Picture Naming subtests of the WJ-III (41st-54th %'ile). [REDACTED] named pictured objects whether under timed or untimed conditions, provided antonyms and synonyms for words spoken by the examiner and she filled in analogies with a missing word. However, variability was noted. She could not think of a synonym for the word *assist*, nor could she think of antonyms for words such as *floor* or *life*.

CONFIDENTIAL EVALUATION: [REDACTED]

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Despite her history of reading deficits, [REDACTED] has compensated for her weak phonics skills and sequencing abilities in large part due to the remedial training she as received. She blended syllables and phonemes into meaningful words (Sound Blending=85th %ile) and she quickly repeated familiar sequences such as the days of the week, months of the year and various counting patterns (63rd %ile).

Memory and Learning

Variability was evident in [REDACTED] skills for learning and memory. While she displayed effectively developed skills for learning and recalling organized and semantically meaningful information, she struggled with learning less structured information and visual-spatial material.

As noted, [REDACTED] displayed variability on tests of her memory for verbal information. Specifically, [REDACTED] performed within the superior range when she was asked to immediately recall details from short stories that were read aloud to her and when she was required to recall these stories following a delay (91st-95th %ile). In contrast, [REDACTED] performed within the low average range on a list-learning task where she was asked to learn a list of 14 word-pairs presented over three trials (16th %ile). [REDACTED] was considerably less effective than most other children her age when she was asked to learn these words after the initial presentation as she could only recall three of the word-pairs. However, [REDACTED] benefited from the repetition of these lists, enhancing her recall to nine of the word-pairs by the end of the third presentation. Her recall following a delay was within the average range (63rd %ile). Similar difficulties were noted when she was asked to learn a list of words, not word-pairs, that were presented over five trials as she performed within the borderline range (5th %ile). However, her ability to recall the words from the list after a delay was within the average range (63rd %ile). Overall, these findings indicate that although [REDACTED] performed effectively when she was expected to learn new material that was rich in context and meaningfully structured, she had significant trouble learning novel verbal information that was unstructured, even though that information was repeated.

Similar difficulties were observed when [REDACTED] was asked to complete tests of visual memory. Thus, [REDACTED] performed within the high average to superior range when she was asked to remember details of socially relevant picture stimuli immediately after these images were presented and following a delay (84th-91st %ile). In addition, [REDACTED] performed within the average range when she was required to recognize photographs of peoples faces that she had previously been shown (25th-50th %ile). In contrast, [REDACTED] performed within the impaired to low average range when she was expected to learn less structured information that was presented in a visual-spatial format. For example, [REDACTED] struggled to learn the location of dots presented in a visual field (1st %ile). After this material was presented over three trails, her performance improved to within the low average range (16th %ile). In addition, [REDACTED] performed within the impaired range when she was asked to reproduce a complex geometric design shortly after the initial presentation of the design and after a delay (<1st %ile). Despite these impaired performances, she was able to perform within the average range when she was shown details from the picture and asked to identify if these images were or were not part of the overall image she had copied (34th %ile). In this regard, [REDACTED] displayed retrieval difficulties which made it harder for her to demonstrate all that she knows. However, overall these findings suggest that

CONFIDENTIAL EVALUATION: [REDACTED]

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[REDACTED] has effectively developed skills for learning socially meaningful visual material, but impaired skills for recalling visual-spatial information.

Other Cognitive Functioning***Attention, Concentration, and Executive Functions***

The executive functions are skills that help people develop plans and carry out their plans so that a goal can be achieved. The effectiveness of these executive functions can influence how well children can respond to their situations and complete assignments. Executive functions that are important in childhood and adolescence include the use of attention, the speed and accuracy of generating ideas and actions, the ability to control actions so that the best action is used, the ability to use thinking flexibly and keep thinking on track, and the ability to come up with a plan of actions to complete tasks.

In the area of attention, [REDACTED] attention to details and ability to sustain attention were reviewed. As evidenced by the WISC-IV tasks of verbal attention, [REDACTED] performance was within the average range (47th %ile). These findings suggest adequate abilities in [REDACTED] skills for focusing on and attending to auditory information. In addition, [REDACTED] performance on a test of visual attention was within the average range (60th %ile) as she was able to scan a visual array and locate specified targets as accurately and as quickly as others her age. On a measure of sustained attention, [REDACTED] displayed solid skills for maintaining her attention over the course of the tests and when the test was less interesting or stimulating. Overall, these findings indicated that [REDACTED] has adequate abilities for attending to information for short periods of time and over more prolonged time periods.

Variability was noted in [REDACTED] capacity to control her thinking and in her ability to quickly generate new ideas. Specifically, [REDACTED] performance on tasks that required her to refrain from impulsive responding on a color naming task was within the low average range (16th %ile). She also performed within the lower limits of the average range when she was asked to generate lists of words by switching between two different categories and when she was expected to produce word lists that began with a specified letter (25th %ile). In contrast, she performed at the upper limits of the average range when she was expected to list words belonging to a specified category (75th %ile). [REDACTED] performed within the very superior range on a test that required her to generate hypotheses for problems solving and to flexibly change her approach when she was informed that her chosen method was no longer effective (97th-99th %ile). The pattern of this variability suggests that [REDACTED] difficulties were likely based on troubles with retrieval of verbal information and word labels, rather than problems in controlling her thinking or quickly accessing novel ideas. These difficulties can be observed in children and adolescents with a history of reading disorder.

Finally, [REDACTED] completion of a test that required planning indicated areas of difficulty. Although her achievement at solving the problems was at the lower limits of the average range (25th %ile), it is important to note that [REDACTED] experienced significant difficulty breaking down complex goals into smaller steps (5th %ile). These performances indicate that [REDACTED] may struggle when she is expected to effectively organize and plan her behavior in order to achieve complex goals.

CONFIDENTIAL EVALUATION: [REDACTED]

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Motor Speed and Motor Control

[REDACTED] performed effectively within the domain of motor functioning. Specifically, her performances ranged from average to very superior on tasks that measured motor speed without demands for fine coordination. For example, she performed within the average range when she was asked to quickly tap her index finger against a counting device when using her right hand (65th %ile) and she performed within the very superior range when completing this task with her left hand (98th %ile). Her performances were also within the average to high average range for tasks that involved increased demands for fine-motor coordination. For example, when she was asked to place pegs into a form board, her performance was within the high average range when she was asked to use her right hand and average when she used her left hand (66th-82nd %ile).

Visual-Spatial Perception and Visual-Motor Integration

Variability was noted within this domain. [REDACTED] displayed adequate skills on tests of her perception of visual images, but she had difficulties on tasks that required visual-motor integration. [REDACTED] completed two-dimensional puzzles, matched geometric shapes, and recognized pictures she had previously been shown as well as most other children her age (42nd-64th %ile). In contrast, [REDACTED] had significant difficulty on tasks that required her to reproduce visual images. In this regard, she performed within the low average range when she was asked to copy simple geometric shapes (21st %ile) and she performed within the borderline range when she was asked to copy a complex geometric figure with pencil and paper (2-5th %ile).

Academic Functioning

Reading and Spelling: [REDACTED] overall performance in reading varied with the type of task presented and reflected residual deficits in reading rate as a result of her long-standing history of a reading disability.

[REDACTED] has a well developed sight word vocabulary and she used phonics to decode nonsense syllables (WJ-III, Letter Word Identification=44th %ile, Word Attack=76th %ile). However, when she was required to decode unknown multisyllable words, she had great difficulty. Error analysis indicated a specific deficit with words that are derived from foreign language roots and that are irregular (bouquet, debutante, aeronautic). In addition, she had difficulty reading target words on the WIAT-II as she committed many word recognition errors (2nd standard score quartile). These findings are consistent with the above mentioned deficits with new, non-contextualized learning and with visual spatial difficulties. Results of a spelling measure reflected average performance and confirmed [REDACTED] difficulties with words with irregular patterns ("gerag" for garage, "cokes" for coax, "need" for knead) as well as specific skill weakness with homonyms.

Slow reading rate was confirmed by [REDACTED] performance on the Gray Oral Reading Test (Rate=16th %ile) or the Reading Comprehension subtest of the WIAT-II (Reading Rate=2nd standard score quartile). She read slowly in order to both decode unknown words and to glean meaning from text. Average performance was noted when [REDACTED] read sentences with controlled vocabulary and simple content (WJ-III, Reading Fluency=48th %ile).

CONFIDENTIAL EVALUATION: [REDACTED]

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Utilizing the strategies for decoding and slowing her reading rate to glean meaning, [REDACTED] was able to read passages and answer questions about main ideas or details stated as well as answer questions about information not directly stated in the text (GORT, Comprehension=37th %ile; WIAT-II, Comprehension=45th %ile).

Written Expression: [REDACTED] consistently used her right hand and eminently legible handwriting.

Results of a measure of writing speed and automaticity reflected skills just within the average range (30th %ile). Nevertheless, [REDACTED] wrote a well developed letter to the editor about her opinion regarding whether physical education be required at school. Her letter opened with a greeting and a clear thesis statement. She used examples as well as reasons to support her opinion. However, spelling errors were noted in her work.

Mathematics: [REDACTED] performance in mathematics varied with the type of task presented and reflected outstanding development of procedural calculation and barely average math fact recall.

Significant strength was noted in [REDACTED] ability to compute written math problems (88th %ile). She has mastered basic processes with whole numbers, fractions and decimals and algebraic knowledge is emerging. However, her performance in math fact fluency and recall was significantly discrepant from her well developed computational skills (35th %ile). She accurately recalled facts but did so much more slowly than her peers (grade equivalent - 6.3).

Personality and Emotional Functioning

On self-report tests of emotional functioning, [REDACTED] did not endorse items consistent with significant elevations in the domains of inattention, peculiar or idiosyncratic experiences, anxiety, or other disturbances in psychological adjustment. [REDACTED] also denied increased symptoms related to depression on a self-report checklist that examined experiences of a low mood, self-critical stance, and somatic complaints.

Additional measures of social and emotional functioning and behavioral interviewing suggested that [REDACTED] has a profound sense of moral values, a deep connection with her mother and father, and a strong desire to achieve. She talked in a confident manner when describing her learning difficulties and she appears to have a reasonable perspective on her cognitive weaknesses as well as her strengths. [REDACTED] also shows a keen interest in other people and maintains a polite and considerate manner in her social encounters. She also enjoys communicating her ideas with others and has an exceptional ability to do so. Finally, [REDACTED] has a high involvement in interests and extracurricular activities such as playing the drums.

A few noteworthy points should be considered in relation to [REDACTED] social functioning. First, [REDACTED] described contacts with peers who have been engaged in behaviors and activities that she finds hard to understand. For instance, she noted that some of her peers have displayed bulimic behaviors, have self-mutilated, and have made threats of suicide. These behaviors are foreign for [REDACTED] and confusing. It seems clear that [REDACTED] strong connection to other people leads her to feel empathy, compassion, and worry about those of her peers who display these behaviors. Indeed, she has struggled to realize that she cannot provide the support and care for these others,

CONFIDENTIAL EVALUATION: [REDACTED]

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but in the past months, she has tried to monitor and assist these individuals so that she could prevent these acts of self-harm. In this regard, [REDACTED] previously accompanied her peers out of classes so that she could make sure they were safe, even though these actions could compromise her goal of academic achievement.

[REDACTED] also struggles with how to respond to provocative behaviors from boys and men. Of note, [REDACTED] appears to be older than her age and she has reported that people do not always treat her as a twelve year old. Thus, [REDACTED] may be exposed to contacts with men that are unwelcome, harder for her to cope with effectively, and can be troubling.

In addition, [REDACTED] has a tendency to rely on her strong social and emotional skills to independently manage the complicated peer and social contacts described here, rather than turning to family members or other adults. As with most adolescents, [REDACTED] is appropriately developing an independent identity. However, some of the issues she is facing are more appropriately handled through supervision, guidance and discussion with an adult.

SUMMARY

[REDACTED] is a young girl who is currently functioning within the average range of overall intellectual abilities. Her verbal reasoning abilities were and her nonverbal and visual spatial skills were within the average range. In addition, her verbal working memory was within the average range and her ability to quickly process visual stimuli was average. Relative difficulties were noted on a test of word knowledge which suggested that her history of reading difficulties has inhibited the development of her vocabulary. A language screening confirmed these difficulties as a qualitative analysis of her performance reflected specific difficulty with word meaning. On the other hand, the language screening confirmed that [REDACTED] has benefited from reading remediation and can blend sounds.

Despite the fact that some of her phonological deficits have been remediated and despite her use of strategies for reading comprehension, [REDACTED] reads slowly and has specific difficulty decoding unknown multisyllable words or words derived from foreign language. She must slow her reading rate in order to glean meaning from lengthy or complex text. [REDACTED] writes more slowly than her peers and she is not able to quickly recall math facts despite her well developed computational skills. [REDACTED] maintains her grades through great effort and she must spend far more time than her peers to do so.

Variability was evident in [REDACTED] skills for learning and memory. While she displayed effectively developed skills for learning and recalling organized and semantically meaningful information, she struggled with learning less structured verbal information and visual-spatial material. Variability in her skills for examining and reproducing visual material were observed which can make it harder for [REDACTED] to recall visual material as a way to compensate for weaknesses in her learning of less structured verbal material. These types of difficulties can contribute to problems learning information in a classroom and reduce her efficacy when she must make develop lasting memories and skills from novel information. Furthermore, individuals with performances like [REDACTED] can have considerable difficulty learning a foreign

CONFIDENTIAL EVALUATION: [REDACTED]

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language, as this learning requires solid skills for mentally holding onto unstructured verbal information.

It is important to note that these weaknesses with the process of encoding and retrieval are not based on problems with attention, mental control or working memory. In addition, [REDACTED] displayed adequate abilities within the area of motor control. However, weaknesses within the area of planning effectively were observed. These problems can present as difficulties breaking down a complex task into the smaller steps needed to efficiently achieve her goal.

Finally, [REDACTED] denied experiences consistent with low mood, increased self-criticism, or increased anxiety. While she possesses many personality strengths including an interest in others and a friendly nature, [REDACTED] reported increased exposure to peer contacts that have been harder for her to understand and lead her to rely on less effective coping skills. She also has entered puberty and has received unwelcome attention because of her development. The involvement has led her to struggle with ways to effectively respond and can lead to uncomfortable situations.

In conclusion, [REDACTED] is a girl who demonstrates areas of strength in both the cognitive and social-emotional realms. Specific problems with aspects of learning novel verbal information and complex visual material were evident and require support. These difficulties are consistent with a diagnosis of a Learning Disorder Not Otherwise Specified that has clearly impacted her reading development in the past. Problems with the effectiveness of planning should be monitored so that these difficulties do not interfere with her capacity to perform as well as expected in academic areas.

RECOMMENDATIONS

1. [REDACTED] should remain in her current school placement as she is likely to continue to achieve in this setting. Those who work with [REDACTED] would benefit from being appraised of her learning strengths and weaknesses.
2. [REDACTED] requires accommodations and modifications that include:
 - extended time for in-school or standardized tests that require reading or writing
 - fiction books, non-fiction and texts on tape
 - eliminate oral reading in the classroom
 - Quicktionary Reading Pen II (www.wizcomtech.com)
3. [REDACTED] should work with a tutor or learning specialist to assist her in learning new material that poses difficulties. [REDACTED] tutoring should also focus on teaching her strategies that she can use to help her learn new material. Although these techniques can be focused on the type of material she presently is focused upon, her tutors should help her learn broader methods of organizing information and teach her strategies that she can later implement when faced with novel challenges.
4. Whenever possible, [REDACTED] should be given verbally and visually presented (i.e., multi-modal) explanations. Repetition of these explanations are essential.

CONFIDENTIAL EVALUATION: [REDACTED]

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5. Given [REDACTED] difficulties with learning and memory and her residual difficulties with retrieval and reading, a foreign language waiver is required.
6. [REDACTED] and her mother should consider involvement in family therapy to help address developmental changes and to enhance [REDACTED] skills for handling complicated peer contacts within the context of family supports and the values that they hold.

Specific Suggestions to Assist [REDACTED]

For improving learning and retention of information:

- a. [REDACTED] should be alerted or cued when she is presented with a situation where she is required to learn new information. Preparing her in this way can help her start to focus her attention to the novel material.
- b. [REDACTED] will learn and recall information significantly better when the information to be learned is clear and organized. Therefore, she should be helped to study information in a planned and organized manner. She should also be in a relatively quiet and distraction free setting when she is preparing to learn new material.
- c. As noted, during the learning process, information to be learned should be clustered into meaningful categories. Thus, a large amount of information may be divided into smaller units that are related, making the information less overwhelming. Learning in such a way will make the recall of information better. [REDACTED] should also provide herself and be provided with repeated exposures to these lists.
- d. Use of verbalization during attempts to learn visual information is encouraged. [REDACTED] should be encouraged to describe information and what she sees, putting both verbal and visual information into her own words. [REDACTED] should also practice visualizing when she is attempting to learn verbal information in order to enhance her abilities to encode, consolidate, and retrieve that material.
- e. Mnemonic devices, such as acronyms, rhymes, songs, etc., can help with learning and recall. In addition, [REDACTED] should be helped to generate cues related to the information she is learning that will help her when it comes time to recall the information. For example, when learning about a given topic, [REDACTED] may remind herself that there are three important facts to remember about that topic. Simply knowing the number of facts to be recalled will help with recall.
- f. Use of verbal mediation to "talk herself through" the steps involved in solving problems would be helpful. In addition, utilizing paper and pencil to write down steps and to check and monitor her work would be useful.

It is hoped that the information provided in this report and these recommendations are helpful to [REDACTED] and those who work with her. Please call us if you have any questions.

Matthew Cruger, Ph.D.
Matthew Cruger, Ph.D.
Assistant Research Scientist
NYU Child Study Center

Susan J. Schwartz
Susan J. Schwartz, M.A., Ed.
Clinical Director, Institute for Learning
and Academic Achievement

CONFIDENTIAL EVALUATION.

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TEST DATA SUMMARY SHEET

11/2005 & 12/2005

INTELLECTUAL FUNCTIONING

Wechsler Intelligence Scale for Children - Fourth Edition

<u>Measure</u>	<u>Standard Score</u>	<u>Percentile</u>	<u>Range</u>
Full Scale IQ	95	37	Average
Verbal Comprehension	96	39	Average
Perceptual Reasoning	92	30	Average
Working Memory	99	47	Average
Processing Speed	100	50	Average

Verbal Subtests

	<u>Scaled Score</u>	<u>Percentile</u>	<u>Range</u>
Similarities	10	50	Average
Vocabulary	8	25	Average
Comprehension	10	50	Average
Information	11	63	Average
Letter Number Sequencing	10	50	Average
Digit Span	10	50	Average

Performance Subtests

Block Design	7	16	Low Average
Picture Concepts	10	50	Average
Matrix Reasoning	9	37	Average
Picture Completion	12	75	Average
Coding	8	25	Average
Symbol Search	12	75	Average

Wechsler Intelligence Scale for Children Integrated- Fourth Edition

<u>Measure</u>	<u>Standard Score</u>	<u>Percentile</u>	<u>Range</u>
Vocabulary Multiple Choice	8	25	Average
Block Design Multiple Choice	10	50	Average
Block Design Process Approach	11	63	Average

Woodcock Johnson Tests of Cognitive Abilities - III

	<u>Standard Score</u>	<u>Percentile</u>	<u>Range</u>
Decision Speed	119	90	High Average
Visual Matching	108	71	Average
Pair Cancellation	104	60	Average

CONFIDENTIAL EVALUATION: [REDACTED]

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LANGUAGE FUNCTIONINGWoodcock Johnson Psychoeducational Battery - III

<u>Tests of Cognitive Ability</u>	<u>Standard Score</u>	<u>Percentile</u>	<u>Range</u>
Verbal Comprehension	102	54	Average
Rapid Picture Naming	106	65	Average

Clinical Evaluation of Language Fundamentals (CELF-4)

	<u>Standard Score</u>	<u>Percentile</u>	<u>Range</u>
Familiar Sequences	11	63	Average

MEMORY AND LEARNINGChildren's Memory Scale

<u>Subtest</u>		<u>Scaled Score</u>	<u>Percentile</u>	<u>Range</u>
Dot Locations				
	Learning	3	1	Impaired
	Total Score	5	5	Borderline
	Long Delay	7	16	Low Average
Stories				
	Immediate	14	91	Superior
	Delayed	15	95	Superior
	Delayed Recognition	14	91	Superior
Faces				
	Immediate	10	50	Average
	Delayed	8	25	Average
Word Pairs				
	Learning	7	16	Low Average
	Total Score	8	25	Average
	Long Delay	11	63	Average
	Delayed Recognition	12	75	Average
Word Lists				
	Learning	5	5	Borderline
	Long Delay	10	50	Average
	Delayed Recognition	11	63	Average
Family Pictures				
	Immediate	14	91	Superior
	Delayed	13	84	High Average

CONFIDENTIAL EVALUATION

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Rev Complex Figure Drawing

	<u>Raw Score</u>	<u>Percentile</u>	<u>Range</u>
Immediate Recall	8	<1	Impaired
Delayed Recall	7	<1	Impaired
Delayed Recognition	20	34	Average

ATTENTION & EXECUTIVE FUNCTIONINGConners' Continuous Performance Test-II

	<u>T-score</u>	<u>Percentile</u>	<u>Range</u>
Omissions	50	71	within average
Commissions	49	54	within average
Hit RT	41	2048	within average
Hit RT Standard Error	50	51	within average
Variability	52	62	within average
Detectability	47	42	within average
Response Style	47	39	within average
Perseverations	51	55	within average
Hit RT Block Change	57	76	within average
Hit SE Block Change	41	19	within average
Hit RT ISI Change	61	88	mildly atypical
Hit SE ISI Change	47	41	within average

Delis-Kaplan Executive Function SystemMeasure

	<u>Scaled Score</u>	<u>Percentile</u>	<u>Range</u>
Trail Making Test			
Letter Sequencing	13	84	High Average
Number-Letter Switching	9	37	Average
Verbal Fluency Test			
Letter Fluency	8	25	Average
Category Fluency	12	75	Average
Category Switching	8	25	Average
Color-Word Interference Test			
Color Naming	10	50	Average
Word Reading	11	63	Average
Inhibition	7	16	Low Average
Inhibition/Switching	10	50	Average
Twenty Questions Test			
Total Questions Asked	13	84	High Average
Weighted Achievement	14	91	Superior
Word Context Test			
Total Consecutively Correct	8	25	Average

CONFIDENTIAL EVALUATION: [REDACTED]

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Tower Test

Total Achievement Score	8	25	Average
Move Accuracy Ratio	5	5	Borderline

Wisconsin Card Sorting Task - 64 Card Version

<u>Measure</u>	<u>Standard Scores</u>	<u>Percentile</u>	<u>Range</u>
Total Errors	71	98	Very Superior
Conceptual Level Responses	73	99	Very Superior
Categories Completed=4		>16	Expected
Trials to Complete 1st Category=11		>16	Expected

MOTOR & SENSORY FUNCTIONING

Finger Tapping

	<u>z-score</u>	<u>Percentile</u>	<u>Range</u>
Right Hand	+0.38	65	Average
Left Hand	+2.0	98	Very Superior

Grooved Pegboard

	<u>z-score</u>	<u>Percentile</u>	<u>Range</u>
Right Hand	+0.94	82	High Average
Left Hand	+0.42	66	Average

VISUAL-SPATIAL FUNCTIONING AND VISUAL-MOTOR INTEGRATION

Rey Complex Figure Drawing

	<u>Raw Score</u>	<u>Percentile</u>	<u>Range</u>
Copy	29	2-5	Borderline
Time	240"	>16	Expected

Beery-Buktenica Developmental Test of Visual-Motor Integration

<u>Measure</u>	<u>Standard Score</u>	<u>Percentile</u>	<u>Range</u>
Visual Motor Integration	88	21	Low Average
Visual Perception	97	42	Average

Woodcock Johnson Tests of Cognitive Abilities - III

	<u>Standard Score</u>	<u>Percentile</u>	<u>Range</u>
Spatial Relations	105	64	Average
Picture Recognition	102	55	Average

Hooper Visual Organization Test

	<u>z-score</u>	<u>Percentile</u>	<u>Range</u>
Raw Score= 27	+1.26	89	High Average

CONFIDENTIAL EVALUATION: [REDACTED]

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ACADEMIC FUNCTIONINGWoodcock Johnson Psychoeducational Battery - III

<u>Test of Cognitive Ability</u>	<u>Standard Score</u>	<u>Percentile</u>	
Verbal Comprehension	96	41	
Sound Blending	116	85	
Rapid Picture Naming	101	54	
<u>Tests of Achievement</u>	<u>Standard Score</u>	<u>Percentile</u>	<u>Grade Equivalent</u>
Letter-Word Identification	98	44	6.7
Reading Fluency	99	48	7.1
Calculation	118	88	12.1
Math Fluency	94	35	6.3
Spelling	96	39	6.2
Writing Fluency	92	30	5.7
Word Attack	111	76	12.9

Wechsler Individual Achievement Test (WIAT-II)

	<u>Standard Score</u>	<u>Percentile</u>	<u>Grade Equivalent</u>
Reading Comprehension	98	45	7.2
Written Expression	discussed in report		

<u>Supplemental Scores</u>	<u>Standard Score</u> <u>Quartile</u>
Target Words	2
Reading Rate	2

<u>Gray Oral Reading Test (GORT-4)</u>	<u>Standard Score</u>	<u>Percentile</u>
Rate	7	16
Accuracy	8	25
Comprehension	9	37

SOCIAL-EMOTIONAL FUNCTIONING

Behavior Assessment System for Children- Self-Report
 Incomplete Sentences Blank
 Reynolds Adolescent Depression Scale-2
 MultiDimensional Anxiety Scale For Children

APPENDIX D



Student Transcript

N.Y.C. MUSEUM SCHOOL



Name / ID : **[REDACTED]**
 Address : **[REDACTED]**
 Ofcl : **[REDACTED]** Grade Level : **D** Status : **D**
 Admit Date : 09/03/2008 Discharge Date : 07/01/2011
 DOB : **[REDACTED]** Graduation Date : 07/01/2011
 Rank : **[REDACTED]** Counselor Name :

Message Area

The DOE's citywide grading policy was revised in response to COVID-19. Contact your student's school for further information.

2019/ Term 1

		Actual Mark	Numeric Eq	
02M414	AEDRTSNY	91	91	0.50/0.50
02M414	BC7	84	84	0.25/0.25
02M414	BC8	88	88	0.25/0.25
02M414	E7	87	87	1.00/1.00
02M414	E8	87	87	1.00/1.00
02M414	EPDRTTHT	98	98	0.50/0.50
02M414	FJB	83	83	2.00/2.00
02M414	GM7RCOLL	P*		0.25/0.25
02M414	GM8RCOLL	P*		0.25/0.25
02M414	H7	80	80	1.00/1.00
02M414	H8	82	82	1.00/1.00
02M414	MP22	90	90	1.00/1.00
02M414	PHA	87	87	1.00/1.00
02M414	PP7	83	83	0.50/0.50
02M414	PP8	80	80	0.50/0.50
02M414	SLA	78	78	2.00/2.00
02M414	U1	98	98	1.00/1.00

Term Avg : 85.33%

Term : Actual Credits / Credits Earned : 14.00 / 14.00
 Term Credits Averaged : 13.50

2009/ Term 1

		Actual Mark	Numeric Eq	
02M414	A3	91	91	0.50/0.50
02M414	AHCRSENY	88	88	1.00/1.00
02M414	EC	80	80	2.00/2.00
02M414	FJA	87	87	2.00/2.00
02M414	GNCRINTE	90	90	1.00/1.00
02M414	HC	80	80	2.00/2.00
02M414	MR12	85	85	2.00/2.00
02M414	PPC	83	83	1.00/1.00
02M414	SCA	83	83	2.00/2.00
02M414	SCAL	P*		0.00/0.00
02M414	SCCRFRNS	100	100	1.00/1.00

Term Avg : 85.28%

Term : Actual Credits / Credits Earned : 14.50 / 14.50
 Term Credits Averaged : 14.50

2008/ Term 1

		Actual Mark	Numeric Eq	
02M414	A2	89	89	0.50/0.50
02M414	BCB	93	93	0.50/0.50
02M414	EB	90	90	2.00/2.00
02M414	EHP7SU25	P*		0.25/0.25
02M414	EPBRTHTR	90	90	1.00/1.00
02M414	FSA	84	84	2.00/2.00
02M414	HB	76	76	2.00/2.00
02M414	HGBRIMPR	80	80	1.00/1.00
02M414	HRBRRENA	78	78	1.00/1.00
02M414	MG12	65	65	2.00/2.00
02M414	PPB	88	88	1.00/1.00
02M414	SEA	84	84	2.00/2.00
02M414	SEAL	P*		0.00/0.00

Term Avg : 81.67%

Term : Actual Credits / Credits Earned : 15.25 / 15.25
 Term Credits Averaged : 15.00

2007/ Term 1

		Actual Mark	Numeric Eq	
02M414	AT	86	86	1.00/1.00
02M414	ELT	89	89	1.00/1.00
02M414	ET	93	93	2.00/2.00
02M414	EW7	86	86	1.00/1.00
02M414	GT	98*	98	1.00/1.00
02M414	HGT	89	89	2.00/2.00
02M414	MET	93	93	2.00/2.00
02M414	PPT	93	93	1.00/1.00
02M414	RAPS	83*	83	0.50/0.50
02M414	SPT	93	93	2.00/2.00

Term Avg : 90.83%

Term : Actual Credits / Credits Earned : 13.50 / 13.50
 Term Credits Averaged : 12.00

Exam Summary*

2010	Term 1	HXRA2	USHIST REG	84
2009	Term 1	EXRL2	ELA REG	76
2009	Term 1	MXRE	ALGEBRA REG	66
2009	Term 1	MXRT2	ALG2 TRIG REG	42
2009	Term 1	SXRX2	PHSETCHEMR	46
2008	Term 1	HXR\$2	GLOBHISTRG	65
2008	Term 1	MXRG2	GEOMETRY REG	54
2008	Term 1	SXRU2	PHSET ES R	65

Cumulative : Actual Credits / Credits Earned 57.25 / 57.25
 Cumulative Average: 85.52%
 Cumulative Credits Averaged: 55.00

* Not Averaged ** Weighted Courses

High School

Authorization: _____

Date: _____

APPENDIX E

- THIS IEP INCLUDES:**
- ☒ Transition
 - ☐ Interim Service Plan

**NEW YORK CITY
BOARD OF EDUCATION
INDIVIDUALIZED EDUCATION PROGRAM**

CONFERENCE INFORMATION

CSE Case# 02-26790

Home District Service District 2

Date 1/26/2009

Type ANNUAL REVIEW

STUDENT INFORMATION

Name [REDACTED]
 Address [REDACTED]
 Phone [REDACTED]
 Language(s) Spoken/Mode of Communication [REDACTED]
 Primary Agency with whom student is involved [REDACTED]
 Name of Contact [REDACTED]

NYC ID# [REDACTED]
 Date of Birth [REDACTED]
 Age* [REDACTED]
 Gender [REDACTED]
 English LAB Year [REDACTED]
 Spanish LAB Year [REDACTED]
 Grade [REDACTED]
 Phone [REDACTED]
 Agency Case # [REDACTED]

PARENT/GUARDIAN INFORMATION

Name [REDACTED]
 Address [REDACTED]
 Phone (Home) [REDACTED]
 Preferred Language/Mode of Communication [REDACTED]

Phone (Work) [REDACTED]
 ENGLISH

Relationship to Student
 MOTHER
 Interpreter Required ☐ Yes ☒ No

SPECIAL MEDICAL/PHYSICAL ALERTS

The student has ☐ medical conditions and/or ☐ physical limitations which affect his/her ☐ learning ☐ behavior and/or ☐ participation in school activities.
 The student requires ☐ medication and/or ☐ health care treatment(s) or procedure(s) during the school day.
 Other alerts: NONE

SUMMARY OF RECOMMENDATIONS

Recommended Services
 COLLABORATIVE TEAM TEACHING COUNSELLING

Eligibility ☒ Yes ☐ No
 Classification of Disability LEARNING DISABILITY

Staffing Ratio
 14:1:

Twelve Month School Year ☐ Yes ☒ No Recommended Services for the Twelve Month School Year

Staffing Ratio

- ☐ Program Accessibility*
- ☒ Related Services*
- ☐ Special Education Transportation - Comment
- ☐ Adaptive Phys. Ed.*
- ☐ Assistive Technology*
- ☐ Monolingual Instruction
- ☐ Monolingual Services with ESL
- ☐ Monolingual Services without ESL

Students who are blind or visually impaired:
 Braille instruction needed ☐ Yes ☒ No

Students who are deaf or hard of hearing:
 Language of Instruction
 Mode of Communication

*Details are provided in relevant sections of IEP.

☐ EPC ☒ Annual Review

☐ CSE Review ☐ CPSE Review

Role
(Indicate if Bilingual)

☒ Sent to Parent 1/26/2009

Student

NYC ID#

CSE # 02-26790

Date of Conference

1/26/2009

SOCIAL/EMOTIONAL PERFORMANCE

Describe the student's strengths and weaknesses in the area of social and emotional development in English and the other than English language for LEP students. Consider the degree and quality of the student's relationships with peers and adults, feelings about self and social adjustment to school and community environments. Discuss how the student's disability affects his/her involvement and progress in the general curriculum or, for preschool students, as appropriate, how the student's disability affects participation in appropriate activities.

PRESENT PERFORMANCE

TRANSFERRED TO OUR SCHOOL AT THE BEGINNING OF THE SCHOOL YEAR AND APPEARS TO OF MADE A SMOOTH TRANSITION. BY AND LARGE GETS ALONG WELL WITH HER PEERS AND THE ADULTS IN HER NEW SCHOOL ENVIRONMENT. SHE GENERALLY HAS A POSITIVE VIEW OF SCHOOL AND LEARNING. IS AWARE AND ACCEPTING OF HER LEARNING DISABILITIES AND COMPENSATES ACCORDINGLY. WORKS HARD IN MOST OF HER CLASSES AND IS GENERALLY ON TASK. AT TIMES, IS NOT RECEPTIVE WHEN THE TEACHERS OFFER HER ASSISTANCE. WHEN IT COMES TO DIFFICULT TASKS, NEEDS TO BE MORE PROACTIVE WHEN ASKING TEACHERS FOR HELP. DURING COUNSELING SESSIONS, SHE EXPRESSES HER DIFFICULTIES IN CERTAIN CLASSES BUT DOES NOT GENERALLY ARTICULATE WHAT HOLDS HER BACK FROM SEEKING ASSISTANCE. IN SCIENCE CLASS, AT TIMES, GETS INVOLVED IN SIDE CONVERSATIONS WHICH INTERFERE WITH HER PRODUCTIVITY AND CONCENTRATION ON THE MATERIAL. AS A RESULT, IS NOT GENERALLY WELL PREPARED FOR SCIENCE EXAMS. IN GENERAL, WORKS HARD IN ENGLISH CLASS BUT DOES NOT TYPICALLY COMPLETE HOMEWORK ASSIGNMENTS IN A TIMELY MANNER. IN ADDITION, IS A PHYSICALLY FIT INDIVIDUAL AND IS EXCEPTIONALLY ATHLETIC. SHE IS PART OF THE MUSEUM SCHOOL BASKETBALL TEAM AND IS A STAR IN HER PHYSICAL EDUCATION CLASS. OVERALL, IS A CONSCIENTIOUS, CARING, MANNERLY, AND WELL ROUNDED ADOLESCENT.

BEHAVIOR AND THE INSTRUCTIONAL PROCESS

☐ Behavior is age appropriate.

☐ Behavior does not seriously interfere with instruction and can be addressed by the ☐ general education and/or ☐ special education classroom teacher.

☐ Behavior seriously interferes with instruction and requires additional adult support.

☐ Behavior requires highly intensive supervision.

Describe present levels of support including personnel responsible for providing behavioral support.

SOCIAL/EMOTIONAL MANAGEMENT NEEDS

(Environmental modifications and human/material resources)

ACADEMIC PERFORMANCE AND LEARNING CHARACTERISTICS

Describe the student's present levels of academic achievement, language development, cognitive development and learning style in English and the other than English language for LEP students. Discuss how the student's disability affects his/her involvement and progress in the general curriculum or, for preschool students, as appropriate, how the student's disability affects participation in appropriate activities.

PRESENT PERFORMANCE

~~Student~~ PRESENTS AS A WELL-LIKED STUDENT BY PEERS AND ADULTS. IN THE CLASSROOM ~~Student~~ OFTEN COMPLETES TASKS WITH MINIMAL ASSISTANCE. SHE DISPLAYS STRENGTHS IN REGARDS TO ORGANIZATION AND USUALLY ARRIVES TO CLASS PREPARED WITH MATERIALS ON A CONSISTENT BASIS. ~~Student~~ HAS SHOWN SOME INCONSISTENCIES WITH TURNING IN ASSIGNMENTS ON A TIMELY BASIS. SHE OFTEN LISTENS ATTENTIVELY TO DIRECTIONS AND FOLLOWS MODELED STEPS GIVEN TO HER IN CLASS. TYPICALLY ~~Student~~ DOES NOT ENGAGE IN CLASS DISCUSSIONS. DURING LARGE GROUP ACTIVITIES ~~Student~~ USUALLY REFRAINS FROM PARTICIPATING AND SHARING IDEAS. ~~Student~~ STRUGGLES WITH SOLVING CERTAIN MATH PROBLEMS THAT INVOLVE COMPUTATION AND IN TURN WILL SEEK OUT ASSISTANCE FROM HER TEACHERS TO GAIN UNDERSTANDING. ~~Student~~ HAS DISPLAYED DIFFICULTIES WITH ORGANIZING HER THOUGHTS AND PREPARING A COHESIVE ESSAY INDEPENDENTLY. SHE BENEFITS FROM GRAPHIC ORGANIZERS AND OUTLINES TO COMPLETE WRITTEN ASSIGNMENTS. ~~Student~~ WILL ALSO BENEFIT FROM LEARNING TO ANNOTATE READING MATERIALS TO EXPAND HER IDEAS UNTO PAPER AND TO BE BETTER EQUIPPED TO ENGAGE IN CLASS DISCUSSIONS.

AREA

DATE

TEST/EVALUATION

SCORE INSTRUCTIONAL LEVEL

ACADEMIC MANAGEMENT NEEDS

(Environmental modifications and human/material resources)

Student

NYC ID#

CSE # 02-26790

Date of Conference

1/26/2009

SOCIAL/EMOTIONAL PERFORMANCE (cont.)

Describe the student's strengths and weaknesses in the area of social and emotional development in English and the other than English language for LEP students.
Consider the degree and quality of the student's relationships with peers and adults, feelings about self and social adjustment to school and community environments.
Discuss how the student's disability affects his/her involvement and progress in the general curriculum or, for preschool students, as appropriate, how the student's disability affects participation in appropriate activities.

A behavior intervention plan has been developed. ☐ Yes ☒ No

HEALTH AND PHYSICAL DEVELOPMENT

Describe the student's health and physical development including the degree or quality of the student's motor and sensory development, health, vitality and physical skills or limitations which pertain to the learning process, behavior and participation in physical education or other school activities. Discuss how the student's disability affects his/her involvement and progress in the general curriculum or, for preschool students, as appropriate, how the student's disability affects participation in appropriate activities.

PRESENT HEALTH STATUS AND PHYSICAL DEVELOPMENT

ALEXA IS ABLE TO PARTICIPATE IN ALL SCHOOL ACTIVITIES.

MEDICAL/HEALTH CARE NEEDS

During the school day, the student requires:

Medication ☐ Yes ☒ No

(If yes, functionally describe the condition for which medication is required.)

The student requires:

Accessible program

Adaptive physical education

(If yes, indicate staffing ratio: _____)

Assistive technology device(s)

Assistive technology service(s)

(If assistive technology device(s) or service(s) are required, specify in management needs.)

☐ Yes ☒ No

Treatment(s) or other health procedure(s) ☐ Yes ☒ No

(If yes, functionally describe the condition for which treatment(s) or procedure(s) are required.)

☐ Yes ☒ No

Health as a related service ☐ Yes ☒ No

(If yes, specify in related service recommendations.)

HEALTH/PHYSICAL MANAGEMENT NEEDS

(Environmental modifications, human/material resources or specialized equipment)

NONE

Student

NYC ID#

CSE # 02-26790

Date of Conference

1/26/2009

ANNUAL GOALS AND SHORT-TERM OBJECTIVES

There will be _____ report(s) of progress per year.

ANNUAL GOAL

WILL IMPROVE COMPREHENSION SKILLS.

SHORT-TERM OBJECTIVES

1. WILL UTILIZE REFERENCE MATERIALS SUCH AS A DICTIONARY TO IMPROVE COMPREHENSION AND INCREASE VOCABULARY KNOWLEDGE WITH 80% ACCURACY.
2. WILL EXTRACT UNKNOWN WORDS OR PHRASES FROM A TEXT AND INCLUDE THEM IN A FACTLINE WITH 85% ACCURACY.
3. WILL LEARN TO ANNOTATE IMPORTANT INFORMATION ON A CONSISTENT BASIS WITH 90% ACCURACY.
4. WILL UTILIZE GRAPHIC ORGANIZERS TO SORT AND CATEGORIZE IMPORTANT INFORMATION WITH 90% ACCURACY.

ANNUAL GOAL

WILL IMPROVE ACADEMIC AND SOCIAL PROBLEM SOLVING SKILLS.

SHORT-TERM OBJECTIVES

1. WILL HAND IN HOMEWORK ASSIGNMENTS ON TIME.
2. WILL BE AWARE OF SHORT-TERM AND LONG-RANGE ASSIGNMENTS AND WORK EFFECTIVELY FOR THEIR PUNCTUAL COMPLETION.
3. WILL IDENTIFY THREE EFFECTIVE STUDY AND TEST TAKING STRATEGIES.
4. WILL BE MORE ASSERTIVE IN CLASS AND ENGAGE IN CLASS DISCUSSIONS IN SOME CAPACITY THREE TIMES DURING EACH CLASS.

ANNUAL GOAL

WILL IMPROVE WRITING SKILLS.

SHORT-TERM OBJECTIVES

1. WILL COMPLETE A FACTLINE FOR BOTH AN INDEPENDENT READING BOOK AND AN ASSIGNED BOOK WITH 90% ACCURACY.
2. WILL INCLUDE AN INTRODUCTION, BODY, AND CONCLUSION WHICH WILL BE INCLUDED IN A FIVE-PARAGRAPH ESSAY WITH 80% ACCURACY.
3. WILL MAKE INFERENCES BASED ON A TEXT AND USE EVIDENCE TO SUPPORT HER IDEAS WITH 90% ACCURACY.

ANNUAL GOALS AND SHORT-TERM OBJECTIVES (cont.)

There will be _____ report(s) of progress per year.

4. [REDACTED] WILL WRITE ROUGH DRAFTS AND PROOF READ HER WRITTEN WORK BEFORE SUBMITTING A FINAL DRAFT WITH 85% ACCURACY.

5. [REDACTED] WILL IMPROVE SYNTAX, SPELLING, AND GRAMMAR WHILE PROOFREADING MATERIAL WITH 85% ACCURACY.

ANNUAL GOAL

[REDACTED] WILL APPROACH GRADE LEVEL MATH SKILLS.

SHORT-TERM OBJECTIVES

1. [REDACTED] WILL BE ABLE TO CONSTRUCT GEOMETRIC PROOFS AT GRADE LEVEL WITH 70% ACCURACY.
2. [REDACTED] WILL BE ABLE TO CREATE 10 GEOMETRIC CONSTRUCTIONS WITH 70% ACCURACY.
3. [REDACTED] WILL BE ABLE TO RECALL 30 GEOMETRIC POSTULATES AND/OR THEOREMS WITH 70% ACCURACY.
4. [REDACTED] WILL BE ABLE TO SOLVE TWO STEP ALGEBRAIC EQUATIONS WITH 80% ACCURACY.
5. [REDACTED] WILL GRAPH LINEAR EQUATIONS WITH UP TO TWO VARIABLES WITH 90% ACCURACY.

Student

NYC ID#

CSE # 02-26790

Date of Conference

1/26/2009

PARTICIPATION IN SCHOOL ACTIVITIES, RELATED SERVICE RECOMMENDATIONS AND PARTICIPATION IN ASSESSMENTS

PARTICIPATION IN SCHOOL ACTIVITIES

If the student cannot participate in lunch, assemblies, trips and/or other school activities with non-disabled students, indicate the activity and reason(s) for non-participation.

IS ABLE TO PARTICIPATE IN ALL SCHOOL ACTIVITIES.

RELATED SERVICE RECOMMENDATIONS

Status* Related Service
M COUNSELLING

Language of Service

Location**

Sessions/
Week

Duration

Group
Size**ENGLISH****SEPARATE LOCATION****1****40****5**

* Indicate status of recommendation: Initiate; Continue; Modify; or Terminate.
** Indicate whether service is provided outside the general education classroom.

PARTICIPATION IN ASSESSMENTS

- ☒ The student WILL PARTICIPATE in State and local assessments.
☐ Without Accommodations ☒ With Accommodations

Describe accommodations, if any, that will be used consistently throughout the student's educational program:

**EXTENDED TIME (TIME AND A HALF)
SEPARATE LOCATION
ANSWERS RECORDED IN ANY MANNER
DIRECTIONS TO BE READ AND REREAD
USE OF CALCULATOR.**

PROMOTION

Promotion ☒ Standard Criteria ☐ Modified Criteria*

Student

NYC ID#

CSE # 02-26790

Date of Conference

1/26/2009

SCHOOL ENVIRONMENT AND SERVICE RECOMMENDATIONS

GENERAL EDUCATION ENVIRONMENT			
Area of Instruction	Language of Instruction Communication Mode	Periods per week	Supplementary Aids and Service
ALL	ENGLISH	35	COLLABORATIVE TEAM TEACHING STAFF DEVELOPMENT TO SUPPORT TEACHERS' SKILLS IN UNDERSTANDING AND IMPLEMENTING THE INCLUSION PROGRAM, LEARNING STRATEGIES, AND SPECIAL NEEDS INTERVENTIONS.
GENERAL EDUCATION ENVIRONMENT			
Area of Instruction	Language of Instruction Communication Mode	Periods per week	Special Class Staffing Ratio
SPECIAL CLASS ENVIRONMENT			
			SUPPORTS
NONE			
Reason for Non-Participation in General Education Environment			

PARTICIPATION IN SCHOOL ACTIVITIES, RELATED SERVICE RECOMMENDATIONS AND PARTICIPATION IN ASSESSMENTS

PARTICIPATION IN SCHOOL ACTIVITIES

If the student cannot participate in lunch, assemblies, trips and/or other school activities with non-disabled students, indicate the activity and reason(s) for non-participation.

IS ABLE TO PARTICIPATE IN ALL SCHOOL ACTIVITIES.

RELATED SERVICE RECOMMENDATIONS

Status* Related Service
M COUNSELING

Language of Service

ENGLISH

Location**

SEPARATE LOCATION

Sessions/
Week

1

Duration

40

Group
Size

5

* Indicate status of recommendation: Initiate; Continue; Modify; or Terminate.
** Indicate whether service is provided outside the general education classroom.

PARTICIPATION IN ASSESSMENTS

- ☒ The student WILL PARTICIPATE in State and local assessments.
☐ Without Accommodations ☒ With Accommodations

Describe accommodations, if any, that will be used consistently throughout the student's educational program:

EXTENDED TIME (TIME AND A HALF)
SEPARATE LOCATION
ANSWERS RECORDED IN ANY MANNER
DIRECTIONS TO BE READ AND REREAD
USE OF CALCULATOR.

Promotion ☒ Standard Criteria ☐ Modified Criteria*

PROMOTION

Student

NYC ID#

CSE # 02-26790

Date of Conference

1/26/2009

OTHER PROGRAMS/SERVICES CONSIDERED AND REASONS FOR REJECTION

Provide an explanation of the programs/services considered and the reason for rejection. Specify why the student can not achieve the goals of his/her IEP within a general education program with the assistance of supplementary aids and services.

GENERAL EDUCATION WITHOUT ANY ADDITIONAL SUPPORTS WAS CONSIDERED AS LEAST RESTRICTIVE PLACEMENT BUT THIS WOULD NOT PROVIDE WITH THE ASSISTANCE IN SKILL-BUILDING, CONTENT-MASTERY, AND STRATEGY USAGE FOR ORGANIZING AND COMPLETING WORK TASKS, AND THUS THIS WAS REJECTED AS INADEQUATE TO MEET HER NEEDS. A FULL-TIME SPECIAL CLASS WOULD BE TOO RESTRICTIVE, AS HAS SHOWN THE ABILITY TO FUNCTION IN A GENERAL EDUCATION ENVIRONMENT WITH SUPPORTS AS CAN BE OFFERED THROUGH COLLABORATIVE TEAM-TEACHING CLASS, AND SO A SPECIAL CLASS WAS ALSO REJECTED.

Second Language Instruction: If the student is exempt from second language instruction, explain why:

Student

NYC ID#

CSE # 02-26790

Date of Conference

1/26/2009

TRANSITION

LONG TERM ADULT OUTCOMES

(Beginning at age 14 or younger if appropriate, state long term outcomes based on the student's preferences, needs and interests.)

Community Integration: STUDENT WILL

INTEGRATE INTO THE COMMUNITY INDEPENDENTLY.

Post-Secondary Placement: STUDENT WILL

ATTEND A POST SECONDARY INSTITUTION FOR A BACHELOR OF SCIENCE DEGREE.

Independent Living: STUDENT WILL

LIVE INDEPENDENTLY.

Employment: STUDENT WILL

BE COMPETITIVELY EMPLOYED.

DIPLOMA OBJECTIVE

☐ Regents Diploma☐ Advanced Regents Diploma☐ Local Diploma ☐ IEP Diploma

Expected High School Completion Date

Credits Earned

As of Date

TRANSITION SERVICES

(Required for students 15 years of age and older.)

Instructional Activities

1. ~~STUDENT~~ WILL ACTIVELY ADVOCATE FOR HERSELF BY ASKING FOR ADDITIONAL ACADEMIC HELP IN AREAS WHERE SHE IS STRUGGLING.
2. ~~STUDENT~~ WILL CONTINUE TO DEVELOP WRITING SKILLS STRATEGIES INCLUDING SELF-EDITING, AND USING AN OUTLINE AND/OR ADDITIONAL TECHNIQUES WHICH HELP WITH ORGANIZING, ELABORATING, AND PROOFREADING WRITTEN WORK.

Responsible Party: ☒ Parent ☒ School ☒ Student ☐ Agency
☒ Fall ☒ Spring ☐ Summer

Community Integration

1. ~~STUDENT~~ WILL COMPLETE HER REQUIRED HOURS OF COMMUNITY SERVICE.
2. ~~STUDENT~~ WILL DISCUSS AND EXPLORE VARIOUS TYPES OF FUTURE SCHOOL AND/OR CAREER PATHS WHICH MAY REFLECT HER INTERESTS AND EXPERIENCES.

Responsible Party: ☒ Parent ☒ School ☒ Student ☐ Agency
☒ Fall ☒ Spring ☐ Summer

- THIS IEP INCLUDES:**
- ☒ Transition
- ☐ Interim Service Plan

NEW YORK CITY BOARD OF EDUCATION INDIVIDUALIZED EDUCATION PROGRAM

CONFERENCE INFORMATION

CSE Case# 02-26790

Home District Service District 2

Date 1/27/2010

Type ANNUAL REVIEW

STUDENT INFORMATION

Name [REDACTED] NYC ID# [REDACTED] Date of Birth [REDACTED] Age* [REDACTED] Gender [REDACTED]

Address [REDACTED]

Phone (718) 367-2147 English LAB Year Spanish LAB Year Grade ELEVENTH

Language(s) Spoken/Mode of Communication ENGLISH

Primary Agency with whom student is involved

Name of Contact Phone Agency Case #

*Age as of the date of the conference.

PARENT/GUARDIAN INFORMATION

Name [REDACTED] Relationship to Student MOTHER

Address [REDACTED]

Phone (Home) [REDACTED] Phone (Work) [REDACTED] Interpreter Required ☐ Yes ☒ No

Preferred Language/Mode of Communication ENGLISH

SPECIAL MEDICAL/PHYSICAL ALERTS

The student has ☐ medical conditions and/or ☐ physical limitations which affect his/her ☐ learning ☐ behavior and/or ☐ participation in school activities.

The student requires ☐ medication and/or ☐ health care treatment(s) or procedure(s) during the school day.

Other alerts: STUDENT REPORTS SUFFERING FROM OCCASIONAL MIGRAINES

SUMMARY OF RECOMMENDATIONS

Recommended Services COLLABORATIVE TEAM TEACHING

Twelve Month School Year ☐ Yes ☒ No Recommended Services for the Twelve Month School Year

Eligibility ☒ Yes ☐ No

Classification of Disability LEARNING DISABILITY

Staffing Ratio

14:1:

Staffing Ratio

Other Recommendations (Check all that apply)

- ☐ Program Accessibility* ☐ Adaptive Phys. Ed.* ☐ Bilingual Instruction ☐ Monolingual Services without ESL
- ☒ Related Services* ☐ Assistive Technology* ☐ Monolingual Services with ESL
- ☐ Special Education Transportation - Comment

*Details are provided in relevant sections of IEP

Students who are blind or visually impaired:

Braille instruction needed ☐ Yes ☒ No

Students who are deaf or hard of hearing:

Language of Instruction Mode of Communication

Copy for ☒ CSE ☐ PARENT ☐ SCHOOL ☐ STUDENT ☐ OTHER

1000

1000

1000

1000

1000

1000

1000

ACADEMIC PERFORMANCE AND LEARNING CHARACTERISTICS

Describe the student's present levels of academic achievement, language development, cognitive development and learning style in English and the other than English language for LEP students. Discuss how the student's disability affects his/her involvement and progress in the general curriculum or, for preschool students, as appropriate, how the student's disability affects participation in appropriate activities.

PRESENT PERFORMANCE

[REDACTED] PRESENTS AS A PLEASANT HARD WORKING STUDENT. SHE IS CONSISTENTLY PREPARED AND PUNCTUAL TO CLASS. SHE IS A HARD WORKER OFTEN WELCOMES MORE CHALLENGING WORK. SHE STRUGGLES AT TIMES WITH MATHEMATICS BUT IS AN EXCELLENT ADVOCATE FOR HERSELF. SHE IS APT AT ASKING FOR ASSISTANCE WHEN NEEDED. SHE IS WELL LIKED BY BOTH HER PEERS AND TEACHERS. SHE DOES AT TIMES HAVE A TENDENCY TO BE SLIGHTLY ARGUMENTATIVE THOUGH NOT DISRESPECTFUL.

[REDACTED] WORKS WELL WITH OTHERS DURING GROUP WORK THOUGH OFTEN SHY'S AWAY FROM BEING AS VOCAL AS SHE COULD BE IN LARGE GROUP OR CLASS DISCUSSIONS. **[REDACTED]** HASN'T HAD A EXCELLENT TRACK RECORD OF COMPLETING ALL ASSIGNMENTS ON TIME THOUGH SHE HAS GREATLY IMPROVED ON THIS.

[REDACTED] HAS DISPLAYED DIFFICULTIES WITH ORGANIZING HER THOUGHTS AND PREPARING A COHESIVE ESSAY INDEPENDENTLY. SHE BENEFITS FROM GRAPHIC ORGANIZERS AND OUTLINES TO COMPLETE WRITTEN ASSIGNMENTS. **[REDACTED]** WILL ALSO BENEFIT FROM LEARNING TO ANNOTATE READING MATERIALS TO EXPAND HER IDEAS UNTO PAPER AND TO BE BETTER EQUIPPED TO ENGAGE IN CLASS DISCUSSIONS. **[REDACTED]** IS A WELL ORGANIZED MOTIVATED AND MATURE YOUNG LADY WITH AMBITIOUS GOALS.

AREA

DATE

TEST/EVALUATION

SCORE INSTRUCTIONAL LEVEL

ACADEMIC MANAGEMENT NEEDS

(Environmental modifications and human/material resources)

ANNUAL GOALS AND SHORT-TERM OBJECTIVES

There will be _____ report(s) of progress per year.

ANNUAL GOAL

~~1. I~~ WILL IMPROVE WRITING SKILLS.

SHORT-TERM OBJECTIVES

1. ~~I~~ WILL CREATE AN OUTLINE BEFORE WRITING AN ESSAY ASSIGNMENT WITH 90% ACCURACY.
2. ~~I~~ WILL INCLUDE AN INTRODUCTION, BODY, AND CONCLUSION WHICH WILL BE INCLUDED IN A FIVE-PARAGRAPH ESSAY WITH 90% ACCURACY.
3. ~~I~~ WILL MAKE INFERENCES BASED ON A TEXT AND USE EVIDENCE TO SUPPORT HER IDEAS WITH 90% ACCURACY.
4. ~~I~~ WILL WRITE ROUGH DRAFTS AND PROOF READ HER WRITTEN WORK BEFORE SUBMITTING A FINAL DRAFT WITH 90% ACCURACY.
5. ~~I~~ WILL IMPROVE SYNTAX, SPELLING, AND GRAMMAR WHILE SELF-EDITING MATERIAL WITH 95% ACCURACY.

ANNUAL GOAL

~~I~~ WILL IMPROVE COMPREHENSION SKILLS.

SHORT-TERM OBJECTIVES

1. ~~I~~ WILL UTILIZE REFERENCE MATERIALS SUCH AS A DICTIONARY TO IMPROVE COMPREHENSION AND INCREASE VOCABULARY KNOWLEDGE WITH 90% ACCURACY.
2. ~~I~~ WILL EXTRACT UNKNOWN WORDS OR PHRASES FROM A TEXT AND INCLUDE THEM IN HER ANNOTATION WITH 90% ACCURACY.
3. ~~I~~ WILL LEARN TO ANNOTATE IMPORTANT INFORMATION ON A CONSISTENT BASIS WITH 90% ACCURACY.
4. ~~I~~ WILL UTILIZE GRAPHIC ORGANIZERS TO SORT AND CATEGORIZE IMPORTANT INFORMATION WITH 90% ACCURACY.

ANNUAL GOAL

~~I~~ WILL CONTINUE TO IMPROVE HER MATH SKILLS AND PROBLEM SOLVING ABILITIES.

SHORT-TERM OBJECTIVES

1. ~~I~~ WILL BE ABLE TO SOLVING MULTI-STEP EQUATIONS WITH 90% ACCURACY.
2. ~~I~~ WILL BE ABLE TO SOLVE 10 QUADRATIC EQUATIONS USING A VARIETY OF STRATEGIES WITH 80% ACCURACY.
3. ~~I~~ WILL BE ABLE TO RECALL THE QUADRATIC FORMULA WITH 100% ACCURACY.

1927-1928

1928-1929

1929-1930

1930-1931

1931-1932

1932-1933

1933-1934

1934-1935

1935-1936

1936-1937

1937-1938

1938-1939

1939-1940

1940-1941

1941-1942

1942-1943

1943-1944

1944-1945

SCHOOL ENVIRONMENT AND SERVICE RECOMMENDATIONS

GENERAL EDUCATION ENVIRONMENT

GENERAL EDUCATION ENVIRONMENT			
Area of Instruction	Language of Instruction Communication Mode	Periods per week	Supplementary Aids and Service
ALL	ENGLISH	35	COLLABORATIVE TEAM TEACHING
			STAFF DEVELOPMENT TO SUPPORT TEACHERS' SKILLS IN UNDERSTANDING AND IMPLEMENTING THE INCLUSION PROGRAM, LEARNING STRATEGIES, AND SPECIAL NEEDS INTERVENTIONS.

SPECIAL CLASS ENVIRONMENT

SPECIAL CLASS ENVIRONMENT			
Area of Instruction	Language of Instruction Communication Mode	Periods per week	Special Class Staffing Ratio
			Supports
Reason for Non-Participation in General Education Environment		NONE	

none the student has no

Supports	ng Ratio	ial Class
NONE		

Recommendation: The most important factor in selecting a program is the quality of the staff. The program should be structured to meet the needs of the students. The materials should be structured to meet the needs of the students. The materials should be structured to meet the needs of the students.

PARTICIPATION IN SCHOOL ACTIVITIES, RELATED SERVICE RECOMMENDATIONS AND PARTICIPATION IN ASSESSMENTS

PARTICIPATION IN SCHOOL ACTIVITIES

If the student cannot participate in lunch, assemblies, trips and/or other school activities with non-disabled students, indicate the activity and reason(s) for non-participation.

~~_____~~ IS ABLE TO PARTICIPATE IN ALL SCHOOL ACTIVITIES.

RELATED SERVICE RECOMMENDATIONS

Status*	Related Service	Language of Service	Location**	Sessions/ Week	Duration	Group Size
T	COUNSELLING	ENGLISH	SEPARATE LOCATION	1	40	5

* Indicate status of recommendation: Initiate; Continue; Modify; or Terminate.

** Indicate whether service is provided outside the general education classroom.

PARTICIPATION IN ASSESSMENTS

☒ The student WILL PARTICIPATE in State and local assessments.

☐ Without Accommodations ☒ With Accommodations

Describe accommodations, if any, that will be used consistently throughout the student's educational program:

EXTENDED TIME (TIME AND A HALF)
SEPARATE LOCATION
ANSWERS RECORDED IN ANY MANNER
DIRECTIONS TO BE READ AND REREAD
USE OF CALCULATOR.

PROMOTION

Promotion ☒ Standard Criteria ☐ Modified Criteria*

TRANSITION SERVICES (cont.)

(Required for students 15 years of age and older.)

Post High School

1. ~~WILL~~ WILL INVESTIGATE THREE POTENTIAL CAREER POSSIBILITIES.
2. ~~WILL~~ WILL BECOME FAMILIAR WITH THE EDUCATIONAL REQUIREMENTS RELATED TO CAREERS WHICH ARE MOST INTERESTING AND DISCUSS OPTIONS FOR REMEDIAL OR OTHER INSTRUCTIONAL HELP IN ORDER TO IMPROVE HER OPTIONS.

Responsible Party: ☒ Parent ☒ School ☒ Student ☐ Agency
☒ Fall ☒ Spring ☐ Summer

Independent Living

1. ~~WILL~~ WILL DEMONSTRATE THE ROLE OF BUDGETING, CHECKING/SAVINGS ACCOUNTS, AND OTHER DAILY-LIFE FINANCIAL ACTIVITIES RELATING TO MANAGING INCOME AND MAINTAINING A HOME.
2. ~~WILL~~ WILL DEMONSTRATE SELF-ADVOCACY SKILLS IN SEEKING INFORMATION ABOUT WORK, HOME, AND HEALTH COMPONENTS OF LIFE AS AN INDEPENDENT ADULT.

Responsible Party: ☒ Parent ☒ School ☒ Student ☐ Agency
☒ Fall ☒ Spring ☐ Summer

☐ Acquisition of Daily Living Skills ☐ Functional Vocational Assessment

Responsible Party: ☐ Parent ☐ School ☐ Student ☐ Agency
☐ Fall ☐ Spring ☐ Summer

