

To: Work Group 4 From: Buzzy Hettleman 9/13/18

#### Element Detail 4c: Weight for special education students: Proposed revisions to Design Assumptions

1. Add a Design Assumption that reflects the guiding principles and standards for the performance levels that students in special education should be enabled to achieve, and that lie behind the SE weight. At present, the Design Assumptions don't do this. Here's a proposed additional Design Assumption:

*Under State and federal law, students with disabilities are entitled to IEP services that will enable them to achieve at certain performance levels.*

- a. For students on a diploma program, adequate special education provides IEP services that enable them to achieve grade level standards in foundational skills (reading, writing and math) and core content courses; or, if students are below grade level in the foundational skills, to narrow the gap between their enrolled grade level and their performance level in the foundational skills.<sup>1</sup>*
- b. For students on an Alternate Assessment (certificate) program, adequate special education provides IEP services that enable them to achieve, taking into account the severity of individual disabilities, "the highest achievement possible."<sup>2</sup>*

1. The present Design Assumption 2 implies that students in special education "must" meet eligibility criteria. However, while they are supposed to meet eligibility criteria, in practice they often don't. Experts agree that a large number of students in special education are misidentified as disabled and placed in special education because they do not receive adequate services in general education. The Design Assumption could be eliminated, or revised to read:

"To ensure students are not misidentified as being disabled, the law defines a list of eligible disabilities, and students **are supposed** to meet one of those criteria."

Thanks for considering.

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<sup>1</sup> MSDE Technical Assistance Bulletin, Improving Outcomes for Students with Disabilities, Feb.8, 2018.

<sup>2</sup> Alternate Achievement Standards for Students with the Most Significant Cognitive Disabilities, DOE Non-Regulatory Guidance, Aug 2005 p. 22.