

Civil Rights Complaint —
State of Georgia and Georgia Department of Education

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Attachment A

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Executive Summary

As part of its on-going effort to monitor the well being of students with disabilities, the Georgia Governor's Council on Developmental Disabilities commissioned a statewide study to determine how Georgia's education reform policies are impacting students with disabilities. Specifically, the study was to determine whether current policies are likely to promote or impede the inclusion of students with disabilities in general education reforms enacted both in Georgia and at the federal level.

Through interviews at the state level with policymakers, document reviews, and a series of five regional forums throughout Georgia, the research team learned about the current strengths and successes of the education system and areas for improvement. Key findings are discussed in four major policy areas: assessment, accountability, finance, and professional development.

Based on these findings, a review of best practices literature, and the experiences in other states, a series of recommendations is offered for state policymakers to consider in the four policy areas:

Assessment

- Georgia should consider adopting a new alternative assessment that provides a mechanism to reliably and validly track student achievement over time and compare relative achievement across districts.
- When revising the QCC, Georgia should consider a curriculum based on the principles of universal design thereby assuring that the state-approved standards have the breadth and depth necessary to address the educational needs of all students (including those with significant disabilities).
- The State should continue its focus on developing on-line assessments.

Accountability

- The state should stay the course and fully implement what has been legislated.
- The State should provide more intensive technical assistance and training on all aspects of accountability. This includes appropriate uses of data, how to interpret data, and school improvement strategies.
- Georgia policymakers should explicitly tie general education to special education by: requiring common data reporting for all students in the state; developing a common monitoring and school improvement process in the state; and requiring that special education be part of the School Improvement Plan (SIP).

Finance

- Georgia should continue to pursue effective school reform strategies through discretionary funding as well as continue to adequately fund the QBE.
- The state should consider revising sec. 20-2-152 (d) to ensure placement neutrality and support a variety of service delivery options.

Professional Development

- The state should utilize and expand sound teacher training programs as a way to ameliorate teacher “attitude” problems.
- The state should focus on infusing successful professional development programs and practices for working with students with disabilities into the emerging professional development infrastructure. This requires systematic review of discretionary-funded projects, i.e., those special projects funded by the state, either through the Developmental Disabilities Council, the Georgia Department of Education, or Georgia universities and colleges.

* * *

In conclusion, Georgia has laid the foundation for an ambitious reform that has the potential to enhance the achievement of all students, including those with disabilities. The ultimate success of this reform for students with disabilities will depend on developing a solid infrastructure of curriculum and professional capacity to teach that curriculum to all students. Furthermore, we recommend amending state policies in assessment, accountability and finance to ensure that students with disabilities are fully included in the accountability structures and that they receive the in-class support they need to succeed.

Introduction

The Governor's Council on Developmental Disabilities (GCDD) was established to:

...influence public policies that enhance the quality of life for people with developmental disabilities and their families. This is accomplished through public policy analysis and research, education, program implementation, funding, and advocacy activities.

The current Council was appointed by Governor Barnes and has representation from people with developmental disabilities, family members, and professionals from eight state agencies within Georgia, including the Georgia Department of Education. GCDD has five priority action areas of which "education and children" is one. The Council has supported this action area through a variety of activities, including funding direct projects and pursuing a policy agenda in the state legislature.

As part of its on-going effort to monitor the well-being of students with disabilities, GCDD contracted with Project WINS and Project Bridges (in Georgia), and the National Association of State Boards of Education (NASBE) to conduct a statewide study to determine how the Georgia policies on assessment and accountability are impacting students with disabilities. The focus of the study was to determine whether current policies are likely to promote or impede the inclusion of students with disabilities in general education reforms enacted both in Georgia and at the federal level. Specifically, the research team investigated:

1. The degree to which students with disabilities and special education are included in these reforms.
2. The impact of these reforms on students with disabilities.
3. The impact of these reforms on special education programs and policies.

In addition, GCDD asked the research team to investigate the impact of H.B. 500 -- amendments to sec. 20-2-152 of the Georgia Code (special education funding) -- on the delivery of special education services to students with disabilities in the general education program. H.B. 500 allows districts to receive funding that would be allocated to a local district for special education services, even if those services are provided in the general program versus a special education program.

To investigate these three issues, the research team:

1. Conducted a series of interviews with key state-level policymakers.
2. Conducted a series of regional forums with a broad group of stakeholders, including families, higher education, teachers, school administrators, and advocates.
3. Reviewed relevant state documents.

These data were analyzed and synthesized with the findings of other national studies and practices in other states to develop recommendations for the GCDD. (See Appendix H for a full description of the study methodology). This report is the product of the study. The findings and recommendations will also be shared with the Georgia State Board of Education, Georgia State Department of Education, and Georgia Office of Education Accountability. It is the authors' hope that this report can serve as a spring board to further discussion and policy refinement to support the needs of students with disabilities in the educational system.

Background

For many years Georgia ranked closed to the bottom on a number of national education indicators from standardized test scores to high school graduation rate. Georgia's current governor, Roy Barnes, successfully campaigned on a platform of improving education in the state. Since his election, and subsequent appointment of the current State Board of Education and Development Disabilities Council, the Governor has worked with state policymakers to implement his campaign promises. Throughout his work, the Governor has remained mindful of the particular needs of students with disabilities as well as the general student population. This section provides some general background on the Georgia education system and the policies that have been put into place to support improved student achievement among students with or without disabilities.

Based on data from the National Center for Education Statistics (NCES), Georgia has approximately 1.4 million students enrolled in almost 1900 schools in 180 school districts. Georgia's 90,000 teachers staff the schools at an average teacher: student ratio of 16:1, which includes all certificated personnel in the buildings. Georgia's average teacher salary of about \$41,000 is the highest among the Southern states and is slightly above the national average. The average high school completion rate in the state is 83.5 percent, slightly lower than the national average. Per pupil expenditures in Georgia are greater than the national average and the state contributes slightly more to education (49 percent) than the average state (47 percent). Almost one in four students in Georgia lives in poverty whereas the national average is just over one in five.

According to the most recent *Annual Report to Congress*, during the 1999-2000 school year, 10.52 percent of the students, aged 6 to 17, received special education services. This figure is based on estimates of resident student population and is slightly lower than the 11.26 percent national average. (U.S. Department of Education, 2002). Of Georgia's resident student population aged 6 to 17: 3.35 percent are identified as having a specific learning disability (national average is 5.68 percent); 2.02 percent are identified as having mental retardation (national average is 1.13 percent); 2.31 percent are identified as having a specific speech or language disability (compared to 2.27 percent nationally); and 1.69 percent are identified as having an emotional disability (compared to .93 nationally). The remaining 1.15 percent of the students in special education are in the less prevalent categories of autism, traumatic brain injury, hearing impairment, visual impairment and other health impairments.

Comparison of Georgia's Enrollment in Selected Special Education Categories to the National Average as Reported by Percentage Based on Estimated Resident Population¹

<i>Percentage of Resident Student Population in</i>	<i>Georgia</i>	<i>United States Average</i>
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¹ Office of Special Education Programs, U.S. Department of Education. *23rd Annual Report to Congress* located at http://www.ed.gov/offices/OSERS/OSEP/Products/OSEP2001AnlRpt/Appendix_A_Pt1.doc.

<i>Special Education by Type of Category</i>		
All Categories	10.52	11.26
Learning Disability	3.35	5.68
Speech or Language Disability	2.31	2.27
Mental Retardation	2.02	1.13
Emotional Impairment	1.69	.93
Others	1.15	1.25

There are a number of rules, legislative amendments to the education code, and policies at both the federal and state level that create the policy context in which students with and without disabilities are educated in the state of Georgia today.

Legislation

No Child Left Behind

On January 8, 2002, President Bush signed into law the “No Child Left Behind Act.” The Act also has significant implications for Georgia’s assessment and accountability systems. The federal law is based on four key elements: “stronger accountability for results, flexibility for states and communities, concentrating resources on proven education methods, and choices for parents” (U.S. Department of Education, 2002). The assessment and accountability provisions call for states to:

- Test every student’s progress toward state standards in three grade spans (3-5), (6-9) and (10-12) beginning with the 2002-2003 school year and then test every student in grades 3-8 in mathematics and reading beginning with the school year 2005-06, adding science in the school year 2007-08;
- Judge “adequate yearly progress” of schools, districts and the state as a whole, on achieving the state’s standards based on student test data; and
- Mark student achievement based on the progress of different subgroups of students such as those with limited English proficiency and disabilities;
- Provide assistance to those districts and schools that are judged to be inadequate in their progress; and
- Provide a system of public school choice for those students in schools that do not make progress despite state assistance.

Because this legislation specifically requires that every student be tested and that student assessment data be disaggregated by special education status, students with disabilities are explicitly included in this legislation.

H.B. 1187 – A Plus Education Reform Act

As noted above, Governor Barnes campaigned on a platform of education reform. In June 1999, after the Governor had been in office for a year, the Education Reform Study Commission was formed. This Commission worked through four subcommittees and gathered data through a number of processes, including public hearings and soliciting position papers from key constituencies in the state. The focus of the Commission's work was to explore ways that Georgia could revise its state system of education to promote greater student achievement.

Students with disabilities were considered in this process along with other special student populations. Input was solicited from the disability community in a variety of ways, including a position paper that was submitted by Project WINS and the GCDD. This paper addressed four sub-issues related to standards-based reform. These included:

- How can we assure that all students (including those with significant disabilities) meet high educational standards?
- What changes are necessary in professional development?
- How can we meaningfully involve parents in the education of their children?
- What changes are necessary in state policy to support education reform, particularly in light of students with disabilities?

Specific recommendations of that paper included:

- Send a message to schools that the State expects at least 97 percent of the school-aged population to be educated in the Quality Core Curriculum;
- Send a message to the schools that the State expects ALL students to be regularly assessed. At least 97 percent of the school-aged population should be assessed on state-wide assessments and the remaining students to be assessed in an alternative assessment system.
- Put in motion an accountability system with rewards and sanctions to schools on the basis of their ability to educate *all* students.
- Evaluate the implementation for the current graduation requirements to assure that they do not systematically discriminate against students with disabilities.

Many of the recommendations cited in the position paper are found in the final bill. The A Plus Education Reform Act of 2000 (H.B. 1187) established: a state Office of Education Accountability and a state report card of school performance; a system of educational accountability and grading schools based on student assessment; rewards and sanctions for schools based on their performance; remedial and alternative education

programs; annual teacher performance appraisal addressing specific criteria; class size reductions; and local school councils for every school.

H.B. 656 – Georgia Academic Placement and Promotion

The Education Reform Study Commission continued its work and the following year the GCDD and Project WINS were asked to present an analysis and recommendations on assessment and accountability and its impact on students with disabilities to the Commission. GCDD and Project WINS presented to the Program Subcommittee of the Commission in December 2000. That position paper provided recommendations in six key policy areas: curriculum, assessment, accountability, professional development, governance and finance.

In 2001, an additional piece of the reform legislation was enacted, H.B. 656, the Georgia Academic Placement and Promotion Act. This legislation: created an early intervention program for students; requires students to be retained in the 3rd, 5th and 8th grades if they do not score on grade level on a standardized test (sec. 20-2-283 through sec. 20-2-285); provides money for school construction; and establishes a Georgia “Closing the Achievement Gap” Commission. The Closing the Achievement Gap Commission is specifically charged with “providing a public policy focus on closing the students achievement gap that exists for at-risk students, including groups of students disaggregated by...disability...” (sec. 20-2-286).

In addition, the legislation allows determination of the “education setting in which the student is most likely to receive the instruction and other services needed in order to succeed and progress to the next higher level of academic achievement” (sec. 20-2-282).

H.B. 500 – Amendments to the Georgia Education Code for Special Education Funding

In 1995 H.B. 500 was enacted. This bill amended section 20-2-152 of the Georgia Code to specifically “provide that special education funding weight shall apply to special education students placed in general education programs.” Education funding in Georgia is currently calculated by additional “weights” that are added to the base Quality Basic Education amount. For special education there are five categories or potential weights that can be added to the base weight. These categories are defined by law as:

(d)(1) Category I: self-contained specific learning disabled and self-contained speech-language disordered;

(2) Category II: mildly mentally disabled;

(3) Category III: behavior disordered, moderately mentally disabled, severely mentally disabled, resourced specific learning disabled, resourced speech-language disordered,

self-contained hearing impaired and deaf, self-contained orthopedically disabled, and self-contained other health impaired;

(4) Category IV: deaf-blind, profoundly mentally disabled, visually impaired and blind, resourced hearing impaired and deaf, resourced orthopedically disabled, and resourced other health impaired;

(5) Category V: those special education students classified as being in Categories I through IV, as defined in this subsection whose Individualized Educational Programs specify specially designed instruction or supplementary aides or services in alternative placements, in the least restrictive environment, including the regular classroom and who receive such services from personnel such as paraprofessionals, interpreters, job coaches, and other assistive personnel; and

(6) Category IV: intellectually gifted. (sec. 20-2-152)

Revised State Board of Education Rules

Aside from federal and state legislation, State Board of Education rules have the next greatest state policy influence on the education of students with disabilities in Georgia. Rules passed by the State Board of Education legally carry the force of law in the state. During the spring of 2000, the State Board of Education appointed a committee to assist them in reviewing the special education rules. Convened in May 2000, the Committee was charged with reviewing the rules and making recommendations for amendments that would make the rules consistent with federal and state law and best practices in the field of special education. In July 2000, the State Board of Education passed revisions to 27 rules related to special education. These rules encompass a broad range of areas in special education, such as procedural safeguards, categories for eligibility, evaluations and eligibility determinations, and determination of a local school system's ability to provide services to students with disabilities.

The major pieces of legislation, along with the State Board of Education rules, create the foundation context for how students with disabilities are treated in the education reforms currently being implemented in Georgia. It is important to note that in creating each policy, members from the disability advocacy community were consulted to determine the potential impact of the reforms on students with disabilities.

Findings and Recommendations

This section provides a synthesis of the findings from the study. Major findings are based on data from interviews with state policymakers, focus groups with key constituencies around the state, and document reviews. The standard for including a finding was that the issue had to be raised in all three data venues. Additional issues are noted when evidence was presented across two of the three venues. A full discussion of the study methodology may be found in Appendix H.

It is significant that, although investigators specifically focused data gathering efforts on the policy areas of assessment, accountability and finance, respondents also noted a high level of concern in the areas of professional development, curriculum and governance. In fact, these six major policy areas are integrally related. Issues associated with assessment immediately bring in to question what is to be assessed, that is, the curriculum. Determining if it is appropriate to hold teachers accountable for student test results raises the issue of whether the teachers are adequately prepared to teach the curriculum to all students. And, deciding if programs are funded at adequate levels raises the larger question of how programs are organized and managed and system leadership.

For each policy area investigated this section first presents a brief summary of the current state policy. This summary is followed by the specific findings in that area and then recommendations for further action based on those findings. It is important to note that the recommendations are based on the conceptual framework for the investigation, that is, the inclusion of *all* students in standards-based reform.

Assessment

Current policy

Georgia's assessment policy encompasses K-12 assessment requirements stated in Georgia school law (O.C.G.A. 20-2-281). Significant revisions to the assessment policy were made as a result of Georgia's A Plus Education Reform Act of 2000. Included in this comprehensive education reform act was the expansion of state developed assessments measuring the level of student achievement of the Quality Core Curriculum (QCC) standards. Respondents credit Governor Barnes with initiating the discussion about changes in assessment.

Georgia's requirements include both nationally norm-referenced and state criterion-referenced assessments. The Stanford Achievement Test Series, Ninth Edition replaced the Iowa Tests of Basic Skills in the school year 2000-2001. This state mandated norm-referenced assessment was administered at grades 3, 5, and 8 in reading, mathematics, science, and social studies. However, as of July 2002, the norm-referenced test will be optional for the school year 2002-2003. Local school systems choosing to administer norm-referenced tests will be able to select a testing company from a list provided by the

State Board of Education. Changes to the norm-referenced assessment requirement are expected during the 2003 Georgia legislative session.

Upon revision of Georgia's Quality Core Curriculum (QCC) in 1997, the State Board of Education contracted for the development of criterion-referenced competency tests (CRCT) designed to test student knowledge of QCC content standards. Initially, the CRCT included three content areas, reading, English/language arts, and mathematics in grades 4, 6, and 8. Then in the Spring of 2002, the CRCT was expanded to include grades 1-8 in reading, English/language arts, and mathematics. In addition, science and social studies were administered in grades 3-8.

Georgia's assessment program includes several other criterion-referenced tests. These include: writing assessments at grades 3, 5, 8, and 11, high school graduation tests, and end-of course tests, and The Georgia Kindergarten Assessment Program- Revised (GKAP-R).

The Georgia Kindergarten Program (GKAP), adopted in 1990, was revised in 1998 as the GKAP-R. All kindergarten students participate in GKAP-R without accommodations unless specified in a written and approved Individualized Education Program (IEP), Individual Accommodation Plan (IAP), or Limited English Proficient Testing Participation Committee (LEP/TPC) Plan. An assessment plan is developed for services through the English for Speakers of Other Languages (ESOL) Program. Students with IEPs must either participate in the GKAP-R or be provided the Georgia Alternate Assessment (GAA). The primary purpose of the GKAP-R is to provide cumulative evidence of a student's readiness for first grade, as reflected on kindergarten QCC curriculum content standards.

Georgia's performance-based writing assessments are given in grades 3, 5, 8, and 11. Student writings are evaluated on a developmental stage scoring scale in grades three and five to provide diagnostic feedback to teachers. The 8th grade assessment known as the Middle Grades Writing Assessment (MGWA) provides predictive information to eighth grade students about their future writing performance. The Georgia High School Writing Test (GHSWT) given for the first time in the 11th grade is one of the assessments used for graduation purposes.

High school graduation is dependent on completing the requisite Carnegie units, passing the high school exit exam, and attendance. The Georgia High School Graduation Tests (GHSGT) are curriculum-based assessments administered for the first time in the 11th grade. The GHSGT include English/language arts, mathematics, science, and social studies. The tests are administered several times each year so that students have up to five opportunities to take each of the tests within their eleventh and twelfth grade years. Students are required to pass all of the GHSGT and the High School Writing Test to receive a high school diploma. Students completing attendance and course requirements but not passing all of the graduation tests receive a certificate of performance.

In the past, all students could get a waiver from one or more sections of the test. While there is no rule restricting how many sections of the test the student may be exempted from, usually students were exempted from one to two sections. Requests for waivers from all or any of the GHSGT are reviewed and either accepted or denied by the State Board of Education on an individual case by case basis. Students are able to take the high school graduation test with accommodations. Some accommodations, like extended time, apply to all students.

Special Education students pursuing a Special Education Diploma are not required to participate in or pass the graduation tests.

The Georgia A Plus Education Reform Act of 2000 required that the GHSGT remain in effect until the End-of-Course Tests (EOCT) are fully developed and implemented according to a schedule to be set by the State Board of Education (SBOE). Currently eight of the proposed twenty five tests are developed. The EOCT was administered for the first time in the Spring of 2002 for the following courses: Ninth Grade Literature and Composition, American Literature and Composition, United States History, Economics/Business/Free Enterprise, Algebra I, Geometry, Physical Science, and Biology. Local Boards of Education have the option of allowing scores on EOCT to be counted as part of the student's grade in the course. In August of 2002, the State Board of Education amended the Statewide Passing Score rule to include guidelines for the EOCT. Beginning in the fall of 2003, in order for a student to earn credit for a course that is assessed by an EOCT, the following weighted calculation must be used: Student's final grade in the course as determined by local board policy (80 percent) and Student's grade on the EOCT (20 percent). The resulting average must meet or exceed 70 percent.

As noted above, Georgia officials were planning to phase out the high school graduation test in favor of the end-of-course tests. However, with the timing of the exit exam requirement in No Child Left Behind, students could be required to take end-of-course tests that are not yet developed. Georgia officials are reviewing this strategy, and determining how to proceed.

In the ongoing assessment of their CRCTs, Department officials report looking at expanding the item types of the test. Department staff would like to move away from multiple choice items. In addition, the state is looking at on-line assessment. A timeline had been established for developing on-line assessments. Special education staff in the Department of Education participate in the meetings regarding potential assessment changes.

All students with disabilities must be assessed, either with the standard assessment or the alternate assessment. There are no waivers from the general assessment process except if a parent objects on moral grounds to the tests. For the past two years there has been a gap between the general education and special education student test scores. Last spring the average gap was 52 percent, which was a bit better than the year before, rendering a small reduction in the achievement gap.

Alternate Assessment

The Georgia Alternate Assessment (GAA) was first administered in 2001 for reporting purposes. The current GAA is IEP-based. The statewide committee looked at traditional functional curriculum areas that are used in the state and selected a criteria of five out of the eight primary curriculum areas for assessment. The assessment is the degree of attainment of five IEP objectives, of which one must be communication.

The state conducted workshops and distributed manuals on the GAA two to three years ago. Training manuals are under "constant revision". Since the state's initial training, the higher education institutions, Georgia Learning Resources System (GLRSs), and the Regional Education Service Agencies (RESAs) provide training on request. Training is conducted jointly between state special education staff and the assessment staff. However, the training is primarily funded through assessment funds.

Currently, there are no benchmark participation rates for the GAA as the state was just gathering their first round of data in 2002. However, both state administrative and policy officials anticipate establishing a benchmark. According to the Department of Education, the benchmarks will be set by the Office of Education Accountability with input from a committee. The Department anticipates that the benchmarks will be set at somewhere between five and ten percent of the special education student population, which is approximately .5 to 1 percent of the overall student population. Of note are the proposed rules for the No Child Left Behind Act, which stipulate that "no more than 0.5 percent of all students tested in a state or district can be held to other than a grade-level standard for accountability purposes. If more than 0.5 percent of disabled students took alternative assessments, they would have to be held to the state's grade-level standards" (*Education Week, 7 August 2002*).

Georgia's Office of Educational Accountability (OEA) will be monitoring participation of students with disabilities in the GAA. The state is not going to rate schools on the number of students in the GAA, but the OEA will be reporting the participation rates of those students. The OEA will give the participation information to the state board of education.

The GAA has not been reviewed since the regulation was changed in 2001. According to Department staff, there needs to be a change in the GAA to align with the CRCTs, but before they can make that alignment, staff feel that Georgia's Quality Core Curriculum needs to be expanded. Staff is not sure if the GAA will be IEP-based in the future.

Some people in the districts would like to explore a "middle of the road" GAA – something more individualized or simpler than the standard assessment, particularly for students who are reading significantly below grade level.

Findings

The new assessment requirements at the federal and state level appear to be having a positive impact on students with disabilities in Georgia. Since the passage of the A Plus Education Reform Act, more students with disabilities are being included in the standardized assessments. In addition, the scores of students with disabilities on those tests are rising. While no specific data was offered at the state level to support this observation, local officials reported specific data documenting the rise in test scores. Finally, the graduation rate of students with disabilities, as reported by local districts, is rising.

The CRCTs are based on the QCC. However, an audit of the QCC has found significant deficiencies in that curriculum. An external audit of the QCC found that, “Georgia’s QCC for English/language arts and mathematics to be inadequate to guide teaching and establish common expectations for student achievement across the State. Overall, auditors found [those parts of the QCC] lack clarity and validity” (International Curriculum Management Audit Center, 2001). The auditors concluded that “the Quality Core Curriculum and Georgia’s Learning Connection are not adequate to ensure the consistent understanding, teaching, and assessment of the State’s standards.”

Students with disabilities do not have adequate exposure to the QCC. Many students with disabilities have not been systematically taught using the QCC. As a result, they are being tested on material they never had an opportunity to learn. This adversely impacts their performance on the CRCTs. One respondent noted that this may be an issue of concern for all students, just more pronounced for students with disabilities in parallel-track programs.

The policies related to the participation of students with disabilities in state assessments are based on inaccurate presumptions about the scope of the QCC. This is leading to pressure to document student achievement in different ways and exclude students with disabilities from assessments. The State Board of Education policy on assessment states that:

3. It is the policy of the State Board of Education that the department of education (DOE) will review the access of all students with disabilities to the general curriculum and provide guidelines to all systems in including all students with disabilities in the Quality Core Curriculum (QCC). This includes students with significant disabilities who participate in a modified QCC below grade level or require the addition [emphasis added] of functional skills to the current QCC.

However, the scope of the current QCC is such that for some students the curriculum is inappropriate. This is leading to resistance to the philosophy of one curriculum and

assessment system for all students. In addition, stakeholders at both the state and local level are calling for documenting student achievement through portfolio assessments, off-grade testing, and other standardized measures.

The GAA is not standardized. The GAA is highly individualized. Student progress cannot be compared across students. Hence, there is no way to gauge if one school is enhancing student achievement over another as can be done with the general assessments. Furthermore, because the GAA is entirely based on the student's IEP and those goals change on a regular basis, an individual student's progress cannot be evaluated longitudinally. Hence, there is no systematic way to document the progress and achievement for students with significant disabilities in the state.

There are no benchmarks for participation in the GAA. Department staff noted that a benchmark for participation in the GAA was going to be established based on the current participation rates of students with disabilities in that assessment. However, this assumes that common practice is best practice. Experience in other states has shown a relationship between the participation rates of students with disabilities in the standard assessment and the accountability consequences of the assessment (Roach and Raber, 2000). In addition, participation rates vary widely among districts and states (Erikson, Thurlow and Ysseldyke, 1996).

In addition to these findings, two additional issues were raised by some respondents: (1) the schedule for schools to receive their assessment results is such that principals and teachers are not able to use that data effectively to plan for the next year; and (2) there is limited ability in some districts and schools to analyze state data correctly so that it can be used to improve programs.

Summary

In sum, the new assessment policies seem to be having a positive effect on students with disabilities. However, stakeholders are concerned about the ability to have all students in one curriculum, given the scope of the current QCCs and the number of students who have not received systematic instruction in the QCC. Curriculum and instruction play a key role in the ability of students with disabilities to master the QCC and be assessed on the core competencies. Finally, stakeholders are concerned about both the format and potential abuse of the GAA.

Recommendations

Georgia should consider adopting a new alternative assessment. As noted by the National Center on Educational Outcomes (NCEO), "Like regular assessments, the purpose of alternate assessments is to provide valid and reliable assessment data that accurately reflect the state's learning standards, and that indicate how a school, district, or state is doing in terms of overall student performance" (2002). Alternate assessments should test that which they purport to measure and interpretations of the scores, such as mastery of a skill, should be justified (validity). Furthermore, alternative assessments should render consistent results with a given student should the assessment be

administered again and the score of the assessment should accurately reflect the student's mastery of the skill (reliability).

Given these parameters, basing the alternative assessment on students' IEPs may be highly problematic. The literature base is replete with examples of IEP goals that are not truly "individualized" (Smith, 1990; Smith & Simpson, 1989), and seem to vary in quality based on the setting in which a student receives services (Espin, Deno & Albayrak-Kaymak, 1998; Hunt & Farron-Davis, 1992). Further, there are long-standing problems associated with development of IEPs. Most notable is the lack of meaningful parent involvement in the development of IEPs (Goldstein, Strickland, Turnbull & Curry; Scanlon, Arick & Phelps, 1981; Vaughn, Bos, Harrell & Lasky, 1988), particularly among families from racial and ethnic minority groups (Harry, 1992; Harry, Allen & McLaughlin, 1995). Monitoring rarely results in assessment of the educational value of the plans that are written or the degree of fidelity with which they were implemented. *Thus, the use of IEPs as a vehicle for educational accountability is questionable at best and can mask the need for usable performance indicators.*

NCEO has defined characteristics of good alternative assessments as:

1. There has been careful stakeholder and policymaker development and definition of desired student outcomes for the population, reflecting the best understanding of research and practice.
2. Assessment methods have been carefully developed, tested, and refined.
3. Professionally accepted standards are used to score evidence (e.g., adequate training, dual scoring, third party tie breakers, reliability tests and rechecks or scorer competence).
4. An accepted standards-setting process has been used so that results can be included in reporting on accountability.
5. The assessment process is continuously reviewed and improved. (p.3)

Alternative assessments can and should be standardized, just as the regular state assessments. Approaches to standardized alternative assessments include: curriculum-based measurement, performance events, and activity-based observations. States such as Kentucky have developed standard alternate assessments that include common elements, are independently scored, and have stood up to tests of reliability such that achievement of students with significant disabilities can be meaningfully included in the accountability system.

When revising the QCC, Georgia should consider a curriculum based on the principles of universal design. It should be noted, that to include a broader range of students into the QCC does not necessarily mean to broaden or add to the curriculum. This recommendation is for a *qualitative* shift, not a *quantitative* change. Universal design, a term initially used in architecture, means, *"the design of instructional materials and activities that allow the learning goals to be achievable by individuals with wide differences in their abilities to see, hear, speak, move, read, write, understand English, attend, organize, engage, and remember"* (Orkwis & McLane, 1998). Importantly, with

universally designed curriculum, benefits accrue to *all* students, not just those with disabilities. Universally designed curriculum provides “multiple means of presenting materials,” “multiple ways in which students can respond,” and the ability to match students’ learning motivations with those presentations and responses, (p.11). Student learning is enhanced through universal design through enhanced access to the curriculum. Furthermore, universally designed curriculum lends itself to universally designed assessment – assessment that can, by definition, include more students (National Center for Educational Outcomes, 2002).

The state should continue its focus on developing on-line assessments. On-line assessments will not only be less costly, the results can be received much sooner than the current system in the state. This provides an opportunity for local districts and schools to use student data to plan program improvement. On-line assessments may also contribute to higher student test scores. In a recent study, Pomplun, Frey & Becker (2002) found that students taking a speed-reading test scored higher than those taking a paper and pencil version of the test. Similar results have been found for students taking writing assessments who are accustomed to writing with a word processor (Thompson, Thurlow, Quenemoen & Lehr, 2002).

* * *

A special note about off-grade assessments...

A number of interview respondents mentioned an interest in pursuing out-of-level or “off-grade” assessments for some students with disabilities. Currently fourteen states allow out-of-level testing for students with disabilities. In their exploration of this option for statewide testing, researchers at the National Center for Educational Outcomes have noted several issues to consider, including:

- While out-of-level testing is most frequently implemented with students with disabilities, there is minimal research involving these students (Minnema, et. al, 2000);
- Research raises concerns about the precision of equating out-of-level scores with in-level test results (Minnema, Thurlow & Bielinski, 2002);
- Test publishers do not provide enough information on out-of-level testing and score interpretation which leads to misuse and misinterpretation (Bielinski, et. al., 2000);
- No program of research has been able to determine the accuracy of out-of-level assessments for students with disabilities. Therefore, we cannot determine if it is a more accurate way to assess student achievement or not (Minnema, Thurlow & Bielinski, 2002);

- Out-of-level testing is often established by people who have little understanding about the science of assessment, and hence, is misused (Minnema, Thurlow & Bielinski, 2002); and
- Out-of-level testing can be intentionally misused in order to enhance student test scores.

Given the limitations of out-of-level testing, it is an area that should be approached with great caution. As noted by Minnema, Thurlow and Bielinski, “the practice of testing students out of level has preceded research on the topic” (p.3). The researchers note that state policies in this area have often been debated “by stakeholders who have little knowledge about the precision and accuracy of tests that measure academic progress appropriately.” It should be noted that, in the same report, these researchers credit Georgia as only one of two states that has considered out-of-level testing as part of their state assessment program and discarded it. (Alabama was the other state. South Dakota and Alaska have recently reversed their policy and no longer allow out-of-level testing).

* * *

Given the state’s reliance on student test scores for the accountability plan, assessment is inextricably related to accountability. Furthermore, assessment is fundamentally related to teachers’ ability to teach (professional development) and the core curriculum.

Accountability

Current policy

Georgia established its current accountability policy with the A Plus Education Reform Act. This Act directed the creation of the Office of Education Accountability (OEA) and the "creation of a statewide accountability program that is performance-based and disaggregated for grades kindergarten through 12" (Office of Education Accountability, n.d.) The state is in year three of a six-year phase in of the accountability program.

The major focus of state accountability is the Office of Education Accountability (OEA) report card. The report cards are primarily based on student assessment results. Test results are disaggregated by a number of demographic characteristics of students, including disability. In addition to reporting student test scores, the state will report on ten additional indicators in which schools can be scored exemplary, satisfactory and unsatisfactory. These indicators will not contribute to a school's letter grade but they will be reported on the school's report card and will be part of the school rating. There are no sanctions for an unacceptable rating on one of these indicators. The primary purpose of the indicators is to give the data to the schools. The indicators will also be on the Web and schools will be compared to others with similar demographics.

Each school will be graded based on its student test scores. The OEA will propose the grading scale to the State Board of Education. Schools will be graded on two components, their absolute score and their progress. The OEA has a "Standards in Grading Committee" looking at proposals for how the two factors will be weighted. The Governor wants to weight progress more than an absolute score on the test.

In the future there will be monetary rewards for teachers for improvement and pooled monetary rewards for non-certified staff. There will be a change in the state's teacher evaluation system and student achievement will be part of the system. And, scheduled for 2003, state and local officials will be able to track individual student progress through a new statewide student record system that will span K-12 and higher education.

Schools that do not show adequate achievement will have to submit a school improvement plan to the state. Currently, there is no template for what should be in the school improvement plan and no one checks them when they come into the state department of education. OEA makes recommendations on how to set up the accountability system, but they have little independent authority. As a result there is no accountability for the School Improvement Plan. The school improvement processes that will be implemented in schools found unacceptable are packaged models such as Georgia's choice and the program that the RESAs are putting together.

There are a number of improvement programs that have been put in place in conjunction with the accountability system to help support students. These include: K-5 early intervention funds (but there are no professional development pieces to that program);

lower class sizes; twenty extra days of instruction for those who do not meet the standard for passing to the next grade at the gateway levels; and schools getting allotment sheets so that the school councils can ensure equitable funding across districts and have more say over the school budget allocations (up to 10% of any given line item).

In addition to school and teacher accountability, student accountability is built into the system. Results of the CRCT will be used in promotion and retention decisions for students in grades 3,5, and 8 beginning with grade 3 in 2003-2004, grade 5 in 2004-2005, and in grade 8 in 2005-2006. That is, students that do not achieve on grade level for those assessments will be retained in grade. There is a waiver process that applies to all students regarding these "gateway" tests. First, remediation programs, providing twenty additional instructional days, will be provided to students in the "gateway" grades to give them another chance to move on to the next grade. Then a committee of parents, teachers and administrators can look at other factors and decide to either promote or retain a student.

Special Education Accountability

Special education monitoring in Georgia, as in many other states, has historically been viewed as procedurally and input oriented, and not focused on program improvement. A task force convened by the special education division is looking at the state special education monitoring process. The task force is composed of state department of education staff, the state special education advisory panel, representatives of local school systems, advocates, superintendents, principals and parents. The task force is charged with proposing an "outcome oriented process." As described by one task force member, "the orientation is to reward good teaching and best practices, instead of just looking for bad guys. The idea is to reward good work with flexibility. The indicators currently being discussed are student achievement and parent satisfaction. In addition, they are looking at dropout rates, graduation rates and disproportionality." They are looking at the student outcome data vs. the state's averages and national averages to see where they stand. The task force is asking districts, 'what will help you, what will hurt you'. Their response has been the reluctance of teachers to buy-in, "I would love to do this, but money...".

It is anticipated that there will be a new monitoring system in place within the next two years in the state. Department officials report that this should not need policy change because the changes that they will enact will put special education in step with NCLB and Georgia's A Plus Education Act.

Findings

Of the policy areas in this study, accountability was most frequently mentioned as a barrier to including students with disabilities in the general program by parents and community agency personnel in the focus groups.

Respondents felt the various accountability policies will support students with disabilities. Because the accountability system is new and consequences have not been initiated yet, respondents mostly speculated on the impact of the accountability system. Parents and community agency personnel are looking to the accountability system as

another mechanism to support them and their children where the Individual Educational Program (IEP) and traditional special education monitoring has failed. As one parent noted, "I hope we really leave no child behind."

School districts that are seen as "progressive" and innovative are providing better services to students with disabilities already. Respondents attributed this change to the new accountability system. Examples of ways in which the districts are providing better services for students with disabilities include: student-focused instruction; outcome-oriented instruction; utilizing different delivery models for special education; and, in some instances, including students with significant disabilities in the general program and QCC.

General and special education teachers are fearful and unclear about who is responsible for the outcomes for students with disabilities. In the regional forums, special education teachers reported that the "fear of regular education teachers [is] that they will appear unsuccessful based on assessment data for [their] class if students with disabilities are tested." Both general and special education teachers noted that their concern was borne of the inadequate support that many teachers were receiving for students with disabilities in the general classroom. Noted special education teachers at the Atlanta forum, "General education teachers [are reluctant] because they don't have enough support. Special education co-teachers are always getting pulled out of class and used as substitutes." As one teacher judiciously summed it up, "General education teachers do not want responsibility for educating special education students and special education teachers do not want to be accountable for teaching general education curriculum."

Teachers, furthermore, reported that they were unsure of who would be held accountable for students with disabilities that are included in general education classes with support from special education teachers.

There is an overall concern about basing accountability solely on test scores and specifically for students with disabilities. Students with disabilities are generally seen as having had inadequate exposure to the general curriculum. Preliminary data in some of Georgia's school districts and, indeed, in other states indicate a wide gap between the achievement of students with disabilities and those in the general program. State policymakers are concerned that school and districts will attempt to segregate students with disabilities in separate classes and facilities in order to minimize the impact on the average building test scores in the district.

Traditional special education monitoring has not been linked to service delivery program improvement. Parents and community agency personnel in the forums consistently reported that IEPs are not implemented. There is no coordination in monitoring in special education and other federal programs at the state level. While teams provide support to schools through the School Improvement Process (SIP), special education is not systematically included in that nor is SIP coordinated with special education monitoring. Thus far, special education has not been involved in the federal

program consolidated application process. The Department of Education will make a decision on whether or not to include them next year. This decision will be based on whether including special education would place greater restrictions on the other federal programs in the state and whether including special education will make the federal payments too complicated.

Furthermore, the overall system of education in Georgia seems to be disbursed throughout a number of offices and agencies with no clear lines of authority, central monitoring, or reporting mechanism. Currently, it appears that the State Board of Education – a policy and oversight body of lay leaders – is coordinating the A Plus Reform effort through reports from the OEAs, RESAs, discretionary programs, the data program at the Board of Regents and other entities working on school reform.

Summary

The new accountability system holds promise for families and disability advocates – people outside of the education system – that the system will finally attend to the achievement of students with disabilities. Conversely, personnel within the system seem fearful and confused about how the accountability system will apply to students with disabilities. Because there are so many independent offices and agencies operating at the state level, local personnel question if there is a coherent plan to reform.

Recommendations

The state should stay the course and fully implement what has been legislated. The state should aggressively implement the accountability system by linking compliance in both general and special education to funding. The state should review all SIPs and provide feedback to districts on their plans and ways in which they can be improved.

The State should provide more intensive technical assistance and training on all aspects of accountability. This includes appropriate uses of data, how to interpret data, and how to incorporate data into school improvement strategies. Training should also include what the options are for students who do not meet the standard on the state assessments and developing standard components for the SIP.

Georgia policymakers should explicitly tie general education to special education by: requiring common data reporting for all students in the state; developing a common monitoring and school improvement process in the state; and requiring that special education be part of the School Improvement Plan (SIP).

Finance

Current policy

General fiscal condition in the state

Officials report a state of "cautious optimism" in Georgia. Fiscally, the state is not as strong as it was, but Georgia is better off than many states. Recent state revenues are falling, but not by as much as in other states. Georgia is a "balanced budget" state. That is, there can be no deficit budgeting or spending. There was a 2.5 percent cut across the board in the state budget for FY 02, but the formula part of education services was exempted from that cut. There was another 5 percent cut for FY 03 that resulted in additional cuts to the education budget (but not the formula part). The education cuts were in the Department of Education programs, local programs (transportation, media, maintenance, central administration), and a reduction in the pay raise for teachers by ¼ percent (from 3.5% to 3.25%). Since revenue is still projected to fall, the state is having each agency in FY 03 hold back 3 percent that will be taken out of the amended budget and remain out for FY 04. As with the other 5 percent in cuts, direct instruction is exempt from this hold back.

Sources of funding and budget/expenditures

State money for education comes out of the general fund. There is a state income tax and sales tax as well as licensing fees and minor "sin" taxes. There is a state lottery that is dedicated to education. The lottery funds the HOPE scholarship as its constitutional first priority, then pre-K programs, education reserves, teacher training in technology, the technology itself, and capital outlays.

Locally, there are several sources of education funding. There is a local property tax that is raised and remains at the local level. There is a 1 percent sales tax that the state allows districts to assess on themselves for school construction, by vote of the local community. Also, ten school systems receive funding from local option sales taxes for school operations, by vote of the local community. Ten school systems in north Georgia receive payment from the Tennessee Valley Authority.

Of the State money spent on education, 85 to 90 percent is spent on direct instruction. This funding comes to the districts by way of the QBE (Quality Basic Education) formula. The base amount per student for FY 03 is \$2,334. The QBE formula is additionally weighted based on educational programs/ personnel that students receive. There are approximately nineteen programs and weights in the QBE formula which reflects a strategy of reducing the number of discretionary funds given to districts and increasing the base formula. The intent of this change was to make the programs more systemic in nature and to ensure more equity in funding across the districts. (Special education categories based on student disability label and placement [see definitions below] are weighted in the QBE formula).

Overall the legislature and governor have been very supportive of education and education reform. The legislature put \$600 million into school construction last year which was the largest capital outlay they had ever enacted.

Major budgetary requests for the current state education budget include: class size reduction, \$25 million for school improvement teams at schools where 50 percent or more of the students are not meeting the standards, and early reading programs.

Special education expenditures have continued to rise in Georgia with rising special education student populations. However, there is no cap on state special education expenditures as there have been in some other states.

Special education funding

When the QBE was enacted in 1984 the state went to a special education funding formula that is based on the full time equivalency cost of personnel for the student to be located in a particular level of intervention and placement. In 1984 the state had basically a pull-out model for instruction so that the formula segments/weights are based on a pull-out model. In addition to the base formula, a "category V" was created in 1995 in order to specifically "provide that special education funding weight shall apply to special education students placed in general education programs."

Section 20-2-152(d) of the Georgia Code describes the current funding categories for special education as follows:

(d) For purposes of funding under this article, the follow special education categories are authorized for the local units of administration of this state:

(1) Category I: self-contained specific learning disabled and self-contained speech-language disordered;

(2) Category II: mildly mentally disabled;

(3) Category III: behavior disordered, moderately mentally disabled, severely mentally disabled, resourced specific learning disabled, resourced speech-language disordered, self-contained hearing impaired and deaf, self-contained orthopedically disabled, and self-contained other health impaired;

(4) Category IV: deaf-blind, profoundly mentally disabled, visually impaired and blind, resourced hearing impaired and deaf, resourced orthopedically disabled, and resourced other health impaired;

(5) Category V: those special education students classified as being in Categories I through IV, as defined in this subsection whose Individualized Educational Programs specify specially designed instruction or supplementary aids or services in alternative placements, in the least restrictive environment, including the regular classroom and who receive such services from personnel such as paraprofessionals, interpreters, job coaches, and other assistive personnel; and

(6) Category VI: intellectually gifted.

In addition to QBE formula funding, the state also provides funding for special education through six separate budget line items. The following are state appropriations for FY 2003:

Special Education Low-Incidence Grants	\$852,291
Tuition for the Multi-Handicapped	\$1,900,000
Pre-School Handicapped Program	\$12,472,973
Severely Emotionally Disturbed	\$61,838,139
Georgia Learning Resource System	\$1,686,300
Special Education at State Institutions	\$4,046,930
Total:	\$82,796,633

With lottery funding, the State also has appropriated approximately \$2.5 million per year for assistive technology.

Findings

Funding has been designated from state and federal agencies for special projects to support students with disabilities in general education programs. A number of special projects have been funded through the Georgia Department of Education, the U.S. Department of Education, and the Georgia Governor's Council on Developmental Disabilities to support the inclusion of students with disabilities in the general education program and education reform. These include: Project WINS, Project WINNING Teams, and Bridges. Funding for Project WINNING TEAM was provided directly through the Georgia Department of Education. Projects WINS, Bridges and the Collaborative Education Initiative are funded through statewide competition.

The Governor and State Legislature have specifically supported education over the past several years. The support for education by the Governor and State Legislature has been evident by the capital improvement expenditure that was passed in the last legislative session, ensuring that the HOPE scholarship is funded, the money appropriated for class size reduction and the continued financial support for implementing the A Plus Reform Act.

Teachers and administrators reported that funding was the greatest barrier to supporting students with disabilities in general education. In particular, the respondents were concerned with adequate funding for teachers, teacher training, common planning time, and in-class support. District officials report that they are trying to keep students with disabilities in the general program, but it is "costing them money". If a child goes to a resource room, the district receives money from the state for that student's teacher. But, if the district wants to keep a slot for that student in the regular education classroom, the local agency pays for that slot without reimbursement because the student is already counted in the resource room for that portion of the day.

Georgia districts are struggling to implement a service delivery model that is not represented in the funding formula, namely inclusion. Category V funds are not seen as an adequate support for inclusion. Currently, category V funding only applies to paraprofessionals, interpreters, job-coaches and other assistive personnel, not co-teachers or consulting teachers. Furthermore, districts report that they cannot earn Category V funding unless they have identified five students in inclusive placements as designated in the IEP. Generally, those five students are not in the same general education classroom, making in-class support for those students by even the personnel defined in the law problematic.

As a result, parents of students with disabilities complain that special education funds are not “following the student” as a result of this system. Teachers complain that administrators resort to scheduling all the students with disabilities into the same classroom in order to receive Category V funding for a paraprofessional in the class. While the additional support is welcome, students are being placed in these classes at rates much higher than their natural incidence in the student population, thereby undermining inclusion.

Georgia administrators report that the current special education funding formula is not placement-neutral in that districts receive significantly more money for students placed in special education classes as those who receive the same level of service in the general education classrooms. Local administrators report that the state special education funding formula encourages districts to place students in separate programs. Districts get more money if they place students in segregated placements and little or no funds for students receiving services in general education. As noted by one respondent,

“We are going to lose money if I place teachers in co-teaching classrooms in general education. We get no money for consulting services so the district plays games with the reporting process or we don’t report at all. On ‘count day’ we move students to make up the counts we need. The system forces schools to do things that are inappropriate for children because that is how we get paid.”

Summary

In sum, state leadership has been supportive of education through continued funding of key initiatives aimed at improving student achievement and supporting the inclusion of students with disabilities in general education reform. However, there appears to be a structural problem with the funding formula that discourages the education of students with disabilities in the general education classroom, or alternatively, encourages districts to place large numbers of students with disabilities in a single general education class to the frustration of teachers, parents, and students.

Recommendations

Georgia should continue to pursue effective strategies to enhance student achievement through discretionary funding as well as continue to adequately fund the QBE. Early indications point to improvements in student achievement in some areas from the school years 2000 to 2001. This suggests that the programming is having a positive effect on student achievement. Successful programs may include specially funded projects, the accountability system, class size reduction, or some combination of these. However, it is impossible to tell which programming (or combination) has been effective. Rigorous program evaluation should be part of every special project to determine which of the reforms are positively impacting student achievement.

The state should consider revising sec.20-2-152 (d) to ensure placement neutrality and support a variety of service delivery options. The Georgia funding categories are based on a combination of placement, disability label and personnel. National studies recommend that funding formulae should sever the link between funding, placement and disability label and focus, rather, on intensity of student service needs (National Association of State Boards of Education, 1992; Earne, Fruchter & Parrish, 1998; Feir, 1995; Parrish, 1997). States such as Oregon, Missouri and Maryland have formulae that reflect this principle. The federal government amended its funding formula in the Individual with Disabilities Act (IDEA '97) to move to a population-based formula that provides support for special student needs based on the general prevalence rate of disability in the state. California amended its formula to that end in 1997.

Professional Development

Despite specifically focusing the regional forums on assessment, accountability and finance, professional development was raised as a significant issue by all constituent groups, in all areas of the state. Professional development was raised as a significant in several of the interviews as well. Hence, we have added professional development as a major area of the report.

Current policy

Professional development has generally been fragmented without tight controls on approval of professional development experiences. The State Board of Education has been working on professional development with the Teacher Standards Commission. In June, 2002, the Board adopted two rules relating to professional development:

- Rule 160-3-3-.10 – Staff Development Unit (SDU) Program Approval; and

- Rule 160-3-3-.04 – Staff and Professional Development.

These rules require that teachers' professional development activities be linked to the school and district plans for professional development and that the primary focus of professional development shall "directly relate to improving student achievement" (Rule 160-3-3-.04 (2)(a)). The Staff and Professional Development rule requires each district to develop and submit a staff and professional development plan as part of their system-level comprehensive school improvement plan and the Staff Development Unit Program Approval rule delineates requirements for providers wishing to have professional development programs approved by the State.

Professional development providers

The major professional development programs in the state are provided by the Regional Education Service Agencies (RESAs) (of which some of their programs are passed on to the state), local districts (although this varies), and private providers. The State Department of Education does provide some limited professional development programs. Typically, institutions of higher education are involved in professional development if they are in a collaborative with a local district.

There are sixteen RESAs in the state. The RESAs have traditionally provided professional development to districts. Local systems that belong to the RESA pay a per student fee to belong. Each RESA board is made up of the superintendents of its member school districts. RESAs ask districts what professional development they need and then work to provide it. RESAs also provide districts support in developing their SIPs and the professional development component of those SIPs. RESAs are funded through pass-through monies provided by the state department of education.

RESAs have been fairly independent across the state. There has been a recent reorganization to try to coordinate their efforts more and to bring a greater level of standardization to some of their work.

Findings

The state is developing an infrastructure for professional development by coordinating disparate providers, aligning policy and linking teacher development to school improvement and student achievement. It is important to note, however, that while we learned of these disparate activities and their link, only a few state-level respondents knew of the macro plan with respect to professional development. Most respondents knew only of one or two of the elements.

Both general and special education teachers need training in the QCC, instructional strategies, differentiated instruction, accommodations and modifications. One of the biggest barriers to including students with disabilities cited was teachers' lack of knowledge and skills in teaching that student population. General education teachers were generally credited with knowing the curriculum, but not how to teach it to a diverse student populations. Special education teachers were credited with being able to modify

instruction based on student needs, but not being familiar enough with the QCC to teach the general curriculum. RESA responders noted that the QCC is so broad that both sets of teachers need help in learning how to prioritize the curriculum.

Policymakers, parents and community agency personnel report teachers and administrators attitudes as one of the greatest barriers to including students with disabilities in assessment, accountability and the QCC. However, local administrators and teachers report that their reluctance is due to concerns over funding, training, scheduling and lack of planning time.

Summary

While several of the respondents pointed to poor professional development systems in the past, it does appear that the state is beginning to address this through new requirements linking professional development to student achievement and by coordinating the disparate providers of professional development into a comprehensive system statewide.

Recommendations

The state should utilize and expand sound teacher training programs as a way to ameliorate teacher "attitude" problems. The difference in opinion between the educators in the schools and the policymakers and families outside the school regarding teacher "attitude" toward inclusion is striking. Actual exposure to successful inclusive programs, along with specific preparation and support for including students with disabilities, has been shown to dramatically improve teachers' sense of ability to successfully work with students with disabilities and their attitudes toward inclusion (National Association of State Boards of Education, 1996).

The state should focus on infusing successful professional development programs and practices into the emerging professional development infrastructure. Fortunately, there is a research literature that documents the best practices for successfully including students with disabilities into the general education program. This includes, structured environments and predictable routines (Vail & Harrington, 1993); thematic curriculum (Mandelbaum, 1989); phonemic instruction (Blachman, 1994; Lovitt & Hurlburt, 1974; Ramsey, 1995; Singh & Singh, 1988); teaching students how to learn (Harris, Graham & Pressley, 1992; Larson & Gerber, 1992; Palinesar, 1986; Wong, 1979); teaching in cooperative learning groups (Dugan, et al, 1995); teaching to students' different learning styles (Dunn, 1996; Gardner, 1983; and Sternberg, 1994); utilizing collaborative teacher consultation models (Giangreco et al., 1993; Florida Department of Education, 1989, 1990; Peck, Killen & Baumgart, 1989; Adamson, Cox & Schuller, 1989); and co-teaching (Walter-Thomas, 1997). These practices are also documented to enhance the performance of low-achieving students and diverse student populations.

Infusing "what works" into professional development and the professional development infrastructure in Georgia, requires systematic review of discretionary-funded projects, i.e., those special projects funded by the state, either through the Developmental Disabilities Council, the Georgia Department of Education, or Georgia universities and

colleges. Projects that employ best practices and are successful in supporting students with disabilities such as WINS and WINNING TEAM should be moved into the emerging statewide RESA structure. In this way, the projects can train RESA staff to implement the programs in their member districts, districts across the state can get equal exposure to the projects that have been successful, and these projects can be better coordinated with other improvement efforts directed by the RESAs.

Conclusion

As has been noted throughout this report, Georgia is in the midst of a very ambitious reform aimed at improving the achievement of *all* students in the state, including those with disabilities. This reform holds a great deal of promise for students with disabilities as there is now specific state policy that holds districts and schools accountable for ensuring that the majority of students with disabilities have access to the general curriculum and show progress on mastery of that curriculum. Furthermore, the consistent support that state policymakers are giving this reform provides hope that Georgia will, indeed, see long-term gains in student achievement.

While Georgia has the foundation set, for students with disabilities, the key will be to develop a curriculum and professional capacity throughout the state to provide a quality education in the general program. It is our opinion, based on this study, that while there are pockets of excellence throughout the state, a statewide capacity to support students with disabilities in this reform does not yet exist. The state has invested heavily in professional development programs that have documented successes in including students with disabilities in educational reform. However, the research literature suggests that sustaining these programs will be problematic without systemic change (Fullan, 1994; Fullan & Stiegelbauer, 1991). By reforming the curriculum, standardizing the alternate assessment, coordinating special education accountability with general education accountability, revising the special education funding formula, and focusing on the capacity of all teachers to teach all students, we feel that the state will have created the conditions conducive to enhancing and sustaining the achievement of students with disabilities.

Attachment B



UNITED STATES DEPARTMENT OF EDUCATION
OFFICE OF INSPECTOR GENERAL

Audit Services
Region IV

April 7, 2010

Mrs. Kathy Cox
State Superintendent of Schools
Georgia Department of Education
2066 Twin Towers East
Atlanta, GA 30334

Dear Mrs. Cox:

This **final audit report**, Control Number ED-OIG/A04J0003, presents the results of our audit titled *Georgia Department of Education's Controls Over Performance Data Entered in EDFacts*. The objectives of the audit were to 1) determine whether the Georgia Department of Education (GaDOE) and Clayton County Public School (CCPS) District established adequate systems of internal control to provide accurate education data to EDFacts, and 2) evaluate GaDOE's use of program reviews as a monitoring tool for local educational agencies (LEA). Our audit covered selected CCPS EDFacts data for the 2006-2007 school year and program reviews performed by GaDOE for the 2006-2007 and 2007-2008 school years.

For a complete list of acronyms/abbreviations used in this report, see Appendix A.

BACKGROUND

The U.S. Department of Education's (Department) EDFacts system¹ is a central repository that consolidates Kindergarten through 12th grade (K-12th) education information collected from 52 State Educational Agencies (SEA). SEAs submit required data files through the Education Data Exchange Network (EDEN) Submission System (ESS)² component of EDFacts as required by 34 C.F.R. § 80.40 and Federal Register Volume 72. The internet-based collection process simplifies reporting and improves the timeliness of the K-12th grade information that is required for annual and final grant reporting, specific program mandates, and the Government Performance and Results Act. EDFacts data are used for planning, policy, and management at the Federal, State, and local levels.

¹ The system is managed by the Office of Planning, Evaluation, and Policy Development (OPEPD) and was previously called the Education Data Exchange Network (EDEN).

² The EDFacts System has three components – the ESS collects required data submission; the EDEN Survey Tool collects supplementary data submission, such as data for the Civil Rights Data Collection and the Indian Education Formula Grant Program Application; and the EDEN staging database holds newly submitted data.

The EDFacts initiative was funded in 2003, operational by 2004, and mandated for use by SEAs starting with the 2006-2007 school year. According to the EDFacts Fiscal Year (FY) 2011 Office of Management and Budget (OMB) Exhibit 300 submitted to OMB in September 2009, the Department has spent approximately \$78.6 million on the EDFacts system from its inception through FY 2009.

GaDOE oversees public education throughout the State of Georgia, with more than 2,500 schools and 1.6 million students. It ensures that laws and regulations pertaining to education are adhered to and State and Federal funds appropriated for education are properly allocated to its 182 LEAs. For the 2006-2007 school year, GaDOE allocated more than \$375 million of Title I funds to its LEAs.

GaDOE has submitted performance and other data through ESS since the 2003-2004 school year (reporting 2002-2003 school year data). GaDOE requires LEAs to submit specific data to the Georgia Statewide Student Information System (GSSIS). Using the Department's EDEN file specification documents as guidance, GaDOE extracts selected data from GSSIS and submits it to EDFacts.

CCPS, located in Jonesboro, is the sixth largest school district in Georgia, serving more than 50,000 students in 33 elementary schools, 13 middle schools, and 8 high schools. The chart below lists Department funded programs that CCPS participates in and the amount it was allocated for each program for the 2006-2007 school year.

CCPS Allocation by Department Program

Name of Department Funded Program	Amount Allocated to CCPS for 2006-2007 School Year
Title I-A	\$18,134,586
Title II-A	\$2,149,169
Title II-B	\$24,206
Title II-D	\$453,491
Title III-A	\$676,999
Title IV-A	\$413,219
Title V-A	\$137,786
Reading First	\$2,168,529

AUDIT RESULTS

We found that neither CCPS nor GaDOE established adequate systems of internal control to ensure that accurate, reliable, and complete data were entered in EDFacts. As a result, CCPS and GaDOE reported inaccurate or unsupported data, including dropouts, graduates, and discipline incidents. Specifically, CCPS and GaDOE underreported dropouts and discipline incidents. In addition, we found that GaDOE's use of program reviews as a monitoring tool for LEAs was insufficient to ensure the accuracy of data reported.

Without sufficient controls to ensure the accuracy of data, CCPS was providing inaccurate or unsupported data to GaDOE for reporting to EDFacts. Based on the findings at CCPS, GaDOE could

be receiving the same type of inaccurate data from its remaining LEAs. The Department relies on the reported data in EDFacts and could be making planning, policy, and management decisions based on inaccurate or unreliable data.

In its comments to the draft report, GaDOE did not concur with either of the two findings nor did it concur with draft Recommendations 1.4 through 1.7 and Recommendations 2.1 and 2.2. GaDOE stated that the report findings were based on “program requirements” when no such requirements exist in Federal law, regulation, or guidance. GaDOE claimed that its practices and internal controls met Federal regulations and guidance. GaDOE did not state whether or not it concurred with draft Recommendations 1.1 through 1.3 and Recommendation 2.3.

GaDOE’s comments did not provide sufficient information nor did it provide additional documentation in support of its nonconurrence with the Findings and draft Recommendations 1.4, 1.7, 2.1, and 2.2. We deleted draft Recommendations 1.5 and 1.6 based on GaDOE actions subsequent to the scope of our audit, which effectively addressed the recommendations. Draft Recommendation 1.5 recommended that GaDOE clearly communicate responsibilities for GSSIS’ triggered edit codes requiring resolution; and draft Recommendation 1.6 recommended that GaDOE define violent incidents using the *U.S. Department of Education – Education Data Exchange Network (EDEN) N030-Discipline Incidents File Specifications*, Version 4.0, SY 2007-08 as guidance. For the current school year, GaDOE guidance requires that data submission errors related to our finding³ be resolved by the school districts (draft Recommendation 1.5); and GaDOE provided definitions of violent incidents in its 2007-2008 Consolidated State Performance Report (CSPR) (draft Recommendation 1.6).

In response to comments from the Department’s Program Offices, we added a new Recommendation 1.6 pertaining to GaDOE’s lack of monitoring over LEA reported discipline incidents not classified as PDS offenses.

GaDOE’s comments are summarized after each finding in the report. The full text of its comments to the draft report is included as an attachment to the report.

Summary of Changes to Recommendations

Based on GaDOE actions subsequent to the scope of our audit, we deleted draft Recommendations 1.5 and 1.6. As a result of the deleted Recommendations, draft Recommendation 1.7 is now 1.5. Based on the Department’s Program Offices’ comments, we added a new Recommendation 1.6.

³ Submission errors that are triggered when students are reported as transferred from one Georgia school to another but not included in the list of registered students in any Georgia school, which previously only triggered warnings that were not required to be resolved.

FINDING NO. 1 - Inadequate Systems of Internal Control Over Reported Data

We found that CCPS did not have sufficient controls to ensure that accurate, reliable, and complete data were reported to GaDOE; and GaDOE did not have sufficient controls to ensure the accuracy, reliability, and completeness of the LEA reported data it submitted to ED Facts. As a result, both CCPS⁴ and GaDOE provided inaccurate, incomplete, or unsupported data related to dropouts, graduates, and discipline incidents. Specifically, we found that

- CCPS did not maintain sufficient documentation supporting dropout, graduate, or discipline incident classifications; and reported inaccurate and incomplete dropout and discipline data to GaDOE.
- GaDOE lacked a sufficient system of internal controls to ensure that it reported to ED Facts all of the data classified by its LEAs as reportable; and to ensure that its LEAs reported accurate, reliable, and complete information.

Clayton County Public Schools

CCPS did not provide or maintain sufficient documentation supporting the number of students reported to GaDOE as dropouts and graduates. In addition, CCPS underreported dropout data and it reported inaccurate, incomplete, and unsupported discipline data.

Insufficient Documentation Supporting Classifications

CCPS did not provide sufficient documentation supporting the number⁵ of students it reported to GaDOE as dropouts and graduates nor could it provide documentation of its evaluation of students with consecutive days of unexcused absence for classification as dropouts. Further, CCPS could not identify Department policy⁶ governing the identification of dropouts.

We reviewed a sample of 9 of 177 CCPS dropouts in grades 7 through 12 reported to ED Facts for the 2006-2007 school year and found that CCPS could not provide documentation or information supporting the identification of those 9 students as dropouts.⁷ In addition, in our review of 20 of the 2,025 CCPS graduates reported in ED Facts, CCPS provided documentation supporting that 18 students met graduation requirements, but no documentation was provided for the remaining 2. According to the Georgia Retention Schedule for Local Government Records, students' official records, which include transcripts and standardized test scores, are required to be maintained permanently. Students' transcripts and standardized test scores provide support that graduates met graduation requirements.

CCPS provided a manual entitled, *Clayton County Public Schools Comprehensive Attendance Plan* to explain its process for identifying dropouts for the 2006-2007 school year. However, the manual only discusses the dropout classification for students who accumulate 10 or more consecutive days of

⁴ LEAs, including CCPS, report the data to GaDOE. GaDOE then submits the reported data for all of its LEAs to ED Facts.

⁵ Student names are not reported to ED Facts, only student counts.

⁶ Can be found in Part I of the Consolidated State Performance Report, and the *U.S. DEPARTMENT OF EDUCATION - Education Data Exchange Network (EDEN) N032 - Dropout File Specifications, Version 3.0, SY 2006-2007*.

⁷ The codes used to report these 9 students to GaDOE as dropouts include O-Adult Education/Postsecondary, E-Expelled, R-Removed for Lack of Attendance, and I-Incarcerated.

unexcused absences. The manual provides a process for withdrawing these students and assigning them a withdrawal code that represents a dropout. The process requires

- Numerous phone calls to all telephone numbers in the student's file;
- Various letters sent to last known home addresses;
- Referral of the student to a school social worker; and
- Confirmation sent to the school principal or designee from the school social worker stating that the student's whereabouts are unknown.

According to the manual, upon completion of its dropout determination process, CCPS is required to withdraw students classified as dropouts using a code "R-Removed for Lack of Attendance" or "U-Unknown." Both of the withdrawal codes identify those students as dropouts in the State of Georgia,⁸ and all contact attempts are required to be maintained in the student's permanent records. According to the Georgia Retention Schedule for Local Government Records, students' official records are required to be maintained permanently.

We found that CCPS did not follow its policies and procedures for evaluating and identifying dropouts. We reviewed all 15 CCPS students with consecutive days of unexcused absences of 50 days or more who were not withdrawn or reported as dropouts.⁹ CCPS could not provide any documentation supporting its evaluation of any of the 15 students reviewed. Without the proper documentation supporting the decision to report or not report a student as a dropout, CCPS may not be identifying and reporting all dropouts and may be reporting students as dropouts who do not meet the definition.

In addition, we found that CCPS' manual does not give a comprehensive definition of dropouts nor did it refer to the Department's definition. According to the *U.S. DEPARTMENT OF EDUCATION - Education Data Exchange Network (EDEN) N032 - Dropout File Specifications, Version 3.0, SY 2006-2007*,

A dropout is defined as a student who:

- a) was enrolled in school at some time during the school year and was not enrolled on October 1 of the following school year, or
- b) does not enroll in school by October 1 of the school year although expected (i.e., not reported as a dropout for the previous school year), and has not graduated or completed a state or district-approved educational program, and does not meet any of the following 3 conditions, (1) transferred to another public school district, private school, or state- or district-approved educational program, (2) out on a school-recognized absence due to suspension or illness, or (3) dead.

⁸ According to the *Georgia Department of Education - FY 2007 FTE Data Collection Data File Layout*, the following withdrawal codes represent dropouts: B-Marriage, E-Expelled, F-Financial Hardship/Job Related, I-Incarcerated, L-Low Grades/School Failure, M-Military/Student enlisted in Military, O-Adult Education/Postsecondary, P-Pregnant/Parent, R-Removed for Lack of Attendance, S-Serious Illness/Accident, and U-Unknown.

⁹ CCPS and GaDOE provided the information for the 2006-2007 school year, listing a total of 309 students with consecutive unexcused absences of 10 or more days, 15 of which had consecutive unexcused absences of 50 days or more.

The Federal guidance further states that grades 7 through 12 dropout numbers for the 2006-2007 school year are to be reported in EDFacts.

According to CCPS, as part of its controls over classification of dropouts, it periodically provides a list of reported dropouts to the schools that reported them, requesting that the schools verify that the students are actually dropouts. However, the periodic reports to schools on dropouts do not ensure that CCPS is identifying all dropouts, only that the dropouts that have been identified have been verified by the school. Because CCPS could not provide documentation to support 1) the identification and classification of 9 students reviewed as dropouts, and 2) the evaluation of an additional 15 students with 50 consecutive days of unexcused absences to determine the dropout status, we determined that CCPS cannot rely on the periodic reports to confirm that students identified as dropouts are actually dropouts. CCPS lacks sufficient controls to ensure complete reporting of dropouts; and it also may be reporting students as dropouts who do not meet the definition of a dropout. In addition, as discussed in the following section, CCPS has not been identifying and reporting all dropouts.

Underreported CCPS Dropout Data

CCPS did not identify and report all dropouts to GaDOE for reporting to EDFacts for the 2006-2007 school year because it lacked sufficient controls. As a result, its dropout data in EDFacts are understated and, therefore, unreliable.

We compared CCPS District Office's list of 508 students identified as dropouts and no-shows for the 2006-2007 school year to GaDOE's list of 215 students¹⁰ that supports the CCPS dropout count reported in EDFacts. We found that 293 students on CCPS' list were not included on GaDOE's list.¹¹ Of the 293 CCPS dropouts and no-shows in question, we found that 102 of them¹² met the Department's definition¹³ of a dropout (definition detailed in previous section - CCPS, *Insufficient Documentation Supporting Classifications*), and therefore should have been reported to GaDOE and EDFacts as dropouts. Specifically, the Department's guidance¹⁴ provides that any student who meets the definition of a dropout according to the 2005-2006 guidance but is not reported as a dropout for the 2005-2006 school year meets the definition of a dropout for the 2006-2007 school year as long as that student does not meet the other three conditions described in the guidance and has not graduated.

Of the 102 students who met the Department's definition of a dropout, CCPS reported 3 of them to GaDOE as grades 7 through 12 dropouts.¹⁵ However, these three students did not appear on GaDOE's list of dropouts that supports the 2006-2007 CCPS dropout count in EDFacts. Although the remaining 99 students were all no-shows, CCPS reported all 99 students to GaDOE with a withdrawal

¹⁰ Of the 215 students, 177 were in grades 7 through 12 and 38 in grade levels below 7th.

¹¹ The remaining 215 students on CCPS' list were included on GaDOE's list of dropouts.

¹² Of the 102 students, 56 were in grades 7 through 12, required to be reported to EDFacts, and 46 were in grade levels below 7th, reporting optional. However, GaDOE opted to report dropouts from all grade levels for the 2006-2007 school year.

¹³ See page 4 of this report for the Department's guidance on the identification of dropouts.

¹⁴ U.S. DEPARTMENT OF EDUCATION - Education Data Exchange Network (EDEN) N032 - Dropout File Specifications, Version 3.0, SY 2005-2006 and Version 3.0, SY 2006-2007.

¹⁵ The withdrawal/dropout codes CCPS reported for the three students for the October Full-Time Equivalent (FTE) Count for the 2006-2007 school year were "U-Unknown" or "O-Adult/Postsecondary Education."

code "T" - Transfer to another public school system in Georgia or under the jurisdiction of the Department of Juvenile Justice, for the October Full-Time Equivalent (FTE) Count for the 2006-2007 school year without any support to justify this designation.

CCPS did not follow GaDOE's policies and procedures in reporting the 99 students. Specifically, CCPS did not report the students correctly as "no-shows." According to the *Georgia Department of Education - FY 2007 FTE Data Collection Data File Layout*, "no-show refers to a student who started the enrollment process but subsequently did not attend the school. This is indicated by an appropriate withdrawal code and a withdrawal date of 06/16/2006."

CCPS coded all 99 no-shows with the "T" withdrawal code without any notification to indicate that the students had either transferred or were planning to transfer to another public school in Georgia or were under the jurisdiction of the Department of Juvenile Justice. CCPS could not provide any documentation to support the students' transfer status. Examples of documentation that would indicate support for use of the "T" withdrawal code could include 1) notice provided by the parent or student informing the school/CCPS district office that the student was transferring to another public school in Georgia, 2) withdrawal forms, or 3) a request from another public school in Georgia for the student's transcripts/permanent records. In addition, GaDOE could not locate a 2006-2007 enrollment record for any of the 99 students reported as a transfer with withdrawal code "T."

Without notification indicating that the 99 students transferred or were planning to transfer to another public school in Georgia, CCPS should not have reported them to GaDOE with a withdrawal code "T" indicating transfer. These students should have been reported with a withdrawal code of "U - Unknown," which is classified as a dropout in the State of Georgia. Because CCPS reported the dropouts as transfers, the dropout count reported in ED Facts was understated for the 2006-2007 school year by 99 students¹⁶ - 53 students from grades 7 through 12 and 46 students from grade levels below 7. Since the number of dropouts is used to calculate the dropout rate, and the number of reported CCPS dropouts is understated, CCPS' dropout rate for 2006-2007 is understated as well.

Inaccurate and Unsupported CCPS Discipline Data

We found that CCPS' reported disciplinary data were not sufficiently supported, CCPS inaccurately coded and reported discipline incidents, and it did not report all reportable discipline incidents. CCPS' discipline data issues occurred because it did not monitor or verify discipline incident records at schools to ensure that the incidents were properly labeled, except for offenses that would designate a school as a Persistently Dangerous School (PDS). As a result, CCPS' 2006-2007 discipline data reported in ED Facts were not accurate, reliable, or complete.

GaDOE's GSSIS limits its defined discipline incident codes to report only certain discipline incidents to the State. In addition, GaDOE reports only a select group of the GaDOE defined discipline incident codes in its discipline incident counts¹⁷ reported to ED Facts. Discipline incidents not reported to

¹⁶ The total dropout count is actually underreported by 102 students, the 99 reported as transfers plus the 3 (from grades 7 through 12) that CCPS did report to GaDOE as dropouts, but were not included on GaDOE's list of dropouts.

¹⁷ GaDOE does not report its defined discipline incident codes to ED Facts; rather, it categorizes its discipline incident codes into the following five categories defined by the Department, and then reports the incident counts for each of the five categories to ED Facts: Illicit Drug Related, Alcohol Related, Weapons Possession, Violent Incident With Physical Injury (VIOWINJ), and Violent Incident Without Physical Injury (VIOWOINJ).

GaDOE are not reported to EDFacts. According to the *Georgia Department of Education FY 2007 Student Record Data Collection Data File Layout-Discipline File Layout*,

- Discipline incidents required to be reported to GaDOE include – alcohol, arson, battery, burglary, computer trespass, disorderly conduct, drugs except alcohol, fighting, homicide, kidnapping, larceny/theft, motor vehicle theft, robbery, sexual battery, sexual harassment, sex offenses, threat/intimidation, tobacco, trespassing, vandalism, weapons-knife, weapons-other, other discipline incident, weapons-handgun, weapons-rifle, and serious bodily injury.
- Discipline actions required to be reported to GaDOE include – corporal punishment, in-school suspension (ISS), out-of-school suspension (OSS), expulsion, suspended from riding bus, assigned to Crossroads Alternative School, assigned to Other Alternative School, juvenile or court system referral, other discipline action for a serious incident, and removed from class at teacher's request.

According to the *U.S. Department of Education – Education Data Exchange Network (EDEN) N030-Discipline Incidents File Specifications* Version 3.0, SY 2006-2007, discipline incidents required to be reported to EDFacts are "...infractions by school-aged students...for illicit drugs, alcohol, weapons possession, and violence (as those infractions are defined by the state)." GaDOE did not define violent incidents in its 2006-2007 Consolidated State Performance Report (CSPR). However, consistent with the *U.S. Department of Education – Education Data Exchange Network (EDEN) N030-Discipline Incidents File Specifications*, Version 4.0, SY 2007-2008, GaDOE provided a spreadsheet specifying the following five categories of discipline incidents and the discipline incident codes for each of the five categories to be reported to EDFacts for the 2006-2007 school year.

- Illicit Drug Related (code 07 - Drugs, except alcohol and tobacco)
- Alcohol Related (code 01 - Alcohol)
- Weapons Possession (codes 22 – Weapons-knife; 23 – Weapons-other; 25 – Weapons-handgun; 26 – Weapons-rifle/shotgun)
- Violent Incident With Physical Injury (VIOWINJ) (codes 27 – Serious bodily injury; 03 – Battery; 14 – Sexual battery)
- Violent Incident Without Physical Injury (VIOWOINJ) (code 08 – Fighting)

CCPS reported 3,422 battery, sexual battery, and fighting discipline incidents to GaDOE to include in its count of VIOWINJ and VIOWOINJ incidents reported to EDFacts for the 2006-2007 school year. We randomly selected 39 incidents¹⁸ – 5 incidents from the battery category, 5 incidents from the sexual battery category, and 29 incidents from the fighting category. In our review of the 39 discipline incidents selected, we found that for 21 of the incidents, CCPS either had insufficient or no documentation to support the classification reported; or CCPS incorrectly classified and reported the discipline incidents. Specifically,

- CCPS either did not provide sufficient support or provided no support for the classification of 14 of the 39 incidents reviewed – 2 were battery, 10 were fighting, and 2 were sexual battery.

¹⁸ We reviewed approximately 1 percent of all reported battery, fighting, and sexual battery incidents, selecting random samples from each category in proportion to the total number of incidents in each category.

Examples of the support provided for the incident classification included a Student Incident Maintenance Screenshot from CCPS' student information system and a Clayton County Discipline Record that displays only the incident code without any description or narrative to explain what occurred in the incident. Without supporting documentation we were unable to determine whether the 14 incidents were correctly reported to GaDOE as not being PDS offenses.¹⁹ In addition, according to the Georgia Retention Schedule for Local Government Records, student discipline and suspension records are required to be maintained for 7 years, or until age 22, whichever is shorter.²⁰

- CCPS provided documentation in support of its discipline incident classification for 7 of the 39 incidents reviewed; however, the support provided indicated that the 7 incidents were coded and reported incorrectly to GaDOE and EDFacts. Of the seven incorrectly coded discipline incidents, two incidents did not meet the definition of the GaDOE incident code assigned (battery and fighting) nor did the incidents fit into any of the GaDOE defined discipline incident codes. In accordance with GaDOE requirements, the two incidents are not reportable to GaDOE and, therefore, not reportable to EDFacts.²¹ Although the remaining five incidents did not meet the definition of the GaDOE incident code assigned (battery and sexual battery), the incidents met other GaDOE defined discipline incident codes (other discipline incident, fighting, and sexual harassment) and should have been reported to GaDOE with the appropriate code. However, the codes that should have been reported for these five incidents were not included in the five categories of discipline incidents for which GaDOE reports a count to EDFacts. As such, the incidents should not have been reported to EDFacts.²² None of the seven discipline incidents were reported as PDS offenses and the documentation provided supported that the incidents were not PDS offenses.
- CCPS provided support for the remaining 18 of the 39 discipline incidents reviewed, indicating that those incidents were not PDS offenses and were reported correctly to EDFacts.

We also found that CCPS did not provide clear guidance and monitor the use of the Option 7/Exclude code, which allowed schools' discretion in use of the code. CCPS coded 4,134 discipline incidents, using an "Option7/Exclude" code to exclude those incidents for reporting purposes. However, we found that 4,110 of those incidents should have been reported to GaDOE, and of those that should have been reported to GaDOE, 148 were consistent with the Department's examples of violent incidents and should have been reported to EDFacts.²³

¹⁹ PDS offenses include the following: aggravated battery, aggravated child molestation, aggravated sexual battery, aggravated sodomy, armed robbery, arson-first degree, kidnapping, murder, rape, voluntary manslaughter, 2 percent or more of student population or 10 (whichever is greater) involved with non-felony drugs, felony drugs, felony weapons, and terroristic threats.

²⁰ According to 34 C.F.R. § 80.42, retention and access requirements for records, "all financial and programmatic records, supporting documents, statistical records, and other records of grantees or subgrantees which are: (i) Required to be maintained by the terms of this part, program regulations or the grant agreement, or (ii) Otherwise reasonably considered as pertinent to program regulations or the grant agreement... must be retained for three years..."

²¹ One of the two incidents was included in CCPS' VIOWINJ count reported in EDFacts, and the other was included in CCPS' VIOWOINJ count.

²² The five incidents were included in CCPS' VIOWINJ count reported to EDFacts.

²³ Our determination is based on the discipline incident code and action CCPS assigned to the incidents.

According to the *Clayton County Public Schools – Administrative Disciplinary Guidelines and Resource Manual, 2006-2007*, “Option 7/Exclude, which prevents an incident from being accumulated for state reporting, should be used in a relatively consistent manner throughout the school district as it relates to disciplinary offenses that result in in-school suspension [ISS]....” However, GaDOE defines all ISS actions as reportable, as such, all discipline incidents resulting in ISS should have been reported to the State. CCPS staff explained that the intent of “Option 7/Exclude” was to 1) correct an error in which a student was assigned ISS but did not serve it; and 2) exclude from reporting certain offenses for which ISS was not given to students.

Of the 148 offenses that CCPS should have reported to GaDOE to report to EDFacts based on the discipline incident code and discipline incident action assigned, we selected a random sample of 30 for more detailed analyses. We found that 24 of the 30 incidents should have been reported to GaDOE or to both GaDOE and EDFacts. For the remaining six incidents, CCPS used the “Option 7/Exclude” code in accordance with the explanation provided by the CCPS District Office.

Although it had not defined violent incidents, GaDOE reported violent incident counts on its 2006-2007 CSPR and provided violent incident counts to EDFacts for that same school year. Of the 24 incidents determined to have been reportable, 16 were consistent with incidents reported to GaDOE and EDFacts in the same 2006-2007 school year and included – fighting; bullying; horse-playing/wrestling; and pinching. The remaining eight incidents were serious enough to be considered violent, however, GaDOE did not have defined discipline incident codes for CCPS to report the 8 incidents, which included – pushing a student to ground, then hitting him; kneeling, kicking, and hitting female students in the buttocks; slapping; punching; and choking. Of the 24 reportable incidents, 8 of them should have been reported to GaDOE, and the remaining 16 incidents should have been reported to both GaDOE and EDFacts.

The inaccurate coding and unsupported CCPS discipline incidents, and the failure to report all CCPS discipline incidents required to be reported to EDFacts, indicate that CCPS has insufficient controls over the accuracy of reported discipline data. Except for discipline incidents classified as PDS offenses, CCPS did not monitor or verify discipline incident records at schools to ensure that the incidents are properly labeled.

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GaDOE reported inaccurate CCPS dropout and discipline data to EDFacts for the 2006-2007 school year because it lacked sufficient controls to ensure that 1) it reported to EDFacts all dropouts correctly identified by LEAs, and 2) LEA-reported dropout and discipline data were accurate. As a result, CCPS’ 2006-2007 dropout data in EDFacts is understated, and its EDFacts reported discipline data are inaccurate and incomplete, and therefore, unreliable.

Underreported Dropout Data

GaDOE did not report all dropouts to EDFacts for the 2006-2007 school year. As discussed in the CCPS section above (CCPS, *Underreported CCPS Dropout Data*), we identified 102 CCPS students who met the Department’s definition of dropout but were not included in the dropout count in EDFacts

for the 2006-2007 school year. As a result, GaDOE's dropout data in EDFacts were underreported for the 2006-2007 school year by the 102 CCPS students that we found met the Department's definition.²⁴

Of the 102 students that we identified as having met the Department's definition of a dropout, CCPS reported 3 to GaDOE as grades 7 through 12 dropouts.²⁵ However, GaDOE did not include them in the dropout count reported to EDFacts. For the remaining 99 students, GaDOE did not include those students in the dropout count reported to EDFacts because CCPS erroneously reported them to GaDOE as transfers²⁶ instead of dropouts, and GaDOE did not have sufficient controls to detect such erroneous data. As a result, GaDOE underreported the CCPS dropout count in EDFacts by a total of 102 students²⁷ – 56 students from grades 7 through 12th and 46 students from grade levels below 7th. Because the number of dropouts is used to calculate the dropout rate, CCPS' dropout rate for the 2006-2007 school year is understated as well.

GaDOE's failure to report all dropouts to EDFacts indicates weak controls over the accuracy and reporting of dropout data. GaDOE's Accountability Office stated that it does not monitor or verify LEA reported data. Rather it accepts the LEAs' information as accurate until told otherwise, with the exception of verifying that reported dropouts have not re-enrolled in school. For every student reported to GaDOE as a dropout, the Accountability Office checks for the students' re-enrollment into another school in Georgia. The Accountability Office makes the necessary changes to the student's dropout status if the student has re-enrolled in another school. However, this control does not ensure that all dropouts are identified and reported.

In addition, GaDOE's Data Collections Office stated that it relies on business rules and edits embedded²⁸ in the processing system of the GSSIS to ensure the accuracy of data reported to EDFacts. However, while the business rules and edits may validate the data submitted by LEAs, they cannot always be relied on to ensure the accuracy of the data. For example,

GSSIS' edit code W2562 is triggered when a student is reported to GaDOE with a withdrawal code of "T" and the student ID is not reported at any other school in the system or any other system in the State. Because GaDOE could not locate a 2006-2007 enrollment record for any of the 99 students reported as a transfer with withdrawal code "T" (as discussed in the CCPS section above), the edit code W2562 should have been triggered. The code would have indicated a potential for inaccurate data. According to GaDOE, prior to the 2009-2010 school year, a warning would have been sent to the LEA, indicating that an online explanation was required.

Effective for the 2009-2010 school year, edit code W2562 changed to E2567. As a result, an error report will be sent to the LEA for the current school year when the edit code E2567 is triggered, indicating that a correction to the data must be made before it can be successfully uploaded to GSSIS.

²⁴ See page 4 for the definition.

²⁵ The 9 were reported as dropouts using GaDOE defined withdrawal codes for dropouts – "U-Unknown" or "O-Adult/Postsecondary Education" for the October Full-Time Equivalent (FTE) Count for the 2006-2007 school year.

²⁶ Reported with a withdrawal code "T - Transfer to another public school system in Georgia or under the jurisdiction of the Department of Juvenile Justice."

²⁷ The 99 reported as transfers plus the 3 (from grades 7 through 12th) reported as dropouts to GaDOE, but not reported to EDFacts.

²⁸ Examples of the embedded controls include edits checking for letters inputted into numeric fields; appropriate formatting in fields; values recorded in required fields; and duplication of a student's ID number.

However, had there been a clear, communicated requirement for LEAs or GaDOE to resolve records with edit code W2562 prior to the current school year, the 99 students may have been properly reported as dropouts.

GaDOE's Data Collections Office also stated that the final step in the data reporting process for LEAs is for local superintendents to attest to the accuracy and completeness of the data reported to GaDOE and to attest that all explanatory notes regarding warnings of potentially discrepant data are accurate. However, because GaDOE does not periodically check the accuracy of LEA reported data, it cannot assure itself that the superintendents' attestation is reliable in terms of ensuring the accuracy and completeness of the reported data.

Inaccurate and Unsupported Discipline Data

GaDOE reported inaccurate and unsupported discipline data to EDFacts for the 2006-2007 school year because 1) it lacked sufficient controls to detect erroneous LEA reported discipline data, and 2) it had not clearly defined violent incidents, thereby limiting LEAs' ability to identify and report all violent incidents. As a result, GaDOE/CCPS' discipline data in EDFacts are inaccurate, incomplete, and unreliable.

As discussed in the CCPS section above (CCPS, *Inaccurate and Unsupported CCPS Discipline Data*), from our sample of 39 CCPS battery, fighting, and sexual battery discipline incidents reported to GaDOE and EDFacts for the 2006-2007 school year, 7 of the incidents were reported to GaDOE with incorrect discipline incident codes. However, because GaDOE did not monitor or verify the accuracy of LEA reported discipline data,²⁹ GaDOE reported the incorrectly coded discipline incidents to EDFacts, thereby causing data in EDFacts to be inaccurate.³⁰ For 14 of the 39 sampled incidents, CCPS either did not provide sufficient support or provided no support. Because GaDOE did not ensure that its LEAs maintained support for discipline incidents for the 7 years required by the Georgia Retention Schedule for Local Government Records, or even the 3 years required by 34 C.F.R. § 80.42, the discipline data it reported to EDFacts are unsupported and not reliable.³¹

Also, as discussed in the CCPS section above (CCPS, *Inaccurate and Unsupported CCPS Discipline Data*), we found that from our sample of 30 discipline incidents that CCPS excluded from being reported to GaDOE using an Option 7 Exclude code, 24 should have been reported to GaDOE or both GaDOE and EDFacts. However, because GaDOE does not have controls to ensure that its LEAs report all reportable discipline incidents, the number of reported discipline incidents in GaDOE's GSSIS and in EDFacts is understated.

According to the *U.S. Department of Education – Education Data Exchange Network (EDEN) N030-Discipline Incidents File Specifications, Version 3.0, SY 2006-2007*, discipline incidents required to be reported to EDFacts are "...infractions by school-aged students...for illicit drugs, alcohol, weapons

²⁹ The only exception is that GaDOE does monitor discipline incidents that would designate a school as a Persistently Dangerous School (PDS).

³⁰ Two of the seven incorrectly coded incidents should not have been reported to GaDOE or EDFacts. The other five incorrectly coded incidents should have been reported to GaDOE with a different discipline incident code and should not have been reported to EDFacts at all.

³¹ For the remaining 18 of the 39 discipline incidents reviewed, CCPS provided adequate documentation to support the incidents.

possession, and violence (as those infractions are defined by the state).” We found that GaDOE had not clearly defined violent incidents but rather provided categories and examples of what would be considered a violent incident and limited its reporting of incidents to ED Facts to the categories provided. As a result, we found that CCPS did not report all of its discipline incidents that were serious enough to be considered violent because GaDOE did not have defined discipline incident codes for CCPS to report such incidents (as detailed in a previous section of this report – CCPS, *Inaccurate and Unsupported CCPS Discipline Data*).

Without defined incident codes that include all violence, or an overall code for those incidents that meet the definition of violent but do not fit it to any prescribed classification, violent incidents go unreported in ED Facts. In addition, GaDOE limited its LEAs’ ability to identify and report all violent incidents while at the same time providing LEAs a great amount of discretion in classifying incidents within the categories provided. For example, an LEA may consider an incident as violent with no clear category of reporting and decide to report it as violent in any category, just so that it is reported. However, another LEA may exclude the incident because there is no category for reporting. As a result, discipline data between LEAs within GaDOE may be inconsistent.

Recommendations

We recommend that the Assistant Secretary for Planning, Evaluation, and Policy Development instruct GaDOE to require CCPS to –

- 1.1 Establish and implement systems of internal control to ensure that it identifies and properly reports all dropouts, and maintain the supporting documentation in accordance with prescribed record retention requirements;
- 1.2 Maintain official student records, documenting whether graduates have met all graduation requirements, in accordance with prescribed record retention requirements; and
- 1.3 Establish and implement systems of internal control to ensure that it identifies and properly reports all discipline incidents required to be reported to the State and ED Facts, and maintain the supporting documentation in accordance with prescribed record retention requirements.

We recommend that the Assistant Secretary for Planning, Evaluation, and Policy Development instruct GaDOE to –

- 1.4 Establish and implement systems of internal control to ensure that it identifies and properly reports all dropouts to ED Facts; and
- 1.5 Follow up on issues identified at CCPS, take appropriate action to correct the data, and advise the Department of actions taken.

We recommend that the Assistant Secretary for Planning, Evaluation, and Policy Development, in conjunction with the Assistant Deputy Secretary for Safe and Drug-Free Schools, instruct GaDOE to –

- 1.6 Establish and implement systems of internal control to ensure that non-PDS discipline incidents are accurately classified at the local level.

GaDOE Comments

In its comments to the draft audit report, GaDOE did not concur with the finding and draft Recommendations 1.4 through 1.7. GaDOE objected to the report findings, stating that they were based on “program requirements” that did not exist in Federal law, regulation or guidance. GaDOE maintained that the auditors used criterion that had no relationship to ED Facts program regulations.

Specifically, GaDOE stated that it did not concur with Finding 1 for reasons summarized in its non-concurrence of the following Recommendations.

- 1.4 GaDOE stated it does not concur with Recommendation 1.4 because its internal controls over identifying and properly reporting all dropouts to ED Facts meet Federal regulations and no additional corrective action is needed.
- 1.5 GaDOE stated it does not concur with draft Recommendation 1.5 (which has been deleted) because data resulting in errors or warnings are sent back to the school district, and all errors must be corrected before the LEA’s superintendent signs off. GaDOE stated that it believes its internal controls over resolution of edit codes are in compliance with Federal regulations and no additional corrective action is needed.
- 1.6 GaDOE stated it does not concur with draft Recommendation 1.6 (which has been deleted) because data collected in the 2006-2007 school year should not have to follow guidance issued for the 2007-08 school year since such guidance did not exist at the time the data was collected.
- 1.7 GaDOE stated it does not concur with draft Recommendation 1.7 (currently Recommendation 1.5) because the data collected is archived and used immediately for various purposes; and GaDOE does not allow any changes to the archived data. GaDOE stated that it does not agree that additional corrective action is needed.

GaDOE did not state whether or not it concurred with draft Recommendations 1.1 through 1.3.

OIG Response

GaDOE did not provide sufficient information nor did it provide additional documentation in support of its nonconcurrence with the Finding, Recommendation 1.4, and draft Recommendation 1.7 (which is Recommendation 1.5 in this report). As a result, we did not change the finding. We did, however, delete draft Recommendations 1.5 and 1.6 based on GaDOE’s corrective actions subsequent to the scope of our audit. GaDOE guidance for the current school year (2009-2010) requires that data submission errors related to our finding on dropouts be resolved by the school districts, which effectively addressed draft Recommendation 1.5. In addition, GaDOE provided definitions of violent incidents in its 2007-2008 CSPR, which effectively addressed draft Recommendation 1.6. In addition, in response to the Department’s comments, we added a new Recommendation 1.6 to address GaDOE’s lack of sufficient monitoring of LEA reported discipline incidents not classified as PDS offenses, which allowed inaccurate information to be reported in ED Facts.

As stated in the report, 34 C.F.R. § 80.40 and Federal Register Volume 72 require data collection through ED Facts from all of the States. Also cited in the report are various sources of Federal guidance, which specify the requirements and data set definitions for the data States are required to submit to ED Facts. Federal guidance required States to submit violent incident counts to ED Facts but allowed States to define violent incidents. However, GaDOE reported in its 2006-2007 C SPR that it had not yet defined violent incidents; consequently, we 1) compared CCPS documentation of incidents to incidents that GaDOE reported to ED Facts as violent for the same school year; and 2) applied the categories of incidents that GaDOE used in reporting violent incidents in our review of the discipline incidents. Of the 24 incidents determined to have been reportable, 16 were consistent with incidents reported to GaDOE and ED Facts in the same 2006-2007 school year. CCPS' documentation of eight additional discipline incidents supported a classification that those incidents were serious and of a nature consistent with the Department's examples of violent incidents. The eight incidents cited in the report included pushing a student to the ground then hitting him; kneeling, kicking, and hitting female students in the buttocks; slapping; punching; and choking. However, none of the eight were reported to GaDOE and, therefore, were not reported in ED Facts.

Although GaDOE did not concur with Recommendation 1.4, GaDOE did not provide evidence that its internal controls meet Federal regulations. Among other discrepancies in the dropout data, we found that a significant number of dropouts (102) were not reported in ED Facts but should have been, indicating internal control weaknesses over reported data. As such, we did not change the recommendation.

GaDOE's reasons for its nonconurrence with draft Recommendation 1.7 (Recommendation 1.5 in the final report) does not address why it should not follow-up on issues identified at CCPS. The issues identified in this report, as it pertains to CCPS, indicate systemic problems with CCPS' identification of dropouts and reportable discipline incidents. We maintain that archived data should be corrected, especially, when it could be used to make important planning, policy, and management decisions.

FINDING NO. 2 - Program Reviews Do Not Ensure the Accuracy of Reported Data

GaDOE's use of program reviews as a monitoring tool is not sufficient to ensure the accuracy of LEA reported data. With the exception of the Special Education Office and Title I Cross-Functional Monitoring Reviews, program reviews may be sufficient to determine whether the LEAs were in compliance with applicable program requirements, but they were not sufficient to ensure the accuracy of the data reported. The program reviews for 1) GaDOE's Special Education Office did not contain sufficient documentation to show what was obtained and reviewed for half of the selected reviews for both years; and 2) Title I Cross-Functional Monitoring Team did not contain sufficient documentation to show what was obtained and reviewed for half of the selected reviews for the 2006-2007 school year. As such, we could not determine whether the reviews for those two programs were sufficient to determine LEAs' program compliance. In addition, we found that none of the program reviews selected for the 2006-2007 and 2007-2008 school years included a step to determine the accuracy of the LEAs' reported Title I; Homeless; Career, Technical, Agricultural Education (CTAE); English to Speakers of Other Languages (ESOL); and Special Education data in ED Facts.

With the exception of the ESOL Office, we found that a sufficient number of program reviews were performed for both the 2006-2007 and 2007-2008 school years for the offices reviewed. The results of

our review of GaDOE's five program offices that have data reported in the EDFacts system are detailed in Appendix B.

Although program reviewers may test³² the accuracy of data provided to them while on-site, such tests do not ensure that the same data are reported to GaDOE and EDFacts because program reviews are conducted during the school year while final reporting of data is done after the completion of the school year. Therefore, data presented during program reviews are subject to change throughout the school year. The program reviewers do not test or verify the accuracy of any data that have been reported to EDFacts.

According to 34 C.F.R. § 80.40, "...Grantees are responsible for managing the day-to-day operations of grant and subgrant supported activities. Grantees must monitor grant and subgrant supported activities to assure compliance with applicable Federal requirements and that performance goals are being achieved. Grantee monitoring must cover each program, function or activity." Annual reporting of education data to the Department is a Federal requirement for grantees. Therefore, since GaDOE, as a grantee, submits LEA reported data to the Department (EDFacts), GaDOE is responsible for monitoring its subgrantees' (LEAs) reported data to ensure that they are accurate, reliable, and complete, and to ensure that the LEAs are in compliance with applicable Federal requirements.

The Department obtained approval from OMB to require the electronic submission of data through EDFacts.³³ The Department published Paperwork Reduction Act Notices for this data collection under the title *Annual Mandatory Collection of Elementary and Secondary Education Data for the Education Data Exchange Network* (now EDFacts). According to the Paperwork Reduction Act Submission Supporting Statement - Annual Mandatory Collection of Elementary and Secondary Education Data through EDFacts, data collection through EDFacts from States is mandatory starting with the 2006-2007 school year.

According to Georgia State Board of Education Rule 160-5-1-.07(1)(c), "Georgia Statewide Student Information System (GSSIS) – The GSSIS is the system that will be used to collect data from school systems and to produce Full-Time Equivalent, Student Record, and Discipline reporting requirements beginning in school year 2006-2007." GaDOE uses data in GSSIS to report to EDFacts.

GaDOE's weak controls in ensuring the accuracy of EDFacts reported data could be partly due to its program reviewers not being familiar with the EDFacts system. Only three program office staff from all five offices with program reviews evaluated stated that they had knowledge of the EDFacts system; and neither of the three program office staff with knowledge of the system verified data in EDFacts. In addition, four of the program office staff stated that they do not have access to EDFacts and three of the four stated that they do not have access to the GSSIS.

Because GaDOE does not ensure the accuracy of reported EDFacts data, LEAs could be providing inaccurate or unsupported performance data to GaDOE, for reporting to EDFacts. Data in EDFacts are used to pre-populate some parts of the CSPR that SEAs are required to submit to the Department annually. EDFacts also provides data for planning, policy, and management at the Federal, State, and local levels. Because GaDOE does not have sufficient controls to ensure the accuracy of data in

³² The results of their program reviews are presented in program review reports.

³³ See Federal Register Vol. 72.

EDFacts, GaDOE could be providing inaccurate data to decision makers for use in making planning, policy, and management decisions. An added step to program reviews to check the quality of reported data in its monitoring visits to LEAs could significantly reduce the risk of LEAs providing inaccurate or unsupported data to GaDOE.

Recommendations

We recommend that the Chief Financial Officer, in conjunction with the Assistant Secretary for Elementary and Secondary Education and the Assistant Secretary for Special Education and Rehabilitative Services, instruct GaDOE to –

- 2.1 Require its program reviewers to test the accuracy of EDFacts reported data; and
- 2.2 Require Special Education program reviewers to document what is obtained and reviewed during program reviews in support of its monitoring efforts at LEAs.

We recommend that the Assistant Secretary for Planning, Evaluation, and Policy Development request Georgia's Governor's Office of Student Achievement³⁴ to –

- 2.3 Review reported education data for a sufficient number of LEAs each year to provide reasonable assurance that Georgia's EDFacts data are accurate.

GaDOE Comments

In its comments, GaDOE stated that it does not concur with Finding 2 for the reasons summarized in its nonconcurrency of Recommendations 2.1 and 2.2.

2.1 GaDOE stated it does not concur with Recommendation 2.1 because program reviews are not required to "test the accuracy of EDFacts reported data." GaDOE added that the Federal EdFacts office uses the same data verification procedures that are currently used by GaDOE. GaDOE maintained that its program reviews are modeled after the program reviews conducted by the Department and follow the Federal regulations set forth by their respective Program Office. In addition, GaDOE stated that its current process of having the LEA superintendent sign off and attest to the certification is a sufficient control.

2.2 GaDOE stated it does not concur with Recommendation 2.2 because its Special Education program reviews are documented as required by Federal law.

GaDOE did not state whether or not it concurred with Recommendation 2.3.

OIG Response

GaDOE did not provide sufficient information nor did it provide additional documentation in support of its nonconcurrency. As a result, no changes were made to the finding and related recommendations.

³⁴ The Official Code of Georgia Annotated (O.C.G.A.) 20-14-26 authorizes the Governor's Office of Student Achievement to audit and inspect the records of Pre-Kindergarten-12 grade schools, as well as colleges and universities.

Per 34 C.F.R. § 80.40 and Federal Register Volume 72, annual reporting of education data to the Department through ED Facts is required of grantees; and GaDOE, as a grantee, submits LEA reported data to the Department (ED Facts). As such, GaDOE is responsible for monitoring its subgrantees' (LEAs) reported data to ensure that they are accurate, reliable, and complete, and to ensure that the LEAs are in compliance with applicable Federal requirements.

Although having the LEA superintendents sign-off and attest to the reported data is an important control, it should not be the only control because it does not provide sufficient control over the accuracy of the reported data, as evidenced by the findings detailed in this audit report. CCPS reported inaccurate and incomplete dropout and discipline data to GaDOE for the 2006-2007 school year. GaDOE should have a monitoring process for periodically verifying the accuracy of LEA reported data in ED Facts. Absent an adequate monitoring process, GaDOE has no assurance that the superintendents' attestation is sufficient to ensure the accuracy and completeness of the reported data.

GaDOE provided no additional support for its assertion that the documentation of its Special Education program reviews is in compliance with Federal law, as such, no change was made to the recommendation.

OBJECTIVES, SCOPE, AND METHODOLOGY

The objectives of the audit were to 1) determine whether GaDOE and CCPS established adequate systems of internal control to provide accurate education data to ED Facts; and 2) evaluate GaDOE's use of program reviews as a monitoring tool for LEAs. Our audit covered selected CCPS ED Facts data for the 2006-2007 school year and program reviews performed by GaDOE for the 2006-2007 and 2007-2008 school years.

To determine the policies, procedures, and controls over the accuracy of education data, we obtained and reviewed Federal and State (Georgia) laws, regulations, policies, procedures, and guides, and CCPS guidance and regulations. We interviewed officials in the Governor's Office of Student Achievement, GaDOE officials in its offices of Data Collections, Assessments, Accountability, Title I, Special Education, Safe and Drug-Free Schools, CTAE, ESOL, and Migrant Education; and CCPS officials in its departments of Technology, Learning Support Services, Student Services, Exceptional Students (Special Education), CTAE, ESOL, and Homeless Education.

To determine whether graduates included in the CCPS graduate count reported to ED Facts for the 2006-2007 school year met graduation requirements, we obtained from GaDOE the list of 2,025 CCPS graduates supporting the regular diploma graduate count reported to ED Facts. We selected a random sample of 20 graduates and requested the documentation showing that the 20 graduates met graduation requirements.

To determine whether CCPS followed its own process for identifying and withdrawing as dropouts, students who accumulated 10 or more consecutive days of unexcused absences, we obtained 1) a list of all students that accumulated 10 or more consecutive days of unexcused absences during the 2006-2007 school year, and 2) the withdrawal and dropout data for CCPS students for the 2006-2007 school

year from both GaDOE and CCPS. From the universe of 309 students in grades 7 through 12 who accumulated consecutive days of unexcused absences of 10 days or more and were not withdrawn or reported as dropouts, we reviewed all 15 students with consecutive days of unexcused absences of 50 days or more.

To determine whether CCPS students included in the dropout count reported to EDFacts for the 2006-2007 school year met the definition of a dropout, we obtained from GaDOE the list of 177 CCPS dropouts supporting the grades 7 through 12 dropout count reported to EDFacts. We reviewed a random sample of nine dropouts, which is 5 percent of the population.

We compared CCPS District Office's list of 508 students identified as dropouts and no-shows for the 2006-2007 school year to GaDOE's list of 215 students that supports the CCPS dropout count reported in EDFacts. For the 293 students on the list provided by the CCPS District Office that were not provided by GaDOE, we obtained and reviewed withdrawal and enrollment information on each of the 293 students in question to determine whether they should have been reported to GaDOE and EDFacts as dropouts.

To determine whether CCPS' 3,422 battery, sexual battery, and fighting incidents reported to EDFacts for the 2006-2007 school year should have been reported to GaDOE as aggravated battery or aggravated sexual battery (offenses that count toward a school's PDS designation), we reviewed a random sample of discipline incidents (totaling 39) from each of the 3 categories in proportion to the total number of incidents in each category (1 percent of population).

To determine whether CCPS discipline incidents were excluded from being reported to GaDOE and EDFacts for the 2006-2007 school year, we obtained a list of all discipline incidents that were assigned an Option 7/Exclude code for the 2006-2007 school year. Of the 4,134 discipline incidents assigned an Option 7/Exclude code, we determined that 148 should have been reported to EDFacts based on the code and incident action assigned. Of the 148 discipline incidents, we reviewed a random sample of 30 to determine whether CCPS appropriately used the Option 7/Exclude code, which would be supported by documentation proving that the students either did not serve the assigned discipline action or were not assigned ISS or other reportable action.

To evaluate GaDOE's use of program reviews as a monitoring tool for LEAs we identified GaDOE's five program offices that have data reported in the EDFacts system. For each of the five program offices, we determined the number of LEA program reviews performed that resulted in findings (230) and the number that did not result in findings (149), for both the 2006-2007 and 2007-2008 school years. For each of the five program offices, we reviewed a random sample of 15 percent of each universe or 5, whichever was greater, for each of the 2 years. In evaluating the program reviews, we determined 1) the sufficiency of the reviews in ascertaining LEA program compliance, 2) whether a sufficient number of reviews were performed each year, and 3) whether testing the accuracy of EDFacts data was included in the scope of the reviews.

The audit itself was a test of the reliability of computer-processed data in EDFacts. As discussed in Finding No. 1, we found inaccurate GaDOE/CCPS EDFacts data specifically pertaining to dropouts and discipline incidents.

We conducted our fieldwork at GaDOE, located in Atlanta, Georgia, and at CCPS, located in Jonesboro, Georgia. Our on-site visits at the two locations took place between January 2009 and May 2009. Our followup of the visits and analyses continued through September 2009. An exit conference was held with selected officials from GaDOE and CCPS on October 20, 2009.

We conducted this performance audit in accordance with generally accepted government auditing standards. Those standards require that we plan and perform audits to obtain sufficient, appropriate evidence to provide a reasonable basis for our findings and conclusions based on our audit objectives. We believe that the evidence obtained provides a reasonable basis for our findings and conclusions based on our audit objectives.

ADMINISTRATIVE MATTERS

Statements that managerial practices need improvements, as well as other conclusions and recommendations in this report, represent the opinions of the Office of Inspector General. Determinations of corrective action to be taken will be made by the appropriate Department of Education officials.

If you have any additional comments or information that you believe may have a bearing on the resolution of this audit, you should send them directly to the following Department of Education officials, who will consider them before taking final Departmental action on this audit:

Carmel Martin
Assistant Secretary
Office of Planning, Evaluation, and Policy Development
U.S. Department of Education
400 Maryland Avenue, S.W.
Washington, DC 20202

Kevin Jennings
Assistant Deputy Secretary
Office of Safe and Drug-Free Schools
U.S. Department of Education
400 Maryland Avenue, S.W.
Washington, DC 20202

Thelma Melendez de Santa Ana
Assistant Secretary
Office of Elementary and Secondary Education
U.S. Department of Education
400 Maryland Avenue, S.W.
Washington, DC 20202

Alexa Posny
Assistant Secretary
Office of Special Education and Rehabilitative Services
U.S. Department of Education
400 Maryland Avenue, S.W.
Washington, DC 20202

It is the policy of the U. S. Department of Education to expedite the resolution of audits by initiating timely action on the findings and recommendations contained therein. Therefore, receipt of your comments within 30 days would be appreciated.

In accordance with the Freedom of Information Act (5 U.S.C. § 552), reports issued by the Office of Inspector General are available to members of the press and general public to the extent information contained therein is not subject to exemptions in the Act.

Sincerely,

/s/

Denise M. Wempe
Regional Inspector General for Audit

Attachment

Appendix A

Acronyms/Abbreviations Used in this Report

AYP	Academic Yearly Progress
CCPS	Clayton County Public Schools
CSPR	Consolidated State Performance Report
CTAE	Career, Technical, and Agricultural Education
Department	U.S. Department of Education
EDEN	Education Data Exchange Network
ESOL	English to Speakers of Other Languages
ESS	Education Data Exchange Network (EDEN) Submission System
FTE	Full-time Equivalent
FY	Fiscal Year
GaDOE	Georgia Department of Education
GSSIS	Georgia Statewide Student Information System
ISS	In-school Suspension
K-12 th	Kindergarten through 12th
LEA	Local Educational Agency
OMB	Office of Management and Budget
OPEPD	Office of Planning, Evaluation, and Policy Development
OSS	Out-of-school Suspension
PDS	Persistently Dangerous Schools
SEA	State Education Agency
SY	School Year
VIOWINJ	Violent Incident With Physical Injury
VIOWOINJ	Violent Incident Without Physical Injury

Appendix B

Summary Results of Selected Program Reviews

Program Office	Program Review Year	Sample Size	Percent of Sampled Reviews Sufficient ^(a) in Determining LEA Program Compliance, or Undeterminable	Sufficient ^(b) Number of Reviews Performed	Percent of Reviews that did not Test Accuracy of EDFacts Data
Title I Cross-Functional Monitoring ^(c)	2006-07	12	41.7% suffic. 58.3% undeterm.	Yes; 1/3 of LEAs	100%
	2007-08	13	100% suffic.	Yes; 1/3 of LEAs	100%
Title X, McKinney-Vento Homeless	2006-07	8	100% suffic.	Yes; all LEAs ^(d)	100%
	2007-08	9	100% suffic.	Yes; all LEAs ^(d)	100%
Perkins IV CTAE	2006-07	6	100% suffic.	Yes; 1/5 of LEAs	100%
	2007-08	6	100% suffic.	Yes; 1/5 of LEAs	100%
Title III - ESOL	2006-07	n/a ^(e)	n/a	n/a	n/a
	2007-08	5	100% suffic.	Yes; 1/3 of LEAs	100%
IDEA -- Special Education	2006-07	11	45.5% adeq. 54.5% undeterm.	Yes; 1/3 of LEAs	100%
	2007-08	10	50% adeq. 50% undeterm.	Yes; 1/3 of LEAs	100%

(a) Sufficient - the review included a sufficient number of documented review questions/answers; and if there were any findings, then explanations and recommendations were included.
(b) Sufficient number of reviews - at least 1/5 of the LEAs are reviewed each year
(c) Includes a combined review of Title I, Title II-A, Title V-Part A, and Title VI-Part B
(d) All LEAs participating in the Homeless Program
(e) ESOL office did not start performing program reviews until the 2007-08 school year



Kathy Cox, State Superintendent of Schools

Office of the State Superintendent of Schools

March 22, 2010

Ms. Denise M. Wempe
U.S. Department of Education
Office of the Inspector General
61 Forsyth Street, SW
Suite 18T71
Atlanta, GA 30303

Control Number: ED-OIG/A04J0003

Dear Ms. Wempe:

Enclosed you will find the Georgia Department of Education (GaDOE) response to the findings and recommendations presented in the audit of *Georgia Department of Education's Controls Over Performance Data Entered in EDFacts* draft audit report.

GENERAL OBJECTION

GaDOE strongly objects to the two findings issued in the draft audit report and considers the draft audit report to be grossly unfair. GaDOE's objection is that the findings are based on "program requirements" when no such requirements exist in federal law, regulation or guidance. It is unclear why these additional "program requirements" apply only to GaDOE. If these "program requirements" are truly federal requirements for which auditing is appropriate, then these "program requirements" should be properly promulgated and applied to all SEAs not just the ones who are audited.

FINDING NO.1 – Inadequate Systems of Internal Control Over Reported Data

GaDOE does not concur with this finding for the reasons summarized below.

Recommendation 1.4

GaDOE does not concur with this recommendation. GaDOE's internal controls over this process meet federal regulations and no additional corrective action is needed on our part.

Ms. Denise M. Wempe
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Recommendation 1.5

GaDOE does not concur with this recommendation. In the data collection process, many business rules are applied to the data resulting in errors or warnings that are sent back to the school district. These errors and warnings are the result of invalid values, inaccurate reporting, and percentage differences on year-to-year comparisons. Before data are ready for LEA superintendent signoff, all errors must be corrected. Consequently, GaDOE believes that our internal controls over this process are in compliance with federal regulations and no additional corrective action is needed.

Recommendation 1.6

GaDOE does not concur with this recommendation. GaDOE followed the federal guidelines which were in place for the 2006-07 school year. The guidelines cited in the draft audit report were for the 2007-08 school year. GaDOE does not agree that data collected in the 2006-07 school year should follow guidance issued for the 2007-08 school year since such guidance did not exist at the time the data was collected. Following **future** guidance is impossible for any department. GaDOE can only follow the guidance in force at the time the data was collected. GaDOE did so. GaDOE has and intends to continue to follow current federal guidance. GaDOE does not agree that additional corrective action is needed.

Recommendation 1.7

GaDOE does not concur with this recommendation. Once GaDOE collects the data, it is archived and used immediately for various purposes such as AYP determinations and report card publication as well as responding to data requests. This data is provided to numerous individuals, entities and organizations. Once the data is archived, GaDOE does not allow any changes to the data. Consequently, GaDOE does not agree that additional corrective action is needed.

FINDING NO.2 – Program Reviews Do Not Ensure the Accuracy of Reported Data

GaDOE does not concur with this finding for the reasons summarized below.

Recommendation 2.1

GaDOE does not concur with this recommendation. Program reviews are not required to “test the accuracy of EDFacts reported data” and GaDOE does not know of any such federal requirement that exists in law, regulation, or guidance. GaDOE notes that the auditors have not cited any legal or binding authority that requires such action. The federal EdFacts office uses the same data verification procedures that are currently used by GaDOE. This requirement was seemingly created by your audit team without adequate knowledge regarding EDFacts or the programs reviewed in your audit. Last, GaDOE program reviews are modeled after the program reviews conducted by the U.S. Department of Education and follow the federal regulations set forth by their respective federal program office.

Ms. Denise M. Wempe
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GaDOE's current process of having the LEA superintendent signoff and attest to the certification set forth below is a sufficient control. The LEA superintendent attests as follows:

"I certify that the information above, as well as the information on all (data collection activity) reports available for this school district on the FTE web site, is accurate and complete. I hereby acknowledge that this information will be used for funding purposes and in reporting to the legislature and other policy makers, to federal and state agencies, and in the Georgia Public Education Report Card. I have reviewed the explanatory notes regarding warnings of potentially discrepant data, and I am satisfied that these notes are accurate."

Since the control in place is sufficient, GaDOE believes that no further corrective action is needed.

Recommendation 2.2

GaDOE does not concur with this recommendation. Our Special Education program reviews are documented as required by federal law. Therefore, GaDOE does not believe that further corrective action is needed in this area.

In conclusion, GaDOE urges you to carefully consider our position on these finding and that they be reconsidered in light of the fact that they are apparently based on unwritten, unpublished and therefore unreasonable standards. If you have any questions or concerns about the foregoing, please contact my Chief of Staff Stephen Pruitt at 404-657-6165.

Sincerely,

Kathy Cox

KC/gs

Attachment C

MEMO

From: Tom Parrish
To: Jerri Katzerman, Director of Educational Advocacy, Southern Poverty Law Center
Date: September 16, 2011
Re: Analysis of special education financing and educational placement patterns in Georgia

In June of 2005, Jenifer Harr and I completed a report for the Georgia Governor's Council on Developmental Disabilities (DD Council) to evaluate the state's approach to special education funding. It contained analyses and observations regarding this system, as well as recommendations for change. One set of findings related to fiscal incentives in the state formula to place students in special education in more restrictive settings.¹

In June of 2011, I was asked by the Southern Poverty Law Center to update these analyses. The primary research questions for this re-analysis were:

- 1) Has the state's special education formula been altered in any way since the release of this prior report that would affect the conclusion that it contains fiscal incentives for restrictive special education placements?
- 2) Based on the data reported by the state to the federal government annually, is there evidence of change in special education placement patterns statewide?

In response to the first question, it appears that no substantial changes have been made in the state's special education funding provisions, so the major concerns regarding fiscal disincentives for special education inclusive placements remain. Second, federal special education placement data show that some progress has been made in regard to more inclusive placement patterns statewide overall and relative to the national average. This placement information is summarized in Exhibit A.

Statewide special education placement trends

As shown, the state reported 51.1% of its students in special education placed in the least restrictive educational placement option, 80% or more time spent in regular classrooms, in 2004. By 2009, this number had risen to 61.7%, reflecting a pattern of gradual increases annually. Over the same period, states on average reported increases in the percentage of students in this 80% or more placement, rising from 54% to 60.4%. Thus, while the difference in placements in this least restrictive category was not dramatically different between Georgia and the national average, Georgia's rise did surpass the nation somewhat. In addition, while the state was somewhat under the national average in 2004 (51.1% vs 54%), by 2009, Georgia slightly exceeded the national average.

**Exhibit A: Percentage of the Total Special Education Population (age 6-21)
by Educational Environment: Nation and Georgia, 1990 – 2009**

	2004	2005	2006	2007	2008	2009
Georgia: 80% or more in reg class	51.1%	54.1%	55.4%	60.0%	60.9%	61.7%
Georgia: 40-79% or in reg class	25.5%	24.8%	22.6%	20.7%	20.1%	19.7%
Georgia: less than 40% in reg class	21.5%	19.3%	19.7%	16.7%	16.4%	15.6%
Georgia: External Placements	1.9%	1.9%	2.4%	2.6%	2.7%	3.0%
Average State: 80% or more in reg class	54.0%	56.7%	55.1%	56.1%	57.9%	60.4%
Average State: 40-79% or in reg class	27.3%	25.8%	24.0%	22.6%	22.7%	22.4%
Average State: less than 40% in reg class	15.1%	14.0%	14.5%	12.9%	13.0%	12.7%
Average State: External Placements	3.6%	3.5%	4.4%	4.3%	4.4%	4.5%

National average represents average of states minus DC.
Source: Obtained from longitudinal data files from www.ideadata.org.

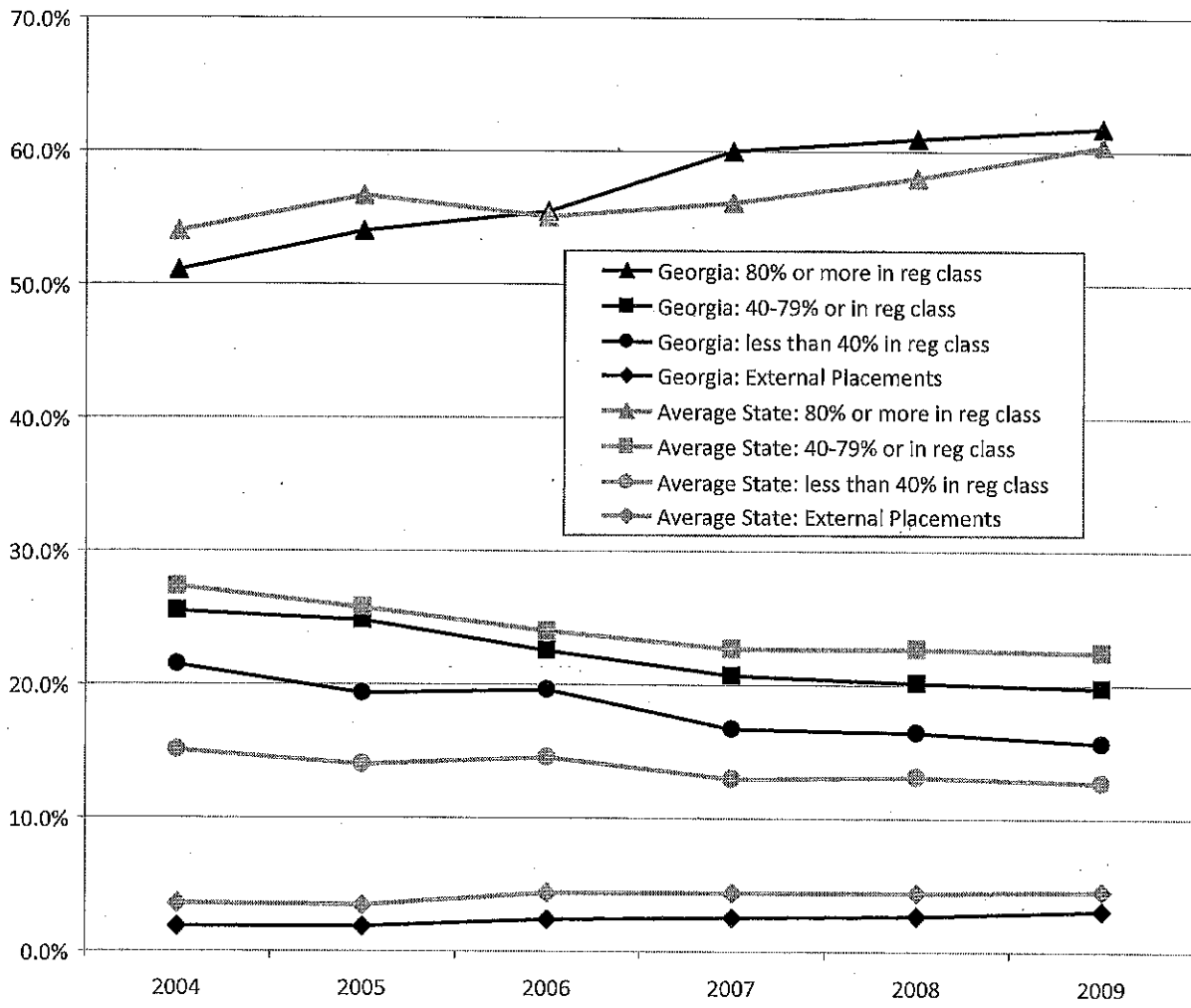
This rise in the percentage of students in the 80% or more category of placement was drawn from the next two categories of restrictiveness in placement, 40 to 79%, and less than 40%, in regular classrooms, both of which showed a decline during this period. Interestingly, the percentage of students served in separate special education facilities, rose nationally during this period (from 3.6% to 4.5%) and rose to an even larger degree in Georgia (from 1.9% to 3%). However, the percentage of students served in this most restrictive setting remains relatively small nationally and in Georgia, and the state's placements in this setting remain well below the national average. These same data are presented graphically in Exhibit B.

District-level special education placement trends

A related point of interest raised during our initial discussions regarding this project is the availability of placement data by district. That is, while state data shows progress in regard to more inclusive placements overall, to what degree does this vary within state? At the time of the prior report, some district respondents reported ways to get around the fiscal disincentives contained in the formula to provide more inclusive placements without substantial fiscal penalties. For example, they reported moving students from one setting to another on the day that students were counted by placement. In addition, a member of the advisory committee for that report described her job as one of advising districts throughout the state as to the types of student clustering and counting approaches they might adopt to realize more inclusive settings for students without a substantial loss in state special education funds.

Based on the district-level data used in our prior study from (2003/04) and the most recent data publicly available from the State Department of Education website (2009/10), it is possible to compare and contrast district-level special education placements to the overall state-level trend analyses shown above.

Exhibit B. Percentage of the Total Special Education Population (age 6-21) by Educational Environment: Nation and Georgia, 1990 – 2009.



Source: Derived from longitudinal data files from www.ideadata.org.

External placements in this exhibit include public or private separate or residential facilities and home/hospital placements.

The results of these analyses are shown in Exhibit C, which shows gains in the percentage of students served in the least restrictive placement option reported to the federal government (80% or more time in general education classes) for 133 of the 153 districts shown. A number of these districts show appreciable gains (rising by 20 percentage points or more). The remaining districts show declines, with seven districts showing a drop of 11 percentage points or more.

It should be noted, however, that these district-level changes should be viewed with some caution. The data for these two years are matched based on district name. Because some of the districts included in the 2003/04 listing were not included in the 2009/10 data, they may have combined with other districts included in the 2009/10 database. In these cases, it is not possible to sort out changes in placement practices in a single district as opposed to changes in the data shown that reflect combining prior practices across two districts.

Based on the best data we have, the vast majority of Georgia districts show rising percentages of students in special education placed in this least restrictive category over this time period indicating that the statewide gains shown above are widespread across the state. At the same time, these changes are not uniform across the state. Some districts appear to have modified practice much more substantially than others. Also, based on these district-level data over time, some districts are still well below the state average and/or appear to have become more restrictive in terms of the special education placements over this time period.

Changes in state special education funding policy

In addition to investigating possible changes to the formula and conducting the analyses summarized above, several contacts were made to knowledgeable parties within the state. While there seems to be general confirmation that the basic special education funding provisions have not changed since the prior study, a reference was made to provisions designed to add flexibility in regard to the use of education funds. The concern was that this added flexibility may have affected special education placements in these districts over time.

Further investigation revealed that these more flexible funding arrangements are known as IE² Partnership Contracts, which are intended to provide local school districts with greater governance flexibility “as a means to increasing student achievement.” As described on the State Department of Education website, these provisions were created by House Bill 1209 (2008), Local Boards of Education (LBOE) can enter into multi-year contracts with the State Board of Education (SBOE) based on strategic plans developed in partnership with Georgia Department of Education (GaDOE) and Governor's Office of Student Achievement (GOSA).

The two districts currently holding such partnerships with the state are Gwinnett and Forsyth. The data shown in Exhibit C for these two districts, however, show increasing placements in inclusive settings over the time period shown. Forsyth has gained only slightly, but remains above the state average for 2009/10. Gwinnett is below the state average for both years, but shows a gain into this most inclusive placement category of 15 percentage points.

Special education academic results versus placement

Another aspect that may be associated with the questions confronting this study is special education academic results by district. We have conducted prior analysis in Illinois and California of education placements and educational outcomes, expressed as the percentage of students in special education scoring proficient or above in math and language arts on state tests by district. Holding selected district characteristics statistically constant, e.g. the percentage of students in special education and the percentage in poverty, in both states we found a positive relationship between the percentage of students placed in less restrictive placements and educational results. These relationships were found to be statistically and educationally significant. Thus, in these states at least, in addition to arguments for less restrictive placements to comply with federal law, there is evidence favoring more restrictive placements for enhancing education outcomes for students in special education.

Conducting comparable analyses using relevant data from Georgia for 2009/10, we found no relationship between education results and placements for students in special education. As in Illinois and California, multiple regression analyses were used holding the percentage of students with disabilities, the proportion eligible for reduced and free meals, and the proportion of students with disabilities included in general education at least 80 percent of the time as predictor variables for the proportion of students not meeting reading, language arts, and mathematics academic standards (as reported on the State Department of Education website by district).

It is interesting that the relatively strong positive statistical relationship observed between special education outcomes and less restrictive placements observed in Illinois and California did not appear in Georgia. While further investigation would be needed to better inform these different findings, one theory might be possible differences, as cited in the prior study, as to how inclusion is practiced in Georgia. For example, at the time of the prior study, it was described that a common method for allowing inclusion without fiscal penalty was to cluster students in special education into special classrooms and then pair these classes with a general education class through a team-teaching model. This method of combining pairs of special and general education classrooms for the purposes of avoiding fiscal penalty sounds different than the commonly cited inclusion practices described by respondents in other states with more flexible special education funding provisions.

**Exhibit C: Percentage of students in special education served
In regular education classes for 80% or more of the school day 2003/04 and 2009/10
Sorted by the degree of difference between these two years**

District Name	2009/10	2003/04	Difference	District Name	2009/10	2003/04	Difference
1 Wilcox	84.30%	27.10%	57.20%	39 Chatham	81.50%	54.90%	26.60%
2 Long	77.50%	23.40%	54.10%	40 Union	55.70%	29.50%	26.20%
3 Jefferson	81.40%	31.00%	50.40%	41 Dade	75.80%	49.80%	26.00%
4 Wheeler	50.80%	0.80%	50.00%	42 Cartersville City	80.50%	54.60%	25.90%
5 Candler	79.90%	30.00%	49.90%	43 Polk	58.90%	33.30%	25.60%
6 Haralson	79.80%	33.60%	46.20%	44 Emanuel	47.40%	21.90%	25.50%
7 Johnson	77.40%	31.40%	46.00%	45 Mitchell	70.10%	44.60%	25.50%
8 Jenkins	54.50%	9.30%	45.20%	46 Carroll	66.90%	41.60%	25.30%
9 Treutlen	61.50%	17.30%	44.20%	47 Franklin	73.60%	48.30%	25.30%
10 Early	83.30%	40.40%	42.90%	48 Bacon	83.60%	58.40%	25.20%
11 Elbert	79.00%	37.20%	41.80%	49 Jasper	68.60%	43.50%	25.10%
12 Meriwether	83.80%	42.10%	41.70%	50 Hart	67.10%	42.00%	25.10%
13 Dodge	56.20%	15.80%	40.40%	51 Coffee	78.40%	54.00%	24.40%
14 Screven	74.90%	34.50%	40.40%	52 Crisp	65.20%	42.50%	22.70%
15 Berrien	84.10%	44.60%	39.50%	53 Rome City	71.90%	49.20%	22.70%
16 Dalton City	77.30%	38.90%	38.40%	54 Richmond	64.30%	41.80%	22.50%
17 Telfair	74.30%	36.00%	38.30%	55 Lamar	59.50%	37.00%	22.50%
18 Clinch	78.90%	41.10%	37.80%	56 Tift	76.30%	54.00%	22.30%
19 Bleckley	70.20%	33.20%	37.00%	57 Wayne	69.90%	47.70%	22.20%
20 Bibb	71.30%	34.40%	36.90%	58 Camden	66.70%	44.90%	21.80%
21 Putnam	61.70%	24.90%	36.80%	59 Henry	69.80%	48.30%	21.50%
22 Murray	79.10%	42.80%	36.30%	60 Muscogee	65.60%	44.20%	21.40%
23 Banks	76.90%	41.90%	35.00%	61 McIntosh	74.90%	53.80%	21.10%
24 Pierce	67.20%	32.60%	34.60%	62 Washington	67.80%	46.90%	20.90%
25 Vidalia City	66.90%	33.10%	33.80%	63 Effingham	60.60%	40.10%	20.50%
26 Dublin City	46.60%	13.00%	33.60%	64 Newton	64.10%	44.30%	19.80%
27 Evans	72.80%	39.20%	33.60%	65 Glynn	76.40%	57.10%	19.30%
28 Atkinson	88.50%	55.50%	33.00%	66 Bryan	73.50%	54.20%	19.30%
29 Liberty	69.60%	36.90%	32.70%	67 DeKalb	60.40%	41.50%	18.90%
30 Colquitt	84.50%	52.50%	32.00%	68 Spalding	66.10%	47.40%	18.70%
31 Ben Hill	83.70%	52.40%	31.30%	69 Gordon	80.80%	62.30%	18.50%
32 Jackson	70.10%	39.30%	30.80%	70 Appling	77.30%	59.30%	18.00%
33 Dougherty	73.30%	42.60%	30.70%	71 Clarke	59.60%	42.10%	17.50%
34 Burke	68.80%	38.30%	30.50%	72 Sumter	63.60%	46.20%	17.40%
35 Toombs	75.10%	44.80%	30.30%	73 Hall	64.50%	47.30%	17.20%
36 Tattnall	68.50%	40.30%	28.20%	74 Brantley	76.30%	59.10%	17.20%
37 McDuffie	82.60%	55.30%	27.30%	75 Whitfield	67.10%	50.10%	17.00%
38 Schley	69.30%	42.40%	26.90%				

Exhibit C: Percentage of students in special education served (Continued)
In regular education classes for 80% or more of the school day 2003/04 and 2009/10
Sorted by the degree of difference between these two years

76	Oconee	85.50%	68.60%	16.90%	114	Troup	64.80%	58.40%	6.40%
77	Coweta	69.80%	53.00%	16.80%	115	Brooks	68.40%	62.00%	6.40%
78	Barrow	54.00%	37.90%	16.10%	116	Morgan	69.50%	63.10%	6.40%
79	Habersham	66.60%	50.50%	16.10%	117	Wilkes	44.50%	38.90%	5.60%
80	Cook	78.70%	63.00%	15.70%	118	Clayton	50.50%	45.00%	5.50%
81	Commerce City	68.90%	53.20%	15.70%	119	Houston	52.70%	47.40%	5.30%
82	Thomaston-Upson	65.80%	50.70%	15.10%	120	Paulding	60.60%	55.40%	5.20%
83	Gwinnett	51.20%	36.20%	15.00%	121	Bulloch	54.50%	50.20%	4.30%
84	Charlton	65.60%	50.60%	15.00%	122	Walker County	50.60%	46.70%	3.90%
85	Gilmer	62.70%	47.90%	14.80%	123	Butts	64.80%	61.50%	3.30%
86	Decatur	60.50%	45.70%	14.80%	124	Lumpkin	69.60%	66.70%	2.90%
87	Monroe	73.60%	59.40%	14.20%	125	Forsyth	67.40%	64.70%	2.70%
88	Oglethorpe	66.20%	52.20%	14.00%	126	Catoosa County	59.60%	57.00%	2.60%
89	Thomasville City	64.60%	51.40%	13.20%	127	Dooley	53.80%	51.20%	2.60%
90	Gainesville City	64.80%	51.70%	13.10%	128	White	59.30%	57.60%	1.70%
91	Lincoln	74.40%	61.60%	12.80%	129	Jeff Davis	75.90%	74.30%	1.60%
92	Baldwin	55.00%	42.20%	12.80%	130	Macon	44.00%	43.80%	0.20%
93	Calhoun City	62.60%	50.00%	12.60%	131	Grady	65.20%	65.10%	0.10%
94	Cobb	66.50%	54.00%	12.50%	132	Cherokee	57.70%	58.20%	-0.50%
95	Chattooga	67.50%	55.10%	12.40%	133	Harris	58.80%	59.50%	-0.70%
96	Rabun	77.20%	64.90%	12.30%	134	Thomas	50.20%	52.20%	-2.00%
97	Turner	86.70%	74.60%	12.10%	135	Marietta City	43.50%	45.60%	-2.10%
98	Floyd	68.10%	56.30%	11.80%	136	Worth	77.50%	81.00%	-3.50%
99	Jones	75.70%	64.90%	10.80%	137	Fulton	44.00%	47.60%	-3.60%
100	Carrollton City	70.40%	60.20%	10.20%	138	Decatur City	53.80%	58.30%	-4.50%
101	Laurens	49.30%	39.90%	9.40%	139	Bartow	61.40%	66.00%	-4.60%
102	Jefferson City	89.30%	80.10%	9.20%	140	Terrel	32.00%	37.20%	-5.20%
103	Heard	64.10%	55.20%	8.90%	141	Lee	65.90%	71.20%	-5.30%
104	Pickens	54.30%	46.10%	8.20%	142	Stephens	54.30%	60.30%	-6.00%
105	Madison	68.20%	60.30%	7.90%	143	Fayette	70.80%	77.40%	-6.60%
106	Columbia	66.50%	58.90%	7.60%	144	Social Circle City	60.60%	67.40%	-6.80%
107	Atlanta Public	45.80%	38.40%	7.40%	145	Lowndes	40.70%	51.70%	-11.00%
108	Douglas	60.70%	53.40%	7.30%	146	Greene	73.20%	85.00%	-11.80%
109	Valdosta City	67.50%	60.30%	7.20%	147	Crawford	45.50%	57.40%	-11.90%
110	Walton	57.20%	50.10%	7.10%	148	Rockdale	61.50%	75.00%	-13.50%
111	Ware	73.10%	66.10%	7.00%	149	Buford City	54.50%	74.20%	-19.70%
112	Peach	65.10%	58.20%	6.90%	150	Dawson	59.70%	86.20%	-26.50%
113	Fannin	68.20%	61.50%	6.70%	151	Twiggs	41.90%	70.80%	-28.90%

In summary, it appears that substantial changes have not been made in Georgia special education funding provisions that would alter the concerns regarding fiscal disincentives for special education inclusive placements cited in our prior report. However, special education data show progress in regard to more inclusive placement patterns statewide. More inclusive special education placements are also reflected in the data reported by the vast majority of school districts across the state. However, in some instances these data show no progress or declines.

No statistical relationship between special education placement practices and special educational academic outcomes is shown for the state as has been observed in some other states. This may raise questions about the way inclusion is implemented in Georgia, and the degree to which inclusion practices continue to be influenced the state's method of special education funding. That is, the rigidity that remains in the state formula may be causing districts to implement inclusion in ways that maximize funding as opposed to providing a breadth of inclusion strategies that are more reflective of the varying needs of individual children in special education.

¹ Parrish, T., Harr, J. (2005). *Reconsidering Special Education Funding in Georgia*, Palo Alto, CA. American Institutes for Research.

Attachment D

MEMO

From: Tom Parrish
 To: Jerri Katzerman, Director of Educational Advocacy, Southern Poverty Law Center
 Date: July 28, 2011
 Re: Progress to date on analyzing special education financing and educational placement patterns in Georgia

I'm afraid we will not have a full draft report for your review by the end of this month, but we should have no problem completing this by the contract end date of August 31. In addition, I think we have made substantial progress in regard to addressing the primary questions for this investigation. First, it appears that no substantial changes have been made in Georgia state special education funding provisions, so the major concerns regarding fiscal disincentives for special education inclusive placements remain. Second, it appears that some progress has been made in regard to more inclusive placement patterns statewide based on the data Georgia submits to the federal government annually. This progress overall and relative to national averages is summarized in Exhibit A.

**Exhibit A: Percentage of the Total Special Education Population (age 6-21)
 by Educational Environment: Nation and Georgia, 1990 – 2009**

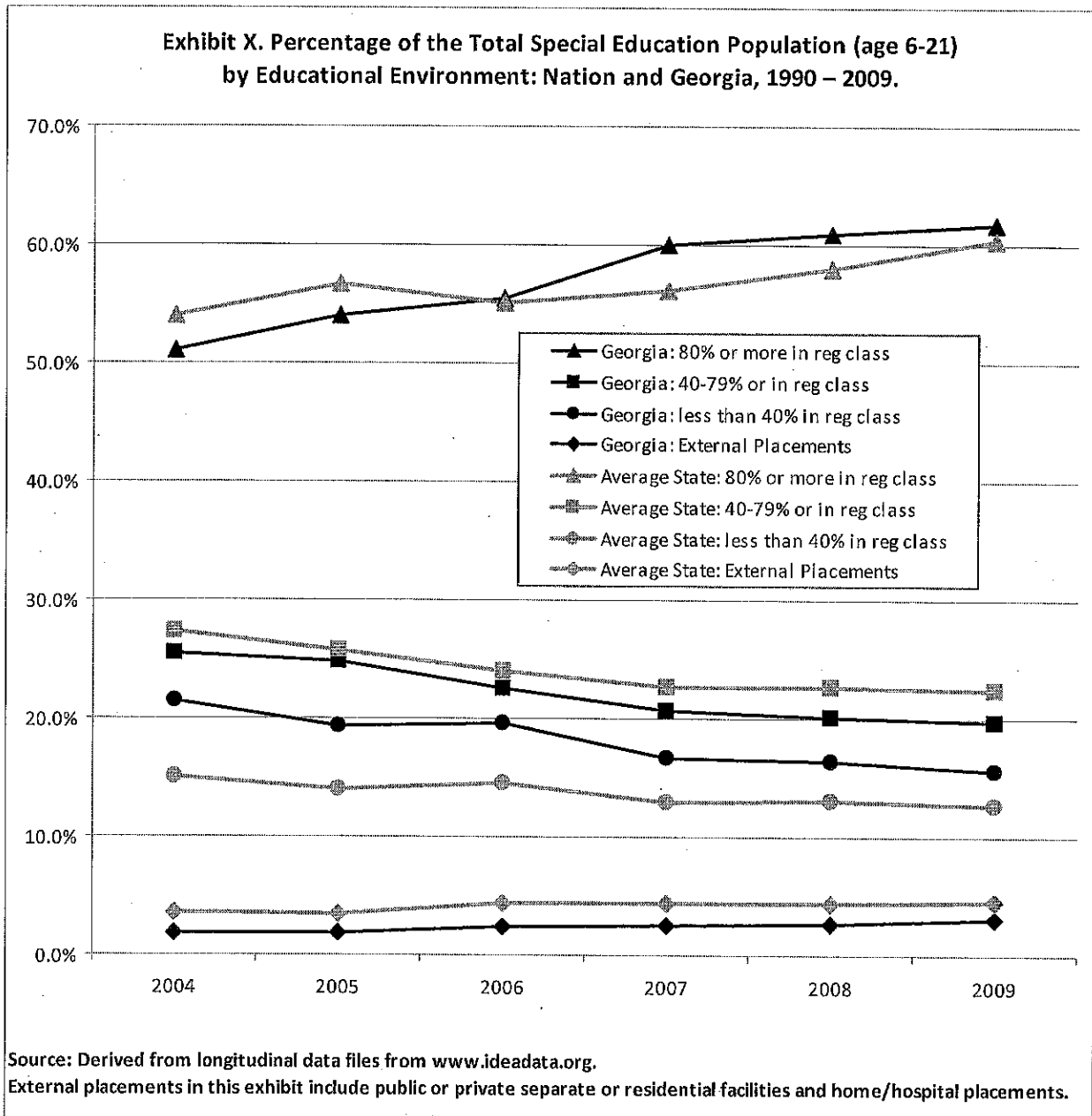
	2004	2005	2006	2007	2008	2009
Georgia: 80% or more in reg class	51.1%	54.1%	55.4%	60.0%	60.9%	61.7%
Georgia: 40-79% or in reg class	25.5%	24.8%	22.6%	20.7%	20.1%	19.7%
Georgia: less than 40% in reg class	21.5%	19.3%	19.7%	16.7%	16.4%	15.6%
Georgia: External Placements	1.9%	1.9%	2.4%	2.6%	2.7%	3.0%
Average State: 80% or more in reg class	54.0%	56.7%	55.1%	56.1%	57.9%	60.4%
Average State: 40-79% or in reg class	27.3%	25.8%	24.0%	22.6%	22.7%	22.4%
Average State: less than 40% in reg class	15.1%	14.0%	14.5%	12.9%	13.0%	12.7%
Average State: External Placements	3.6%	3.5%	4.4%	4.3%	4.4%	4.5%

National average represents average of states minus DC.
 Source: Obtained from longitudinal data files from www.ideadata.org.

As shown, the state reported 51.1% of its students in special education placed in the least restrictive educational placement option, 80% or more time spent in regular classrooms, in 2004. By 2009, this number had risen to 61.7%, reflecting a pattern of gradual increases annually. Over the same period, states on average reported increases in the percentage of students in this 80% or more placement, rising from 54% to 60.4%. Thus, while the difference in placements in this least restrictive category was not dramatically different between Georgia and the national average, Georgia's rise did surpass the nation somewhat. In addition, while the state was somewhat under the national average in 2004 (51.1% vs 54%), by 2009, Georgia slightly exceeded the national average.

This rise in the percentage of students in the 80% or more category of placement was drawn from the next two categories of restrictiveness in placement, 40 to 79%, and less than 40%, in

regular classrooms, both of which showed a decline during this period. Interestingly, the percentage of students served in the most restrictive category of placement, external placement in a separate special education facility, rose nationally during this period (from 3.6% to 4.5%) and rose to an even larger degree in Georgia (from 1.9% to 3%). However, the percentage of students served in these most restrictive setting remains relatively small nationally and in Georgia, and the state's placements in this setting remain substantially below the national average. These same data are presented graphically in Exhibit X.



In addition to investigating possible changes to the formula and conducting the analyses summarized above, several contacts were made to knowledgeable parties within the state. While there seems to be general confirmation that the basic special education funding provisions have not changed since the prior study, a reference was made to provisions that may have added some flexibility in regard to the use of all education funds. The example that was cited referred to a large district that was said to have continued, or perhaps increased, the restrictiveness of its placements. However, it may also be possible that these same provisions may have allowed other districts to use their special education funds in more flexible ways that may have made more inclusive placements more fiscally viable. This is a lead we need to further explore and describe in our final report.

A second point of interest raised during our initial discussions regarding this project is the availability of placement data by district. That is, while the state is reporting data showing progress overall, to what degree does this vary within the state? At the time of the prior report, some districts had figured ways to get around the fiscal disincentives contained in the formula to provide more inclusive placements without substantial fiscal penalties. Somewhat convoluted solutions were sometimes cited, e.g. changing the placement of many of the students in special education during the one day in which the counts were made.

However, if progress has been made for the state is this generally true statewide or just disproportionately true in some areas but not others. While I believe we have such data by district from the time of our prior study, it would be of much greater interest to have current data and to be able to compare and contrast these to the prior data we have to allow for trend analyses by district statewide.

Data on student counts by category of special education placement were found on the State Department of Education website, but this information is embedded in separate PDF files for each district. That is, rather than having a database containing this information for every district in the state, it will be necessary to open a separate file for each district and copy the relevant numbers to create a dataset that can be used for analysis. I believe we could do this within the confines of our current budget next month, but we should discuss your perceptions of the relevance of this within state information.

Another aspect that may be associated with the questions confronting this study, which we could also discuss, is special education academic results by district. We have conducted prior analysis in Illinois and California of education placements and educational outcomes, expressed as the percentage of students in special education scoring proficient or above in math and language arts on state tests by district. Holding selected district characteristics statistically constant, e.g. the percentage of students in special education and the percentage in poverty, in both states we found positive relationships between the percentage of students placed in less restrictive placements and educational results. These relationships were found to be statistically and educationally significant. It may also be possible to conduct analyses of this type if you wish to have evidence supporting the argument that the inclusion of students in special education is not only required under federal law but also pedagogically effective in regard to the academic outcomes realized on average.

After tomorrow, I will be out of the office until August 16. It would be helpful to discuss these interim findings as well as possible future directions with you prior to my departure if possible. Let me know if a discussion on Friday, July 29, is a possibility for you. If not, perhaps we can connect immediately upon my return so that this work can be fully completed by the end of August.