Promising Policies to Address the Needs of Students with Disabilities:

Lessons from Other States

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February 2020

PACE
Policy Analysis for California Education

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Executive Summary

By most measures, students with disabilities (SWDs) are not receiving the education they need and deserve in California schools and districts. In 2019, 187 of 333 (56 percent) districts were identified for differentiated assistance because SWDs did not meet standards for two or more priority areas on the California School Dashboard. California requires its special education teachers to serve about 30 students, nearly double the national average of 17. Nearly two thirds of all first-year special education teachers lacked full credentials in 2017–18.

This report focuses on policies in Massachusetts, New Jersey, and Florida to improve inclusion rates and the academic performance of SWDs. Inclusion is defined as having SWDs spend 80 percent or more of their time with students in general education classrooms. Research has shown that inclusion positively impacts academic and social-emotional outcomes for all students. In 2017–18, California maintained one of the lowest inclusion rates nationally: 56 percent, compared to a national average of 63.4 percent.

Massachusetts stands out for its development of a data system called Resource Allocation and District Action Reports (RADAR). The RADAR system allows districts to compare their overall performance and resource allocation, and identify 5-year trends for SWD enrollment; staffing; identification rates for services; in- and out-of-district placements; and placement trajectories.

In New Jersey, litigation spurred the state to embark on a targeted approach to improve the inclusion rates in 76 of its 673 districts. The New Jersey Department of Education provided those 76 districts with needs assessment, technical assistance, and regular monitoring, as well as annual reports to locally convened stakeholder groups. The result of this targeted effort is notable improvements in inclusion rates in the targeted districts.

In 2013, Florida passed legislation that codified the definition of inclusion and required each school and district to conduct self-assessments of best practices for inclusive education (BPIE). The BPIE process is supported by a statewide infrastructure of inclusion facilitators. Florida has dramatically increased its inclusion rate along with its National Assessment of Educational Progress scores. Moreover, Florida's achievement gap between SWDs and general education students is less than the achievement gap in California.

Based on the policies in these three states, we recommend that California should: (a) invest in a RADAR-like data system; (b) provide targeted support for schools and districts most in need of improving the education of SWDs; (c) implement a BPIE-like system at the school and district levels; and (d) draw on the experience and expertise of officials and advocates from other states.

Introduction

Recent data about the performance of students with disabilities (SWDs) in California suggest that the state is in crisis. Yet the word "crisis" suggests a recent and unanticipated turn of events demanding attention. Unfortunately, SWDs in California have long been neglected by state policymakers.

In fact, the neglect of SWDs has been called out for years. California began using its new educational data Dashboard in 2017 to examine outcomes not only for students on average but also for various subgroups of students, especially SWDs. Based on Dashboard results, districts with any student group that fails to meet standards for two or more priority areas are then eligible for differentiated assistance (DA). The 2019 Dashboard identified 333 of the state's 1,002 districts for DA. Fifty-six percent (187 of 333 districts) were identified because of the poor performance of their SWDs (Gee, 2020).

Another indicator of neglect is reflected in how California schools use (or not) inclusive settings—commonly referred to as the least restrictive environment (LRE) as specified in the Individuals with Disabilities Education Act (IDEA)—to serve SWDs so that they participate in the general education programming "to the maximum extent appropriate" (IDEA, sect. a, para. 2). Inclusion is defined as environments in which special education students spend 80 percent or more of their time with students in general education classrooms; inclusion is found to have positive effects on academic and social-emotional outcomes for all students (Horowitz et al., 2017). In 2017–18, California maintained one of the lowest inclusion rates nationally: 56 percent compared to a national average of 63.4 percent (National Center for Education Statistics, 2019; U.S. Department of Education, 2018).

Yet another indicator of neglect appears in caseload data—that is, the average number of students for whom special education teachers are responsible. Recent data (from 2015–16) indicate that the average caseload for teachers in California is about 30 students, or nearly double the national average of 17 (Samuels & Harwin, 2018). A related indicator is that, in California, turnover and a shortage of newly credentialed special education teachers resulted in a majority of new special education teachers who lacked full credentials: 4,776 first-year special education teachers were without full credentials in 2017–18, representing nearly two thirds of all first-year special education teachers (Ondrasek et al., 2020).

Unfortunately, these indicators are far from surprising. Over 5 years ago, California convened a Statewide Task Force on Special Education, which released its report in March 2015. The report documented poor performance of SWDs across the board. Our state fared poorly on high school graduation rates; mathematics and reading test results; pass rates on the California high school exit exam; dropout rates; and enrollment in higher education among SWDs—each of

which lagged far behind rates for general education students. As noted in the Task Force report, outcomes for California's SWDs were among the lowest in all 50 states (California's Statewide Task Force on Special Education, 2015).

The report called for a single unitary system, reminding policymakers and educators that SWDs are general education students first. It described the isolation of special education from general education in California, whether fiscally, programmatically, and/or structurally. The Task Force's overarching theme was that fragmentation serves neither general education nor special education students, and the report strongly urged the state to unify its various silos into one coherent system. Since the 2015 Task Force report, the state has undertaken some improvements, including strengthening a statewide Multi-Tiered System of Supports (MTSS), making changes in credentialing, creating incentives for inclusive preschools, increasing special education funding, and implementing a new accountability system that includes SWDs. However, given the scale of the problems identified by the Task Force, these are relatively small steps and so incremental as to be negligible in impact.

Beyond the outcome numbers, California appears to suffer from a "No Can Do" mindset. One expert interviewed for this study, a special education researcher who is relatively new to California, shared a particularly concerning observation. She has worked extensively with district, state, and federal policymakers in seven other states, and is a nationally regarded scholar. She described her interactions with California teachers in multiple districts who—unlike teachers elsewhere—reported that they could not succeed with SWDs. She reported general education teachers' beliefs that they lack the training to meet the needs of SWDs in their classrooms, and further, that special education teachers report that large caseloads and burdensome paperwork make their jobs impossible.

If it were possible to distill the Task Force recommendations about moving towards one system into a single measure, it may well be inclusion. Simply put, when SWDs spend the majority of their instructional time in general education classrooms, all children benefit (Helmstetter et al., 1998; Hunt & Farron-Davis, 1992; Hunt et al., 1994; McDonnell et al., 2000; McGregor & Vogelsberg, 1998; Wagner et al., 2006; Waldron et al., 2001). The reality is that California's inclusion rate is almost the lowest of all the states.

How can and should California address its approach to serving all of its students, and especially SWDs? We approach this question by describing examples of how other states and school districts have managed to enact policies and practices that turn "No Can Do" into closing the outcome gaps between SWDs and general education students. Clearly, California can do better. We provide selected examples of policies and practices that have led to improvements in inclusion rates, recognizing the importance of other related issues that are also essential for a well-functioning education system, including:

- educators who are prepared to support the learning needs of SWDs in general and special education settings;
- adequate resources;
- ongoing professional development for all teachers and administrators;
- reasonable class sizes and caseloads; and
- comprehensive supports for SWDs and their families.

Our focus on inclusion policies reflects consistent research evidence that inclusion of SWDs in general education classrooms is a key lever to realizing improved outcomes for all students. Of course, improving inclusions rates for SWDs only happens in a meaningful way when other aspects of the education system for SWDs are improved. Thus, we present examples from Massachusetts and its sophisticated data system; New Jersey and its focused efforts on improving the outcomes for SWDs in its lowest performing districts; and Florida and its state policies that appear to result in improvements in inclusion rates and academic performance by SWDs.

Data for this report included an extensive analysis of documents from California, Massachusetts, New Jersey, and Florida, along with a review of the research on inclusion. The research team conducted a total of 29 interviews with eight state officials, six local officials, six researchers, four advocates, and five others. Following data collection, the research team held a 1-day analysis meeting. Officials from Massachusetts, New Jersey, and Florida reviewed the draft report.

Massachusetts Uses Research and Data to Target Resources

Massachusetts' strategy for serving SWDs stems from its recognition that there will never be adequate (federal, state, or local) funds, so the state needs to spend available funds as wisely as possible. As a result, the Massachusetts Department of Elementary and Secondary Education (MA DESE) routinely uses research and data to inform policy; supports a sophisticated data system accessible to multiple audiences; and regularly convenes district teams to learn from practitioners.

Research Informs Policy

At the state agency level, there is a tradition of working across program offices, commissioning research directly, or partnering with researchers to assess externally funded initiatives. Of particular relevance is a commissioned body of research studies led by Dr. Thomas Hehir and colleagues (2014). Each study focused on a specific special education topic, and the synthesis report integrated findings from all four studies. The four key findings include the following:

1. There were substantial differences in the identification, placement, and performance of low-income and non-low-income SWDs.
2. SWDs who had full inclusion placements[1] appeared to outperform similar students who were not included to the same extent in general education classrooms with their peers without disabilities.
3. The inclusive options for SWDs in secondary school were limited.
4. There were meaningful differences from district to district in special education identification, placement, and performance.

The cumulative findings led the state to examine the outlier districts to see what could be learned from districts at the extremes. The state convened those districts as well as regional collaboratives to learn from the field about district perspectives.[2] One advantage of such convening is that teams from the districts attend and share information with each other and with MA DESE. The conversations also generate suggestions about what kinds of state-provided supports and resources districts would appreciate.

After the reports were released, MA DESE began efforts focused on identification and placement issues through its special education unit, although it has since shifted to a model of working through its System of Support unit to reinforce the integration rather than fragmentation of special education programming (and students).

Data Tools

MA DESE provides districts (and the public) with a number of data tools, including Resource Allocation and District Action Reports (RADAR). The overall RADAR system uses data provided by districts to the state to summarize how resources (e.g., people, time, and money) are allocated within and across districts. The interactive data system generates reports that allow users to select up to 10 comparison districts on the basis of enrollment, geographic proximity, or other features, and to compare different districts to one another based on student, teacher, and district characteristics.[3]

The RADAR system includes a focus on special education that provides snapshots of special education enrollment, staff, identification patterns by grade, and placement trajectories over several years. Districts can use the RADAR system to compare themselves with other districts on individual or multiple metrics.

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[1] As defined by the placement guidelines developed by the U.S. Department of Education. See Appendix A.

[2] In MA there are collaborative organizations representing smaller districts with more limited resources who pool resources to improve purchasing power, leverage more limited resources, and, importantly, provide education for SWDs. There are 29 collaboratives distributed across the state's 14 counties.

[3] See http://www.doe.mass.edu/research/radar to download the basic spreadsheet and generate reports.

The RADAR system includes—for each district—a home page, a district report, SWD enrollment, special education staffing, identification of SWDs for services, and placement trajectories. The home page allows districts to select comparison districts. The district page provides grade enrollment and placements of SWDs for the most current year; 5-year trends for enrollment, staffing, and student outcomes; and SWDs by race/ethnicity and gender. The SWD enrollment page allows districts to compare in- and out-of-district placement percentages of SWDs and their overlap with economically disadvantaged and English learner subgroups. The special education staffing page shows 5-year trends in staffing for districts compared to the state, and how the district's current staffing allocations compare with similar districts and the state. The identification of SWDs for services displays SWDs by grade, the number of students identified for services or moved off services in each of the last 4 years, as well as the 4-year average. Comparisons of 4-year averages across districts show at a glance different patterns of identification for/moving off services by grade. Placement trajectories show how students' placements change over 4 years. For instance, students who were in inclusive placements 4 years ago could no longer need services, could remain in the same placement, or could have moved to a more restrictive placement. A brief summary of the RADAR system follows.

Convening and Supporting

MA DESE uses the rich data system to support districts' efforts to improve inclusion rates and outcomes for SWDs. Because the RADAR system allows the state to see the inclusion rates of every district, resources can be targeted to those districts whose data suggest additional supports are warranted. In addition, every district can compare the resource allocation, staffing, and placement trajectories with similar districts leading to local initiatives and improvement efforts. The various MA DESE convenings led to some changes in district-level data patterns regarding identification and placement, suggesting that the participating districts had adjusted some of their practices. (For examples of the convenings see www.doe.mass.edu/sfss/prof-dev).

In addition, MA DESE and its early education counterpart, the Department of Early Education and Care (MA EEC), facilitates support for SWDs in early education as well as in the K–12 system. Even though the state doesn't have universal preschool, awareness of the importance of preschool has increased dramatically over the past several years, in part because of statewide preschool expansion efforts funded through a federal preschool expansion grant (PEG). The federal grant ended in 2018, and since then educators and district leaders have had to become much more persuasive in communicating with policymakers about the importance of preschool funding. State funding, via the MA EEC, has picked up where PEG left off, and supports preschool expansion and quality initiatives through the Commonwealth Preschool Partnership Initiative grant (CPPI). Local efforts in Massachusetts to increase inclusion rates and provide coordinated services for SWDs' early years are particularly important. As we found in one city, intervening early meaningfully enhances inclusion efforts and integrated learning systems (see textbox on page 7).

Exhibit 1. Massachusetts' Resource Allocation and District Action Reports (RADAR)

Resource Allocation and District Action Reports (RADAR)
Spend Smarter and Meet Your District Goals

doe.mass.edu/research/radar/

Join the growing number of districts using RADAR—a suite of innovative Excel-based reports for a new approach to resource decisions. Access RADAR materials today and get started.

Compare your spending and staffing to other districts
- Select your own list of districts for comparisons
- Consider other districts' student outcomes in your resources analysis
- Include comparative community wealth and per pupil spending as comparison factors

Visualize district trends over 5 years
- Help your staff and community understand how the district has been changing
- See enrollment and demographics, performance, staffing and spending side-by-side
- View staffing trends for teachers, paraprofessionals, and district and school leaders

Investigate staffing levels, per pupil spending, special education, and more
- Visualize your staffing levels benchmarked against similar districts
- Assess your per pupil expenditures and see how other districts compare
- Understand key patterns in your special education enrollment

Early and Inclusive Education in Somerville

For the Somerville Public School (SPS) district, the goal is to have one integrated early education system in which all students are welcome. By forming partnerships among all agencies serving young children and focusing on curriculum, instruction, and assessment early on, the district strives to integrate its diverse student population, including SWDs, into a comprehensive system.

Somerville is across the Charles River from Boston, just north of Cambridge, and has a population of roughly 80,000. It is the most densely populated city in the state.[4] It enrolls about 5,000 students in public preK through high school. According to MA DESE data, roughly 19 percent of SPS students are identified as SWDs, which is close to the statewide average. Somerville has about 230 general education seats in preK, another 105 in special education, approximately 60 in Head Start, and over 40 in private daycare settings distributed across the city and the Boston Metro area.

Support from the CPPI statewide grant has allowed the city to strengthen its efforts to partner with over 10 early education programs such as the Community Action Agency of Somerville's Head Start, the YMCA, and Wildflower Montessori school, as well as other providers such as Riverside Community Care (a community service agency providing mental and behavioral health services across multiple cities in eastern MA). This mixed-delivery system is called the Somerville Partnership for Young Children or SPYC (somervillechildren.org) and offers information about local partners, director support documents, and tuition assistance information—including an income eligibility calculator. These partnerships help expand the city's offerings in early childhood and extend outreach and communication to better serve the city's preschool population. Somerville's efforts fall into three "bins": access,

quality, and wraparound services/comprehensive support. Wraparound services include screening of preschool children in partner programs, Head Start, and public schools, resulting in shorter service provision for those who qualify for an Individualized Education Program or need preliminary interventions.

The city engages in varied activities designed to expand awareness and provide direct services as needed to families with young children. The Somerville Family Learning Collaborative is the family engagement arm of the SPS and includes initiatives such as the national Parent-Child Home Program, now called Parent-Child Plus (PSHP[5]), SomerBaby (home visiting program for new parents), and Caregiver Playgroups, each of which engages in outreach and service provision to parents on the importance of connecting with the school system and accessing available services as early as possible. Somerville also has a website focused specifically on early education (see somervilleearlyed.com) that provides information to teachers, parents, and others—ranging from lesson plans to Pinterest posts to blog posts, and links to community resources.

Somerville has 12 general education preschool classrooms and four special education classrooms that enroll seven to eight SWDs and the same number of general education students who enroll by lottery, as well as five self-contained classrooms for students with more severe disabilities. Children in general education classrooms must be age 4 by August 31 and those in special education must be age 3.5 by August 31. The district offers professional development focused on how curriculum can meaningfully support young children's learning and development to early childhood educators across programs.

[4] See http://www.towncharts.com/Massachusetts/Top-25-Cities-in-Massachusetts-ranked-by-Population-Density.html
[5] The Parent-Child Home program has a number of more specific programs, including a weekly playgroup for children aged birth–5 years.

Massachusetts is often touted for its top-of-the-nation student outcomes, and clearly has many advantages (significant investments, a highly educated population, and well-prepared teachers) over California. But like most states, Massachusetts struggles to address the needs of its SWDs.[6] Inclusion rates in its school districts range from both above and far below the national average. However, the state's advanced data systems, particularly the RADAR system for SWDs, make the investments, staffing, inclusion rates, and outcomes fully transparent. California has no such transparency.

New Jersey Makes Progress in Inclusion Rates Through Targeted Support

Until the passage of IDEA in 1975, U.S. schools educated only one out of five children with disabilities. More than 1 million students were refused access to public schools and another 3.5 million received little or no effective instruction. Many states had laws that explicitly excluded children with certain types of disabilities, including children who were blind, deaf, and children labeled "emotionally disturbed" or "mentally retarded" (National Council on Disability, 2000).

As early as 1911, New Jersey was among the first states to attempt to address this inequity. Long before the passage of IDEA, the state had policies in place to serve SWDs through the establishment of special schools, state institutions, developmental centers, and psychiatric hospitals. However, those policies resulted in largely separate systems and schools for educating SWDs and general education students. New Jersey has consistently had the highest rates of SWDs in out-of-district placements in the country because, in part, of these long-established institutions.

The state has long struggled to reverse its low rates of inclusion. With 673 mostly small school districts, one advocate explained: "What we see on the ground is that any policy made is interpreted over 600 different ways." Smaller districts lack economies of scale, and when combined with financial incentives, many districts opted to send students to out-of-district placements. Given New Jersey's relatively small geographic size, most of the state is accessible within a bus ride, so private schools and the counties' special education schools are easily accessible.

Disability Rights: *New Jersey et al. v. New Jersey Department of Education et al.*

As recently as 2007, less than half of the state's special education students were taught predominantly in general education classrooms. In June 2007, advocates in the state filed a lawsuit against the New Jersey Department of Education (NJDOE) for denying students in-class

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[6] MA has one of the highest SWD identification rates. The national average is about 11 percent, whereas MA's identification rate is about 18 percent.

accommodations that would have allowed them to receive an appropriate education in a general education setting. The complaint included the following:

> As a result of Defendants' failures, countless children with disabilities have been denied an appropriate education. … Children with disabilities are unnecessarily segregated and denied their right to be educated with children who do not have disabilities, to the maximum extent appropriate. Some children with disabilities are placed in general education classrooms, but are denied aids, services, and accommodations needed to receive an appropriate education, and many children are not even placed in general education classrooms. (Mooney, 2014, paras. 6–7)

In 2014, after nearly 7 years of litigation, the plaintiffs and the NJDOE reached an agreement focused on including SWDs in general education settings in New Jersey. The agreement to the suit required the state to work with the 76 districts whose LRE placements were the lowest in the state.

New Jersey Department of Education's Role in the Settlement Agreement. The settlement agreement established a seven-member stakeholder committee comprised of disability rights advocates to oversee the NJDOE as it implemented the agreement terms (Limbacher & La Rocca, 2015). The settlement agreement did not address costs incurred by either the state or the 76 identified school districts. Below, we describe the role of the state in meeting its responsibilities in three major areas of the settlement agreement.

Needs Assessment. In 2014, the NJDOE administered a LRE Needs Assessment to each of the designated districts. The stakeholder committee used the results to provide the NJDOE with its recommendations about each district's needs.

Technical Assistance. The NJDOE provided technical assistance and training to designated districts focused specifically on helping school districts educate SWDs in the least restrictive environments possible. For 3 years post-2015, the NJDOE developed a statewide annual plan identifying the specific areas related to LRE that required technical assistance and training for the 76 districts, and the state also discussed each year's plan with the stakeholder committee. For districts designated for school-age LRE issues, topics for training and technical assistance based on identified areas "may include, but shall not be limited to: (a) supporting diverse students with the full range of disabilities in general education classes; (b) developing an inclusive school climate; (c) analyzing placement data to ensure placement in the LRE; (d) Universal Design for Learning and Model Curriculum Scaffolds; (e) modified curricula; (f) differentiated instruction; (g) full range of supplemental needs and services; (h) provision of services in general education settings by itinerant service providers; (i) adaptation of curriculum, instruction, and materials; (j) co-teaching models; (k) transportation; (l) long-range facilities planning related to educating SWDs; and (m) design and implementation of appropriate policies

and programs." (*Disability Rights New Jersey, et al. v. New Jersey Department of Education, et al.*, 2014).

The NJDOE was required to provide designated districts a minimum of four LRE technical assistance and/or training sessions based on covering one or more areas of assessed need each year. For the designated districts that met a minimum threshold on the LRE Needs Assessment, the NJDOE made at least one state inclusion facilitator available to each of them—facilitators are NJDOE employees with expertise in inclusive practices and technical assistance for the implementation of federal and state LRE requirements. The state inclusion facilitators were to contact the designated districts monthly to offer assistance on any LRE issues facing the districts and provide on-site assistance.

The NJDOE directed districts that failed to meet a minimum threshold on the needs assessment to designate a district-level LRE facilitator to be a local resource on matters related to LREs for district staff. The NJDOE also developed—in consultation with the stakeholder committee—a set of interactive web-based training sessions based on its monitoring for the 2015–16, 2016–17, and 2017–18 school years.

Monitoring. The settlement agreement required the NJDOE to monitor the designated districts during the 2015–16 and 2016–17 school years for compliance with LRE requirements, and then to provide a monitoring report to local community members. The monitoring reports described findings of noncompliance in nine areas, identification of corrective action(s), and a timeline to remedy noncompliance. The stakeholder committee used the completed monitoring reports to form the basis of plans for technical assistance and training for the following year. During the 2017–18 school year, after 3 years of training and technical assistance, each designated district completed a self-assessment checklist in nine specified areas.[7]

Progress Made/Current Status of Inclusion. The NJDOE issued the final monitoring reports required by the settlement agreement to each of the 76 districts in July 2019. The Education Law Center—an advocacy organization representing parents and SWDs, and one of the plaintiffs in the settlement agreement—conducted an analysis of the final compliance reports and found that the majority of school districts had successfully addressed concerns outlined in the lawsuit. Over half were compliant in all areas, and the remaining half were compliant in most of the nine areas, a marked improvement since the start of the settlement agreement. "Overall, the settlement agreement has had a positive impact, improving inclusion opportunities in the designated districts. … While progress has been made, New Jersey schools still have a long way to go to be fully inclusive of students with disabilities" (Education Law Center, 2019, para. 13).

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[7] A summary of the nine compliance areas monitored and reported can be found at https://edlawcenter.org/news/archives/special-education/education-in-the-least-restrictive-environment-how-are-nj-school-districts-doing.html

Since the conclusion of the LRE settlement in 2019, the NJDOE continues to push for more inclusive schools by providing the needed assistance to districts to facilitate change. Early in 2020, the NJDOE entered into a 5-year agreement with the Center for Autism and Early Childhood Mental Health at Montclair State University (CAECMH) and the New Jersey Coalition for Inclusive Education (NJCIE) to provide statewide technical assistance to assist districts with implementation of inclusive educational practices. NJCIE will provide short-term technical assistance to a large number of K–12 districts annually, and longer term systems-change facilitation to a smaller number of districts. CAECMH will mirror those services to preschool sites. The NJDOE, NJCIE, & CAECMH will jointly host an Inclusion Task Force consisting of district administrators, constituents, and parents to draft suggestions for statewide movement to more inclusive schools. In addition, the NJDOE entered into an agreement with Special Olympics of New Jersey (SONJ) to greatly expand the number of schools with unified sports programs and the accompanying social-emotional learning programs that SONJ provides.

When we first contacted state officials, district officials, and advocates in New Jersey in fall of 2019, most were surprised that we were looking to New Jersey as a guide for California policymakers. They were quick to mention that New Jersey's inclusion rate is still among the lowest in the country. While it is true that New Jersey has a long way to go to realize full inclusion of SWDs, the New Jersey example suggests that targeted support to a subset of districts with poor inclusion rates can begin to improve the education of SWDs. Perhaps most importantly, New Jersey's approach—assessing needs, monitoring progress, and providing targeted assistance in the districts most in need—is a reasonable framework for California to consider.

Florida Focuses on Inclusion and Makes Gains in Outcomes

Of the several jurisdictions we studied, Florida's student population and demographics, although smaller in number, are the most directly comparable to California's. Florida has 2.6 million students, 3,800 public schools, and more than 180,000 teachers, while California has over 6 million students, over 10,000 public schools, and over 300,000 teachers. Both Florida and California have minority–majority student populations and significant numbers of English language learners.

In 2013, Florida enacted a key legislative statute that has led to dramatic changes in the education of SWDs. First, the state defined inclusion:

A school district shall use the term "inclusion" to mean that a student is receiving education in a general education regular class setting, reflecting natural proportions and age-appropriate heterogeneous groups in core academic and elective or special areas within the school community; a student with a disability is a valued member of the classroom and school community; the teachers and administrators

support universal education and have knowledge and support available to enable them to effectively teach all children; and a teacher is provided access to technical assistance in best practices, instructional methods, and supports tailored to the student's needs based on current research. (Florida Statutes, [1][a], 2)

The statute not only codified a definition of inclusion but also acknowledged that teachers and administrators need training and support to foster the inclusion of SWDs. As the statue clarified, inclusion is much more than simply placing SWDs in general education classrooms; it requires Florida educators to be equipped to teach all students. In 2014, Florida updated its Educator Certification Renewal Requirements to include a provision stipulating that every educator applying for certificate renewal must earn at least one college credit or 20 hours of in-service training in teaching SWDs. The Florida Department of Education (Florida DOE) developed virtual training for teachers and administrators that could be used to fulfill the certification renewal requirement at no cost.[8]

Importantly, the statute recognized that changing culture and practices—and advancing inclusion systematically—would not occur by legislative fiat alone, so it built in a regular self-assessment process through which districts and schools monitor their local inclusion practices. Specifically, the language notes:

Once every 3 years, each school district and school shall complete a Best Practices in Inclusive Education (BPIE) assessment with a Florida Inclusion Network (FIN) facilitator and include the results of the BPIE assessment and all planned short-term and long-term improvement efforts in the school district's exceptional student education policies and procedures. BPIE is an internal assessment process designed to facilitate the analysis, implementation, and improvement of inclusive educational practices at the district and school team levels. (Florida Statutes, para. 4f)

There are four key features of Florida's effort to improve outcomes for SWDs using the BPIE assessment. First, the BPIE assessment process is designed with a focus on students' best interests. As one member of the Florida Inclusion Network (FIN) explained: "Our primary concern is making sure that we're promoting inclusion in a way that's very intentional and with students' best interests. So not just with moving those numbers, but what do the in-class support models look like for students who are included."

Second, the BPIE assessment process is a local one that relies on local stakeholders, including administrators, general education teachers, special education teachers, parents, and often students. The process is led by a trained facilitator, who convenes the stakeholders in a several-hour-long meeting during which they collectively complete the BPIE assessment and rate

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[8] http://www.fldoe.org/teaching/certification/fl-educator-certification-renewal-requ.stml

their school or district on the BPIE indicators (34 school and 30 district indicators). As a district administrator and facilitator explained:

> It's really important through this process to have very meaningful discussions, even if it's a little uncomfortable about how inclusive we are at each individual school. … And me presenting how somebody else feels is not as impactful as hearing it from the parents that have a child with disabilities or a student that has a disability [about] how they feel when they come to school each day.

Third, Florida established an infrastructure guided by the FIN Administration Project (consisting of a small staff that oversees BPIE implementation), a statewide network of BPIE facilitators, and a cadre of special education district personnel trained to administer the BPIE. For example, in Seminole County Public Schools, the Director of Special Education Services oversees the work of four area administrators serving 67 schools. The area administrators are trained in BPIE facilitation and they train BPIE facilitators in the schools.

Fourth, the BPIE results for each school must be included in the required School Improvement Plans (SIP). By including BPIE results in the publicly available SIP, the state has elevated the importance of best practices for inclusive education and helped guarantee that improving inclusion rates is on the radar of the schools' leadership and the wider community.

The BPIE assessment form for schools includes 34 indicators of inclusive practices, while the form for districts includes 30 indicators. The indicators are categorized within three domains: leadership and decision-making, instruction and student achievement, and communication and collaboration. An example of one indicator on the school BPIE form is below. The complete list of school indicators is found in the appendix. The BPIE assessment form includes four columns: indicators, examples or evidence of practice, implementation status, and data sources/supporting evidence. But the form is less important than the process.

The BPIE assessment process is a structured approach that includes diverse local stakeholders, a collective effort to reflect on the school (or district) efforts to promote inclusion of SWDs, and the identification of BPIE priorities. At the school level, the BPIE team includes the principal, other administrators, general and special education teachers, parents of SWDs and general education students, and SWDs if appropriate. District-level BPIE teams include:

- a lead district contact person;
- district administrators (superintendent, assistant superintendent, Title 1 director, student services administrators, English language director, career and technical education administrators, human resources director, transportation coordinator);
- school administrators;
- special education teachers;

Exhibit 2. Sample BPIE Assessment Instructional Indicator

	Indicator	Examples or Evidence of Practice	Implementation Status				Data Sources/ Supporting Evidence
			Not yet	Partially B	A	Fully	
20.	An MTSS and problem-solving process is consistently used by school personnel to ensure progress in the general education curriculum, across all grades and settings, for all students with and without disabilities.	• School personnel use a problem-solving process to identify appropriate instructional and behavioral interventions. • There is a schoolwide plan to provide school personnel with ongoing PD and TA on the implementation of an MTSS framework. • Members of the school MTSS team are assigned to provide support to specific grade-level or subject-area teams. • PD and TA activities for implementing MTSS are documented in the SIP, including evaluation criteria to measure desired outcomes. • PD and TA activities are provided with the goal of matching tiered supports with the instructional support needs of individual SWDs in general education classrooms and natural contexts. • Families are provided information and opportunities to understand the MTSS process as it relates to tiered interventions for their child. • Administrators allocate resources to support schoolwide MTSS, functional behavior assessments (FBA) and PBS plans. • An FBA process is used to identify triggers and replacement behaviors for any student who needs additional behavioral support. • School rules are translated into specific applications for classrooms, hallways and other school areas as part of a schoolwide PBS plan.					

Suggested Measures: SIP, PD/TA schedule and sign-in sheets, minutes of MTSS meetings, schoolwide PBS plans, FBA documents.

Note: For more information and resources on the MTSS and problem-solving process, please refer to the *Appendices: Glossary and Resources/Publications* sections.

Comment:

- general education teachers;
- a paraprofessional representative;
- parents of SWDs; and
- community groups and institutions.

The BPIE assessment process begins with the school principal (for the school) or the superintendent or designee (for the district) selecting the BPIE assessment team, setting a date for the BPIE team meeting, and distributing the BPIE form. Each team member then completes the BPIE form and participates in the facilitated and structured BPIE team meeting. At the BPIE team meeting, participants collectively complete the BPIE form and identify priority indicators. Team members are reconvened to plan short- and long-term improvement efforts based on the priorities.
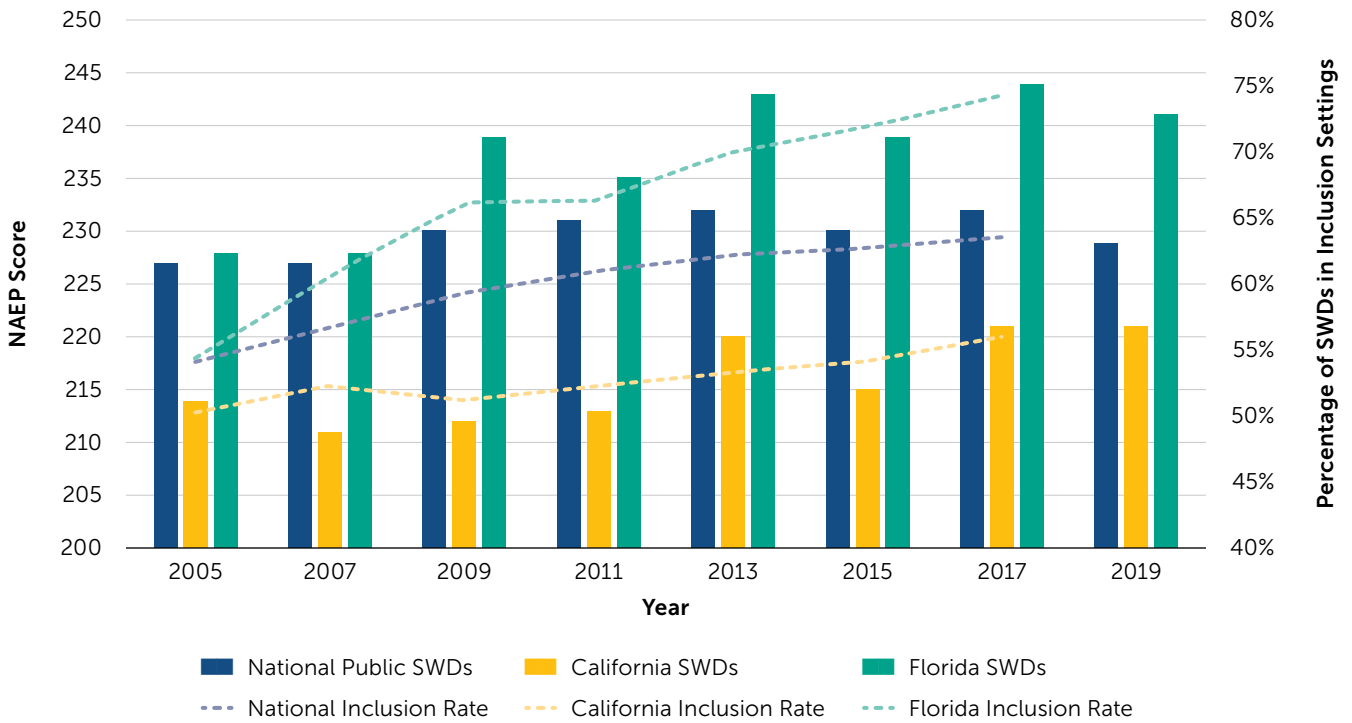
FIN staff and state officials alike reported that the most powerful part of the BPIE process is the often difficult conversations among participants as they individually and collectively reflect on their school or district inclusion practices. Because such conversations can be contentious, it is critical that a FIN facilitator or a FIN-trained leader facilitate the meetings.

Implementation of the BPIE process has been neither smooth nor easy. As one FIN leader explained: "[During] the first round, anecdotally, we heard about mixed results. It was more of a 'We got to get this done.' More of a compliance process." According to local leaders, part of the challenge for schools and districts was that they absorb unfunded costs; despite the fact that the state supports the FIN and the facilitators, districts and schools have to arrange for substitute educators for those with classroom responsibilities. State officials noted that the second round of the BPIE has been more successful, in no small measure because schools and districts began to see evidence of substantial progress.

Florida's progress has been encouraging even as it faced initial implementation challenges. The following exhibits illustrate the state's improvement in inclusion rates and the outcomes for SWDs. While these charts do not reflect causal evidence that Florida's increased inclusion rates resulted in better outcomes for SWDs, the trends indicate that the state has made tangible—and meaningful—progress in outcomes for SWDs.

Exhibits 3 and 4 focus on inclusion rates and National Assessment of Education Performance (NAEP) scores in Florida, California, and the nation. Despite some fluctuation, the exhibits show that Florida is ahead of the national average in both inclusion rates and academic performance, and that California lags behind.

Exhibit 3. Grade 8 Reading: NAEP Scores and Inclusion Rates in California, Florida, and Nationally

Legend:
- National Public SWDs
- California SWDs
- Florida SWDs
- National Inclusion Rate
- California Inclusion Rate
- Florida Inclusion Rate

Exhibit 4. Grade 4 Reading: NAEP Scores and Inclusion Rates in California, Florida, and Nationally

Legend:
- National Public SWDs
- California SWDs
- Florida SWDs
- National Inclusion Rate
- California Inclusion Rate
- Florida Inclusion Rate

Promising Policies to Address the Needs of Students with Disabilities: Lessons from Other States
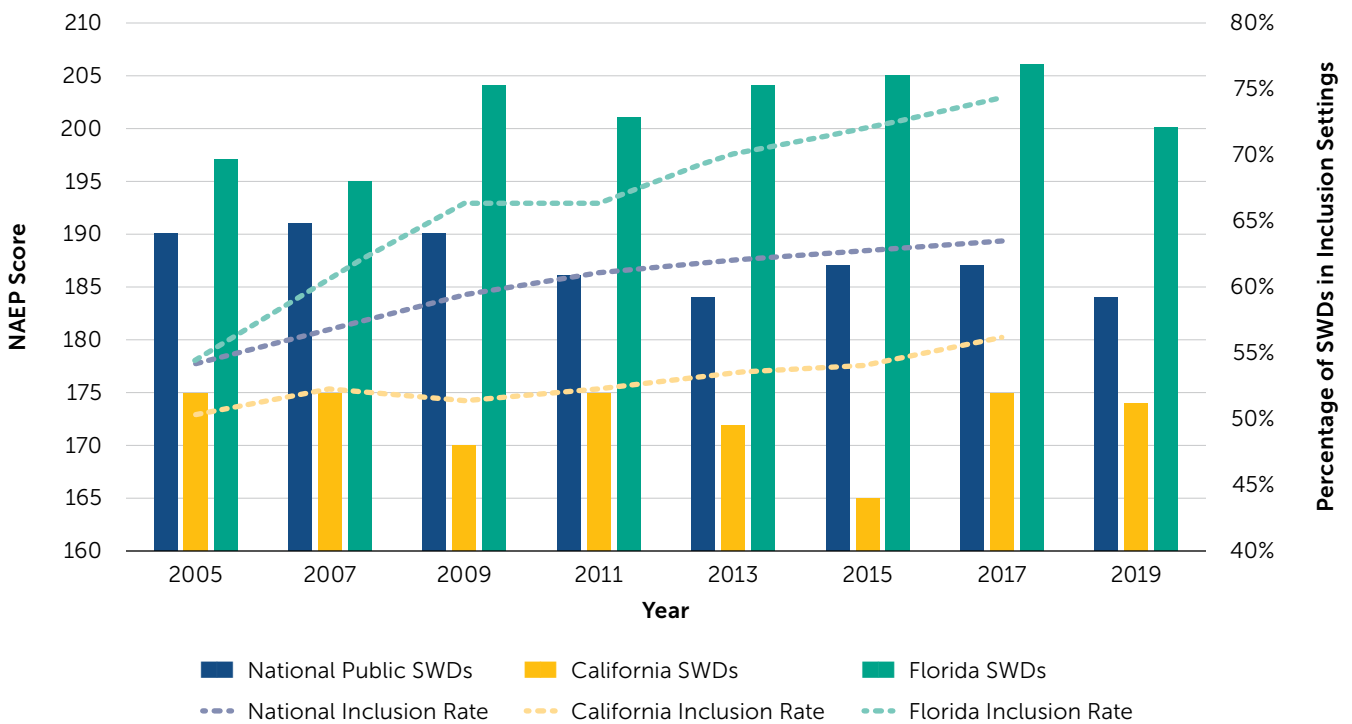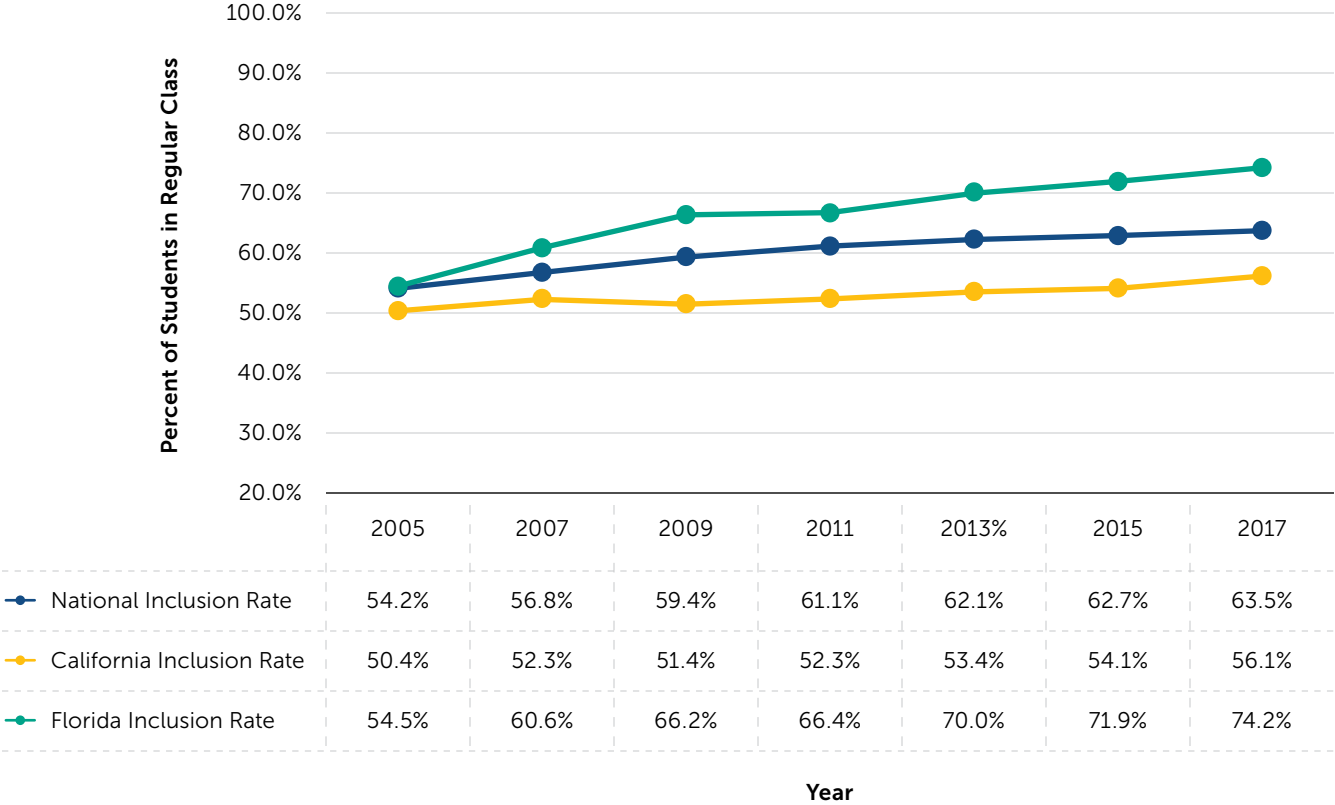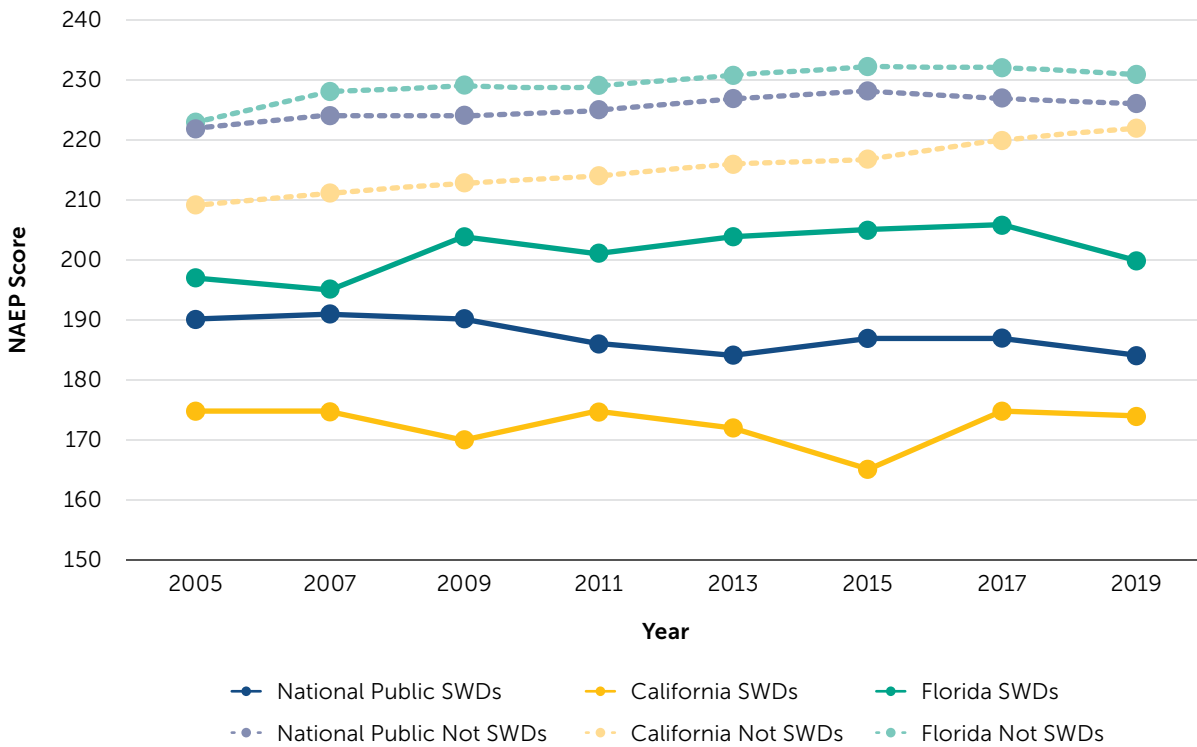
Exhibit 5 highlights the progress that Florida has made in increasing inclusion rates for SWDs. From 2005 to 2017, Florida's inclusion rate has increased by 20 percentage points. By comparison, California's inclusion rate has increased by less than 6 percentage points, while the national average has increased by nearly 10 percentage points.

Exhibit 5. Inclusion Rates for Students with Disabilities

	2005	2007	2009	2011	2013%	2015	2017
National Inclusion Rate	54.2%	56.8%	59.4%	61.1%	62.1%	62.7%	63.5%
California Inclusion Rate	50.4%	52.3%	51.4%	52.3%	53.4%	54.1%	56.1%
Florida Inclusion Rate	54.5%	60.6%	66.2%	66.4%	70.0%	71.9%	74.2%

Year

Finally, Exhibit 6 looks more closely at the gaps in achievement between general education students and SWDs. Again, California lags behind Florida and the nation on fourth-grade reading scores when comparing the gap between these two student groups. The good news for California is that general education students have made notable gains. The bad news is that the gap between California's SWDs and general education students is both larger than the national average and much larger than Florida's gap.

Exhibit 6. Grade 4 Reading: NAEP Scores in California, Florida, and Nationally

Legend:
- National Public SWDs
- California SWDs
- Florida SWDs
- National Public Not SWDs
- California Not SWDs
- Florida Not SWDs

As promising as Florida's BPIE tool is, we recognize that both the tool and its implementation would need to adjust to the California context. Florida's indicators of best practice for inclusive education may not be right for California. Adding a new, largely unfunded mandate on California schools and districts would be problematic given other competing (also largely unfunded) mandates. And, how a BPIE-like process could be supported by the existing California infrastructure is unclear. Regardless, the Florida example suggests that even California can become a "Can Do" state to increase inclusion rates and outcomes for SWDs.

Conclusion

Our examination of policies designed to advance the inclusion rates and academic performance of SWDs from Massachusetts, New Jersey, and Florida offers some guidance for California policymakers. Of course, this study did not examine other promising policies from all states. Moreover, the full complement of issues (funding; teacher and administrator preparation and professional development; early learning; data systems; engagement; and accountability) intersects with efforts to improve inclusion rates and is largely beyond the scope of this study. It is important to remember that repairing only one part of the system will not result in the needed improvements systemwide. This paper's focus on improving inclusive education

for SWDs stems from the large body of research demonstrating the benefits of inclusion for both SWDs and general education students. The experiences of the states in our study reveal promising approaches to improving inclusion rates. Importantly, each of the states we studied relies upon a combination of statewide resources (tools, technical assistance, rubrics, and data) and local decision-making. Achieving the right balance between centralized and local control takes time and effort, yet that combination allows quite diverse districts and schools to progress towards a common goal.

Massachusetts stands out for its development and implementation of data systems (RADAR) that allow districts to compare how their students perform, how they staff schools, and how they deploy resources compared with other similar districts and the state average. In addition, the RADAR system provides a tool to focus on SWDs. It identifies 5-year trends for SWD enrollment (disaggregated by race/ethnicity and gender), staffing, identification rates for services, in- and out-of-district placements, and placement trajectories. In keeping with the commitment to local control, districts can use the data in their planning. At the same time, the MA DESE uses the data to identify outliers and to provide a venue for outlier districts to learn from each other. California has recently moved to improve its data systems, although it does not yet have a tool that allows districts to do what Massachusetts districts can do.

New Jersey was one of the first states to try to address the needs of SWDs, but its early strategies resulted in high levels of segregation of SWDs. As a result of litigation, the state embarked on a targeted approach to improve the inclusion rates for 76 of its 673 districts. The NJDOE, guided by a committee of stakeholders, provided those 76 districts with needs assessment, technical assistance, regular monitoring, and annual reports to locally convened stakeholder groups. The result of this targeted effort appears to be notable improvements in inclusion rates in the targeted districts. In addition, the litigation and the state's intervention caught attention in other districts not identified for support. New Jersey has much more work to do to increase its overall inclusion rates, but its targeted support is in sharp contrast to California's System of Support. And recent research on California's approach suggests a more targeted approach could result in better outcomes (Humphrey & O'Day, 2019).

In 2013, Florida passed legislation that clearly articulated the state's definition of and expectation for inclusion, and then implemented school and district self-assessments of BPIE. The BPIE process occurs at the local level and is supported by a statewide infrastructure of inclusion facilitators. While there is no evidence of a causal effect of the BPIE process on inclusion rates, Florida has dramatically increased its inclusion rate along with its NAEP scores. Moreover, Florida's achievement gap between SWDs and general education students is less than the achievement gap in California. California's commitment to local control could lend itself to a California version of the BPIE process and would represent a much deeper, more intensive, and localized improvement effort on behalf of SWDs than the current assistance provided by the System of Support.

Recommendations

California policymakers have the opportunity to heed efforts in Massachusetts, New Jersey, and Florida to increase inclusion rates and thereby improve outcomes for SWDs—and for general education students too. Of course, the California context is different from that of other states, and other states' policies cannot simply be replicated carte blanche. Given that caveat, our research suggests four recommendations.

1. California should invest in a RADAR-like data system that allows local districts and the public to compare SWDs achievement and inclusion rates, resource allocation, staffing, enrollment patterns, and trajectories with comparable districts. Access to comprehensive information on SWDs can empower districts to modify their approaches, allow the state to identify districts needing improvement, and provide opportunities for districts to learn from each other. A data system for California should be able to track SWDs from their early identification (preschool and before) through adulthood.

2. California should draw upon such a data system to provide more targeted support to districts most in need of improving the education of SWDs. The state's current System of Support should be modified to allow support providers (County Offices of Education and others) to focus intensive assistance on a manageable number of districts.

3. California should gradually implement a school- and district-based assessment system, like the BPIE in Florida, designed to improve inclusion rates of SWDs. Such a system should include stakeholder involvement and support from trained facilitators. Supporting schools and districts in comparing their own policies and practices with best practices for inclusion and developing locally identified improvement strategies is in keeping with California's commitment to local control.

4. California would be wise to draw on the experience and expertise of officials and advocates from other states (including Massachusetts, New Jersey, and Florida). Learning from other states should help California avoid implementation problems as it develops an improved data system, provides targeted support to districts, and engages schools and districts in the process of comparing their practices with best practices for inclusive education.

Appendix

Figure 1. Florida School BPIE Indicators At-A-Glance

SCHOOL BPIE INDICATORS
At-A-Glance

	DOMAIN: Leadership and Decision-Making
1.	The school leadership team analyzes data to identify barriers and initiate improvement steps that increase the number of students with low and high incidence disabilities, across all grades, in general education and natural contexts.
2.	Short and long term efforts to implement and improve inclusive educational practices, as measured by the BPIE, are included in the School Improvement Plan (SIP).
3.	The school has a key person who oversees, coordinates, and monitors the implementation of best practices for inclusive education for all SWDs.
4.	School administrators advocate for all SWDs to have the same school choice options as students without disabilities to ensure all SWDs receive educational services in their neighborhood school or school of choice.
5.	School data reflect that all SWDs, regardless of the type or severity of disability, receive their education and related services in age and grade appropriate, heterogeneous, general education contexts 80% or more of the day.
6.	School data reflect that all SWDs, ages 3–5, receive special education and related services in the regular early childhood (Pre-K) and kindergarten classes with peers without disabilities. ***schools with Pre-K programs only**
7.	School administrators communicate expectations for all school personnel to share responsibility for all of the students in their building and consider all SWDs as general education students **first**.
8.	School administrators facilitate the use of resources, by school personnel, to implement best practices for inclusive education for all SWDs.
9.	School administrators communicate expectations for all school personnel to use person first language in all written and verbal communications.
10.	School administrators use job interview questions to appraise an applicant's knowledge and beliefs pertaining to diversity and inclusive practices, as applicable to the position.
11.	School administrators advocate for all SWDs to be transported to and from school and community-based activities with students without disabilities attending the same school, except for those who have an IEP indicating a shortened school day.

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12.	All SWDs have the same opportunities as students without disabilities to participate in all school sponsored, non-academic, age-appropriate activities including electives, sports, dances, clubs, field trip, school plays, community service activities, and graduation activities.
13.	All students, including SWDs, are given equal consideration for recognition through honors, awards and other designations offered by the school.
14.	School administrators analyze data to identify professional development (PD) and technical assistance (TA) needed for school personnel to implement effective inclusive practices.
15.	School leaders provide job-embedded **professional development** for all school-based personnel, as appropriate for their job role, on best practices for inclusive education for all SWDs.
16.	School leaders facilitate job-embedded, **technical assistance** for all school-based personnel, as appropriate for their job role, on best practices for inclusive education for all SWDs.
17.	School administrators ensure that collaborative planning time is used productively and reflected in general and special education staff schedules and instructional plans.
	DOMAIN: Instruction and Student Achievement
18.	Specials, electives, and career technical education (CTE) teachers have regularly scheduled opportunities to consult with special education teachers and related service providers to implement strategies that support the learning of all SWDs in their classes.
19.	General and special education teachers use the Florida Standards as the foundation for instruction of all SWDs, including those with a significant cognitive disability.
20.	A multi-tiered system of student supports (MTSS) and problem-solving process is consistently used by school personnel to ensure progress in the general education curriculum, across all grades and settings, for all students with and without disabilities.
21.	All instructional and related services personnel use formative assessment processes and tools to gather, analyze, and evaluate data about effective instruction and behavior interventions for all students with and without disabilities in general education and natural contexts.
22.	Teachers of SWDs who spend less than 80% of their day in general education classes use formative assessment data to identify effective instructional and behavioral interventions that, when implemented in general education and natural contexts, allow SWDs to make progress toward meeting IEP and learning goals.

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23.	There is a school wide approach to facilitate positive, interdependent relationships and social responsibility among all students with and without disabilities across all general education and natural contexts.
24.	There is a school wide approach for planning and implementing Universal Design for Learning across all instructional and non-instructional school contexts.
25.	There are a variety of service delivery models in place, across all grade levels, to provide instruction and related services to SWDs in general education classes and natural contexts.
26.	All paraprofessionals have received PD that includes clear descriptions of their work responsibilities and strategies for providing support to SWDs in general education classrooms and natural contexts.

DOMAIN: Communication and Collaboration

27.	All special education teachers are full, collaborative members of a general education curriculum team.
28.	General and special education teachers use regularly scheduled collaborative planning time to clarify their roles and responsibilities while planning effective instruction and assessment for all students.
29.	Family members of SWDs are contributing members of school decision-making groups.
30.	Learning opportunities and resources are provided to families of SWDs as a result of needs assessments and student data.
31.	When communicating with families of SWDs, all personnel consider family members as a resource and obtain their input in planning and problem-solving.
32.	The School Improvement Plan (SIP) and subsequent reports of progress toward implementing inclusive practices are disseminated to families, school district personnel, and community members annually.
33.	The school uses a person-centered planning process for SWDs.
34.	School uses a team decision-making process to ensure SWDs transition from grade to grade, school to school, and district to district to ensure placement in the least restrictive environment.

3

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