

Civil Rights Complaint

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Attachment A

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Executive Summary

Finance

- Georgia should continue to pursue effective school reform strategies through

- 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.

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 for

These data were used to estimate the following parameters:

1. The number of individuals in the population (N)

2. The number of alleles (A) at each locus

3. The number of genotypes (G) at each locus

4. The number of phenotypes (P) at each locus

5. The number of genotypes (G) at each locus

6. The number of phenotypes (P) at each locus

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 rates. Georgia's

<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 statute...

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 Act of 1999 was passed. [REDACTED]

	1999	2000
Revenue		
Operating		
Sales		
Domestic		
International		
Other		
Non-Operating		
Interest		
Other		
Total		
Expenses		
Operating		
Cost of Sales		
Research and Development		
Selling, General and Administrative		
Restructuring Costs		
Other		
Non-Operating		
Interest		
Other		
Total		
Income		
Operating		
Non-Operating		
Total		
Income Tax Expense		
Net Income		
Other Comprehensive Income		
Foreign Currency Translation		
Other		
Total		
Comprehensive Income		
Per Share Information		
Operating		
Basic		
Diluted		
Non-Operating		
Basic		
Diluted		
Total		
Other Comprehensive Income		
Basic		
Diluted		
Total		
Weighted Average Shares Outstanding		
Basic		
Diluted		
Dividends Per Share		
Other Information		
Other		

self-contained hearing impaired

self-contained other health impaired;

(4) Category IV: deaf-blind, profoundly mentally disabled, visually impaired and blind,

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

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

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

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 the assessment.

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 local staff.

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 are

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

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 would be

[The following area contains multiple horizontal lines, likely representing a form or a series of blank lines for writing. The lines are mostly empty, with some faint, illegible markings on the left side.]

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 the

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. 2). The research on out-of-level testing

Accountability

Current policy

Georgia established its current accountability policies with the A-B-C

Act. This Act directed the creation of the Office of Education Accountability (OEA) and the "creation of a statewide accountability program that is a f

lower class sizes; twenty extra days of instruction for those who do not meet the standard
for proficiency in the next grade level

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)

another mechanism to support them and their children whose the Individualized Education Plan (IEP) is not

Program (IEP) and traditional special education monitoring has failed. As one parent

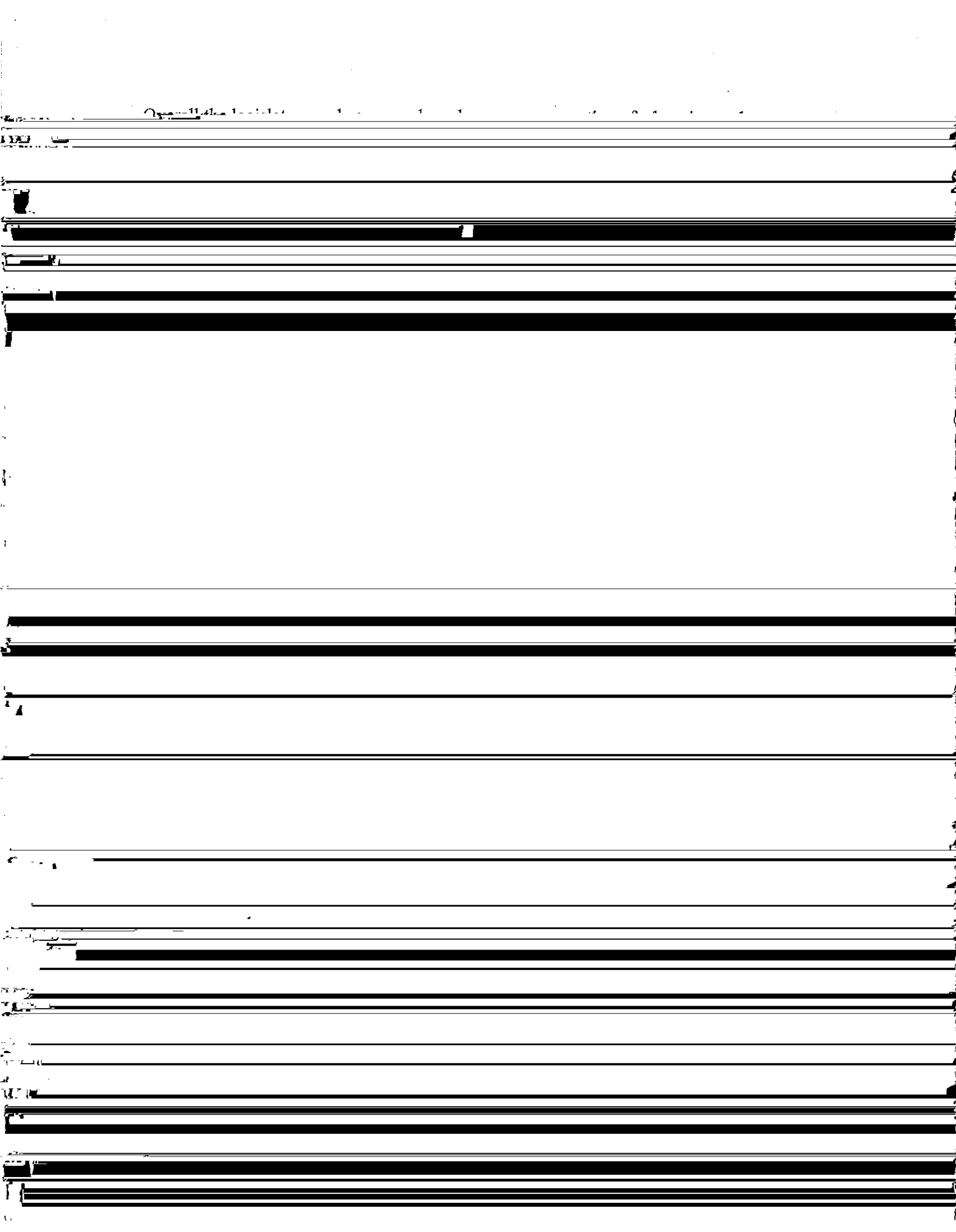
program consolidated application process. The Department of Education will make a decision on whether or not to include them next year. This decision will be based on whether including special education would place greater restrictions on the other federal programs in the state and whether including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

Furthermore, the overall system of education in Georgia seems to be disbursed

Finance

Current policy

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



In addition to ORE formula funding, the state also provides funding for special education.

Page 12

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

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 _____

Recommendations

Caution should continue to ensure effective

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 future programming.

These rules require that teachers' professional development activities be listed in a

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

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 DESA structure. In this way, the projects can join DESA at CC

implement the program in their member districts. Districts that are not currently

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 assessment system that is designed to measure student

Attachment B



UNITED STATES DEPARTMENT OF EDUCATION
OFFICE OF INSPECTOR GENERAL

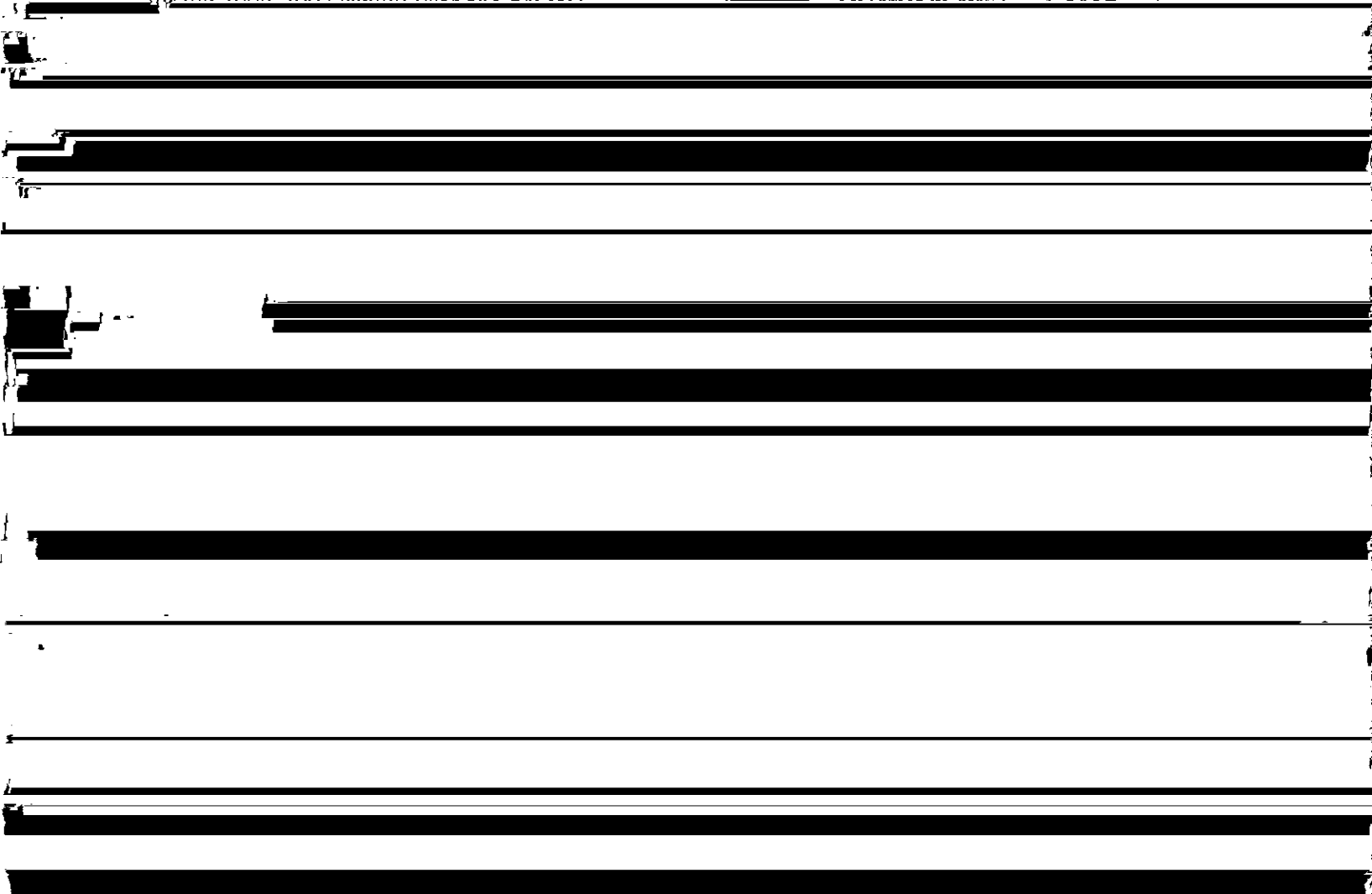
Audit Services
Region IV

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...



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

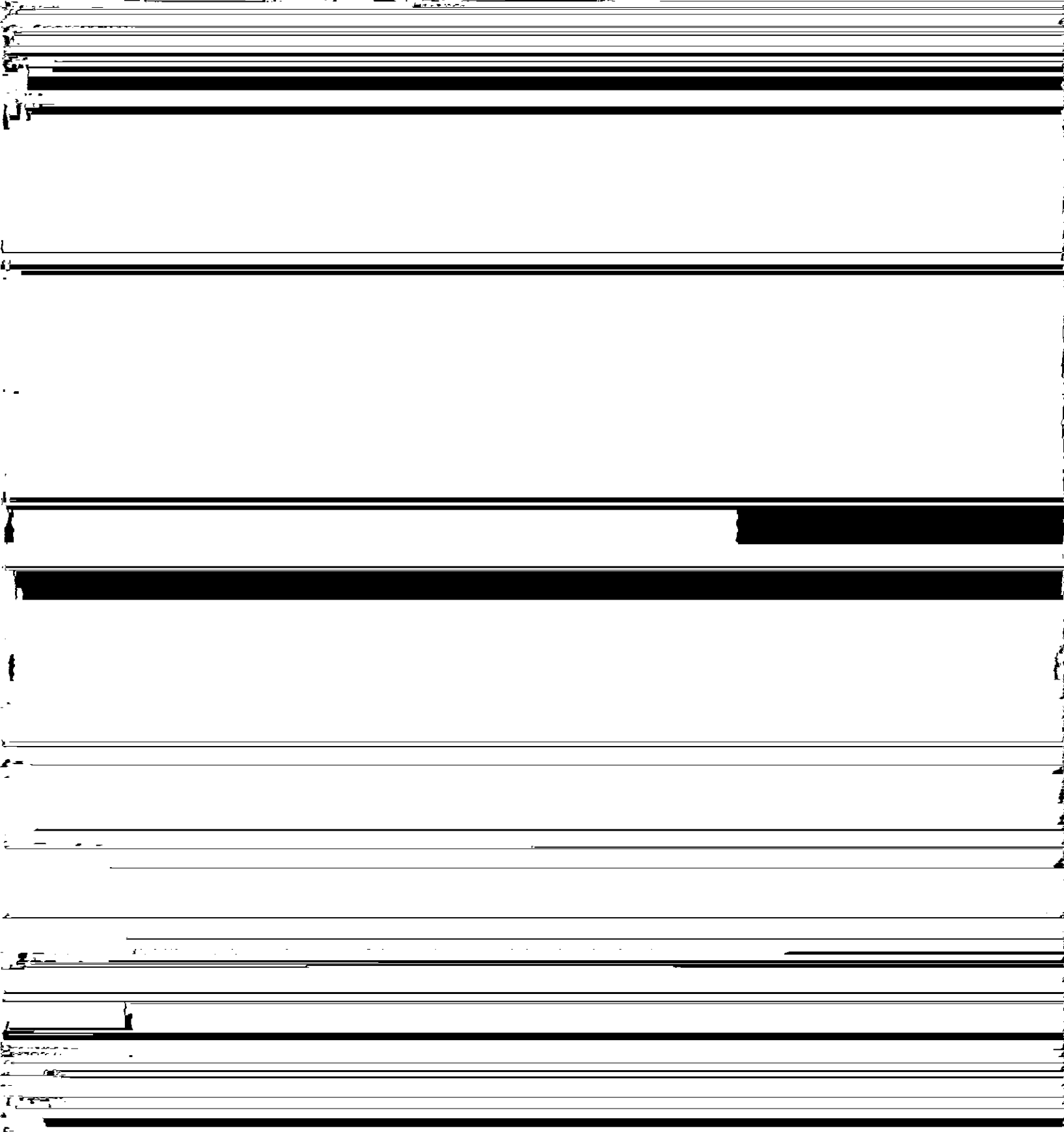
Final Report

ED-01040000

be receiving the same type of inaccurate data from its own [redacted] [redacted] [redacted]

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



unexcused absences. The manual provides a process for withdrawing these students and assigning

- 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 at [REDACTED]

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

EDFACTS REPORTING REQUIREMENTS FOR 2006-2007

Grade	Dropout	Enrollment	Rate
7			
8			
9			
10			
11			
12			

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 comment to justify the transfer.

~~CONFIDENTIAL - INFORMATION CONTAINED HEREIN IS UNCLASSIFIED EXCEPT WHERE SHOWN OTHERWISE~~

Student Record Data Collection Data File Layout-Discipline File Layout,

~~CONFIDENTIAL - INFORMATION CONTAINED HEREIN IS UNCLASSIFIED EXCEPT WHERE SHOWN OTHERWISE~~

Examination of the [redacted]

[The remainder of the page is almost entirely redacted with thick black bars.]

1. Name of the person or organization being investigated: [REDACTED]

2. Address of the person or organization being investigated: [REDACTED]

3. Date of the investigation: [REDACTED]

4. Name of the investigator: [REDACTED]

5. Title of the investigator: [REDACTED]

6. Agency: [REDACTED]

7. Date of the report: [REDACTED]

8. Summary of the investigation: [REDACTED]

9. Findings of the investigation: [REDACTED]

10. Recommendations: [REDACTED]

11. Other information: [REDACTED]

12. Signature of the investigator: [REDACTED]

13. Date of the signature: [REDACTED]

14. Title of the investigator: [REDACTED]

15. Agency: [REDACTED]

However, had there been a clear, recommended requirement for LEAs to C-DOE...

possession, and violence (as those infractions are defined by the state)." We found that GaDOR 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 GaDOR did not

GaDOE Comments

In its comments to the draft audit report, GaDOE did not concur with the finding and draft

based on "program requirements" that did not exist in Federal law, regulation or guidance. GaDOE
maintained that the auditor used criteria that had no relationship to FDEP...

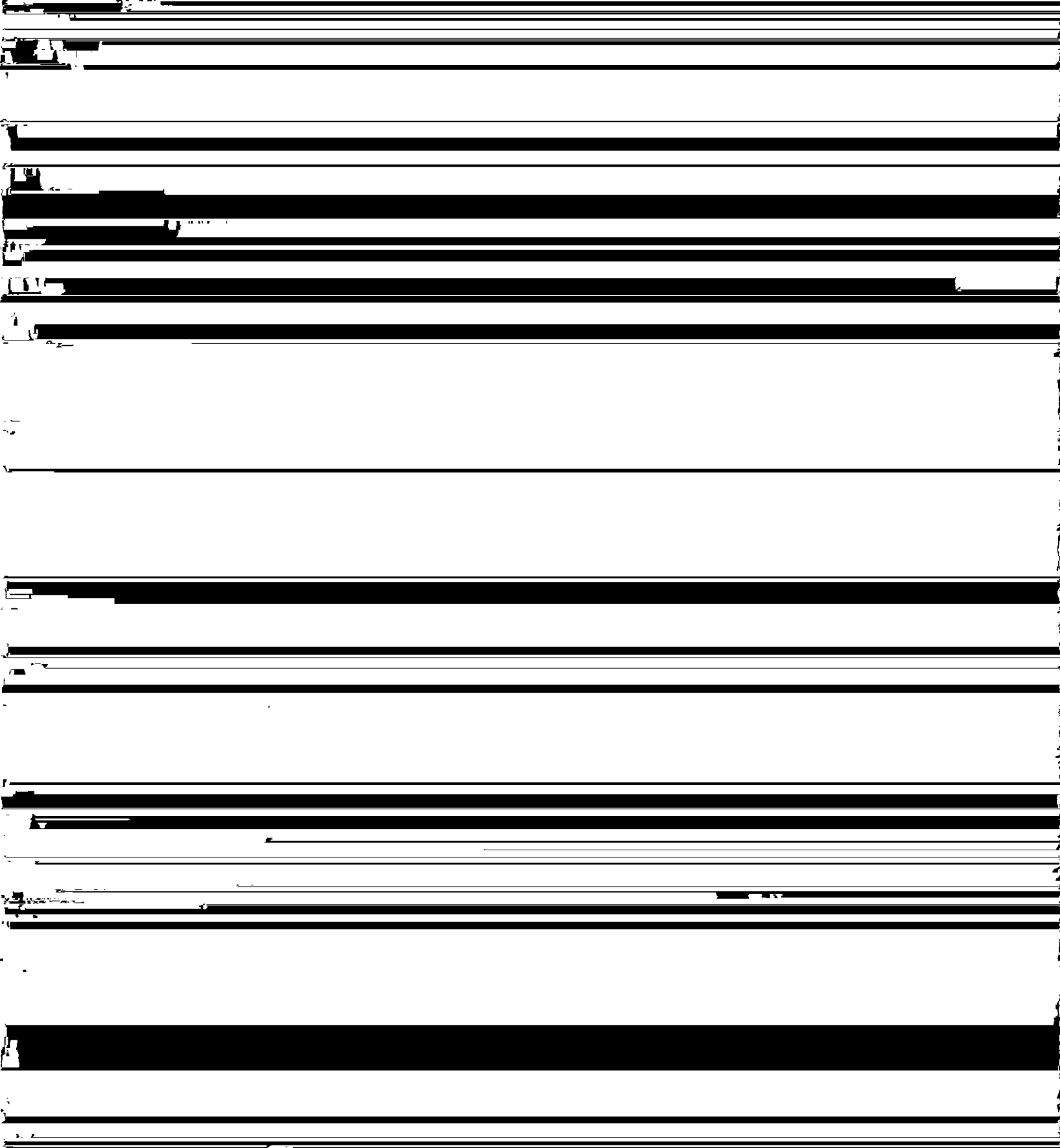
As stated in the report, 34 C.F.R. § 80.40 and Federal Register Volume 72 require data collection through ED Facts from all of the States. Also cited in the report are various sources of Federal guidance, which specify the requirements and data set definitions for the data States are required to submit 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

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

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



Per 34 C.F.R. § 80.40 and Federal Register Volume 72, annual reporting of education data to the Department through EDEData is required of states and CoDOE. CoDOE also submits LEA reported

data to the Department (EDEData). As such, CoDOE is responsible for monitoring its compliance?

year from both GaDOE and CCPS. From the universe of 300 students in grades 7 through 10 who

We conducted our fieldwork at GaDOE, located in Atlanta, Georgia, and at CCPS, located in

Jacksonville, Georgia. Our on-site visits at the two locations took place from August 2008 to January 2009.

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.

Alexa Posny
Assistant Secretary

U.S. Department of Education

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. These findings are...

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

VIOWINJ	Violent Incident With Physical Injury
VIOWOINJ	Violent Incident Without Physical Injury

Summary Results of Selected Program Reviews



Office of the State Superintendent of Schools

Kathy Cox, 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

Control Number: ED-OIG/A04J0003

Dear Ms. Wempe:

Ms. Denise M. Wempe
Page 2
March 22, 2010

Recommendation 1.5

G&DOE does not concur with this recommendation. In the data collection process, we will

will be applied to the data resulting in a more accurate and complete data set.

Ms. Denise M. Wempe
Page 3
March 22, 2010

GaDOE's current process of having the LEA superintendent signoff and attest to the certification

"I certify that the information above, as well as the information...

Attachment C

MEMO

From: Tom Parrish

To: Jerri Katzerman, Director of Educational Advocacy, Southern Poverty Law Center

Date: September 16, 2011

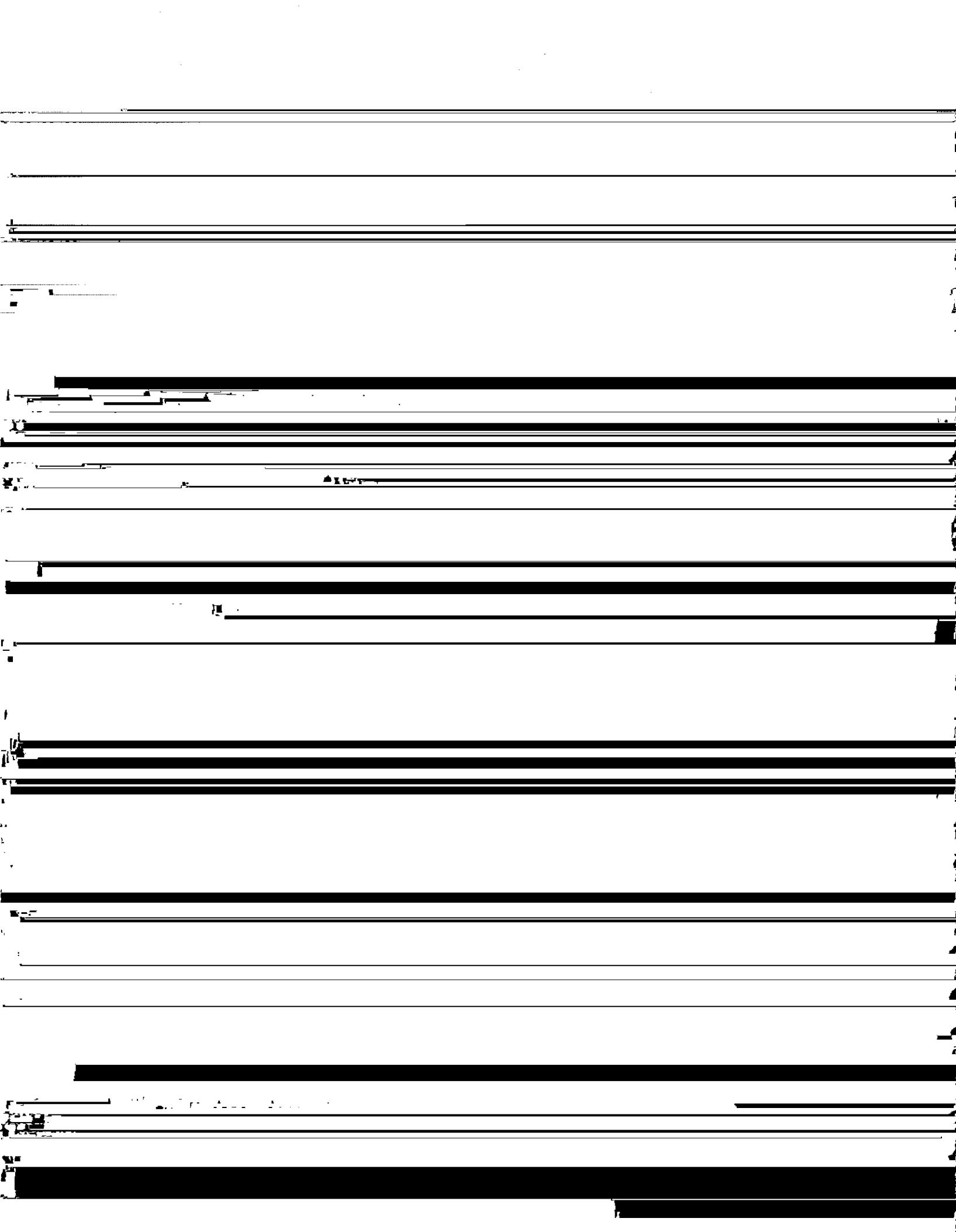
Re: Analysis of special education financing and educational placement patterns in Georgia

In June of 2005, Jenifer Perry 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

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%



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%

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

Special education academic results versus placement

Year	Category	Value
2000	Category 1	100
2000	Category 2	100
2000	Category 3	100
2000	Category 4	100
2000	Category 5	100
2000	Category 6	100
2000	Category 7	100
2000	Category 8	100
2000	Category 9	100
2000	Category 10	100
2000	Category 11	100
2000	Category 12	100
2000	Category 13	100
2000	Category 14	100
2000	Category 15	100
2000	Category 16	100
2000	Category 17	100
2000	Category 18	100
2000	Category 19	100
2000	Category 20	100
2000	Category 21	100
2000	Category 22	100
2000	Category 23	100
2000	Category 24	100
2000	Category 25	100
2000	Category 26	100
2000	Category 27	100
2000	Category 28	100
2000	Category 29	100
2000	Category 30	100
2000	Category 31	100
2000	Category 32	100
2000	Category 33	100
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2000	Category 90	100
2000	Category 91	100
2000	Category 92	100
2000	Category 93	100
2000	Category 94	100
2000	Category 95	100
2000	Category 96	100
2000	Category 97	100
2000	Category 98	100
2000	Category 99	100
2000	Category 100	100

100

Exhibit C: Percentage of students in special education services

Sorted by the degree of difference between these two years

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 2003/04 and 2009/10

76	Oconee	85.50%	68.60%	16.90%	114	Troup	64.80%	58.40%	6.40%
77	Coweta	60.00%	53.00%	7.00%	115	Brooks	60.40%	53.00%	7.40%

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

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

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[REDACTED]

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[REDACTED]

[REDACTED]

[REDACTED]

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

regular classrooms, both of which showed a decline during the 1990s.

percentage of students served in the most restrictive category of placement, external placement in
special education facilities, and the percentage of students in the most restrictive category of placement

After tomorrow, I will be out of the office until August 16. It would be helpful to discuss these

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.