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### Alonso calls for a loosening of court controls

#### Education official tells judge that Baltimore schools have made progress in special education under 20-year-old consent decree

By Sara Neufeld

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Riding high on recent improvements in student test scores, Baltimore schools chief Andres Alonso says special education in the city should be subject to less court oversight under a decades-old lawsuit.

State Superintendent Nancy S. Grasmick also says there's been improvement, and she'd like to see the court begin transferring responsibilities back to the state, which monitors special education in Maryland's other 23 school districts. "If we were talking about the Cold War, we would normalize the operation," she said.

The city school system and the state education department are defendants in a 1984 federal class action suit filed on behalf of students with disabilities.

In a required update to U.S. District Judge Marvin J. Garbis filed this month, the school system does not officially ask for relief but says it is turning around under the leadership of Alonso, who became CEO in July 2007. The filing, which Alonso described as "aggressive," goes beyond the specifics of the case to describe scores of new initiatives, from reorganizing the central office to giving principals more autonomy to revising curriculum. As evidence that reform is beginning to take hold, it cites the improved test scores.

Though their academic performance still lags, the city's special education students improved more than the student body as a whole on this year's standardized tests for children in third through eighth grades. And city students improved more than their peers across the state.

"The dramatic gains in achievement and other outcomes for students overall, and for special education students in particular, are expected to continue or accelerate due to a series of bold new reforms under the direction of Dr. Alonso," the court papers say.

But the tests do not measure the performance of high school students, and the system's secondary schools have had more problems in special education than have elementary schools. To get out from under the consent decree that's been in place since 1988, the system must show it can sustain improvement. It's too soon to know whether many of Alonso's initiatives will work; nearly a third of city schools have new principals this year.



The parties in the suit seem to agree there's been progress, but they disagree about how much. A state monitoring report issued last month found improvement, but not the same extent as the system claims.

The system's court filing contends that Baltimore "is performing better than other school districts across Maryland in a number of areas in providing services to special education students," and those districts aren't the subject of lawsuits.

"This doesn't mean in any way that I think we have our act together," Alonso said in an interview, but said improvement should be rewarded. He said the system is spending a "flabbergasting" amount of time and money on professional development for special education.

In 2000, the parties in the suit agreed to 15 measures by which the system would be evaluated. Over the years, the court agreed the system was in compliance with eight of the 15.

Of the seven areas remaining, the system says it is now in full or substantial compliance with three: It's integrating students with disabilities into classes with their nondisabled peers, with appropriate support; it's sending them to schools in their neighborhoods; and it's taking their disabilities into account in determining and executing appropriate discipline.

The state monitoring report, however, says "there has been no significant progress made" in reducing the disproportionate number of special education students who are subject to disciplinary action.

The lawsuit's special master, Amy Totenberg, issued a report last winter concluding that the system was integrating most special education students into regular classes but often without giving them the support they need, particularly in secondary schools.

Since the system has in the past improved only to slide backward again, Alonso said he could understand if Garbis isn't ready to start loosening the reins. "If I were a judge, I might be nervous," he said.

The system had made strides before a budget crisis in 2004, which prompted a breakdown in serving special education students. In 2005, Garbis ordered a team of state-appointed managers into the system. The team remains, but with fewer people and with a relationship that Alonso describes as more collaborative than supervisory. Grasmick attributes much of the recent improvement to the team's work.

Alonso said he wants a clear definition from the court of what constitutes success and how long that success must be maintained before the court will lift the oversight, which costs the system millions of dollars a year. The system must cover the costs not only of its own lawyers but also of the plaintiffs' attorneys, the special master's office, the four state managers and expensive makeup services to children as determined by a court formula.

System officials say they are out of compliance with only one of the seven measures the court is monitoring: the requirement that they provide legally mandated services such as speech therapy and counseling without interruption.

They say they are in partial compliance with three measures, two involving the graduation rates for students with disabilities. Since 2005, the system says, the graduation rate has increased 8.9 percentage points. Still, it's only 36 percent. Last week, Alonso ordered the city's high schools to try to track down 925 students - some with disabilities and some without - who have dropped out since January and get them back into class.

In the lawsuit, the next step will be a response from Totenberg, who is expected to provide her assessment of the city's compliance. Alonso said the system will determine how to proceed based on her feedback. Totenberg also monitors a continuing special education lawsuit in Washington, where she recently issued a scathing report.

The students' lawyers, at the Maryland Disability Law Center, declined to comment on the status of Baltimore's special education program.

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