



Addendum to Final Equity Audit Report

12/28/2023

As follow up to two issues raised at the presentation of the final report on 12/05/23, regarding the omission of information from special education focus groups, and a call for specific examples of retaliation, please accept these additions to the final report.

Special Education Concerns

The following items were included in the final report:

- We reviewed the NJ DOE compliance/performance report, and the district meets or exceeds all state targets, with the exception of preschool programs:
<https://www.nj.gov/education/specialed/monitor/spp/2021/reports/Essex/2730.pdf>
- In our parent survey, 25% of respondents had students with IEP and 10% 504, and yet...
 - Page 81, family survey, notes that IEPs, supports, programs are inadequate (11 of 102 responses)
 - P 27 of our report, climate concerns *"Families of students with disabilities were the most critical group, almost twice as likely to disagree that a safe space is created and that their children are treated with respect by peers."*
 - P 42, extant data analysis *"Moreover, for families of students with disabilities, it would be advantageous to listen and better understand what the needs might be. In other words, learning about why this subgroup of families had the most disagreement could be helpful to improving their children's experiences at Livingston."*
 - Page 25, we note that:
 - *(Students with Special Needs) Parents indicated that students with special needs requiring in-class support were limited in which electives they could enroll because the support called for in their IEPs was not available in several higher level or specialized elective classes. As an example, one parent claimed "in order for my child to be in the Honors Program that he's recommended for by his teachers, I need to sign off that he no longer gets the support required by his IEP." The parent believed that while it's great that he's recommended for this course, his child is being shortchanged as a student with a disability because "apparently you can't be an honor student and have an IEP; you have to be an honor student OR have an IEP because honor students should be able to perform at a higher level independently." This concern was shared by several parents of students with disabilities.*
 - *(Students with Special Needs) Additional parents expanded on the prior concern by pointing out that while their requests to add in-class support sections in these (higher level or non-graduation requirement) courses were denied, AP and Honors courses and sections were added. These*



perceived actions gave the parents the perception that their children and their concerns were less valued.

Additional review of our focus groups resulted in the identification of the following concerns raised by families:

- Out of District (OoD) students were not invited to participate in the survey or focus groups for this audit, and are also not regularly invited to participate in extracurricular activities. Families of OoD students are not included in district or school communications and events.
- SIGNIFICANT fear of retaliation that seems to run through both parents and staff. This is consistent with what we heard during face-to-face meetings. Parents worry that advocating for their child will result in less opportunities or services for not only that child, but for any other children they may have who need special education services. (Staff also identified concerns about retaliation, these are addressed in the next section.)
- The two most frequent issues reported across grade levels are:
 - The school's inability to program for neurodiverse students. A common theme is that the school takes an "all or nothing approach" - either you can be included in everything or nothing. Parent perception is there is little or no flexibility.
 - The inability of students with special needs to have access to courses at the secondary level that are not required or do not meet graduation requirements (example, ICS offered in Spanish; if your child wants French, they cannot get ICS). These types of issues were mentioned repeatedly.
- At the elementary level, specifically, the primary concerns include:
 - The inability of the district to support students diagnosed with Autism Spectrum Disorder with a high IQ- reflected in the "all or nothing approach" mentioned above.
 - The over-representation by race in the self-contained classrooms (note: we do not have data by race on classroom placements, so this is based on the observation of families).
 - Special Education staff turnover, at Burnett Hill, specifically.
- At the middle school level, specifically, the primary concerns include:
 - The bullying of neurodiverse students.
 - Lack of co-curricular opportunities for neurodiverse/special needs students.
- At the high school level, specifically, the primary concerns include:
 - A definite message of "we just don't do that here" as it pertains to the limiting of electives students can take if they require ICS because the district only offers ICS in certain classes. The perception is if the state does not require a subject, the school does not offer ICS in that area.



- HS students with special needs are treated as "less than" because they do not perform to the Livingston (high achieving) standard.

Recommendations:

1. Take specific action to address the structural issue of inclusion of OoD students, by ensuring those students and families are included in the communications about all school and district activities.
2. Be specific in including how special education students are treated when addressing the following recommendations under the climate and culture domain, particularly at the middle school level (bullying) and the high school level (being treated as "less than")
 - a. Attention should be paid to **adult responses to student behavior issues**, with intentional focus on bullying or perceived bullying, an issue raised by both students and parents. This should help restore trust between students and adults in the district.
 - b. Work should be put into **ensuring that students understand that their words have weight and words can hurt others**.
3. Look into the concerns raised about the "all or nothing" approach - the support and opportunities for special education students, including the specific concerns related to ICS, honors, and co-curricular opportunities.
4. Examine placement data to see if parent concerns about over-representation in the self contained classrooms is supported, and if so, engage in work to understand what biases may be informing that result.
5. Lean into the hardest challenge of all in any area (such as special education) that is centered on legal compliance issues and a tendency to be litigious - create a transparent and open environment for safe communication and collaboration with families. This is the environment that builds or restores trust.

Retaliatory Culture Concerns:

As noted in our report and presentation, there was a persistent theme of fear of retaliation and a perception of favoritism present in both family and staff conversations. While we identified this theme, we had not uncovered specific examples despite providing opportunities for staff to share. Since the release of the report, we've spoken with ten current and former employees who shared specific examples of each - with experience in the district ranging from a few years to a few decades and across a range of positions and roles.

1. **Favoritism**: Shows up when a student misbehaves, but has a parent who is friendly with a principal, district administrator, or board member. The perception is that the "friend" makes a call, or has coffee, and the consequence for that student is reduced. Both family and staff cited incidents such as this.
2. **Retaliation**: Many staff recounted incidents in which they took a stance on an issue counter to what leadership wanted - sometimes advocating for a student, sometimes for themselves or against a policy or practice - and then received negative evaluations during their next observation cycle, even though they had a history of high evaluations to that point. Others spoke about being reassigned to less desirable positions or schedules,



or about reaching out to ask for support (health concerns, overwhelming workload) and rather than receiving that support, instead receiving negative evaluations or write-ups.

3. Threats: Examples were provided about students being “threatened” with not graduating if they continued to post in the “Black at Livingston” social media space.
4. Language: Examples were provided about language used by some administration that conveys disrespect and disregard for families, and note that this has increased over the last ten years. Also demeaning comments made towards staff like they are stupid (“you should know how to do that”) or a “just get it done” attitude that does not allow for individual needs to be considered.
5. Climate: Specific quotes that speak to climate: (a) it’s death by 1000 cuts (if you get on administrations bad side); (b) it’s a clique mentality - if you are friends, you are good; (c) loyalty as paramount; if you are not loyal, you are cut; (d) if you got me, I got you; (e) if you rock the boat, you’ll be a target; and (f) a few key leaders at district and building level are perceived as bullies with an over inflated sense of self and underestimation or and disregard for others.
6. Areas of concern: Most of the concerns are related to either HIB and discipline, or to Special Education services and supports, including Burnett Hill staff turnover (22 resignations since December 2022, mostly in Special Education).

Recommendations:

1. Commit to creating a humanizing environment that applies to staff and families as much as students. This means taking a strength based approach to communication and problem solving, and focusing as much on the process and relationships as on the technical requirements and outcomes. Leadership must model this expectation.
2. Despite the litigious nature of NJ, shift the environment from one of “gotcha” or “protecting the status quo” to one that is more supportive which requires vulnerability and a culture of radical critique, including a willingness to say “I don’t know” and a commitment to help, rather than judge or evaluate.