

MORE SEMINAR HARTFORD

July 27, 2014

Donald K. Takacs

Special education should not exist.

On the other hand, special education should be ubiquitous.

The dichotomy in those two statements should be apparent. In 2014 and beyond, all education should be special to meet the needs of every individual. We all learn differently but our system of education is essentially a one-size-fits-all approach. That approach is not bad, since it provides a standard of measurement and we cannot have effective progress without some form of measurement. However, we should adjust education to the student rather than the reverse.

Today, our classrooms are not much different than they were in the 19<sup>th</sup> century. Yet, we have achieved important technological advantages that are yet not being applied adequately to our methods of instruction in public education. We are incorporating Smart Boards in classrooms, which provide a small step forward in the process of reaching and engaging all students. But there is so much more we can do with available technology to better instruct our students.

The human brain is an amazing organ and each one is different. Why do we continue to treat these diverse components identically? There are obvious reasons to follow the path that we know is working. The issue is that it is only working for 60%, at best, of our students. Statistically, 60% of Connecticut students entering grade four are reading at grade level. That number is believed to be rather inflated but it's indicative of the problem with education. The inability to read at a grade four level, when children are expected to read to learn, not learn to read, is a major part of the problem.

How can we address this issue more effectively? It would take more than three minutes to provide a detailed response to that question, so I will list a few bullet points in the hope that this commentary will provoke further discussion and action on this important issue:

- Provide universal computer training to all students, starting in kindergarten or preschool.
- Provide tablet computers or iPads to all students, starting in kindergarten, to aid the process of critical thinking.
- Provide online educational access to all students for homework and use throughout the year, from grade 2 on.
- Eliminate summer vacation. Replace it with 4 to 5 weeks off, 1 week at a time, spaced throughout the year.
- Ensure that all teacher colleges and universities are teaching the most effective, evidence-based curricula for reading, math, and science, i.e. STEM categories.
- Provide meaningful, mandatory, continuing education for all teachers.
- Ensure that all teachers are up to date technologically and academically through continuous interactive sessions in each school.
- Provide pay incentives to teachers who exceed measurable elevated standards.
- Provide additional training for teachers who are falling behind, with a specific schedule to catch up or move on.
- Get parents or guardians engaged in the process of education or provide a surrogate in each school when these essential individuals are unable or unavailable to assist each child's academic development.

This focus on education, starting with early education, is essential. The benefits should be obvious for their positive impact on individuals, families, schools, employers, cities, states, and our nation.

Thank you.

*Donald K. Takacs*

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Hello Mr. Desjardins.

I am a parent of Gabriel, a 7 year old severely impacted by autism, and a math teacher with a focus on special ed classes. My understanding Jim Carson is that you are fielding suggestions on how to improve special education services. I offer the following based on my experience as a parent and professional.

Many parents express a desire to have access to more detailed and frequent formal feedback on the progress of their students. Specifically, access to the IEP objectives data is desired. Parents want to know how their children are doing and often receive feedback such as "he had a good day."

### Background

- I was told by West Hartford special education administrators that the teachers maintain the IEP objectives data to inform the quarterly progress reports but parents were only entitled to the quarterly progress reports.
- FAPE requires that special ed services be comparable to the services of nondisabled peers. The parents of students who are self-contained receive feedback on progress only 4 times a year while other parents have access to feedback on a weekly or even daily basis.
- The progress on the progress reports are presented as "S" for satisfactory, "M" for mastered, "LP" for limited progress. These are subjective. IDEA was revised to mandate objective data to be presented to parents to allow them to be full partners in the PPT team by having access to this data.
- FERPA mandates that student records, documents directly linked to the student, be made accessible to parents. The data sheets for the IEP objectives have the child's name on them and therefore are formal records for the student.

### Proposal

- **The director of pupil services in West Hartford explained that teachers are already maintaining the data in graph or table form until the progress reports are created. Perhaps a para or other staff member can periodically make copies of the data to be sent home - maybe once per week.**

### Rationale

- There was concern about the amount of data to maintain. Consider the following. A special ed teacher may have 10 students on his or her case load. Each student may roughly have an average of 8 goals with an average of 3 objectives each for a total of 240 objectives with 1 sheet of paper with a table or graph per objective. Given that maybe 1/3 of objectives are in operation at any given time we are talking about 80 sheets of paper TOTAL per teacher. By the end of the school year a teacher may have 240 sheets of such paper total. That would fit into a single desk drawer.
- A general ed teacher has perhaps 100 students at one time which means a single test would involve 100 packets per teacher with at least one test per month. This does not include quizzes and other artifacts that are graded. The weekly deposit of papers with tables or graphs which I propose is akin to a general ed teacher grading and sending home quizzes each week. And, as

you mentioned, our profession is increasingly focusing more on data teams and Data Driven Decision Making.

- General ed students are given weekly graded assignments to allow for students and parents to monitor progress. If a staff member made weekly copies of these 80 pages of graphs and tables for a special ed teacher to put in the book bag of students. This way parents of students receiving special education services would have comparable access to student progress.
- This likely would help mitigate many of the challenges encountered in special ed in terms of collaboration and PPT members being on the same page.

I will attend the meeting tonight in West Hartford but cannot be there until after 8PM. The reason is that I am speaking to a special education graduate class on instructional strategies for kids with autism. I hope that I will have a chance to present this proposal in person.

Thank you.

Randy

Hi David,

My name is Karen Simon, my son is Christopher Simon, 20 years old with ASD who is currently involved in a transition program with Stratford School District. I understand there will be a MORE commission meeting in West Hartford soon and I wanted to tell you our experience and offer suggestions.

My son had been involved in an intensive ABA program throughout his academic years and has been fully included in the regular ed classroom with support and with typical peers even though he has a significant intellectual disability.

Beginning in his junior year we started looking at the available transition programs that the district would support with the help of a private transition consultant.. My son was either too low functioning for some programs as he requires 1-1 support at all times and he needed to be able to work on his own with minimal supervision to access these programs and yet he was too high functioning for other programs as he has very strong splinter skills in computers, music and art and these programs were more geared to areas my son had no interest in. Also none of these programs offered any time with typical peers which has always been an important component of our program.

Along with the help of his teachers in the school district we crafted an individualized transition program specific to Christopher's strengths which included four areas of transition.... academics, adaptive, social and vocational and still utilizing the principals of ABA which is how he best learns. The district was supportive of this program as they agreed they had nothing to fit his needs. Then saw with graphs and data how successful the transition program has been for Christopher in meeting his transition goals and becoming more independent.

Here's where it gets interesting.....Enter a new special education director who has decided that Christopher needs to attend the district transition program regardless of his specific needs and regardless of the information we have shared on the success of our current program which he has been in for a year.

She has cut his service hours and changed his placement without an assessment, observation or never having met my son. We are now in our last year with the school district and forced into a stressful due process because the new director does not believe that parents should be involved in developing transition programs. She believes the rules are different for transition than for the IEP process when he attended classes in the school district.

There will be plenty more Christopher's coming through the ranks whose parents fought for good individualized ABA programs and whose parents want the same individualized transition programs specific to their young adults needs. I see this as a huge area of need going forward both as a parent and as an advocate who is being asked to handle more and more transition cases.

I can be reached at 203 257 6520 if you want any more information.

Karen J. Simon

Testimony of Gary S. Mala, Superintendent of Schools  
Avon Public School, Avon Connecticut  
Submitted to members of the M.O.R.E. Commission – Special Education Select Working Group  
July 24, 2014

RE: *What are the systematic challenges to special education and what are some possible solutions?*

Good evening Co-Chairs Becker, Cook and Wood and thank you for the opportunity to participate in this session, though regrettably I could not join you today.

I am Gary S. Mala; Superintendent of Schools for the Avon Public Schools. I have served as a Superintendent of Schools for the past seventeen years in two Connecticut school districts as well as a district in Massachusetts. My professional background includes having been a teacher of special education, Director of Special Education, high school principal and elementary principal all within our state. I am also a past Legislative Chair of the Connecticut Association of Public School Superintendents (CAPSS) and past President of the Middlesex Shoreline Superintendents' Association (MSSA).

Thank you for the opportunity to participate in what I believe is meaningful dialogue regarding the very complex issues associated with providing special education and related services in Connecticut's public schools. Thank you also and for the time you are committing to understanding this work at a much more detailed level. I know I speak not only for myself, but also for my school superintendent colleagues across the state when I say that we very much appreciate you engaging in this type of conversation.

I offer you my thoughts on the systematic challenges associated with providing what I and most others believe are necessary services to meet the needs of all children. During my thirty year career in education there has not been one person I can think of that has ever questioned the appropriateness of special education laws and the many positive results that have ensued from this civil rights legislation. As time has passed and the requirements for providing special education and related services have been revised, for those of us held accountable for meeting the needs of all students, we find ourselves in the unenviable position of facing many challenges whose solutions may be adversely impacting the needs of all children. Simply put, we are being asked to do more with less which has created an inequitable distribution of resources when meeting the needs of our disabled learners and our non-disabled learners.

As background information, I wish to take a minute to share some data about special education programming in the Avon Public Schools:

	<u>2013</u>	<u>2014</u>
Total Gross Budget	\$48,463,683.00	\$50,366,085.54
Total Special Education Budget (Gross)	\$10,909,879.73	\$11,011,296.77
Special Education as Total Percent of Gross Budget	22.5%	21.86%
Number of Students Served Out of District	39	41
Total Cost for Students Served Out of District	\$2,106,499.12	\$1,964,953.45

Most Recent Challenge: On August 11, 2013, the district Director of Special Services reported an amount of approximately \$500,000, which were unanticipated expenses to the 2013-2014 approved operating budget. These unanticipated expenses were associated with new students requiring services out of district.

To manage these unanticipated expenses, the district engaged a mitigation plan that consisted of the following:

**REDUCTION SCENARIO 1**

**Monday, August 12, 2013**

<b><u>Sources of Funds</u></b>	<b><u>Amount</u></b>
Salary Lines	\$100,000
0.80 SLP	69,000
0.2 FTE Sign Language Teacher	11,000
1.0 ALP Tutor	28,000
Health Insurance (7.5% Town projected rate)	9,000
Certified Staff Degree Changes	15,000
<b>Subtotal #1:</b>	<b>\$232,000</b>
Health Insurance (7.5% Town projected rate)	\$35,000
0.35 FTE School Psychologist	40,000
Special Education Supervisor	115,000
AHS Attendance Clerk/Registrar	21,000
0.25 FTE AHS Guidance Counselor	24,000
<b>Subtotal #2:</b>	<b>\$236,000</b>
<b>TOTAL:</b>	<b>\$468,000</b>

My point in sharing this most recent challenge is to demonstrate the extent to which districts have to deviate from budgets already approved by the public in order to meet the challenge of unanticipated expenses. In this case, the unanticipated expenses were associated with providing special education services to students who relocated to the Avon Public Schools.

I will now outline what I see as some of the systematic challenges to special education and some possible solutions that may be considered. In an attempt to be succinct, I will use the following annotated outline to present my thoughts:

Children with special education needs must have these needs accommodated in an effective manner. School districts across the state engage in major efforts to ensure student needs are constantly met. Many times these efforts are thwarted by two factors, one regulatory and one financial (CAPSS Public Policy Agenda, 2014).

**A. Burden of Proof**

The regulatory factor is the automatic placement of the burden of proof on a local school district in cases where there are disagreements about the appropriate programs and services for identified students. This places a school district in a position whereby it needs to predict its chances of prevailing in a matter filed for due process. The district being the defendant is automatically assigned the burden of proof. When a district determines that it cannot incur the legal expense to defend its position, it most often agrees to a program that is more robust than what is necessary to meet the needs of a disabled learner. The reality of expending a significant amount in legal expenses in an approved budget creates a business decision to simply cut the potential losses and not to engage in a mitigation plan that could adversely impact programming provided to non-disabled students.

As many of you are aware, the burden of proof issue is the result of state legislation and not federal law.

With that said, I offer the following ideas for the Select Working Group of the Commission's consideration:

1. Revise Connecticut state law to align with federal law that requires the party who initiates a legal action to provide the burden of proof.
2. Revise Connecticut state law to require those who are a party to a legal action the responsibility for paying their own legal fees.
3. Revise Connecticut state law to cap the amount of legal fees a party can recover as a result of a legal action.

**B. Excess Cost Reimbursement**

The financial challenge is that there has been inadequate funding for special education programs from both the federal and state levels. The federal reimbursement goal of 40% has never been realized and there have been eliminations of other state funded special education grants with the exception of the Excess Cost grant. Currently, the Excess Cost reimbursements on an annual basis are not predictable, are not known until the last part of a school (fiscal) year and generally fall short of meeting the costs incurred by local school districts.

With that said, I offer the following ideas for the Select Working Group of the Commission's consideration:

1. Remove the funding cap on the Special Education Excess Cost grant.
2. Revise Connecticut state law to restrict the use of Excess Cost reimbursement funds to municipalities for educational purposes.

**C. Cost of Private Placements, Services, and Services Offered Through Regional Education Services Centers**

Subject to the many factors associated with determining the appropriate services for a disabled learner, districts are sometimes faced with the challenge of meeting the financial obligations of private programs, service providers and placements that are not subject to any regulatory system related to fees.

With that said, I offer the following ideas for the Select Working Group of the Commission's consideration:

1. Impose limits on annual increases to programs, service providers and placements including those offered through Regional Education Services Centers.
2. Provide incentives for districts to create more localized, collaborative special education programs. The incentives could include adjustments to the Excess Cost reimbursement and/or special appropriations to fund capital projects in instances where there is a desire to create a more localized collaborative programs but the interested districts do not have the requisite space to implement such programs.

Note: A recent survey of the Farmington Valley Special Education Directors has been attached to this testimony and reflects specific areas where there is common interest in planning and implementing localized, regional services.

**D. Cost of Providing Special Education to Students Enrolled in Charter & Magnet Schools**

With the evolution of more robust offerings in the form of magnet and charter schools, local school district continue to be challenged by maintaining the obligation to fully pay for special education services required by students who are enrolled in these alternatives to traditional public schools. This challenge includes but is not limited to local districts having to pay tuition for disabled and non-disabled students who attend Pre-kindergarten programs at magnet schools.

With that said, I offer the following ideas for the Select Working Group of the Commission's consideration:

1. Provide state aid to magnet and charter schools to support the delivery of special education services to identified students.
2. Relieve local school districts from the burden of paying tuition to magnet schools that enroll students in Pre-kindergarten programs.

**E. Pre-Kindergarten/Full Day Kindergarten Programming**

Research is clear about the positive impact on the long term student achievement levels associated with providing high quality Pre-kindergarten and Full Day Kindergarten programs. Currently, local school districts are required to provide Pre-kindergarten programming to identified special education students and generally use an integrated approach whereby there are an equal number of non-disabled students serving as peers models for the equivalent number of disabled learners. Early learning opportunities have a measurable positive impact on student

performance as well as having the potential of reducing the need for more specialized service in the long term.

With that said, I offer the following ideas for the Select Working Group of the Commission's consideration:

1. Provide incentives for districts to expand Pre-kindergarten and Full Day Kindergarten programs. The incentives could include taking the form of one time payments and/or special appropriations to fund capital projects in instances when districts desire to establish and expand programs but do not have the requisite space to implement them.

**F. Lack of Available Agency Assistance and Coordination to Provide A Comprehensive Transition Service Model**

Some identified special education students require transition services to the age of 21. This includes requiring job coaches and other professionals within the school and community to support employment and postsecondary opportunities. The current community infrastructures, number of agencies and the interagency communication systems are inadequate to assist local school districts meet the requirements associated with appropriate transition planning for the young adults who require it.

With that said, I offer the following ideas for the Select Working Group of the Commission's consideration:

1. Create a network of potential service providers, employment sites, institutions of higher education within identified geographic areas to assist local school districts access services required by eligible students.

**G. Lack of Adjudicating Students for Non-Attendance**

Many researchers have concluded that the single most important factor in determining success in school is student attendance on a regular basis with very few or no absences. Recent State Department of Education activity has brought this issue to the fore in Connecticut. More specifically, a review of the state-wide data regarding student attendance reveals a disproportionate number of special education students being eligible to be designated as habitual truants pursuant to state regulation.

With that said, I offer the following ideas for the Select Working Group of the Commission's consideration:

1. Incentivize local school districts to work collaboratively to develop and implement specialized programs targeted at habitual truants with a goal of having them attend school on a regular basis.

While this testimony is not intended to discuss all of the systematic challenges related with providing the many needed services associated with identified special education students, my hope is to outline the challenges that I believe to be most pressing and provide some insight into some possible solutions to addressing these issues.

As we continue to seek out specific ways to manage the ever-changing financial pressures placed on our cities and towns, Boards of Education, and all those who administer our schools, let us not turn a blind eye to the realities created by the current laws to preserve the right to a free and appropriate public education for our students who require specialized programs.

In closing, I thank you, the members of Select Working Group of the Commission, for the opportunity to offer my thoughts. Please know that I remain available to assist you in any way you deem necessary and to answer any follow-up questions. I may be contacted directly at (860) 404-4868 or via email at [gmala@avon.k12.ct.us](mailto:gmala@avon.k12.ct.us).

ATTACHMENTS: Farmington Valley Special Education Directors Survey Results 2014

## Farmington Valley Directors Survey Results

The Farmington Valley Directors recently identified three areas of need for consideration in the development of new consortium ventures. They are as follows:

1. Eight week diagnostic program for students in Pre-K – grade 5.  
Two classrooms: Pre-K – grade 2 and one Grades 3-5.  
At the end of an eight week diagnostic period, the student either returns to the district supported by staff from the Diagnostic Center in order to assist in the transition back to district or recommendations for a more restrictive placement is made.
2. 5<sup>th</sup> year program for 18 – 21 year old students.  
These students are nearing or completed high school requirements but require additional transition services in order to be college/career ready. These students typically would not qualify for services from the CT Bureau of Rehabilitation Services or other adult agency.
3. A K-5 program for students who are significantly impacted by an Autism Spectrum Disorder. The program includes an option for extended day and school year. Discreet trial/ABA instruction, functional adaptive living skills, high level of BCBA services as well as consult from a child psychiatrist are critical program components.

District Priorities – 1<sup>st</sup>, 2<sup>nd</sup> and 3<sup>rd</sup> choices are listed below. X

District	PK- 5 Diagnostic	5 <sup>th</sup> Year – 18 – 21 year olds	K- 5 Autism
Canton	1	2	
Bloomfield		1	
East Granby	1	2	
Farmington	1		
Granby	1		2
Plainville	2	1	
Region 10	1	2	
Simsbury	1	3	2
Southington	2	1	
Suffield			1

Nov. 20th 21  
7:00 A.M.

November 8, 2013

1240  
ECC



# STATE OF CONNECTICUT

OFFICE OF PROTECTION AND ADVOCACY FOR  
PERSONS WITH DISABILITIES

60-B WESTON STREET, HARTFORD, CT 06120-1551

July 24, 2014

Honorable Representatives Becker, Cook, Wood, and other distinguished members of the M.O.R.E. Commission Special Education Select working group.

Thank you for the opportunity to provide written testimony regarding systemic issues faced by students receiving special education services in Connecticut. My name is Colin Milne and I am a special education attorney at the Office of Protection and Advocacy for Persons with Disabilities.

The Office of Protection and Advocacy for Persons with Disabilities (P&A) is an independent state agency created to safeguard and advance the civil and human rights of people with disabilities in Connecticut. As a part of a nationwide network of protection and advocacy systems, the Office of Protection and Advocacy operates under both state and federal legislative mandates to provide advocacy services to individuals with disabilities.

Consistent with federal and state mandates, P&A provides technical assistance, advocacy, and legal representation to students with special education needs and their parents. Our data suggests that 25% of our case load is related to disputes regarding the provision of special education services. This is a sizable percentage relative to our many mandates and the variety of services that our agency provides to the disability community. We continue to see an increasing number of special education intakes with no sign of this trend abating.

This large volume of cases provides P&A with the unique and varied experience regarding special education issues faced by children with disabilities in Connecticut. Almost all P&A cases involve whether a school system is providing an appropriate educational program. Families come to P&A frustrated and angry with schools' unwillingness to listen to their input about their child. If there is a systemic issue reaching across all districts, it appears to be a breakdown in communication between the parent and the district. That breakdown fosters resentment between the parties and engenders entrenchment rather than a focus on what is best for the student. Managing personalities has become large part of special education advocacy. Better outreach and training for both staff and parents is needed to resolve personality clashes from taking over PPT meetings, but we can expect this to be a systemic issue that will continue indefinitely.

Substantively, there appear to be three areas of special education disputes that come through P&A:

1. Lack of Behavioral Supports Leading to Restraint, Seclusion and Expulsion: Of all the issues facing special education students in Connecticut, the one that raises the highest level of concern is the continued restraint and seclusion of our children. Neither restraint nor seclusion have an educational or therapeutic benefit. In fact, when a student is restrained or secluded, it is as a result of a failure of the school to provide appropriate services. While restraint may not legally be part of a child's IEP, P&A firmly believes that seclusion should also be so prohibited.

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P&A receives numerous complaints regarding students and how their behavioral, social, and emotional needs are not being met by schools. Frequently, students do not receive the supports and instruction they need to enable them remain in the least restrictive environment. School systems are not developing appropriate Behavior Intervention Plans (BIPs) and when such a plan is developed, it tends to be punitive in nature and generally is not followed by the school. The lack of appropriate BIPs results in children being subjected to restraint and seclusion. Such events are traumatic for students with disabilities as well as for the staff. These students also routinely find themselves expelled or sent to out of district placements that are neither the least restrictive environments or calculated to provide them any educational benefit. The lack of appropriate behavioral and mental health services within the school setting leads students down the school to prison pipeline.

2. Transition Planning: One of the more common complaints that P&A receives centers around the appropriateness of transition goals and objectives and implementation of transition services. The complaints about transition services involve students with all types of disabilities. Both parents and students complain that their needs and preferences are not being taken into consideration, and that students are being placed into one size fit all programs. Worse, students complain that they are not learning anything from such static programs and are not being prepared for post-secondary education and/or work. Our experience with transition issues seems to be borne out by the 2012 to 2013 Connecticut Parent Special Education Survey, where one out of four parents disagreed with appropriateness of transition services.<sup>1</sup>
3. Child Find, Eligibility, and Evaluations: A growing concern among parents, advocates, and attorneys is the delay of finding students eligible for special education. The Connecticut State Department of Education has determined that various districts in Connecticut have been non-compliant in keeping data that should readily identify students who need specialized interventions and instruction while others have failed to evaluate such students in a timely fashion.<sup>2</sup> Most concerning, schools appear to be using

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<sup>1</sup> “Across three of the statements in the secondary transition section of the survey, approximately one out of every four parents of secondary students disagreed. This included 27.8% of parents who disagreed that outside agencies have been invited to participate in secondary transition planning [Q30], 24.8% of parents who disagreed that the PPT introduced planning for their child’s transition to adulthood [Q31], and 24.7% of parents who disagreed that the PPT developed individualized goals for their child related to employment/ postsecondary education, independent living and community participation [Q34].” CT DEPARTMENT OF EDUCATION, BUREAU OF SPECIAL EDUCATION, CONNECTICUT SPECIAL EDUCATION PARENT SURVEY 2012-2013: SUMMARY REPORT ii (2013) *available at* [http://www.sde.ct.gov/sde/lib/sde/pdf/deps/special/parent\\_survey\\_summary\\_report\\_2013.pdf](http://www.sde.ct.gov/sde/lib/sde/pdf/deps/special/parent_survey_summary_report_2013.pdf)

<sup>2</sup> See e.g. CT DEPARTMENT OF EDUCATION, BUREAU OF SPECIAL EDUCATION SYSTEMIC COMPLAINT C14-0243 (January 2014) *available at* <http://www.advocacyinstitute.org/isrcr/complaints/BridgeportCTReportJan2014.pdf>; See also CT DEPARTMENT OF EDUCATION, BUREAU OF SPECIAL EDUCATION IDEA DETERMINATIONS LISTING (June 2014) *available at* [http://www.sde.ct.gov/sde/lib/sde/PDF/DEPS/Special/SPP/LEA\\_IDEA\\_determinations14.pdf](http://www.sde.ct.gov/sde/lib/sde/PDF/DEPS/Special/SPP/LEA_IDEA_determinations14.pdf); CT DEPARTMENT OF EDUCATION, BUREAU OF SPECIAL EDUCATION APPENDIX—IDEA DETERMINATIONS PROCESS &

Response to Intervention (RTI) procedures that deny or delay students from eligibility for special education services, even when a parent requests appropriate evaluations for their children. The resulting delays in the provision of necessary services clearly have a severe negative impact on a student's ability to succeed in school. Delays in eligibility are further exacerbated by the lack of independent educational evaluations that would assist in creating appropriate educational programs. Unfortunately, it appears that when families request independent educational evaluations (IEEs), the default answer is frequently "no" or the district simply fails to respond. Although districts have an obligation to request an impartial special education due process hearing, many districts do not file at all or not until months later. Many families, especially low income and even middle class families, do not have the resources to pay for evaluations themselves. IEEs are the most useful tool in creating appropriate education programs, yet families are systematically denied this resource.

School Districts need to focus on the individualization of students' IEPs, which requires appropriate and comprehensive evaluations. There needs to be a commitment to students with behavioral health needs without resort to punitive measures such as restraint, seclusion, and without segregation from the least restrictive environment. Districts must ensure that a student is receiving appropriate educational services and work to collaborate with other agencies responsible for students' educational needs including DDS, DCF and BRS. This requires investment of will and the effective marshalling of resources available in this state.

Thank you again for allowing me to submit testimony on behalf of the Office of Protection and Advocacy for Persons with Disabilities. I hope that the work of this Commission will result in students with disabilities having improved educational opportunities, providing them with their civil right to a Free and Appropriate Public Education in a Least Restrictive Environment.

Respectfully Submitted,



Colin Milne  
Staff Attorney I

## Members of the MORE Commission and the Special Education Select Working Group

Thank you for hosting the public hearing last evening in West Hartford. We heard similar concerns from a variety of constituent about some of the systemic challenges to special education and possible solutions. I would like to share with you some thoughts about making special education more effective in order to produce better outcomes for students with special learning needs. My perspective comes from 28 years as a special educator and a volunteer parent advisor in SpEdConnecticut, Inc., a non-profit that has provided information, training, and direct parent support for 50 years.

The challenges I want to focus on are professional development for in-service teachers, scientifically research based intervention and instruction, the Individualized Education Program (IEP), and progress monitoring. I believe we must invest in quality teacher preparation and development in order to achieve quality student outcomes in special education.

### The challenge: Authentic Professional Development for Teachers and Administrators

LEAs are required to provide 3 days of professional development for staff every year. These hours and the resources are frequently squandered on irrelevant topics and mediocre speakers. Teachers need to be treated like member of other professions in order to keep their knowledge and skills up-to-date and their instruction fresh. Statements such as, "We can't expect more than a year's growth in a year's time. She has a disability," would be inane if educators knew the facts.

Scientific research in the field of disabilities expands constantly. Teachers need to learn of the latest research into brain neurology, cognition, acquisition of learning, early identification of various disabilities, and the plasticity of the developing brain, the amazing potential of persons with disabilities. Scientific research is technical but critical to understanding the relationship between teacher and student and content.

### A possible solution

Quality professional development could be offered regionally. By pooling district money, outstanding researchers and practitioners could be brought in. Teachers could select the presentation that aligns with their need or interest. Teachers would register, as for a conference. Perhaps a brief summary or response by the teacher (or even a group within a school or district) could be required to explain how the information would be used.

### The challenge: SRBI

Scientifically Research Based Instruction - SRBI – is required in Connecticut classrooms. But teacher training about SRBI has not kept pace with the science. Because special education teachers deal with children with learning needs, they must be authentically trained in a research-based intervention if the same results are to be achieved. They need mentoring as they begin to use the intervention.

My area of professional interest and training was dyslexia. Research on the brain-based nature of dyslexia is extensive and long standing. Evidence based approaches to teaching persons with dyslexia are clear. But the reading for comprehension versus phonics debate continues. Until the past legislative session, we were not even allowed to call a severe reading disability dyslexia. The reality is that 95% of all children can learn to read. Look at our district scores. We are failing too many children, especially the most vulnerable children, but teachers do not understand the neurology or the foundation of reading.

Progress Monitoring is required by all teachers to assure that each student is making adequate progress throughout the school year. Districts has provided common assessments for the general education classroom. Special education teachers need training in how to monitor the progress of their students in the specialized instruction which they provide. Teachers are not scientifically trained and do not know how to set up a trial situation and take “snapshots” every week to assess a student’s level of mastery. Every 6-8 weeks, even in tiered interventions, a team is supposed to meet, collect and analyze the data, and introduce changes if the child is not making progress toward a predetermined goal.

#### A possible solution

When an evidence-based intervention is implemented, the district must make a commitment to initial training and continuing training for staff. The program must be implemented with fidelity – i.e. as it was implemented in the peer-reviewed situations. The teacher must meet the definition of “highly trained.” That requires the commitment of time and money. When teachers have that kind of support to address the needs of their students, expectations for student achievement rise. Whole school approaches to implementing SRBI are needed to raise expectations of all students and allow access to the general education curriculum.

Teachers today are required to be scientists: adept at setting up individualized interventions, gathering data, progress monitoring student performance, analyzing the data and adjusting instruction based on the data. Data informs instruction. Few educators have received training in this technical aspect of teaching without detracting from instructional time. Ongoing professional development would make teachers more efficient and effective.

#### The challenge: the IEP

Since the IEP has been computer generated, the “Individual” has gone out of the IEP. I have seen the wrong name written in the goals and objectives and the same goals and objectives repeated for 3 years in a row. The State Department of Education must review IEP problems.

Two places in the IEP get short shrift although they are the heart of the IEP:

- The Present Levels of Performance - the description of the student’s strengths and concerns, their levels of achievement, and the impact statement on how their particular disability negatively affects their performance in the classroom (pages 4 and 5)
- the goals and objectives (page 7)

**Failure to accurately and thoughtfully indicate how a student’s identified disability negatively impacts his/her achievement in the general education classroom leads to poorly written goals and objectives.**

**Poorly written goals and objectives directly correlate with imprecise program delivery and poor student outcomes.** Goals and objectives are typically written without baseline measures, target dates, and the ultimate target. Goals and objectives lose credibility without numbers. Writing **measurable** and **observable** goals and objectives is a weakness throughout the state.

#### A solution

I don’t know. Special education teachers need additional time to thoughtfully write individualized IEPs. If they have a student for only one year, they may not have the personal knowledge required or the desire to put in the time or are that would lead to better outcomes. Is their school year longer, with compensation, of course. Are their caseloads smaller?

One of the greatest mistakes special education teachers make is failure to communicate with parents about how the child's disability affects his ability to learn and what specifically they are doing to help the student. When I ask parents what their child's reading or math instruction is like, they are unable to respond. Parents know the child best. They need to be informed and their suggestions need to be heard. Data needs to be shown and explained to parents. Parents are not satisfied with "satisfactory, needs improvement, or not introduced" on the IEP forms.

Thank you for your time and concern about how to provide special education in a more effective manner.

Harriet R. Clark, M.S.

Retired Special Education Teacher, K-12

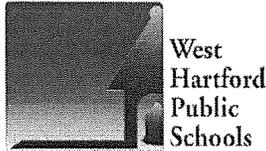
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To: Representative Brian Becker, Co-Chairperson M.O.R.E Commission,  
Special Education Select Working Group

From: Glenn McGrath, Director of Pupil Services

Date: July 10, 2014

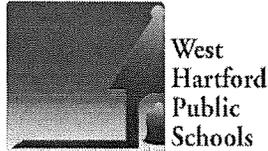
Re: Provision of Special Education Programs and Services

This memo is a follow-up to our telephone conversation regarding the provision of special education programs and services for children with disabilities. I appreciate and applaud the M.O.R.E Commission's work to gain a deeper understanding of the challenges that school districts face in the delivery of special education and the Commission's collective effort to support our schools and communities throughout Connecticut.

While my experience and perception concerning the challenges in providing a free and appropriate public education (FAPE) for children with disabilities is specific to West Hartford Public Schools, I believe that all districts in Connecticut are confronted with the same challenges regardless of scale. The variances between towns/districts are essentially related to their demographics and socio-economic status and the resources available to their district for its schools and educational programs.

West Hartford schools and school districts throughout Connecticut struggle with three fundamental challenges in providing effective special education services for students with disabilities.

- 1. Federal and state Statutes:** The federal Individuals with Disabilities Education Act (IDEA), and Connecticut General Statutes Sections 10-76a *et seq.*, together with their corresponding regulations, are highly prescriptive and require significant data collection and documentation for procedural compliance. While compliance is an important and necessary indicator of an effective program, there needs to be a greater focus on continuous improvement of student achievement and outcomes. The new Results-Driven Accountability framework to determine state performance under the IDEA, recently announced by the U.S. Department of Education, is a positive step toward shifting the focus to student outcomes, but there needs to be a similar shift in focus at the state level in its monitoring of and support to districts. One way to increase the focus on substantive student outcomes rather than mere procedural compliance would be to adopt state regulations more consistent with the federal IDEA regulations. Such a change would reduce confusion caused by some current state regulations that impose separate and additional requirements on school districts.



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- 2. Special Education Cost/Budget Variability:** The cost of providing special education programs and services continues to rise. This increase in cost is directly related to the increase of students with Autism Spectrum Disorders and severe development difficulties. The burden of the cost for special education falls to the state and local communities. The federal government funds less than 19% of the IDEA entitlement grants rather than the full federal share of 40% contemplated by the IDEA. This significantly lower level of federal funding is further compounded by the state's capping of the excess cost grant, which was designed to support districts whose cost for a student with a disability is 4.5 times greater than the district's per pupil cost. See Conn. Gen. Stat. § 10-76g. This reduction in funding coupled with a district's inability to predict and plan for unanticipated costs creates a significant challenge in the district's ability to maintain a balanced budget. For example, if a new student with severe disabilities moves into a district or a student's needs require a specialized out-of-district placement, the district's budget may be impacted significantly. The removal of the funding cap from the excess cost grant and full federal funding of the IDEA grants would assist districts in providing students with the appropriate provision of special education services.
- 3. Due Process Hearings:** Given the highly prescriptive statutes and regulations and the significant and substantive cost of special education services, disagreements between districts and parents may arise regarding the student's eligibility, IEP services, and educational placement. The failure of district and the student's parents to reach consensus in a planning and placement team (PPT) meeting may lead to a dispute between the parties. If such a dispute is not resolved through the PPT process or voluntary mediation, the parents may file for a Due Process Hearing. The intention of a Due Process Hearing is to provide both parties a forum to be heard by an impartial Hearing Officer and for the Hearing Officer to determine what educational program and placement is appropriate for the student based on legal standards. In reality, however, the hearings are disruptive to the educational process, at times lasting in excess of twenty full-day hearing sessions. The current process results in substantial costs for school districts in terms of legal representation, coverage for district staff witnesses, and administrator and teacher time spent preparing for and participating in legal proceedings rather than educating. Given these significant costs, often districts effectively are forced to settle cases—even those with little merit—on the basis of potential litigation costs instead of what is actually appropriate for the student. The Due Process procedures in Connecticut need to be reviewed and researched to determine how to streamline the process and reduce associated costs so that it can function truly as a dispute resolution mechanism as intended. As one possible way to help effectuate this goal, the state should consider the use of salaried administrative law judges (ALJ), who are trained to conduct efficient hearings, to preside over Due Process hearings rather than contracted hearing officers paid on a per-diem basis. At the very least, state officials should consider adopting Due Process Hearing guidelines that establish a limit on the number of days of Due Process Hearing sessions to between two and four days, depending on the issues in dispute.

Please extend my thanks to the M.O.R.E. Commission for the opportunity to share my perception and voice to their work to support students with disabilities and their families.

My name is Mary Hardy. I am a parent of a 17 year-old who has been a recipient of special education since the day she turned 3 years old. Throughout her years in school, I have been active in parent groups. Twelve years ago, along with some other parents, I founded the West Hartford Special Education PTA. I have also attended many parent education seminars across the state and talked with parents, teachers and administrators in other districts.

As I sat down to prepare for this session, I had to ask myself what is an effective special education program? My definition has changed over the years. At first it was all about closing the academic gap. As my child's school career comes closer to ending, I rate an effective program on more than the academics, I rate it on the development of the whole child – academically, socially, psychologically and ability to self-care. With this in mind, I would like to outline a few systemic barriers. These are insufficient funding, exclusive focus on academic achievement and emphasis on behavior rather than the causes of it.

### **Problem 1**

The first is **funding**. All problems can be made better with more funding. Both IDEA and ECS are severely underfunded yet municipalities are supposed to deliver quality, effective services. Really? Are we crazy?? It's a nice idea, but it's impractical, unrealistic and clearly not happening!!!!!!!!!!!!

Districts have to come up with ways to maximize the dollars that they have. They have to spread those dollars around so that all qualifying children receive some service, even if it is not enough. Distributed services are watered down services at best. Here are some real life impacts of insufficient funding --

- 1.) There's at least one district in this state that provides ½ hour of occupational therapy – no more, no less - to any student that qualifies for occupational therapy. Clearly this approach does not address the unique needs of the students involved.
- 2.) A special education teacher told me that her rule of thumb was that for every year that a student was behind academically, she suggested 1 hour per week of special education services. One hour a week for a child who is one year behind! How can that be effective? How can a child make more than a year's progress in math or language arts when they are sitting in a classroom 5 days per week that is taught at a level above their capability and then given one hour of service at their level? They can't. I have had parents tell me that the service was almost worse than not having any service. Their children would do "nothing" in the special education classroom and feel demoralized by being pulled out of their classroom.
- 3.) Research based interventions such as Wilson, Language!, and others must be taught according to protocol or they simply do not yield the same results. These programs are expensive to administer, but they are proven effective. Unfortunately they are often delivered piecemeal or mixed with other interventions schools and the effectiveness is greatly reduced.
- 4.) Some PPTs allege that a service is not necessary, only to change their mind when advocates or attorneys are brought in to press the issue.
- 5.) Higher levels of service are provided to the "squeaky wheels". That's no different than in any other part of society, but these are kids. Their future depends upon their education. Children

whose parents do not get involved in the educational process will not receive the same level of service of children whose parents do get involved unless those children can piggyback on the services at no additional teacher cost to the district. Lower socio-economic groups tend to be less involved in education. That means that children from lower socio-economic families receive inferior services because they don't get involved. This only perpetuates the cycle.

6.) IEP goals are just ignored.

7.) Emphasis on accommodation rather than teaching to improve function.

I fully believe that teachers and administrators want to provide an appropriate level of service, but they cannot. They do not have the funds to do so. They have to cut corners. Special education needs to be fully funded if it is to be truly effective!!!

### **Solutions**

First, provide more funding. It is only with more funding that special education can be made more effective given the current mandates.

Second, in order to improve the effectiveness of services for special education students at the same level of funding, I would want to capitalize on economies of scale, maximizing the return for the dollar invested. This notion of being able to provide the same level of service to children in a distributed environment as in a centralized environment is absolute NONSENSE. I feel exceedingly fortunate that my child spent her elementary school years receiving services in a centralized location. It wasn't perfect, but it was a lot better than it would have been in her home school. Receiving services in the central location was beneficial because:

1. She received services every day. I didn't have to monitor when she had services. When the teacher was absent, the school had to provide a substitute because there was a group of children that required the presence of that teacher. As such, there was built in accountability. In a distributed environment, the student may simply not receive services that day.
2. There was a curriculum for her and the group. In a distributed environment, there often isn't a curriculum for children who are behind. It's a little bit of this and a little bit of that particularly if there are other kids receiving special education in the room at the same time.
3. Centralized services provided her with equals. She had the benefits of interactions with typically developing peers and she had the benefit of peers who experienced similar challenges. This gave her real friends.
4. Centralized services assisted in keeping her anxiety at a minimum. In a distributed environment, children may be the only child in their classroom with their kinds of needs. Some children feel demoralized when they are in an environment in which they cannot successfully compete. The distributed environment encourages them to feel all alone, a feeling that can negatively affect their self-esteem and ultimately their behavior. Many of these children who succeeded in this environment in elementary school could not adjust to school without it. I have heard of so many children who have failed at the mainstream and have ended up in a behavioral program or

a program where the demands are scaled back from the mainstream. My daughter is included in this group.

5. Centralized services enabled the special education teachers to become experts in the type of challenges the children faced. They were likely to have multiple children over time that benefitted from the same type of interventions.

The downside to centralized services is that it takes children out of their neighborhood schools and I don't want to minimize this negative aspect and thus against LRE. I don't like the idea of taking children out of their neighborhood because that significantly alters the childhood experience, but parents who send their children to private school or parochial school, opt for this experience all of the time. I would want parents to be able to choose what was best for their family, but I do not think that the school district should be responsible for providing the same level of service at the neighborhood school. This is my opinion. I know that there are many who disagree. While IDEA encourages intervention at the neighborhood school, establishing schools with more intensive educational opportunities is totally within the scope of IDEA. Every district is required to provide a continuum of services. This kind of arrangement would fall under the continuum of services.

I also do not like the idea that all children in a family cannot attend the same school because I think that a family should share in the experiences of childhood. However, I do not think that the delivery of special education services in a centralized environment has to mean that siblings cannot attend the same school. I think we should look at the possibility of creating some magnet schools that provide superior education to typically developing children and to children needing significant hours in special education under the same roof. Distance from home to school must be minimized so that families are encouraged and able to participate in school activities. Whenever possible, these schools should be located in the same district. Siblings benefit from knowing other siblings that have brothers or sisters with special needs. Parents also benefit from knowing other parents who have children with special needs. I think there is much to be gained in delivering services in a centralized manner.

## **Problem 2**

The second limiter is the focus on academics to the exclusion of other skills. Social, self-care and community negotiation skills are critical to independence, yet schools pay little attention to these if the child is in an academic program. This type of education is classified under related services and is offered only to provide access to the general education curriculum. It seems that there is an unspoken rule that by third grade, a child should be done with occupational therapy, the discipline that addresses daily living skills. Too often education in these areas is on a consultation basis and looks like accommodations or modifications to a child's program rather than teaching them the skills. It's a lot cheaper to modify or accommodate than to teach, but it is only through learning how to perform the skill on their own that prepares the child for independent living. Without teaching self-care skills the system prepares children to be more dependent than they need to be. Learning these skills is a time intensive process, but they have to be learned. If a child never learns to button, he will never be able to put on a button down shirt. T-shirts may be acceptable in school, but it's not realistic to think that they can be worn for a lifetime. If

a child doesn't learn to use the stove, he cannot cook for himself. If he doesn't learn how to interact with others, he probably won't be able to keep a job. Without the ability to care for oneself or to work an individual becomes a burden to society.

### **Solution**

I think that counseling and occupational therapy should be stand alone services. Provision should not be determined solely on a child's ability to access the curriculum. Social skills training must be provided to all children who do not interact well with their peers. Similarly occupational therapy must be provided to all children who have not learned daily living skills on their own. No matter how high the educational achievement, if children do not have basic social and self-care skills, then they cannot be successful in their adult lives. They cannot be independent.

### **Third Problem**

Schools try very hard to keep children in their respective schools. Because of this, I do not think that schools act in a timely manner to help children who do not successfully adapt to the mainstream environment. They try again and again and again to keep the child in the same school. Too often, maladaptive behavior is interpreted to be a behavior problem rather than a call for help. Providing consequences and behavior plans for a behavior problem should fix the problem, but providing consequences when it is a call for help may result in worse behavior.

### **Solution**

Schools need to relieve the stress that this latter group encounters, but this can only be accomplished by analyzing the causes of the behavior, a task that takes time and resources. But the expense associated with not effectively addressing the behavior can result in escalating behavior, increased police involvement and incarceration as an adult. The benefits realized academically in special education before the negative behavior surfaced may be reduced or even eliminated for this group especially when we consider the cost to society for these children in their adult years. Schools must be diligent in caring for the mental health of children if we are to release productive citizens into society.

The greatest challenge in delivering special education services is the lack of funding. It is just a killer! With that said, I think that we could enhance the effectiveness of special education by supporting more centralized programs in districts to provide more intense services to greater numbers of children with fewer staff. We could better prepare some children for life after school and reduce the expense to society by allowing social skills and daily living skills to be key areas of a student's curriculum. We could reduce the drain on society by intervening at an early stage when a child is overwhelmed and unable to successfully navigate the mainstream by placing them in a program that enhances their self-esteem and limits their frustration and anxiety.