

M.O.R.E. Commission
Special Education Select Working Group

MEETING AGENDA

Thursday, August 21, 2014

6:00 P.M. in the Auditorium of Hamden Middle School

- I. CONVENE MEETING
- II. REMARKS AND INTRODUCTIONS BY THE CHAIRS
- III. REMARKS BY SPEAKER OF THE HOUSE BRENDAN SHARKEY
- IV. APPROVAL OF PREVIOUS MEETING MINUTES
- V. PRESENTATIONS BY INVITED GUESTS: WHAT ARE THE SYSTEMIC CHALLENGES TO SPECIAL EDUCATION AND WHAT ARE SOME POSSIBLE SOLUTIONS?
 - a. Superintendent Jody Goeler, Hamden Public Schools
 - b. Robert Mancusi, Director of Pupil Personnel Services, Wallingford Public Schools
 - c. Anna and Chris Sagnella, Parents of a Child with Special Needs
 - d. John Keegan, Chair, Hamden Board of Education
 - e. Patricia Alvarez, Parent of a Child with Special Needs
 - f. Valarie Coppola, Coordinator of Early Childhood Special Education, Hamden Public Schools
 - g. Kimberley Planas, Director of Pupil Personnel Services, Hamden Public Schools
 - h. Julie Swanson, Professional Special Education Advocate, CT Parent Special Education Attorneys and Advocates
- VI. PUBLIC COMMENT ON THE SYSTEMIC CHALLENGES TO SPECIAL EDUCATION AND POSSIBLE SOLUTIONS
- VII. SCHEDULE NEXT MEETING
- VIII. ADJOURNMENT

*Members of the public are welcome to submit written testimony to the working group in lieu of or in addition to providing oral testimony. Submitted written testimony will be posted on the MORE Commission website.

Testimony presented by Julie Swanson
Representing many members of
Connecticut Parent Special Education Attorneys & Advocates
(A Networking Group)

1 - Reading

Systemic Challenges

- Lack of appropriate intensive, individualized instruction in elementary school, middle school and high school for students identified with dyslexia and other reading learning disabilities
- No tracks within public school to provide daily, systematic, intensive, individualized instruction
- RTI improperly used to delay referral to special education resulting in more expensive intervention later

Possible Solutions

- Tracks in all grade levels, especially grade school, for intensive instruction for identified students
- Ongoing training and competency measures for teachers on research-based, systematic reading interventions
- Reading specialists in every school providing and overseeing these services
- Simple screening of first graders to identify LD early
- Systematic, research-based reading instruction benefits all students

2 – Autism

Systemic Challenges

- Lack of appropriate support around autism with specific regard to BCBAs, ABA therapists, social skills and transition (transition services are separate line item)
- BCBA are not practicing with in the Guidelines set forth by the Behavior Analyst Certification Board for the Treatment of Autism Spectrum Disorders
- Lack of fidelity in implementation of ABA programming due to lack of on-going training, supervision by BCBA and competency measures
- Lack of intensive social skill intervention
- Lack of understanding of “high functioning autism” and Aspergers Disorder

Possible Solutions

- Follow BCBA certification guidelines
- State-wide standards & competencies for ABA therapists, different level than paraprofessional
- Tracks available in schools for intensive social skill intervention
- School-wide social skill instruction / positive climate change

3 – Behavior

Systemic Challenges

- Students, whose behavior is having an adverse impact on education, do not have appropriate behavior intervention plans or no plans up at all

Possible Solutions

- Long before behavior becomes a crisis, conduct FBA and put a BIP in place with oversight by BCBA
- Inappropriate and excessive use of restraint/seclusion and high frequency disciplinary referrals, and extensive expulsion/suspension
- Monitoring of schools with high restraint/seclusion for appropriate behavior supports

Recommended Resource: *George Sugai* Professor, Special Education *Carole J. Neag Endowed Chair* Director, Center for Behavioral Education & Research *Co-Director, Center of Positive Behavioral Interventions & Supports*

4 – Transition

Systemic Challenges

- Students with significant mental health needs often can't make progress educationally without addressing their mental health needs; so schools are obligated to provide services; but they are costly so the district say it isn't our responsibility and look to DMHAS; DMHAS says it is the school's responsibility; child is a hot potato. You can't put a circle around what is mental health and have DMHAS do that and what is educational and have the district do that; there needs to be collaboration and cost sharing so kids get what they need to move into the adult life successfully.
- Many students with serious psychiatric conditions are very bright and regular educators are not trained to recognize it as a special education issue and students don't get referred until crisis
- DHMAS, DDS, and DCF are all their own gatekeepers with little ability for families to challenge decisions therefore burden always falls districts

- Too little and too late focus on transition, inappropriate transition evaluations, lack of appropriate services, lack of vocational opportunities prior to aging out, lack of appropriate life skills training, lack of generalization into the community, home, and work environments.
- Lack of understanding that all students with IEPs require transition services, even college prep

Possible Solutions

- Training of all regular educators of IDEA Child Find obligations. Too often we only train special service providers who are working with the students already found.
- Special education hearing officers given explicit jurisdiction over other State agencies to determine cost sharing
- Thorough, age-appropriate, disability appropriate, individualized, detailed transition evaluations done at age 16 or younger in order to drive appropriate IEP goals
- Intensive, systematic teaching of life skills, community skills, vocational skills with enough frequency to create real learning. Time spent on generalization of skills to community and home, even if that means after-school teaching. Additional training for job coaches and other staff in the community to support the social and other learning required.
- Meaningful relationships developed with employers in the community to avoid adults with disabilities reliance on families or government subsidy

5 - Charter, Magnet & Technical School

Systemic Challenges

- Lack of appropriate special education infrastructure at Magnets, Charters and Technical schools to support students with disabilities.
- Inter-district magnet schools are designed to voluntarily reduce racial, ethnic and economic isolation, however, these and other choice schools, are not set up to appropriately meet the needs of those with disabilities. Sending school districts are challenged to provide the appropriate services. Often, LEA's request that the student return to district because they are challenged to provide the services, which in turn denies the right for students with disabilities to attend Magnet schools and other choice schools.

- Students with disabilities are effectively denied admission as a pretext to discrimination

<http://jonathanpelto.com/2013/10/03/charter-schools-and-the-systematic-discrimination-of-special-education-students/>

Possible Solutions

- Since Magnets are run by RESCs, RESC provide special education support

6 - Inclusion versus LRE

Systemic Challenges

- District placing children with disabilities into prepackaged programs that don't address their needs, or placement in regular education classrooms with minimal and/or inappropriate support.

Possible Solutions

- Ongoing education and training for district administrator and other staff on their obligations under IDEA

7 - District's Practices / Attitudes

- District snapping into litigation mode when parents or outside evaluators recommend individualized programming
- Intimidation, coercion, retaliation practice by districts to parents and staff and advocates

Possible Solutions

- Parents are forced to be the enforcers of IDEA. Enforcement by State Department of Education
- Ongoing education and training for district administrators and other staff on their obligations under IDEA and section 504
- Teachers to be informed that they have the right under IDEA and Section 504 to speak out and advocate for what they believe the students needs at IEP team meetings

8 - Parent training as a related service

(Especially for parents where English is the second language)

Systemic Challenges

- Underused and misunderstood by IEP teams
- "We" vs. "They" dichotomy between parents and school vs. collaborative approach

Possible Solutions

- Ongoing training to districts on parent training as a related service and the challenges parents face

9 - Continuum of Appropriate Placements

Systemic Challenges

- The State has a limited number of approved schools and there are many populations of disability that do not fit neatly into them (i.e. students with mental health needs with not behaviors, high-functioning autism, gifted/LD)
- Families are put in a position where they are requesting placement in non-approved schools and districts are refusing because they are not approved, even when they want to approve them

Possible Solutions

- Mechanism for IEP team to approve non-approved school and still have access to excess-cost funding
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10 – A Parents’ Right to Independent Education Evaluations (IEEs)

Systemic Challenges

- Misunderstanding and/or misuse of parents right to and IEEs

(Parents have the right to disagree with a school district’s evaluation and ask for an IEE at district expense. If the district denies the parents request, they must take the parents to Due Process without delay. District’s often do not follow this or even record the parent’s request. When the school district agrees to the IEE, they often misuse the criteria or insist on mutually agreeable evaluations, which is not the same as an IEE.)

Possible Solutions

- State monitoring/oversight on district criteria compliance with following parents’ rights under IEEs

11 – Access to Records & Information

Systemic Challenges

- When parents and/or attorneys request records, complete records are not always produced

Possible Solutions

- Inclusion of this information in parent notification forms and training for the schools on destroying records

12 – Burden of Proof

Systemic Challenges?

- Burden of Proof on the school district requires a hearing officer to answer this question: Did this party meet the burden? Where is the increased cost associated with this? How would school districts save money by switching the Burden of Proof to parents?
- Parents usually file for Due Process first, which means they have the burden of production
- Parents who go to Due Process pro-se, do not prevail 95% of the time
- Parent who go to Due Process represented by an attorney, prevail approximately 50% of the time (this fluctuates up and down slightly)
- State Department of Education has never recommended switching the Burden of Proof
- School districts are federally required to provide a Free Appropriate Public Education (FAPE)
- School districts are set up to have built-in experts and have access to all records

Possible Solutions?

- Clear understanding of system challenge