



Francine Coss
Superintendent of Schools

Thomaston Public Schools
P.O. Box 166
Thomaston, CT 06787-0166
(860) 283-4796
(860) 283-6708 - Fax

Municipal Opportunities and Regional Efficiencies (M.O.R.E.) Commission
Special Education Select Working Group Co-Chairpersons
Representative Brian Becker
Representative Michelle Cook
Representative Terrie Wood
State of Connecticut
General Assembly
Hartford, CT 06106-1591

December 8, 2014

Dear Co-Chairpersons Becker, Cook and Wood,

Thank you for inviting me to provide testimony on the systematic challenges to special education and for allowing me to offer possible solutions to the same. Your bi-partisan and collaborative work should be welcomed by those who, like me, balance the challenges of special education with all other education priorities on a daily basis.

The greatest systematic challenge to special education is funding; a challenge that furrows brows with the thought of the obvious solution. However, my testimony does not demand funding; it demands legislation to limit the cost of special education programming for districts. This legislation would enable municipalities to fund a balanced educational program for all students.

A Special Education Task Force in New Jersey recently proposed a goal to reduce special education costs without diminishing the quality of needed services. This task force was led by a former Superintendent and School Board member who had recorded a significant outpacing of special education costs to general education costs over the course of his career. This outpacing is also disproportionate to the number of students receiving services, that is, there are far fewer special education students in the district than there are funds being spent for their programming.

In Thomaston, for example, the per pupil expenditure, or the amount it costs the district to educate a student, is approximately \$13,000. This rate is dramatically increased when special education services are added. Specifically, the average cost for special education services provided to students attending public institutions is \$32,200 and the average cost for special education services provided to students attending private institutions is \$51,900. These costs do not include the cost of transportation or extended-year services that are sometimes required when school is not in session during the summer break.

Moreover, the Excess Cost-Student Based Grant which provides State funding to offset the costs associated with special education services offers a threshold that limits district access to these funds. The Excess Cost-Student Based Grant has regularly offered reimbursement to districts for special education service expenditures if the per pupil special education student expenditure is exceeded by 4.5 times the per pupil expenditure. With Thomaston's per pupil expenditure of \$13,000, this means the first \$58,500 spent on each special education student do not receive reimbursement. In the current school year, Thomaston projects special education costs to be \$578,500 with an Excess Cost-Student Based Grant reimbursement of less than \$250,000.

Thomaston's total operating budget is \$14.5 million for two elementary schools and one high school. Special education tuition costs are 4% of the total budget. All special education expenses total \$2,480,000, or 17% of the total operating budget.

The cost of special education services results in fewer available resources for general education programs as special education services are protected through the legal document known as the Individualized Education Plan (IEP). Your task force must call for a recalibration of program costs between special education and general education.

General Education Intervention Services:

The Connecticut State Department of Education already offers a model for general education intervention services known as Scientific Research-Based Intervention (SRBI). SRBI identifies a student's learning needs as early as possible through a general education protocol and furnishes timely and frequent strategies through general education staff and services.

General education intervention services, however, are not protected services like those defined in an IEP. The implementation of SRBI can be interrupted by a parent request to bypass general education services and enter into special education; specifically, a parent can request a Planning and Placement Team (PPT) meeting with special education staff to determine if the student qualifies for special education services even though the district's intervention experts disagree and, more importantly, even though the parent is not obligated to give proof that the SRBI services are not meeting the student's needs.

Your task force must call for a recalibration of program costs between special education and general education by proposing legislation that protects general education intervention services in a similar way to those services defined in an IEP. Legislation must demand that all

general education services be exhausted before moving to special education services and that the party requesting special education analysis of the student be required to provide proof to justify this request.

Burden of Proof:

Additionally, your task force must call for a limiting of a district's non-program costs for special education; specifically, the district's cost for defending a dispute over an IEP or a dispute over the special education programs offered by a school district.

Connecticut places the burden of proof in disputes over special education programming on the school district rather than on the party bringing the complaint. This means that the district must assign duties to special education staff in order to secure unequivocal proof that the IEP and/or special education programming meets the student's needs. Securing proof is part of the assessment process for these special education staff, but securing unequivocal proof is daunting and disruptive to the educational process.

With the burden of proof on the school district, there is an immediate determination of financial hardship that may be the result of preparing this unequivocal proof. This financial hardship includes hiring specially trained consultants to assess the program or student and paying a special education attorney to represent the district in a Due Process hearing.

Due process hearings are impartial administrative hearings held to resolve disputes between parents and public agencies, usually school districts, over the evaluation or educational placement of, or IEP for a child requiring special education. While a due process hearing may be requested by either the school district or the parent, most are requested by the parent.

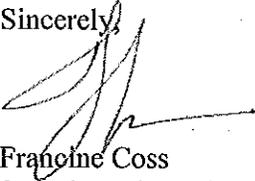
In the recent past, the General Assembly's Education Committee raised bills to override the State Department of Education's burden of proof regulation, intending to place the burden of proof in special education due process hearings on the party that requests the hearing, also known as the plaintiff. Since most due process hearing requests come from parents, this change would relieve school districts of the requirement of providing the burden of proof even when they are not the party requesting the hearing.

In summary, protecting general education interventions and placing the burden of proof on the plaintiff are two actions that can be proposed by this committee that will not cost the State additional funds, and, more importantly, will save money for school districts and municipalities.

If you have only one proposal to make to the General Assembly, I respectfully request that it be placing the burden of proof on the party issuing the complaint. This one proposal will provide protection to general education intervention services and enable municipalities to fund a balanced educational program for all students. As I stated above, the greatest systematic challenge to special education is funding. Adopt the goal to reduce special education costs without diminishing the quality of needed services. Stop the significant outpacing of special education costs to general education costs by lending your support to the experts in the field.

Thank you again for the opportunity to present testimony on the systematic challenges to special education and for allowing me to offer possible solutions to the same.

Sincerely,

A handwritten signature in black ink, appearing to read 'Françoise Coss', with a long horizontal flourish extending to the right.

Françoise Coss
Superintendent of Schools

