

## **Desjardins, David**

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**From:** David Larson [REDACTED]  
**Sent:** Monday, December 22, 2014 4:08 PM  
**To:** Desjardins, David  
**Subject:** Special Education Committee

**Follow Up Flag:** Follow up  
**Flag Status:** Flagged

Dear Attty. Desjardins,

Dec. 22, 2014

A few weeks ago I met with Speaker Sharkey who referred me to Rep. Becker. After a long discussion, Rep. Becker recommended that I send you an email about my recommendations regarding special education.

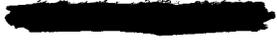
To introduce myself - I am the former Executive Director of the CT Assoc. of Public School Supts. and the retired Middletown, CT Supt. of Schools. I have also worked in Ridgefield as a school superintendent, Southington, CT as an assistant superintendent, and North Branford, CT as high school principal. In 1998 I was the CT. School Superintendent of the Year.

I have three recommendations that I think are worthy of consideration:

1. Our State should follow the ruling by the United States Supreme Court and make "the burden of proof" the responsibility of the party bring the issue forward. By making it only the responsibility of the school district our State has made it very difficult and costly for school districts when they enter a hearing. This has also created expenses for the State of CT. when hearing officers order costly out of district placements that might not be necessary.
2. I have found that many of are hearing officers are not well trained, and I have seen situations where aggressive attorneys have made these hearing officers buckle under unreasonable demands or have dragged out the hearing to enable them to pad their legal bills. My suggestion is that we experiment with using a few Senior Superior Court Judges to act as hearing officers.
3. Another recommendation is that we encourage school districts to engage an outside consultant to do a thorough analysis of the district's special education/pupil services programs. As you know in 1974 when IDEA was enacted, school districts were spend about 5% of their annual budgets on special education today that amount represents about 20% of a school district's budget and is increasing. This 20 % of the budget is going to support about 10% of the student population. I know for a fact that one consulting firm that has worked in Connecticut over the past five years has saved over \$14 million for 20 Connecticut school districts that they have worked with. Some of these districts have been able to use their Alliance District grant funds to pay for the studies. I would like to recommend that the Legislature establish a grant for the non-alliance district to apply for so that they can also have an analysis of there special education programs done by an outside consultant. I should note that these analysis have not been about reducing services for students but rather making special education programs more effective and efficient.

Thank you and the Committee for taking the time to consider my recommendations.

David H. Larson, PhD  
Executive Director Emeritus CT Association of Public School Superintendents  
Middletown, CT



State of Connecticut

## Desjardins, David

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**From:** Rep. Becker, Brian  
**Sent:** Monday, January 05, 2015 4:42 PM  
**To:** Desjardins, David  
**Cc:** Rep. Cook, Michelle; Rep. Wood, Terrie  
**Subject:** FW: MORE Commission Testimony  
**Attachments:** OSEP Memo Re- RTISRBIA.pdf

**Follow Up Flag:** Follow up  
**Flag Status:** Flagged

David:

FYI. Should be added to our testimony for public access. Thx.

- Brian

Brian S. Becker  
State Representative for the 19th District  
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**From:** Allison Quirion [REDACTED]  
**Sent:** Monday, January 05, 2015 3:53 PM  
**To:** Rep. Becker, Brian; Rep. Cook, Michelle; zRepresentative Terrie Wood  
**Cc:** [REDACTED]  
**Subject:** MORE Commission Testimony

Representatives Becker, Cook and Wood:

I am responding to the letter submitted to you by Thomaston Superintendent Francine Coss dated December 8, 2014.

In particular, Ms. Coss requested that the task force 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.”

This request is in direct violation of federal guidance provided by OSEP Memorandum 11-07 dated January 21, 2011. The United States Department of Education determined that the Response to Intervention process (RTI) (SRBI in CT) can NOT be used to delay-deny an evaluation for eligibility under IDEA. <https://www2.ed.gov/policy/speced/guid/idea/memosdcftrs/osep11-07rtimemo.pdf>

I hope that this information will be beneficial.

Allison Quirion  
Parent  
Decoding Dyslexia - CT  
[www.decodingdyslexiaact.org](http://www.decodingdyslexiaact.org)



UNITED STATES DEPARTMENT OF EDUCATION  
OFFICE OF SPECIAL EDUCATION AND REHABILITATIVE SERVICES

JAN 21 2011

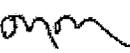
Contact Persons:

Name: Ruth Ryder  
Telephone: 202-245-7513  
Name: Deborah Morrow  
Telephone: 202-245-7456

OSEP 11-07

**MEMORANDUM**

TO: State Directors of Special Education

FROM: Melody Musgrove, Ed.D.   
Director  
Office of Special Education Programs

SUBJECT: A Response to Intervention (RTI) Process Cannot Be Used to Delay-Deny an Evaluation for Eligibility under the Individuals with Disabilities Education Act (IDEA)

The provisions related to child find in section 612(a)(3) of the Individuals with Disabilities Education Act (IDEA), require that a State have in effect policies and procedures to ensure that the State identifies, locates and evaluates all children with disabilities residing in the State, including children with disabilities who are homeless or are wards of the State, and children with disabilities attending private schools, regardless of the severity of their disability, and who are in need of special education and related services. It is critical that this identification occur in a timely manner and that no procedures or practices result in delaying or denying this identification. It has come to the attention of the Office of Special Education Programs (OSEP) that, in some instances, local educational agencies (LEAs) may be using Response to Intervention (RTI) strategies to delay or deny a timely initial evaluation for children suspected of having a disability. States and LEAs have an obligation to ensure that evaluations of children suspected of having a disability are not delayed or denied because of implementation of an RTI strategy

A multi-tiered instructional framework, often referred to as RTI, is a schoolwide approach that addresses the needs of all students, including struggling learners and students with disabilities,

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and integrates assessment and intervention within a multi-level instructional and behavioral system to maximize student achievement and reduce problem behaviors. With a multi-tiered instructional framework, schools identify students at-risk for poor learning outcomes, monitor student progress, provide evidence-based interventions, and adjust the intensity and nature of those interventions depending on a student's responsiveness.

While the Department of Education does not subscribe to a particular RTI framework, the core characteristics that underpin all RTI models are: (1) students receive high quality research-based instruction in their general education setting; (2) continuous monitoring of student performance; (3) all students are screened for academic and behavioral problems; and (4) multiple levels (tiers) of instruction that are progressively more intense, based on the student's response to instruction. OSEP supports State and local implementation of RTI strategies to ensure that children who are struggling academically and behaviorally are identified early and provided needed interventions in a timely and effective manner. Many LEAs have implemented successful RTI strategies, thus ensuring that children who do not respond to interventions and are potentially eligible for special education and related services are referred for evaluation; and those children who simply need intense short-term interventions are provided those interventions.

The regulations implementing the 2004 Amendments to the IDEA include a provision mandating that States allow, as part of their criteria for determining whether a child has a specific learning disability (SLD), the use of a process based on the child's response to scientific, research-based intervention<sup>1</sup>. See 34 CFR §300.307(a)(2). OSEP continues to receive questions regarding the relationship of RTI to the evaluation provisions of the regulations. In particular, OSEP has heard that some LEAs may be using RTI to delay or deny a timely initial evaluation to determine if a child is a child with a disability and, therefore, eligible for special education and related services pursuant to an individualized education program.

Under 34 CFR §300.307, a State must adopt, consistent with 34 CFR §300.309, criteria for determining whether a child has a specific learning disability as defined in 34 CFR §300.8(c)(10). In addition, the criteria adopted by the State: (1) must not require the use of a severe discrepancy between intellectual ability and achievement for determining whether a child has an SLD; (2) must permit the use of a process based on the child's response to scientific, research-based intervention; and (3) may permit the use of other alternative research-based procedures for determining whether a child has an SLD. Although the regulations specifically address using the process based on the child's response to scientific, research-based interventions (i.e., RTI) for determining if a child has an SLD, information obtained through RTI strategies may also be used as a component of evaluations for children suspected of having other disabilities, if appropriate.

The regulations at 34 CFR §300.301(b) allow a parent to request an initial evaluation at any time to determine if a child is a child with a disability. The use of RTI strategies cannot be used to delay or deny the provision of a full and individual evaluation, pursuant to 34 CFR §§300.304-

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<sup>1</sup> The Department has provided guidance regarding the use of RTI in the identification of specific learning disabilities in its letters to: Zirkel - 3-6-07, 8-15-07, 4-8-08, and 12-11-08; Clarke - 5-28-08; and Copenhaver - 10-19-07. Guidance related to the use of RTI for children ages 3 through 5 was provided in the letter to Brekken - 6-2-10. These letters can be found at <http://www2.ed.gov/policy/speced/guid/idea/index.html>.

## Desjardins, David

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**From:** Allison Quirion [REDACTED]  
**Sent:** Monday, January 05, 2015 8:06 PM  
**To:** Desjardins, David  
**Subject:** More  
**Attachments:** Testimony AMQ MORE Commission.docx

David,

Happy New Year.

Attached is my testimony that was submitted back in October. I would ask that you provide copies to the committee members prior to or at the next MORE Commission meeting (Thursday). I believe that Margie Gillis will be speaking and my testimony relates to reading and reading interventions.

Please let me know.

Thanks!

Allison Quirion  
Decoding Dyslexia - CT  
Parent/Advocate  
[www.decodingdyslexiaact.org](http://www.decodingdyslexiaact.org)

300.311, to a child suspected of having a disability under 34 CFR §300.8. If the LEA agrees with a parent who refers their child for evaluation that the child may be a child who is eligible for special education and related services, the LEA must evaluate the child. The LEA must provide the parent with notice under 34 CFR §§300.503 and 300.504 and obtain informed parental consent, consistent with 34 CFR §300.9, before conducting the evaluation. Although the IDEA and its implementing regulations do not prescribe a specific timeframe from referral for evaluation to parental consent, it has been the Department's longstanding policy that the LEA must seek parental consent within a reasonable period of time after the referral for evaluation, if the LEA agrees that an initial evaluation is needed. See Assistance to States for the Education of Children with Disabilities and Preschool Grants for Children with Disabilities, Final Rule, 71 Fed. Reg., 46540, 46637 (August 14, 2006). An LEA must conduct the initial evaluation within 60 days of receiving parental consent for the evaluation or, if the State establishes a timeframe within which the evaluation must be conducted, within that timeframe. 34 CFR §300.301(c).

If, however, the LEA does not suspect that the child has a disability, and denies the request for an initial evaluation, the LEA must provide written notice to parents explaining why the public agency refuses to conduct an initial evaluation and the information that was used as the basis for this decision. 34 CFR §300.503(a) and (b). The parent can challenge this decision by requesting a due process hearing under 34 CFR §300.507 or filing a State complaint under 34 CFR §300.153 to resolve the dispute regarding the child's need for an evaluation. It would be inconsistent with the evaluation provisions at 34 CFR §§300.301 through 300.111 for an LEA to reject a referral and delay provision of an initial evaluation on the basis that a child has not participated in an RTI framework.

We hope this information is helpful in clarifying the relationship between RTI and evaluations pursuant to the IDEA. Please examine the procedures and practices in your State to ensure that any LEA implementing RTI strategies is appropriately using RTI, and that the use of RTI is not delaying or denying timely initial evaluations to children suspected of having a disability. If you have further questions, please do not hesitate to contact me or Ruth Ryder at 202-245-7513.

References:

- Questions and Answers on RTI and Coordinated Early Intervening Services (CEIS), January 2007
- Letter to Brekken, 6-2-2010
- Letter to Clarke, 4-28-08
- Letter to Copenhaver, 10-19-07
- Letters to Zirkel, 3-6-07, 8-15-07, 4-8-08 and 12-11-08

cc: Chief State School Officers  
Regional Resource Centers  
Parent Training Centers  
Protection and Advocacy Agencies  
Section 619 Coordinators

October 6, 2014

To Whom it May Concern:

My name is Allison Quirion, I am the parent of a 10 year old dyslexic son, Jack. I am the Founder of Decoding Dyslexia-CT a grassroots movement concerned with the limited identification and interventions for dyslexic students within our Connecticut public schools

My experience with identifying my son Jack with dyslexia is equivalent to presenting myself at the Emergency Room with acute signs of a heart attack and being told to come back in a couple of days when it gets really bad! Due to the delay in identifying my son, he entered 3<sup>rd</sup> grade reading below a first grade level; 3 years behind his peers!

Currently, Connecticut does not have a **definition of dyslexia**. A universal definition and understanding of dyslexia should be in the State Education Code as it will facilitate communication and lead to a more rapid provision of interventions. A precise definition with clear inclusionary and exclusionary characteristics minimizes the amount of time and cost of assessments. House Resolution 456, introduced in Washington in January 2014, submitted by Congressman Cassidy, calls for States to recognize that dyslexia has significant educational implications that must be addressed. Connecticut needs to address these issues.

In 1975, Congress included dyslexia as a qualifying condition under the Special Education eligibility category of "Specific Learning Disability" (SLD). Approximately 80% of people with learning disabilities have dyslexia, which makes it the most common learning disability. Shaywitz SE. Dyslexia. N Engl J Med. 1998;338(5):307-312.

Early identification of dyslexia is NOT taking place in many of our Connecticut public schools. Experts in the field state, it is now possible to identify children at risk for word-reading difficulties as early as kindergarten. <http://visionhelp.files.wordpress.com/2010/11/dyslexia-shaywitz-swipe-at-vt-iaapos-03> **Early assessments** will lead to early identification, which is key to a dyslexic student's success. Without early identification our bright, creative, social and caring children are feeling lazy, dumb, anxious and stupid.

Teachers need to be provided with **professional development** with proven and effective measures so they can identify and support our dyslexic students. If our teachers lack the resources and knowledge surrounding dyslexia, our children will continue to be unidentified and passed through the system.

Connecticut needs to join the other states that have pending or current legislation to

protect and support dyslexic students and teachers. The research, science and evidence is there, it is not being transferred to Connecticut's classrooms.

In New Jersey the Commission on Business Efficiency of the Public Schools 2003-4 Report indicates that:

One Inescapable conclusion of this examination is that children with reading difficulties who do not receive intervention services are much more likely to be classified as requiring Special Education than those students with reading difficulties who receive such services. The Commission found that if **early intervention reading programs with universal screening and follow up** had been available to all of New Jersey's public school children, the State would realize annual **cost avoidance in Special Education funding of \$200 million.**

You would not want to wait days to be treated for a heart attack. Nor should our children with dyslexia wait years to be identified. I leave you with a quote from Louisa C. Moats, Ed.D.

*"In medicine, if research found new ways to save lives, health care professionals would adopt these methods as quickly as possible, and would change practices, procedures and systems. Educational research has found new ways to save young minds by helping them to become proficient readers; it is up to us to promote these new methods throughout the education system. Young lives depend on it."*

-Louisa C. Moats, Ed.D.

Thank you for your time and your commitment.

Allison Quirion  
Hebron, CT

113TH CONGRESS

2D SESSION **H. RES. 456**

Calling on schools and State and local educational agencies to recognize that dyslexia has significant educational implications that must be addressed.

**IN THE HOUSE OF REPRESENTATIVES**

JANUARY 10, 2014

Mr. CASSIDY (for himself and Ms. BROWNLEY of California) submitted the following resolution; which was referred to the Committee on Education and the Workforce

**RESOLUTION**

Calling on schools and State and local educational agencies to recognize that dyslexia has significant educational implications that must be addressed.

Whereas, defined as an unexpected difficulty in reading in an individual who has the intelligence to be a much better reader, dyslexia reflects a difficulty in getting to the individual sounds of spoken language which typically impacts speaking, reading, spelling, and often, learning a second language;

Whereas dyslexia is highly prevalent, affecting one out of five individuals in some form, and is persistent;

Whereas dyslexia is a paradox, so that often the same individual who has a weakness in decoding or reading fluency also has strengths in higher level cognitive functions such as reasoning, critical thinking, concept formation, and problem solving;

Whereas great progress has been made in understanding dyslexia at a scientific level, including its epidemiology, and cognitive and neurobiological bases; and

Whereas diagnosis of dyslexia is critical, and must lead to focused, evidence-based interventions, necessary accommodations, self-awareness, self-empowerment, and school and life success: Now, therefore, be it

1 Resolved, That the House of Representatives calls on schools and State and local educational agencies to recognize that dyslexia has significant educational implications that must be addressed.