

M.O.R.E.

Special Education Select Working Group

MEETING MINUTES

Thursday, February 27, 2014

10:00 A.M. in the Old Appropriations Room, 3rd Floor, Capitol Building

The meeting was called to order by Representative Becker (Co-Chair) at 10:10 A.M.

The following select working group members were present: Rep. Brian Becker (Working Group Co-Chair), Rep. Terrie Wood (Working Group Co-Chair), Shelley Davis, John Filchak, Betsy Gara, Jody Harkins, Patrice McCarthy, George Rafael, Mike Regan, Rep. Jonathan Steinberg, Deborah Richards, Robert Namnoum, Howard Klebanoff

Rep. Becker (Co-Chair) and Rep. Wood (Co-Chair) introduced themselves, asked the select working group members present to introduce themselves, and welcomed interested parties and guests to the meeting.

Rep. Becker (Co-Chair) noted that Rep. Cook (Co-Chair) was not present today because of a recent loss of a close family member. He also stated that the working group was adopting a new policy of not distributing documents from members or interested parties to the entire working group until just prior to a meeting on a subject relevant to the document. He continued that the working group was planning to add a non-attorney special education advocate as a member in order to better represent special education children and their families. He then asked if there were any corrections for the minutes from the previous meeting.

Minutes of the previous meeting were approved on a motion made by Rep. Steinberg and seconded by Rep. Wood.

Atty. Klebanoff thanked members for the condolence card sent by the working group to his wife on the passing of her mother.

Rep. Becker introduced the first presenter of the day.

Pat Anderson, State Transition Coordinator for the Bureau of Special Education, State Department of Education (SDE), gave a presentation on SDE's transition services. The slides from her presentation, as well as an audio recording, are available on the M.O.R.E. Commission website here:

<http://www.housedems.ct.gov/MORE/SPED/meetings.asp> .

Rep. Becker introduced the presenters from the Department of Developmental Services (DDS): Jordan Scheff, DDS Regional Director and Robin Wood, Director of Family Support Strategies and Advocacy.

Mr. Scheff stated that he brought a packet of materials for the working group to look through. These materials are available on the M.O.R.E. Commission website here: <http://www.housedems.ct.gov/MORE/SPED/meetings.asp> .

Ms. Wood (DDS) stated that she is the mother of a special education child. She then explained the DDS transition services mission statement, and stated that she wanted families and individuals to have a stronger voice and to get involved with transition planning at an early age. This “life-span approach” can be facilitated by DDS approaching families while their special education students are still in school. She then began to go through the various documents in the DDS packet concerning services provided by DDS and eligibility for DDS programs (not everyone qualifies- different from special education). She also stated that DDS now has 12 transition advisors to cover students from ages 16-21 and 5 education advisors to cover students from ages 15-18. She then pointed out that DDS feels strongly that, out of those individuals who are able to work, those who do work will have more successful lives. She continued that DDS had a DVD full of success stories that it would be happy to share with members. Summer employment before graduation, she said, improved success rates, so the department tries to assist there as well. She stated that many disabled people and their families have misconceptions about how social security, Medicare, and Medicaid work and do not understand that they can continue to receive these benefits even if they are employed. She went on to comment that DDS has a very strong relationship with SDE and with the Bureau of Rehabilitation Services (BRS). She also called the working group member’s attention to a new section of the DDS website constructed to address the needs of families and to be more user friendly.

Mr. Scheff stated that, given financial constraints, DDS has faced difficult decisions about the provision of services. He continued that DDS’ capacity to positively impact students has been hurt, but the department has been working to restore this over the last year. In order to do this, he stated that the department has received grants from the state to work with children as they are coming out of high school.

Rep. Wood stated that DDS was doing wonderful work and asked for a link to the success stories video online

Mr. Scheff answered that DDS would work to do this.

Rep. Becker stated that he would like to have DDS come back because a lot of information was presented in a very short time and because the presentation was difficult to follow without accompanying written materials. He continued that it sounded like there was some overlap with services provided by SDE, but asked the presenters to paint a clearer picture.

Mr. Scheff stated that adult services are eligibility based, not entitlement based like SDE's special education programs, so not everyone gets in. He stated that DDS used to be involved at a much earlier age, but had to cut back for budgetary reasons. He said that DDS currently has 17 staff to try to transition children from every school district in the state. He also said that there was a disconnect between what many parents think will happen when their disabled child reaches age 21 and what actually happens.

Kathy Marchione, a Regional Director working for the Bureau of Rehabilitation Services (BRS), began her presentation. She stated that it was the bureau's goal to find employment for disabled people who are able to work (except blind people, who are covered by a different program). She continued that the Americans with Disabilities Act is the widest door for people seeking services, and social security is the narrowest. She stated that BRS work programs are located in the middle of that spectrum in terms of eligibility. She continued that, in BRS' mission to assist disabled people with finding work, a staff member will try to meet with eligible students during their junior year of high school. She explained that a staff person is assigned to every high school in the state, but transition services are just a small part of the everyday jobs of these staff people.

Ms. Marchione then began to discuss BRS' Employment Opportunities Program (EOP). She stated that a person who will need ongoing support in order to maintain a job is eligible for this program. She said that BRS is required by federal law to know who will provide this ongoing support before the placement begins (DDS, the Department of Mental Health and BRS do some of this work). She also said that there have been some difficulties with people on the autism waiting list not being able to access BRS programs like this because they are technically eligible for DDS services, but the agencies are trying to sort this out.

Rep. Becker asked the members of the working group if they had any questions for the various presenters.

Atty. Klebanoff asked if there was a statewide blanket to cover transition services. He stated that federal laws require interagency cooperation because responsibility is shared by the school districts and agencies, but he has never seen a meaningful interagency agreement. He continued that children get pushed into transition services and they do not have a say in what services they want or need. He asked if an interagency agreement has been effectively developed and, if so, if the working group could receive a copy. He also asked, given that federal law requires parents to be informed of their rights but nothing requires children to be informed of all these transition programs, if children and families should be made aware of all these transition options

Ms. Anderson answered that there is a formal agreement between BRS and SDE and stated that she will ensure the working group members receive a copy.

Atty. Klebanoff asked if the agreement included the Department of Mental Health.

Ms. Anderson answered no. She stated that services provided in school have always been the primary responsibility of the schools and that collaboration between agencies has occurred, but that services are not necessarily always coordinated. On the topic of informing parents, she stated that all agencies involved in this field have attempted to do this, but sometimes families do not think about transition services until the last year of eligibility for special education programs under SDE. She continued that transitioning is an overwhelming process and that parents can only take in so much at one time. She said that the opportunities are too vast, so it is not prudent to inform every student of every opportunity. She stated that SDE does trainings for parents on nights and weekends and that many of the presenters are parents themselves. She said that SDE also works with the Connecticut Parent Advocacy Center to do trainings, but there is still room for districts to spend more time discussing transition services.

Atty. Klebanoff stated that many school districts do not start discussing transition services until a student's last year of special education eligibility. He said that he does not want parents to be overwhelmed, but he does want them to get a simple fact sheet listing the agencies that are involved and basic services provided.

Ms. Anderson stated that SDE has a new document called "Easing Into Transition" that was a joint venture with BRS and that is available at most RESC websites. She stated that this document was just finalized this past fall, so SDE is working on these materials and on expanding the capacity of RESCs with regard to transition services. She said that she would send the working group a copy of this document.

Mr. Scheff stated that priorities within the town sometimes determine how much information people get about transition services.

Atty. Klebanoff disagreed with Mr. Scheff's point.

Mr. Namnoum asked if it was the opinion of the SDE representative that transition planning for special education students should begin in the 6th grade.

Ms. Anderson answered yes, because counselors needed to look at possible careers and make sure academic program of the student matches. She continued that each district is at different level in terms of the successful implementation student success plans, but SDE has tried to make these align with the student's IEP.

Mr. Namnoum asked if SDE had the capability to ensure that the transition conversation starts at grade 6.

Ms. Anderson answered that this was not formally monitored. However, she stated that SDE staff to travel to the districts to work on transition planning.

Ms. Davis asked how many children are in transition currently across the state.

Ms. Anderson answered that she was not sure.

Ms. Davis asked when the transition task force was formed.

Ms. Anderson answered that the task force was formed in 1989, and serves as an advisory group to the Bureau of Special Education.

Ms. Richards stated that she appreciated that DDS staff had been cut over the past several years and that this is frustrating. She stated that it would be helpful for the working group members to understand how frustrating it is to have to wait for state budget every year to see if a special education student can be properly funded in a DDS program after graduation.

Mr. Scheff stated that the funding situation is frustrating for parents and for DDS. He said that DDS has had some success moving funding around to accommodate some graduates. However, he stated that some people graduate in June but cannot get services from DDS until October because of funding. He said that people with disabilities can take large steps backwards during a gap in services like this. He continued that DDS works hard with school districts (LEAs) to identify who will eventually receive DDS services post-graduation before the student has actually graduated. He said that there is an expectation that special education students will be placed in a 5 day a week 8 hour a day program after graduation, but this might not happen, so it can be a shock to family members.

Ms. Wood (DDS) stated that not every special education student and family is informed about DDS programs. She said that she started working at DDS one and a half years ago, and, at that time, only 4 people at DDS were working on transition services. She continued that the department is trying to improve their transition services and make changes despite these challenges, trying to meet with families earlier so they are not in crisis during their last year under SDE special education eligibility.

Rep Wood stated that this is wonderful information and it is important for working group members to know about the difficulties DDS is experiencing.

Ms. Gara asked if there were costs to local school districts for disabled people who participate in BRS programs.

Ms. Marchione answered that there was no cost to school districts- BRS pays for the services that are provided under its programs.

Mr. Scheff added that DDS pays for most of its programming as well.

Ms. Gara stated that she was not sure if school districts paid for transition services.

Ms. Anderson answered that school districts pay for almost all transition services until age 21. She said that the PPT should discuss services that are available after graduation, and that this conversation should start in the year before the student's exit

from the special education system at the latest, but it can start earlier. She continued that, on a few occasions, BRS might work with a student over the summer at the end of their school career, but this is not a frequent occurrence.

Ms. Marchione stated that BRS did a project a few years ago to work with a small number of students and each party (SDE, BRS, etc.) put a little extra on the table with the goal of having children graduate and have a job they could stay in. She said the take-away from the project was that these families were not prepared for post-graduation because of the disabled person's employment schedule (often nights or for only a few hours each day).

Mr. Scheff stated that Walgreens has a program to employ people that DDS works with, and added that the department tries to create additional opportunities for clients.

Mr. Filchak asked if a disabled person's progress one year after graduation is the only measure of success currently measured?

Ms. Anderson answered that the one year after graduation measure of progress is all that federal law requires SDE to measure. She stated that SDE can get some data from the Department of Higher Education from a longitudinal study they are conducting, but right now SDE has no data on students after one year after graduation. She said that 4 or 5 agencies are involved in the lives of disabled adults, including DDS, BRS and the Department of Labor, although the Dept. of Labor does not specifically work with the disabled population.

Rep. Becker asked why the presenters did not discuss indicator 14 (the post-school outcome survey).

Ms. Anderson stated that she did not think that issue was today's focus, but stated that she could get relevant information for the working group.

Rep. Becker stated that the point of the education system is to set children up to be employed and live independently, but there is a huge gulf between this ideal and the actual unemployment rate for people with disabilities. He stated that the working group should examine outcome data in order to see if the state needs to do a better job in providing services.

Ms. Anderson stated that there is a national study on transition success that has looked tracked students over at least a 10 year period.

Rep. Becker asked if SDE could please send that report to the working group.

Atty. Klebanoff stated that he was aware of the funding shortages to DDS and BRS, but he is aware of situations when directors of special education specifically invited agency representatives to speak to students and their families when the student reached age

16, but the agencies declined to participate. He asked what standard determines whether BRS and DDS are able to engage students at this age or not.

Ms. Marchione answered that BRS does not have the staff to cover every PPT because only 10-15% of staff time is directed to transition services. She said that BRS staff meet with each district every year to go over who students are, to prioritize which students may be eligible for BRS services, and to meet with those students.

Atty. Klebanoff asked if there was a standard to determine which PPTs to participate in when the district has identified that the student is eligible for BRS services.

Ms. Marchione answered that BRS attends such PPTs.

Ms. Wood (DDS) stated that, with the department's new commissioner, DDS is sending the message that the department does want to get involved earlier, but their staff shortage has necessitated that they focus on getting educational materials to people rather than sending staff. She stated that DDS used to be able to provide case managers at an early age, but cannot do this anymore. To compensate for this, the department started a phone line so disabled people can at least talk to someone. She stated that DDS wants to partner with other groups to provide better services.

Rep. Wood asked for a presenter to clarify the difference between eligibility v entitlement programs.

Ms. Marchione stated that BRS provided eligibility based services. She said that, in order to be eligible, a person must have a disability that is a barrier to employment and must require BRS services. She continued that there was no financial means test for BRS services, although if a staff person thinks that a person might have a disability but no documentation yet exists, BRS will assist in procuring the appropriate documentation.

Ms. Wood (DDS) stated that, to be eligible for DDS services, a person must be a Connecticut resident and must have mental retardation or another eligible diagnosis.

Ms. Anderson stated that special education services from SDE are entitlement based.

Mr. Regan asked if there was a gap in the DDS eligibility requirements between what the old Department of Mental Retardation used to provide and what DDS currently provides.

Mr. Scheff stated that there is an eligibility line based on IQ testing and that DDS is trying to stretch this line based on a person's functional ability. However, he also acknowledges that there is a large gap. He stated that DDS has recently gotten some federal waivers to be able to provide services to people with autism.

Mr. Regan stated that the DDS criteria is really outdated and not in line with other services. He related that school districts say this is tough because some students miss the eligibility cut by 1 or 2 points.

Rep. Becker asked if DDS could map eligibility criteria for the working group so members know where requirements can be stretched and where they cannot be stretched.

Ms. Wood (DDS) stated that, in the department's focus to meet the needs of families, they do not want to confuse family members about what criteria are and are not flexible. She said that if the door is opened too far, DDS will be unable to satisfactorily meet the needs of its clients.

Rep. Becker thanked the presenters for their time and announced that the working group would hold its next meeting in March on the subject of private special education providers.

Atty. Klebanoff asked if he could file documentation related to the next meeting topic.

Rep. Becker answered yes, but stated that any material submitted for distribution to working group members will be held until the group meets to discuss that specific topic.

Rep Wood thanked the presenters.

Mr. Namnoum asked if the working group had received any answers from SDE to questions posed in earlier meetings.

Mr. Desjardins, the working group administrator, answered that the documents containing SDE answers would be sent to members later in the day.

Rep. Becker closed the meeting at 11:46 A.M.

Submitted: Barbara Gordon and Dave Desjardins