

M.O.R.E.
Special Education Select Working Group
MEETING MINUTES

Thursday, March 20, 2014
10:00 A.M. in LOB Room 2C

The meeting was called to order by Representative Becker (Co-Chair) at 10:03 A.M.

The following select working group members were present: Rep. Brian Becker (Working Group Co-Chair), Rep. Terrie Wood (Working Group Co-Chair), Rep. Michelle Cook (Working Group Co-Chair), Shelley Davis, Dr. Deborah Wheeler, John Filchak, Betsy Gara, Patrice McCarthy, Kimberley Planas, George Rafael, Mike Regan, Rep. Catherine Abercrombie, Rep. Jay Case, Deborah Richards, Robert Namnoum, Atty. Howard Klebanoff

Rep. Becker (Co-Chair) asked the select working group members present to introduce themselves, and welcomed interested parties and guests to the meeting. He then offered corrections to the minutes from the previous meeting and entertained a motion to accept them, as amended.

The minutes of the previous meeting were approved, as amended, on a motion made by Rep. Wood (Co-Chair) and seconded by Mr. Filchak.

Rep. Cook (Co-Chair) thanked the working group members for their condolences after her mother-in-law's passing.

Rep. Becker (Co-Chair) introduced the first presentation of the day's meeting from the State Department of Education (SDE).

Colleen Hayles, Education Consultant for the State Department of Education (SDE), Bureau of Special Education gave a presentation on the approval process for private special education providers. A copy of her presentation slides, as well as an audio recording of her remarks, are available on the MORE Commission website and may be accessed here: <http://www.housedems.ct.gov/MORE/SPED/meetings.asp> .

Rep. Wood (Co-Chair) thanked Ms. Hayles for her presentation. She then asked how SDE defined a special education private school, as opposed to regular private schools.

Ms. Hayles responded that special education private schools are those that have the capacity and staffing to accommodate students with IEPs written by the sending school districts.

Rep. Wood stated that the behavioral intervention plan for a student is reviewed as part of the IEP every year. She then asked how many behavioral issues are truly innate and

how many are caused by a child not being in the right educational environment (classes taught at right level, etc.).

Ms. Hayles answered that often an appropriate placement will minimize the behavioral issues, but sometimes a specific behavioral placement is warranted when the district has exhausted all of its available resources and the behavior has not changed.

Rep. Wood (Co-Chair) asked for an approximate break-out of how many students were attending private special education programs and in which types of programs they were enrolled.

Ms. Hayles stated that she did not have these number off-hand, but would look into whether or not this could be determined through SDE's data collection system. She continued that SDE has an outline of each program and what type of services they provide on their website.

Rep. Wood (Co-Chair) asked if SDE approves out-of-state programs.

Ms. Hayles answered no. She said that, if a school has gone through a comparable approval process in another state, the sending school district may be able to access excess cost grant funding from the state.

Rep. Wood asked why more districts do not internally come up with good programs for students with non-behavioral learning disabilities such as dyslexia.

Ms. Hayles answered that districts can often address issues within the district, but if a district has exhausted its resources, it needs to look for solutions from an outside placement. She said these private special education programs take it upon themselves to get approved.

Rep. Becker (Co-Chair) asked how much money Connecticut is spending on the 6.8% of special education students in these private settings versus those in public school settings.

Ms. Hayles answered that she was not sure and was not able to answer financial questions.

Rep. Becker (Co-Chair) asked how many private special education schools SDE has approved.

Ms. Hayles answered that there were somewhere between 58 and 49 approved private special education providers, stating that some schools have multiple sites.

Rep. Becker (Co-Chair) asked if the state reimbursed school districts for sending students to non-approved private special education schools.

Ms. Hayles answered yes, districts are reimbursed for sending students to non-approved schools under special conditions. She said that other SDE personnel could better speak to that issue.

Rep. Becker (Co-Chair) stated that it did not feel right to send students to non-approved schools.

Ms. Hayles stated that sometimes children are unilaterally placed in non-approved schools by their parents or by mediation or settlement agreements. She said that it is rare for a state agency to be involved in placing a student in a non-approved program.

Rep. Becker (Co-Chair) stated that it does not seem right that all new private special education programs should have conditional approval.

Ms. Hayles stated that the current approval process was created by the State Board of Education and said that the temporary operating status given to applying programs is not called "conditional approval."

Rep. Becker (Co-Chair) stated that the name of the status did not make a difference as long as temporary status is given. He also said that it does not make sense that there is an automatic review of private special education schools one year after gaining approval, repeating the entire review process that just took place.

Ms. Hayles stated that SDE consults with applying programs often during their first year as approved programs because they are so new to the system. She said that SDE keeps communications open with special education schools and plays a supportive role with these programs.

Rep. Becker (Co-Chair) stated that going through an approval process again within 5 years, depending on the program deficiencies identified, does not make sense after just completing the review process twice in order to gain initial approval.

Ms. Hayles stated that most of the deficiencies SDE finds are in the completion of IEPs. She said that if the IEP is not completed accurately, the approved private school should go back to the district and state that an IEP measure cannot be completed.

Rep. Becker asked if IEP deficiencies are addressed in order for a program to gain initial approval.

Ms. Hayles answered no. She said that a private program may deal with IEPs before gaining approval because students could be placed there by their parents.

Rep. Becker asked if a non-approved school that is seeking approval may have students with IEPs that are not being adequately addressed.

Ms. Hayles answered that private programs seeking approval would not be cited for not meeting IEP standards during the initial approval process. She said that SDE will go back one year after the approval process is initiated and will ensure that IEPs are being adequately addressed at that time.

Atty. Klebanoff asked about the cost to local school districts in placing students in private special education programs. He wanted to know the percentage of cost local districts get from the state when they make private placements.

Ms. Hayles answered that she did not have that information.

Atty. Klebanoff asked if there was a difference in reimbursing a school district when a student is in a non-approved school but the student qualifies and meets the standards for reimbursement.

Ms. Hayles stated that she did not know and said that Kevin Chambers from SDE would better be able to address these types of financial concerns.

Ms. McCarthy asked how many CT children were educated in non-approved programs.

Ms. Hayles answered that she was unsure if SDE could capture this data because many students in non-approved programs are placed privately (not by the school district).

Ms. McCarthy asked if SDE could provide this data with regard to students placed by school districts.

Ms. Wheeler asked if the state had any kind of recourse to deal with a situation where a private school markets itself as a special education facility without having gone through the approval process.

Ms. Hayles answered that, as long as a non-approved facility is not advertising itself to be an approved school, SDE cannot do anything. She continued that she hoped non-approved schools would seek state approval and hoped there would be more clarification between lists of approved and non-approved schools.

Ms. Wheeler stated that there is pressure on districts to support students unilaterally placed in private facilities by parents. She said that the burden of proof is partly responsible for this.

Mr. Regan asked if all approved schools are nonprofits.

Ms. Hayles answered no, and stated that no list separating the for-profit and non-profit approved schools exists. She said that she could get this information by individually contacting each school.

Mr. Regan asked what checks are made on the financial health of approved schools.

Ms. Hayles answered that an annual audit is part of the application for approval, but said that SDE mostly just attempts to ensure that the school is financially able to operate their program. She said that SDE does not do a deeper audit and does not focus on tuition rates and costs, etc.

Mr. Regan asked if he had to specifically request to see the financial data collected by SDE, since it is not readily available to the public.

Ms. Hayles answered affirmatively.

Mr. Regan stated that it would make more sense for there to be more financial transparency in the approval process. He then asked if there was a report card-like rating system for each school. He also said that it should be the goal of these private special education programs to try to return students to the sending districts.

Ms. Hayles stated that there is no report card for private special education schools because it is almost impossible to compare many of these programs. She said that different approved special education programs focus on children with different types of disabilities, have different student population sizes, etc.

Ms. Richards asked if SDE set or approved tuition rates for approved special education schools.

Ms. Hayles stated that SDE does not set tuition rates for these schools except for 11 residential treatment programs. She said that students in these 11 programs are often placed there by DCF for non-academic reasons. She continued that there is a process for setting educational rates for these programs and that a district may only be reimbursed up to that amount. The reason SDE is involved in tuition rates for these programs is that the sending district has no control over placements made by DCF. She stated that all other program rates for other private special education schools are set by those schools.

Rep. Cook (Co-Chair) asked working group members to hold their questions and write them down to ask SDE later.

Mr. Namnoum asked if each IEP was reviewed during SDE's regular review process for each private special education facility.

Ms. Hayles answered no, saying that SDE reviewers only look at a sample of 5-10 files during each review. She said that reviewers then go into a classroom with one student's IEP on a second day to ensure compliance.

Mr. Namnoum asked, since there is a 5 year window in between official SDE reviews of private special education schools, who was in charge of ensuring that the IEP was followed.

Ms. Hayles answered that the sending district is in charge, since the IEP cannot be changed without a district PPT meeting to do so.

Mr. Namnoum asked what a district could do if it thought the IEP for a student was not being followed.

Ms. Hayles answered that, if the terms of the contract with special education provider are violated, the district may decide to no longer support that private program.

Rep. Cook (Co-Chair) thanked Ms. Hayles and stated that the working group would likely ask her to come back to answer additional questions. She then introduced the next presenter from the Windward School in New York.

Dr. John J. Russell, Head of School at The Windward School (NY) gave his presentation about the school's innovative programming. The Windward School is a private special education program located outside the state that has chosen not to seek approval from either CT or New York. A copy of Dr. Russell's presentation slides, as well as an audio recording of his remarks, is available on the MORE Commission website and may be accessed here:

<http://www.housedems.ct.gov/MORE/SPED/meetings.asp> . Of particular interest were Dr. Russell's comments on the successful adoption of the intensive writing program used at the Windward School by a failing public school (New Dorp High School) in New York. The introduction of this program yielded positive results in a public school setting and Dr. Russell stated that he would be happy to share this program with other public schools.

Ms. Gara asked, given Dr. Russell's experience in public school as a superintendent, if he really thought the Windward writing program could be successfully implemented in a public school.

Dr. Russell answered yes, but stated that there are currently too many mandates on public schools which make it difficult to adopt innovative programs such as this. He again called attention to New Dorp High School in New York as an example of the Windward writing program working in a public school.

Ms. Richards asked if New York had a similar approval process for private special education programs and, if so, if the Windward School had gone through that process.

Dr. Russell answered that the Windward School chose to focus on language issues 30 years ago, and, at that time, the leadership of the school also chose not to go through the state approval process. He stated that the Windward School is accredited by the National Association of Independent Schools and has a basic certification from the

state, but that its leaders did not want to get caught up in the bureaucracy that state approval would entail. He said that students must be placed in the Windward School by their parents and cannot be placed by a school district because of this decision not to seek state approval.

Rep. Wood (Co-Chair) asked what percentage of the school's parents are reimbursed by local school districts.

Dr. Russell answered that he did not know because the school tells parents that it will not participate in reimbursement hearings.

Rep. Wood (Co-Chair) said that she would like to consider a possible field trip to the Windward School.

Dr. Russell stated that the working group members would be welcome. He said that the school's business model is to put itself out of business, so he said he would be happy to share the teaching methods his teachers employ with other schools.

Mr. Namnoum asked if parents were paying the tuition for most students at the school.

Dr. Russell answered that many parents must sue or threaten to sue the school district in order to get the funding to pay for tuition.

Rep. Becker (Co-Chair) asked for the current annual tuition.

Dr. Russell responded that it was \$48,000 per year.

Rep. Becker (Co-Chair) thanked Dr. Russell for his presentation and introduced the next presenter from the Connecticut Association of Private Special Education Facilities.

Pat Gerrity, President of the CT Association of Private Special Education Facilities (CAPSEF) gave a presentation on private special education programs in Connecticut. A copy of Ms. Gerrity's presentation slides, as well as an audio recording of her remarks, is available on the MORE Commission website and may be accessed here: <http://www.housedems.ct.gov/MORE/SPED/meetings.asp> .

Rep. Becker (Co-Chair) opened the floor for questions from working group members.

Ms. Planas asked if private special education schools charged different rates to different school districts. She said her district finance office had been interested in the answer to this question.

Ms. Gerrity answered that she was not aware of private schools varying their rates based on the school district. She said that the schools she is directly involved with charge each sending school district the same tuition rate.

Mr. Filchak asked if CAPSEF tracked the academic performance levels of their students when they entered a private special education school and compared them to their academic performance levels upon exiting the school (The Windward School does this).

Ms. Gerrity answered that CAPSEF schools do engage in progress monitoring that is then presented during PPTs.

Mr. Filchak asked if SDE looked at the success/fail rates of individual students in private special education schools when re-certifying them.

Ms. Gerrity answered no.

Ms. Hayles stated that the local district is ultimately responsible for the student's IEP being followed.

Ms. Gerrity stated that it is difficult to rate programs because each student has a different diagnosis and each IEP requires that different skills be measured.

Ms. Davis asked who modifies the common core-based curriculum to meet the requirements of the IEP.

Ms. Gerrity answered that the receiving school must review the IEP and make sure they can carry out all points before a student actually begins instruction there. She said that all goals and objectives written for the IEP are based on the common core standards.

Rep. Cook (Co-Chair) asked how schools are supposed to implement the common core for all students, yet make accommodations to special education students who are not capable of meeting the standards in the common core.

Ms. Gerrity answered that the goals are based on common core state standards. She said that there are different ways to instruct students and the proper method for each student is determined in an IEP and is based on that student's ability level.

Ms. Davis asked how CAPSEF schools knew that a student's education plan was in line with the common core standards and also asked who makes the appropriate modifications.

Ms. Gerrity stated that a student's plan depends on their capabilities and that modifications of an IEP occur at a PPT.

Rep. Cook (Co-Chair) asked, if students cannot perform at common core standards, where do CAPSEF schools go to determine what standards are appropriate.

Ms. Gerrity answered that if you have a student who is below level in math, you can bring the level at which a concept is addressed down.

Ms. Davis asked, if we have a 6th grader who is autistic and doesn't do math, how are we giving that student a common core-based education.

Ms. Gerrity answered that there are modifications that can occur to get concepts across in a way that is adopted to everyday living, often using hands-on activities. She said that this depends on the cognitive ability of the student.

Rep. Cook (Co-Chair) stated that her son is in 8th grade and can function highly in many areas, such as math, but cannot do word problems. She said that he was recently removed from extra help without her knowledge. She continued that students have such intricate needs. She asked, if we had these problems before the common core was introduced, how will we deal with special education after the common core is in place.

Ms. Gerrity answered that, in many cases, a simple modification can help like having a reader read the word problem to the student rather than having the student read it on his or her own.

Rep. Cook (Co-Chair) asked if headphones will be made available for common core testing.

Ms. Hayles answered yes, a PPT may request a modification for testing purposes for headphones, a sign language interpreter, or other accommodations.

Rep. Cook (Co-Chair) asked, with all the confusion, when a parent goes forward with a PPT, will the school educate the parent about all the modifications that are available. She said this if this is not the case, it should be legislated because this process is too complicated and it concerns her that SDE is putting families and students in uncharted territory where teachers are even having trouble adapting.

Ms. Richards stated that there is a lot of controversy over the common core, but under any standards there have always been problems with disabled students meeting the state standards. She said that the IEP allows for specific individualized modifications based on ability. She also said that there is often confusion between curriculum and standards, and that curriculum varies by district. She said that districts have very broad guidance when deciding what modifications are available.

Rep. Cook (Co-Chair) stated that the uncertainty is still so fearful that we have to be cautious.

Rep. Becker (Co-Chair) asked the presenter to speak about how rates are set for private schools before reimbursement.

Ms. Gerrity answered that CAPSEF schools do not share rate information between facilities. She said that each school has a rate structure that changes based on the cost of educating students.

Rep. Becker (Co-Chair) asked SDE if, as part of the approval process, the department takes into account the rates charged by schools.

Ms. Hayles answered that rates are not taken into account during the approval process.

Rep. Wood (Co-Chair) asked what the role of CAPSEF was.

Ms. Gerrity answered that CAPSEF is a group that all private special education schools may join that meets to discuss SDE mandates and concerns. She said the group also hosts trainings, networking events, and meetings to learn about new SDE initiatives and to address challenges.

Rep. Wood (Co-Chair) asked what staff members are paid.

Ms. Gerrity answered that CAPSEF is run by volunteers and that member dues pay for the operating costs.

Rep. Becker (Co-Chair) thanked the presenters. He also stated that the working group will be adding one last member, Julie Swanson, a special education advocate and parent. He then said that the next working group meeting will be held on April 10th and will likely include presentations from DDS and DRS on transition services. He said that perhaps working group members can also begin a discussion on how to analyze and move forward with the information that they have collected so far.

Rep. Wood (Co-Chair) wanted to state for the record that the Windward School teachers are members of AFT. She also stated that she was very happy to add another parent advocate to the working group in Julie Swanson.

Rep. Cook (Co-Chair) asked working group members to please send the working group administrator any questions they did not get to ask SDE today so that they can be asked at a later date. She then closed the meeting at 1:00 PM.

Submitted: Dave Desjardins