

Center for Children's Advocacy

TESTIMONY OF JOSHUA MICHTOM CENTER FOR CHILDREN'S ADVOCACY IN SUPPORT OF HB 5316, AN ACT CONCERNING ENROLLMENT IN ADULT EDUCATION

This testimony is offered in support of HB 5316, An Act Concerning Enrollment in Adult Education, and to propose a modification to the. HB 5316 is a simple but vital piece of legislation that will significantly reduce the ability of our state's high schools to deny educational opportunities to low-performing students. . As an attorney at the Center for Children's Advocacy, a non-profit legal organization for poor children, I run a teen legal clinic in Fairfield County and represent teenagers in education matters, among other issues. I have seen first-hand how the problem of high school push-out denies comprehensive education and support to students who need it.

This Bill Will Reduce School Push-Out and Improve Educational Outcomes

Connecticut law guarantees public high school education to all students through the age of 18 and to most through the age of 21.¹ The law also makes adult education available to anyone who is at least 16.² Push-out happens when public high schools persuade or coerce students and their families into withdrawing voluntarily from school and transferring to adult education. , My experience as an attorney representing poor teenagers in Fairfield County and New Haven and my conversations with teenagers, social service providers, and other legal services attorneys throughout the state suggest that the prevalence of the push out issue is increasing: administrators meet with the guardians of underperforming students, students who present recurring discipline problems, or those who are over-age for their grade (including some who are doing well academically but may have missed a year for non-academic reasons). The administrators tell the students they are at risk of being involuntarily withdrawn (which is not legal), or that their behavior problems may lead to expulsion, and that the family would be wise to avoid problems by simply transferring the students voluntarily to adult education. Since students and families are seldom aware of students' right to remain in school until the end of the year in which they turn 21, they often comply with the administrators' suggestion.

In some cases, high schools have actually commenced expulsion proceedings against students in cases where expulsion was not legally allowed, so that lawyers for the school district could then negotiate a settlement with the student requiring the student to withdraw voluntarily in exchange for the school's withdrawing the pending expulsion. (This is possible because students and their families are almost never represented at expulsion hearings.) In one case in which I represented a student, the school district's attorney waited until the expulsion hearing had actually begun, and when the student still



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1 Connecticut General Statutes Section 10-220(a)(3).

2 Connecticut General Statutes Section 10-67.

refused to settle by withdrawing from school and enrolling in adult education, the attorney dropped the case and the student was allowed to return to school the next day.

According to the State Department of Education³, many of our state's largest cities have enough 16-, 17-, and 18-year-olds in adult education to populate whole high schools: In the 2008-9 school year, New Haven had 526 such students in academic adult education courses (i.e., classes not designed to teach English as a second language or prepare students to take the United States citizenship exam). In the same year, Waterbury had 516, Hartford had 367, Bridgeport had 256, and New Britain had 238. And those numbers reflect only students who attended at least 12 hours of adult ed. instruction. Students who quit before completing 12 hours or who never reported to adult ed. after transferring out of regular high school are not counted by S.D.E.

Students who are pushed out tend to be those who are already struggling in high school – those with behavior issues, poor attendance, or significant academic failures. While it may seem reasonable for schools to suggest that these students try other options, the fact is that young people who have trouble engaging at mainstream high schools – where guidance counselors and social workers actively work to help them participate – do worse at adult education, where students are expected to be mature and self-motivated. Our state's adult education programs do a great job of accommodating adults' schedules and particular needs, but they are ill-suited to serve as de facto high schools.

Connecticut law creates a number of requirements for high school education, from the number of hours of instruction students must receive in a year to the subjects that must be taught.⁴ Federal law requires educators in high schools to identify students in need of special education services and to provide those services. Adult education has neither the same academic rigor nor the breadth of services, including special education, that regular high schools must provide. Research has shown that younger students tend not to do as well in adult education as their older peers.⁵ This is especially so for students who have had behavior problems in regular high schools. Many of them would likely benefit from *more* support through special education or other interventions, not from the reduced structure and additional responsibility of the adult ed. environment.

It is important to recognize who will be affected by this bill. This is not a bill that excludes adults from adult education. Nor is it a bill designed to prevent children from

3 See State Department of Education report, "Total Number of 16, 17 and 18 year old learners who attended adult basic education or secondary school completion classes for at least 12 hours during Fiscal Year 2008-09 in Connecticut's adult education programs," e-mail from Ajit Gopalakrishnan, Education Consultant and GED Administrator, Connecticut State Department of Education, to Josh Michtom, Jan 25, 2010, forwarded under separate heading.

4 Connecticut General Statutes Sec. 10-16b.

5 See C. Harrison, "Managing Disruptive Student Behavior in Adult Basic Education," ERIC Digest No. 54 (1986), available at http://www.eric.ed.gov/ERICDocs/data/ericdocs2sql/content_storage_01/0000019b/80/2f/62/dc.pdf.

voluntarily choosing adult education over regular high school (see proposed modification in Section 3, below). Rather, it is designed to deprive school administrators of an easy dumping ground for difficult students. When children are pushed out of high school, they and their parents are persuaded – and sometimes tricked – into withdrawing *voluntarily* with the promise that adult education will better serve the children's needs. What this bill does is recognize that adult education is not the appropriate educational environment for the vast majority of children, and effectively limit the enrollment of children to adult education to those children who truly have a compelling need to be there.

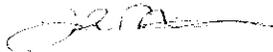
Proposed Modification

There are situations in which adult education is the best educational option for people under the age of 21, such as when those people are parents caring for small children or have other work and family responsibilities that make a regular school schedule impossible. Section 2 of HB 5316 is meant to address such situations by allowing for such people to apply for special permission to attend adult education. However, it is important that the grounds for granting such permission be made clear so that this Section will not end up being a barrier to education. The Section ought also specify that a district superintendent *or his or her designee* can grant this permission, so as not to create undue bureaucratic burdens.

Proposed Language for Section 2

Sec. 2. (NEW) (*Effective July 1, 2010*) The superintendent of schools for the school district shall grant, or the superintendent's designee, upon receipt of a written application from the parent or legal guardian of a minor aged 16 or 17, or from a person between the ages of 18 and 21 who is ineligible for adult education under Section 1, above, permission to enroll in an adult education program. Such written application shall include an explanation of the particular circumstances for such person's enrollment in an adult education program, and such permission shall be granted only where the explanation of circumstances shows that such person's educational interests are better served by adult education than by regular high school.

Respectfully Submitted,



Joshua Michtom
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