



330 Main Street – Third Floor - Hartford, CT 06106
Phone: 860.548.1747 Fax: 860.541.6484 www.conncase.org

Testimony of
David Scata, Past President & Legislative Chairperson of ConnCASE
Education Committee
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Raised S.B. No. 1038
AN ACT CONCERNING INDIVIDUALIZED EDUCATION PROGRAMS.

Senator Stillman, Representative Fleischmann, and Distinguished Members of the Education Committee; my name is David Scata, Past President & Legislative Chairperson of ConnCASE. ConnCASE represents over two hundred public school administrators of special education in the state of Connecticut.

I would first like to extend my appreciation to the committee to hear the opinion of ConnCASE and to thank the committee for hearing our concerns the past few years on a variety of issues related to special education.

I am here today to give testimony on Raised House Bill 1038

- We support the concept that, as a general principle, the goal of meaningful parent participation in the PPT process is advanced by having parents who are well-informed participating in PPT meetings.
- We agree that “best practice” certainly for certain types of evaluations of students such as psychological evaluations, is to review essential findings with parents prior to the presentation of those findings in a group meeting format. This best practice, which is followed by school psychologists across the state, gives parents some time to digest evaluation results that may be difficult to understand from a technical standpoint, or difficult to hear from an emotional standpoint. Explanations are often provided based on the raw test data, before the reports are written, and come in many forms – staff may have telephone calls with parents or exchange email messages to provide information, rather than meeting in person. Such pre-meeting explanations are rarely needed for parents to comprehend the results of other types of evaluations.
- We do not support the idea that in order to provide such information to parents, that a legislative mandate is required that would require another set of meetings, in addition to the statutorily mandated PPT meetings, nor do we support adding to the paperwork and administrative burden already imposed on schools by requiring further documentation not required by the IDEA.

- In the last reauthorization of the IDEA, it was recognized that the interests of kids are better served when there are fewer paperwork requirements imposed on teachers, and so part of the purpose of the IDEA reauthorization was a “paperwork reduction act”. Adding subsection (G) which requires a waiver to be submitted in writing by parents and/or documentation to be added to the child’s file concerning whether evaluations were or were not sent to the parent at least five school days prior to the scheduled PPT meeting where eligibility is to be determined, adds to the paperwork and administrative burden and, by definition, changes the focus from whether good services are being implemented for kids to whether or not the administrative boxes are being checked.
- Some of the language selected for the draft legislation is particularly problematic. For example, in subsection (B), the language requires that the parents be offered the opportunity to meet with “the members of the planning and placement team”. The membership of a PPT is fixed by state regulation and in part by IDEA and includes a host of individuals such as the general education teacher, a special education teacher, an administrator, and various other individuals whose presence is unnecessary to the review of any particular evaluation for the benefit of the parent. Taking these individuals away from their classrooms and other duties of providing services to children is wasteful and does not add to the understanding of the parent regarding the results of the evaluations. A meeting with an individual who has completed an evaluation of a child could be offered, but a pre-PPT meeting with the entire membership of the PPT does not make sense.
- The legislation also mistakenly uses the term “initial PPT meeting”. The initial PPT meeting is actually the PPT meeting at which the referral of the child to the PPT is discussed and the evaluation plan for the child is formulated. The meeting at which the results of the evaluations are reviewed is the second PPT meeting conducted in each child’s case.
- It is crucial to the purposes of the IDEA that all decision-making must take place in the context of a mandated PPT meeting. To the extent that we require additional meetings outside of the PPT, we increase the chances that decision-making will take place outside of the PPT, instead of within the PPT, where all members can participate in the discussion. A speech and language pathologist may have completed an evaluation of a student, but until the results of that evaluation are reviewed by the PPT, and the SLP has the input of all of the other PPT members, he or she cannot make decisions or recommendations concerning eligibility or services. Thus, it is the exclusive jurisdiction of the PPT, including and with the parents, to review the completed evaluations, and draw conclusions from all of the available information. In this way, the best interests of the child are protected by making sure that the maximum amount of information is considered in the decision-making process. The legislature should not undermine this by enacting legislation that increases the chances that decisions will be made outside of the PPT with only one or two members present.

- The PPT members who are conducting evaluations of children suspected of having disabilities have only a limited period of time (60 calendar days) to complete the evaluation of the child. Connecticut law requires that the time between referral of the child to special education and implementation of the IEP must not exceed 45 school days. Adding in the requirement that the report must be provided to the parent 5 school days in advance AND the parent must have an advance opportunity to meet with staff to review the results outside of the PPT reduces the time within which the staff may evaluate the child and compresses this already rigid timeline. If any such requirement were to be added by legislation, we would need to advocate for additional time to be added to the evaluation timeline so that staff have time to thoroughly evaluate a child's needs and also provide the services mandated in existing IEP's for other students with disabilities. This would allow for additional meetings with parents, but will delay the actual PPT meeting that could result in services being recommended for the child with a disability. In addition, we emphasize that we cannot add days to the school year by this same mechanism, and no matter how many days are added to the evaluation and implementation timeline, we cannot make up for services not provided to other students because staff are pulled away to attend statutorily required meetings. This could threaten the delivery of a free, appropriate public education to many needy students.
- We urge the legislature to consider the impact of this legislation on large, urban districts, as well as others, where schools already struggle to fit in all the meetings that are already required of them for various purposes, and still provide the mandated services required by individual student IEP's. In a school year of 180 school days, many schools with hundreds of students requiring services already struggle to fit in the annual review PPT meeting required for each student with an IEP, in addition to other PPT's conducted for students newly referred to special education, conduct all of the evaluations required, and service students. Adding to the meeting requirement is not helpful to the ultimate goal of providing quality services to these students. We can find another way to keep parents informed and participating as members of the PPT. Indeed, our membership believes that we do this now, working with individual parents to meet their needs for information pertaining to each individual student on a case-by-case basis.

Thank you the opportunity to speak before you today