



CONNECTICUT LEGAL SERVICES

A PRIVATE NONPROFIT CORPORATION

872 MAIN STREET P.O. BOX 258 WILLIMANTIC, CT 06226-258
TELEPHONE (860) 456-1761 OR 1-800-413-7796 (CLIENT TOLL-FREE LINE)
FAX (860) 456-7420
E-MAIL WILLIMANTIC@CONNLEGALESERVICES.ORG

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SHIRLEY BERGERT
MANAGING ATTORNEY –
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THOMAS W. CRATTY, JR.
VOLUNTEER PARALEGAL

LUZ OSUBA
HEROILDA RIOS
LEGAL ASSISTANTS

ADMINISTRATIVE OFFICE
62 WASHINGTON STREET
MIDDLETOWN, CT 06457
(860) 344-0447

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SOUTH NORWALK, CT 06854

29 NAEK ROAD, SUITE 5A
VERNON, CT 06066

TESTIMONY OF CONNECTICUT LEGAL SERVICES FOR THE COMMITTEE ON EDUCATION

IN SUPPORT OF RAISED BILL 5350
"ACHIEVING UNIVERSAL LITERACY BY GRADE THREE"
MARCH 5, 2012

Education Committee
Room 3100, Legislative Office Building
Hartford, CT 06106

Dear Rep. Fleischmann, and other distinguished members of the Committee on Education:

My name is Bet Gailor and I have practiced in the field of education and juvenile law for the past twenty-five years. Since 2001, I have been a staff attorney in the Children at Risk Unit of Connecticut Legal Services, Inc. (CLS), where for over thirty years low-income families have received assistance accessing appropriate educational and mental health services for their children, many of whom have disabilities. CLS named our unit "Children at Risk" during the 1990's when we realized that children who were failing in school were at risk for involvement in the criminal justice system.

CLS wholeheartedly supports the Committee's passage of House Bill 5350, which addresses, in a most comprehensive way, the reading crisis facing our state. Passage of this bill will be a significant step the state can take to close the Achievement Gap and give children the chance to grow out of poverty; it will improve educational outcomes for all children in our public schools.

CLS represents countless failing students who are at risk of dropping out of school. They are not proficient readers; most of our clients are middle and high school students whose reading skills are at an elementary school level, even though they are of average intelligence. They have lost all hope. Many of them, after years of school failure, stop going to school, where they feel stupid and humiliated, and become chronic truants, flooding our juvenile courts with Family with Service Needs Petitions. (I ask you, would you go to work every day if you lacked the basic skills you needed to perform your job?) Some children attend school, but act out; being known as a trouble maker is better than being known as the kid who can't read. These students often become "discipline problems" and often are "pushed out" into alternative schools where they do not have access to the educational services that are available to other children.

Without doubt, there are many societal, family, and economic factors that contribute to a child's school failure, but none is as critical as whether or not the child learned to read in grades K-3. For twenty-five years, I have read the educational records of children who are failing in their public schools. These students are from both wealthy suburban school districts and poor, rural and inner city schools. Their school histories have one common thread: the warning signs for school failure are apparent in first grade, if not in Kindergarten. The children never reach grade level in reading by fourth grade, and, with each passing year, as instructional demands increase and more independent work is expected of them, their school performance grows steadily worse. Usually, it doesn't matter if they are identified as having a specific learning disability or not; sometimes, the resource room is just more of what isn't working in the classroom. Each year, their teachers try to "tweak" their programs, trying to help them, but, each year, the children don't progress. The writing is on the wall: the teachers don't know how to help them.

Let me be clear, it is not the teachers' fault. Our schools of education have failed to teach them the science of reading. But, The Connecticut State Department of Education has developed Connecticut's Blueprint for Reading and Guidelines for the Identification of Students with Learning Disabilities. These documents incorporate thirty years of research into how children learn to read. Now it is time to assure that school districts incorporate these evidence-based reading plans in their districts, and, just as importantly, that they train their teachers to teach with fidelity to such evidenced-based instructional practices.

Passage of House Bill 5350 will be a substantial step our legislature can take to bring an end to the tragic trajectory that begins with a child's failure to acquire grade level reading skills by the end of third grade. By focusing on teacher preparation and training, House Bill 5350 will support Connecticut's teachers who are so eager to acquire the skills they need to teach K-3 students to read. In turn, it will improve learning outcomes in our middle and high schools, because fluent readers can master curriculum content far more easily than students who can't read on grade level. Passage of House Bill 5350 will be a giant step forward in helping to ensure that all students in Connecticut have good, solid teaching available to them in regular public schools.

If you are concerned about the cost of implementing this statute, I urge you to consider the cost of continuing to fail the children of this state. House Bill 5350 will do much to assure that Connecticut has a skilled work force, and to reduce the numbers of children who end up in the juvenile justice system.

In order to assure that House Bill 5350 meets the requirements of state and federal special education laws, however, I respectfully suggest that the committee consider the following amendments to the bill:

1. Amend Section 1 by replacing the phrase "coordinated state-wide reading program for students in kindergarten to grade three", with "coordinated state-wide reading plan or framework..." I make this suggestion because "reading program" is somewhat of a term of art; that is, there are many, many publishing companies selling reading programs to educators. The critical aspect of the bill is that local and regional boards of education develop reading plans that are aligned with research-based practices in reading instruction, to assure that all children learn to read by the end of third grade, not that a specific reading program be implemented across the state.

2. Amend Section 8(b)(2) to define "transitional instructional setting". A definition would do much to clarify for parents and educators exactly what will occur when a student completes an intensive accelerated reading class but still doesn't achieve a satisfactory score on the Connecticut Mastery Test.

3. Further amend Section 8(b)(2) to add that If a student is not making progress after the intensive accelerated reading class, the local and regional boards of education must refer a student for special education evaluation at that point, to identify whether a child has a specific learning disability as defined in the Individuals with Disabilities Act, that is interfering with the child's ability to make progress, even if such a referral previously was made. IDEA requires that referrals for special education evaluation be made at any time throughout the response to intervention process, 34 CFR §300.309(c)(2), and when "a child has not made adequate progress after an appropriate period of time...." 34 CFR §300.309(c)(1). This amendment would assure that local and regional boards of education do not run afoul of state and federal child find obligations, as delineated in 34 CFR §300.111, by clearly distinguishing between a student with a "reading deficiency" and a student with a specific learning disability.

4. Similarly, amend Section 8(d)(2) to replace the term, "special diagnostic information" with "special education evaluation". If a student gets promoted to grade four even though they don't get a satisfactory score on the reading CMT, the local and regional boards of education must determine whether the student requires specially designed instruction, as defined by IDEA, in order to become a proficient reader. See 34 CFR §300.309(c)(1).

5. Amend Section 8(d)(1) so that students who have been identified as having specific learning disabilities are not exempt from the statute's retention requirements. Of course, some students with severe disabilities will never be able to achieve grade level skills, and should not be subject to retention requirements. Nonetheless, excluding students with specific learning disabilities from performing as well as their peers in reading would be inconsistent with IDEA 2004. When Congress enacted IDEA 2004, it specifically found that prior implementation of IDEA "has been impeded by low expectations, and an insufficient focus on applying replicable research on proven methods of teaching and learning for children with disabilities." 20 USC 1400(c)(4). Connecticut must hold the same high expectations for children with specific learning disabilities as it has for all children. Children with disabilities are entitled to have a "fair, equal and significant opportunity to obtain a high-quality education and reach, at a minimum, proficiency on challenging State academic achievement standards and state Academic assessments". 20 USC §6301.

CLS urges the Committee on Education to act on this critically important opportunity to significantly improve educational outcomes for Connecticut's children by passing House Bill 5350. Thank you for your consideration of this testimony. Please feel free to contact me at 860 456-1761, ext. 111, or bgailor@connlegalservices.org, if you have any questions or concerns.

Very truly yours,



Bet Gailor