

**Testimony Regarding
S.B. 24: An Act Concerning Educational Competitiveness (District Management,
Alternative Schools, and School-Based Health Centers)**

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Education Committee
February 22, 2012

Senator Stillman, Representative Fleischmann, and distinguished Members of the Education Committee:

I am testifying today on behalf of Connecticut Voices for Children, a research-based public education and advocacy organization that works statewide to promote the well-being of Connecticut's children, youth, and families.

The Governor's Bill on education, S.B. 24, proposes a new way to define district performance using data from the state's standardized tests, the CAPT and the CMT. CT Voices has concerns about the definition of "district performance index" and the related formula. Additionally, we propose amendments to SB 24 related to alternative schools. Finally, we are also concerned about the reduction in funding for School-Based Health Centers.

I. Any evaluation of a school district should take into account indicators of basic academic skills-like tests-as well as other evidence of critical thinking, participation in the arts, reading of literature, preparation for skilled work and civic life, growth in social skills, and positive emotional health and development.¹ District evaluation should also account for the inequitable distribution of resources available across districts, the economic challenges that children and families face, and the efforts made by parents, teachers, and students to improve the quality of their schools.

As currently defined in the bill, the "district performance index" calculates a composite indicator of the results **from only the standard and modified CMT and CAPT in math, reading, science, and writing.**²(See table 1)³ **The formula and definition fall short of valid and balanced district evaluation.** The purpose of this index is to rank and sort districts using standardized test results. The index also assumes a critical role in the definition of "conditional funding districts", schools within the "Commissioner's Network" defined in this bill, and the NCLB waiver request.⁴

In a number of ways, the "district performance index" may amplify the problems associated with the No Child Left Behind Act. Admittedly, the index attempts to view more levels than just "proficient", which was the primary metric of NCLB.⁵ Concerns with the "district performance index" include: conflating increases in test scores with progress in student learning, reporting district outcomes in a potentially confusing way, ignoring changes in student demographics, disadvantaging districts where many students begin school unprepared to begin school, and other technical issues.⁶

There is a danger that in practice, the easiest way for administrators and educators to improve a district's index will be to accelerate the trend of teaching to the state's standardized tests and excluding students from schools and districts that would not score well on those tests such as emerging bilingual students (ELL), students with disabilities, low-income, and/or some minority students.⁷

The definition in the bill may encourage an incomplete metric that the State Department of Education will use to judge, conditionally fund, and intervene in school districts. **We strongly urge further review and broad discussion of this definition of “district performance index” and consideration of an alternative definition with an evidence-based, understandable, and balanced way of evaluating districts.**

II. Additionally, CT Voices for Children recommends that SB 24 should be amended to improve the quality, informed consent procedures, and information publicly available regarding “alternative schools and programs,” – schools and programs for at-risk students who require nontraditional modes of instruction.

While SB 24 promotes a number of “alternative” educational options – such as charter and magnet schools – and encourages those schools to be more inclusive of students who are struggling in regular classrooms,⁸ the bill does not address the large number of at risk students currently being educated in other types of (largely unregulated) alternative schools and programs. Alternative schools exist in many school districts in Connecticut and can play a valuable role for many at risk students who require nontraditional modes of instruction.

Accordingly, SB 24 should be amended to:

- (1) ensure that alternative schools and programs offer educational opportunities equal to those afforded by traditional high schools, in accordance with the right under Connecticut's Constitution to equal educational opportunity.⁹
- (2) ensure that parents and the public understand what alternative schools and programs are available to students; and
- (3) ensure that parents and students are able to provide informed consent for placement in an alternative school or program.

Further supporting material and proposed language is attached to this testimony in Appendix A.

III. Finally, we are pleased to see in this bill the recognition of the need for wraparound services that address the holistic needs of children, particularly for physical and mental health services. Schools are a critical part of the mental health care delivery system, since 70-80% of children receiving services do so through a school setting, which can both reduce stigma and facilitate access.¹⁰ Early intervention is an important investment for the state to make because it creates better outcomes for children and provides significant cost savings in the long run.

However, we are concerned that the Governor's proposed education plan dedicates funding for new community schools – and therefore access to expanded health services – only to a small number of

struggling school districts, while the needs are great across the state. Furthermore, we are concerned to see the funding for School Based Health Centers was reduced by \$412,592 (4%) in the Governor's midterm budget,¹¹ which will impede the ability of existing health centers to provide services to the children in their schools.

Appendix A: Supporting Material re: Alternative Schools

SB 24 should be amended to improve the quality, informed consent procedures, and information publicly available regarding “alternative schools and programs,” – schools and programs for at-risk students who require nontraditional modes of instruction.

Overview

While SB 24 promotes a number of “alternative” educational options – such as charter and magnet schools – and encourages those schools to be more inclusive of students who are struggling in regular classrooms,¹² the bill does not address the large number of at risk students currently being educated in other types of (largely unregulated) alternative schools and programs. (The term “at risk” refers to students who are at risk of dropping out of traditional schools, being excluded from traditional schools due to behavioral challenges, or becoming involved in the juvenile justice system due in part to unmet educational, mental health, and behavioral needs. At risk students frequently benefit from nontraditional modes of instruction offered in smaller, more personalized, environments, with a greater array of social supports).

Alternative schools exist in many school districts in Connecticut and can play a valuable role for many at risk students who require nontraditional modes of instruction. However, as described below, there are many barriers to effective alternative education in Connecticut.

Accordingly, SB 24 should be amended to:

1. ensure that alternative schools and programs offer educational opportunities equal to those afforded by traditional high schools, in accordance with the right under Connecticut’s Constitution to equal educational opportunity.¹³
2. ensure that parents and the public understand what alternative schools and programs are available to students; and
3. ensure that parents and students are able to provide informed consent for placement in an alternative school or program.

Proposed language that addresses these issues is attached to this testimony in Appendix A.

The patchwork of alternative educational schools and programs in Connecticut faces several large structural problems and lags far behind the systems in other states.

Although there are several high quality alternative schools in Connecticut, there are many pressing problems facing the patchwork of alternative educational schools and programs in our state. Most notably:

- The State Department of Education **does not provide any oversight to alternative schools or programs, nor does it require basic data reporting except in limited circumstances.** Indeed, there currently exists no publicly-available *list* of alternative schools and programs in Connecticut, much less basic information concerning their locations, numbers of students served, curriculum, resources, entry or exit procedures, or reasons for which students are sent to them.¹⁴ Many alternative programs are denoted as “programs” rather than schools, which exempts them from submitting Strategic School Profiles.¹⁵ (In

fact, only a handful of alternative educational environments throughout the state are classified as “schools” and therefore make public the basic information required by Strategic School Profiles.¹⁶⁾ To the extent they are actually included in mandatory reports, basic demographic and outcome data – such as graduation rates – for students in alternative “programs” are commingled with data from the traditional school, making it impossible to determine how many students are sent to alternative programming or evaluate the educational success of these programs.¹⁷ In addition, our research has uncovered to date no administrator in Connecticut’s State Department of Education charged, even in part, with the “portfolio” of the state’s alternative schools and programs. Accordingly, there is not even a rudimentary quality assurance system.

- Some districts unilaterally move students into alternative schools or programs **without parental consent**, and sometimes also refuse to allow students to exit the programs back to traditional schools.¹⁸ In some cases, schools circumvent formal expulsion procedures by “counseling out” students with challenging behavioral needs. There currently exists no standard process or set of rules for determining which students are sent to alternative programs or why.¹⁹
- Many alternative schools do not offer their students the same number of class hours or course offerings that regular public schools require, **thus denying vulnerable students access** to the quantity and quality of education that they deserve.²⁰ Although it is important for alternative schools and programs to have the flexibility to pursue nontraditional means of instruction, the educational services offered must nonetheless meet a baseline sufficient to guarantee the equal educational opportunity required by Connecticut’s Constitution.
- While some alternative schools help students succeed, others become “**dumping grounds**” for vulnerable students, providing pathways to the juvenile justice system.²¹ Without basic procedural safeguards and quality assurance mechanisms, it is impossible to evaluate which programs are succeeding and which are ineffective.

Other states provide, through legislation and through state education department leadership, sophisticated quality assurance and oversight structures.²² Many of the elements of these “best practice” states have been incorporated into the proposed amendment below.

The proposed amendment to SB 24 will make crucial improvements to alternative educational opportunities for Connecticut’s at-risk students:

- By requiring SDE to consult with various stakeholders in developing a **definition** for alternative schools and programs and developing methods of **data collection**, the proposed amendment will ensure that light is shed on these often “invisible” schools and programs.
- Through establishing **standardized processes** for enrollment of students, to include **informed parental consent**, the proposed amendment will ensure that students are being placed in a thoughtful and equitable way.

- Through mandating **class hours and course offerings**, the proposed amendment will ensure that alternative students will have access to the same depth and breadth of education as their peers in regular public schools.

Suggested Amendment to SB 24

Section 36 of Raised Bill No. 24 should be amended as follows:

Section 10-220d of the 2012 supplement to the general statutes is repealed and the following is substituted in lieu thereof

(Effective July 1, 2012):

Each local and regional board of education shall provide full access to [regional vocational-technical] **technical high schools**, regional agricultural science and technology education centers, interdistrict magnet schools, charter schools and interdistrict student attendance programs for the recruitment of students attending the schools under the board's jurisdiction, provided such recruitment is not for the purpose of interscholastic athletic competition. **Each local and regional board of education shall provide information relating to technical high schools, regional agricultural science and technology education centers, interdistrict magnet schools, charter schools, alternative schools and interdistrict student attendance programs on the board's web site.** Each local and regional board of education shall inform students and parents of students in middle and high schools within such board's jurisdiction of the availability of (1) vocational, technical and technological education and training at [regional vocational-technical] **technical high schools**, and (2) agricultural science and technology education at regional agricultural science, **alternative schools** and technology education centers.

Conn. Gen Stat. 10-186 shall be amended as follows:

(a) **(1)** Each local or regional board of education shall furnish, by transportation or otherwise, school accommodations so that each child five years of age and over and under twenty-one years of age who is not a graduate of a high school or vocational school may attend public school, except as provided in [section 10-233c](#), and subsection (d) of [section 10-233d](#). **Boards of education may choose to provide an alternative school or program as an educational option within the district.** Any board of education which denies school accommodations, including a denial based on an issue of residency, to any such child shall inform the parent or guardian of such child or the child, in the case of an emancipated minor or a pupil eighteen years of age or older, of his right to request a hearing by the board of education in accordance with the provisions of subdivision (1) of subsection (b) of this section. A board of education which has denied school accommodations shall advise the board of education under whose jurisdiction it claims such child should be attending school of the denial. For purposes of this section, (1) a "parent or guardian" shall include a surrogate parent appointed pursuant to [section 10-94g](#), and (2) a child residing in a dwelling located in more than one town in this state shall be considered a resident of each town in which the dwelling is

located and may attend school in any one of such towns. For purposes of this subsection, “dwelling” means a single, two or three family house or a condominium unit.

(2) On or before July 1, 2013, the State Department of Education, in consultation with alternative school administrators and educators, parents, students, and advocates, shall (1) define “alternative school” and “alternative program” for use by local and regional boards of education, which shall include schools where parents have elected to register their children,(2) establish the criteria by which local and regional boards of education are to measure, collect, and report on data concerning alternative schools and programs in the school district, including but not limited to the following: the reason for attendance in an alternative schools or programs, per pupil expenditure, average duration of attendance, placement of students post- alternative school or program placement, and total number of students served during the school year, (3) establish processes by which schools will refer or students will seek enrollment to alternative schools and programs, including procedures to obtain informed parental consent prior to referral, and discharge students back to traditional public schools, (4) establish procedures to obtain informed parental consent prior to referral. (3) Every school district must publicly disclose, including but not limited to making available on its district website, the existence, purpose, location, contact information, staff directory, and enrollment for all district-operated alternative schools and programs.

Conn Gen. Stat. 10-220(c) shall be amended as follows:

Annually, each local and regional board of education shall submit to the commissioner of education a strategic school profile report for each school, **including each alternative school or program**, under its jurisdiction and for the school district as a whole. The superintendent of each local and regional school district shall present the profile report at the next regularly scheduled public meeting of the board of education after each November first....

Conn Gen. Stat. 10-16 shall be amended as follows:

Each school district shall provide in each school year no less than one hundred and eighty days of actual school sessions for grades kindergarten to twelve, inclusive, nine hundred hours of actual school work for full-day kindergarten and grades one to twelve, inclusive, and four hundred and fifty hours of half-day kindergarten, provided school districts shall not count more than seven hours of actual school work in any school day towards the total required for the school year.**Such requirements shall also apply to alternative schools and programs unless the Commissioner of the State Department of Education waives such requirements, pursuant to procedures established by the State Department of Education.** If weather conditions result in an early dismissal or a delayed opening of school, a school district which maintains separate morning and afternoon half-day kindergarten sessions may provide either a morning or afternoon half-day kindergarten session on such day.

Conn. Gen. Stat. 10-16b shall be amended as follows:

(a) In the public schools, the program of instruction offered shall include at least the following subject matter, as taught by legally qualified teachers, the arts; career education; consumer education; health and safety, including, but not limited to, human growth and development, nutrition, first aid,

disease prevention, community and consumer health, physical, mental and emotional health, including youth suicide prevention, substance abuse prevention, safety, which may include the dangers of gang membership, and accident prevention; language arts, including reading, writing, grammar, speaking and spelling; mathematics; physical education; science; social studies, including, but not limited to, citizenship, economics, geography, government and history; and in addition, on at least the secondary level, one or more world languages and vocational education. For purposes of this subsection, world languages shall include American Sign Language, provided such subject matter is taught by a qualified instructor under the supervision of a teacher who holds a certificate issued by the State Board of Education. For purposes of this subsection, the “arts” means any form of visual or performing arts, which may include, but not be limited to, dance, music, art and theatre. **Such program of instruction outlined above shall also be available to students enrolled in alternative schools and programs.**

Conn. Gen. Stat. 10-233f(b) shall be amended as follows:

A local or regional board of education may reassign a pupil to a regular classroom program in a different school in the school district and such reassignment shall not constitute a suspension pursuant to section 10-233c, or an expulsion pursuant to section 10-233d. **A student may also attend an alternative school or program, provided informed parental consent for the placement is obtained prior to referral.**

¹Rothstein, Jacobsen, and Wilder. *Grading Education: Getting Accountability Right*. Economic Policy Institute; Washington, D.C. Teachers College Press; New York, NY: 2008. See Chapter 2 on “Weighting public education.”

²See SB 24, Sec. 1 (39). Definition of “District Performance Index”

³Table 1

Standards-Based Level	Below Basic	Basic	Proficient	Goal	Advanced
Weight	0	0.25	0.5	.75	1

⁴See SB 24, Sec. 1 (40). Definition of “Conditional Funding District”. Also see Explanation of “commissioner’s network” in SB 24, Sec. 18. (d) 1 – 6. Also see Connecticut State Department of Education. “Elementary and Secondary Education Act (ESEA) Flexibility Waiver Request: Section 2, Principle 2: State-Developed Differentiated Recognition, Accountability, and Support.” CT Department of Education. Web. 7 Feb. 2012. <sde.ct.gov>

⁵See Ho, Andrew Dean. “The Problem With “Proficiency: Limitations of Statistics and Policy Under No Child Left Behind.” *Educational Researcher*, Vol. 37, No. 6 (2008): pp. 351-360. Web. 27 Sept. 2011.

⁶See Koretz, Daniel. *Measuring Up: What Educational Testing Really Tells Us*. Cambridge, MA: Harvard University Press, 2009. Print. A longer list of the problems with the “district performance index” include:

- Mistakes increases in test indicators with progress in student learning.
- Determines districts performance only on standardized tests in four subjects
- Ignores qualitative evidence of teaching and learning; and student well-being.
- Reports district performance on tests in a convoluted manner
- Disadvantages districts where many students begin school unprepared
- Assumes that districts with high ratings (or increases) have high-quality instruction.
- Ignores shifts and demographic changes in student populations
- The index over-weights the “advanced” category and under-weights the other levels

⁷See Koretz 2008, particularly Chapter 10: “Inflated Test Scores” for an overview. Also see Vasquez Heilig, J. & Darling-Hammond, L. (2008). “Accountability Texas-style: The progress and learning of urban minority students in a high-stakes testing context.” *Educational Evaluation and Policy Analysis*. 30(2), 75-110. Web. 1 Feb. 2011. Also see Vasquez Heilig, J. & Darling-Hammond, L. (2008). “Accountability Texas-style: The progress and learning of urban minority students in a high-stakes testing context.” *Educational Evaluation and Policy Analysis*. 30(2), 75-110. Web. 1 Feb. 2011. Also see Valenzuela et. al. *Leaving Children Behind: How “Texas Style” Accountability Fails Latino Youth*. Albany, NY: State University of New York Press, 2005. Print.

⁸SB 24 provides funding for the creation of new charter schools with strategies to engage and records of serving “(A) Students with histories of low academic performance, (B) students who receive free or reduced priced school lunches, (C) students with histories of behavioral and social difficulties, (D) students eligible for special education services, or (E) students who are English language learners;” See SB 24, Section 8 (D)b(1). It also gives priority in the application process to charter schools whose primary purpose is to serve these populations (SB 24, Section 52, (c)3(A)) and those that “demonstrate highly credible and specific strategies to attract, enroll and retain these students,” (SB 24, Section 52, (c)3(E)).

⁹See, *Horton v. Meskill*, 172 Conn. 615 (1977), which found that the right to education is basic and fundamental under the state’s constitution and public school students are entitled to equal enjoyment of that right.

¹⁰“Protecting the Health of Connecticut’s Young People,” *Connecticut Association of School Based Health Centers*, (October 2010), available at: <http://www.ctschoolhealth.org/Announcements/view.asp?id=54>

¹¹See Dannel Malloy, “FY 2013 Governor’s Midterm Budget Adjustments” (February 8, 2012) at B-79 (line item “School Based Health Clinics”), available at http://www.ct.gov/opm/lib/opm/budget/2012_midterm_budget/pdfs/fy2013midtermbudget_forweb.pdf

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¹⁴See email from Charlene Russell-Tucker, State Department of Education (January 6, 2011).

¹⁵See Laura McCargar, “Invisible Students: The Role of Alternative and Adult Education in the Connecticut School-to-Prison Pipeline,” *Connecticut Pushout Research and Organizing Project*, (December 2011), 24, available at: <http://ctprop.org/>

¹⁶Alternative schools that submitted SSPs in 2009-2010 (the most recent year for which SSPs are available) include: the Alternative Center for Excellence in Danbury, Stevens Alternative High School in East Hartford, Briggs High School in Norwalk, and Thames River Academy in Norwich (see the Strategic School Profile Reports function on the Connecticut Education and Research (CEDaR) database, available at:

<http://sdeportal.ct.gov/Cedar/WEB/ResearchandReports/SSPReports.aspx?type=SSP>). Many more alternative schools, including those publicly listed by local districts on their websites and those whose administrators participate in the Connecticut Association of Alternative Schools and Programs (CAASP), do not complete SSPs.

¹⁷The state tracks the demographics but not educational attainment of students in so-called “90 Programs” (a term stemming from a PSIS identification code number), which are district-run schools and programs serving at risk students. The State Department of Education (SDE) reported that fifty such programs spread across 27 school districts were in operation in Connecticut in 2009. Based on local district websites, researcher Laura McCargar identified more than 50 district-defined alternative schools or programs in operation in the state, of which only 9 were included in the 90 Program list provided by SDE (See, McCargar, 46).

¹⁸See McCargar 30-32. In addition, informal conversations with lawyers who represent students in alternative education programs have yielded no examples of students successful exiting the alternative education program to return to the traditional high school. In the absence of basic data reporting requirements, we cannot assess whether these anecdotes represent outliers or the norm.

¹⁹See, McCargar, 30-32

²⁰See, McCargar, 49-50

²¹See, McCargar, 20-25, 47-49

²²See, Cheryl Almeida, Cecilia Le, Adria Steinberg, and Roy Cervantes, “Reinventing Alternative Education: An Assessment of Current State Policy and How to Improve It,” *Jobs for the Future*, (September 2010), available at: <http://www.jff.org/sites/default/files/AltEdBrief-090810.pdf>. See also, Camilla Lehr, Eric Lanners, and Cheryl Lange, “Alternative Schools: Policy and Legislation Across the United States.” *University of Minnesota Institute on Community Integration* (October 2003), available at: http://ici.umn.edu/products/docs/Alternative_Schools_Report_1.pdf. See also, Sarah Esty, memo “Re: Alternative Schools Best Practices,” (October 28, 2011), on file with *Connecticut Voices for Children*.