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## TESTIMONY OF CONNECTICUT LEGAL SERVICES FOR THE EDUCATION COMMITTEE IN SUPPORT OF RAISED BILL 6504, AN ACT CONCERNING ALTERNATIVE SCHOOL PROGRAMS

March 4, 2013

Good afternoon Senator Stillman, Representative Fleischmann and members of the Education Committee. My name is Jillian Griswold and I am an attorney in the Children at Risk Unit of Connecticut Legal Services. For over 30 years, the Children at Risk Unit at CLS has provided legal representation for low-income families to access appropriate educational and mental health services for their children, many of whom have disabilities. Our attorneys advocate for children's educational rights in school districts throughout the state and have experience with alternative school programs of all different types.

I am testifying today in support of Raised Bill 6504, An Act Concerning Alternative Programs because our experience has demonstrated that this legislative change is crucial to ensuring that children and youth who attend an alternative school program actually receive a quality education, and do not wind up in a dead-end program that results in drop-out or arrest. One of the problems with alternative programs in Connecticut is that there is a complete lack of consistency, standards and transparency. We know some programs are very good and do provide the small group instruction and positive behavioral interventions that our clients need. Unfortunately, there are too many other programs that have woefully inadequate resources, lack support from the school district, and serve as a "holding place" on the road to pushing a student out of school. This bill is necessary for Connecticut students as it:

- Defines an alternative school program,
- Requires school districts to submit to the Commissioner of Education a strategic school profile report which includes the instruction offered at any alternative school program, and the number of students enrolled,
- Requires that alternative school programs provide a similar number of class sessions and access to course offerings at the regular public schools,
- Requires school districts to obtain informed parental consent before a student is enrolled in an alternative school program, and

- Requires that school districts offer an alternative school program to expelled students under age 16, students expelled for the first time, students age 19 and older who will not obtain enough graduation credits by age 21, and students who would benefit from an alternative school program.

I would like to provide the Committee with some examples of programs where CLS and the Center for Children's Advocacy have successfully advocated for better alternative school programming:

**Example #1** – In one district some of our student clients, including those eligible for special education, were enrolled in an alternative school that only provided two hours of tutoring with minimal instruction from the teacher. There was no specialized instruction for students with an Individualized Education Program (IEP) and no opportunity for subjects beyond the basic core curriculum. The district also had a “full day” alternative school, which was only four hours long. Complaints about that school included outdated textbooks that did not follow the district curriculum, no transportation to the program, cold box lunch each day, and no lockers for the safekeeping of personal items. We also learned from students that they felt unsafe and unable to learn due to the daily fights and disruptive behaviors occurring at the school, and the overall lack of a positive school climate. These students had been unsuccessful in their regular school and now had even LESS support in the alternative setting, rendering them more vulnerable to drop out.

In response to our complaint, the district agreed to collaborate with us to improve the programs. We developed a referral packet to safeguard against the alternative schools becoming a “dumping ground”, and to ensure that special education students were only placed through a Planning and Placement Team (PPT) meeting and provided with appropriate supports and services. The district created more transparency and better communication with parents by creating a website for each program. They expanded the length of the full-day program, and the two hour tutoring site was minimized to certain circumstance.

**Example #2** – In another district, we learned that students were being reassigned to an evening computer-based program without prior knowledge or parental consent. Students showed up to regular school and were told by secretaries that they were no longer allowed to attend. If parents did have knowledge they were simply told the student could no longer attend the full day program and parents must consent to the transfer. In violation of state and federal law, students identified as needing special education services were transferred to the program unilaterally without the approval of the PPT and the IEPs were not followed. Many of the students who were enrolled in the computer-based evening program stopped attending altogether. Those who did attend had to complete work independently without any teacher support and had very limited supervision. The alternative program did not come close to providing the mandatory per year school hours required by state law for students in high school. It also did not provide the courses required by state law to enable a student to graduate from high school.

When we wrote a letter to the district outlining our concerns, administrators visited the site and agreed that it was inappropriate and would be closed. Parents and students were

notified of their right to attend the regular day school, and PPTs were scheduled for students with IEPs to ensure appropriate placement.

Unfortunately we have learned that the district recently opened a similar program, and we still hear troubling reports about the lack of staff support, and the dismal attendance rate. Advocates are again addressing the district with these concerns and we hope to continue to work together to improve the quality of this program.

These are two examples of programs in which legal advocates had to intervene. Connecticut simply cannot allow these alternative school programs to exist without standards, reporting requirements and transparency and rely on advocates to try to change them one-by-one.

The State of Connecticut recognizes a fundamental right to education in its state Constitution. The Connecticut Supreme Court also held that children have a constitutionally guaranteed right to a substantially equal education opportunity. *Connecticut Coalition for Justice in Educ. Funding, Inc. v. Rell*, 295 Conn. 240 (2010). Any infringement on the right to education must be strictly scrutinized. *Horton v. Meskill*, 172 Conn. 615 (1977). This legislation is a necessary first step toward improving alternative school programs and ensuring that all students are provided an equal educational opportunity.

I thank the Committee for this opportunity, and welcome any questions. I have also provided my contact information for any additional follow up.

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