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## TESTIMONY OF CONNECTICUT LEGAL SERVICES, INC. FOR THE EDUCATION COMMITTEE MARCH 17, 2014 IN SUPPORT OF RAISED HB 5567 AN ACT CONCERNING ALTERNATIVE SCHOOL PROGRAMS

For over 30 years, the Children at Risk Unit at Connecticut Legal Services (CLS) has provided legal representation for low-income families to access appropriate educational and mental health services for their children, a disproportionate number of whom are children of color and children with disabilities. This testimony is being submitted by members of the Children at Risk Unit who advocate for children's educational rights in school districts throughout the state and have experience with a variety of alternative school programs.

CLS submits this written testimony in support of HB 5567, An Act Concerning Alternative Programs, because our experience has demonstrated that this legislative change is crucial to ensure that children attending an alternative school program actually receive a quality education, and do not wind up in a dead-end program resulting in drop-out or arrest. The data that arose after last year's passage of PA 13-122 clearly demonstrates the need for uniform standards for alternative programs in Connecticut. A comparison of various programs shows a complete lack of consistency, standards and transparency. We know some programs are very good and provide the small group instruction and positive behavioral interventions that our clients need. Unfortunately, there are too many other programs that are inadequate, unsupported, and superficial "placements" which serve in pushing students of color and with disabilities out of school.

This bill is necessary for Connecticut students because it:

- Defines an alternative school program;
- Requires school districts to submit to the Commissioner of Education a strategic school profile report indicating the instruction offered at any alternative school program, and the number of students enrolled;
- Requires an equitable distribution of resources among all schools and programs;
- 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 school districts to 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 the Children at Risk Unit of CLS and the Center for Children's Advocacy have collaboratively advocated for better alternative school programming:

1. Example #1 – In one district some of our student clients, including special education students, were enrolled in an alternative school that only provided 2 hours of tutoring with minimal instruction from the teacher. There was no specialized instruction for students with IEP's and no opportunity for subjects beyond basic core curriculum. The district also had a 4-hour-long "full day" alternative school. Complaints here included inferior class materials, outdated textbooks that did not follow the district curriculum, no transportation to the program, cold box lunch each day, and no lockers for safe keeping of personal items. Students told us they felt unsafe and unable to learn with daily fights, disruptive behaviors, and the lack of a positive school climate. These students were unsuccessful in their regular school, and were now less supported in the alternative setting and 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 legally placed through a PPT 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 2 hour tutoring site was reserved only for certain limited circumstances.

We later learned the district is no longer communicating with parents as had been previously agreed, that the students are not consistently being referred to a PPT as required by the special education Child Find mandate, and that school materials are still inadequate, causing the alternative school staff to have to hunt for materials to meet their teaching needs in some cases.

2. Example #2 – In another district, we learned students were being assigned to an evening computer based program without their or their parents' consent, and were told they were no longer allowed to attend their regular school. Frequently, these students struggled academically even before they were assigned to the evening program. The program provided virtually no teacher support and these already struggling students were expected to work independently at their computers for all their courses. There was no real structure in the classrooms,

students walked in and out when they tired of working continuously at their computers, and left for the night as they chose. Many students enrolled in the computer based evening program stopped attending altogether. Despite the students' academic struggles, the district often failed to refer them to Planning and Placement Team meetings to investigate the reason for academic failure, though it has a duty to do so pursuant to Connecticut State Regulation §10-76d and under the federal Individuals With Disabilities Education Act provision commonly known as Child Find. Students eligible for special education were also enrolled, though it's difficult to imagine any IEP in this setting being appropriate, given the lack of supports such as school social workers, guidance counselors, psychologists, nurses, and limited certified special education instructors, if any, available in the evening program.

When we wrote a letter to the district outlining our concerns, administrators visited the site, agreed the program was inappropriate, and assured us it 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 later learned that the district re-opened a number of substantially similar programs sometime after it had agreed to close the first one. We have had no assurances that the resurrected programs ensure students have any consistent standards. Additionally, it appears some students may still lack access to a full school day, elective courses, arts instruction, routine supports provided to students attending the regular day program, and a quality school program as required by Connecticut General Statutes §§10-15, 10-16 and 10-16b.

Despite our interventions, there are no guidelines or mandates to ensure changes we accomplish will remain in place for students we do not represent, or even for the ones we represented at the time we negotiated with the district. Connecticut cannot allow these programs to exist without fair, legally sufficient, and uniform standards. Students cannot, and should not, need to rely on attorneys and advocates to try to change these programs one-by-one.

The State of Connecticut recognizes a fundamental right to education in its state constitution. The Connecticut Supreme Court 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 this basic right to education must be strictly scrutinized. *Horton v. Meskill*, 172 Conn. 615 (1977). The passage of HB 5567 is crucial to improve these alternative programs, and ensure that all students are provided an equal educational opportunity.