

# Center for Children's Advocacy

## TESTIMONY OF THE CENTER FOR CHILDREN'S ADVOCACY IN SUPPORT OF SB 842, AN ACT CONCERNING FOSTER CHILDREN AND THE DESIGNATION OF SURROGATE PARENTS AND HB 5658, AN ACT CONCERNING EDUCATIONAL SURROGATES, THE JUVENILE JUSTICE SYSTEM AND CHILDREN REQUIRING SPECIAL EDUCATION

Committee on Children  
February 17, 2015

Submitted by Martha Stone, J.D.

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I am the Executive Director of the Center for Children's Advocacy, a nonprofit law firm dedicated to protecting the legal rights of Connecticut's most vulnerable children and youth. At the Center, we represent many youth in the juvenile justice system with respect to their educational needs.

We testify in support of SB 842 and HB 5658, as amended, which would ensure that youth in Connecticut's juvenile justice system have equal access to educational opportunity, by extending the right to an educational surrogate to all juvenile justice-involved youth with special education needs. We support SB 842 and HB 5658, as amended, for four reasons:

1. Children committed to DCF due to juvenile justice involvement should have the same access to educational surrogates as other youth committed to Connecticut's care.
2. Children in the juvenile justice system demonstrate the most serious academic failure of any group of youth and are in *desperate* need of this assistance.
3. Many parents need the expertise of an educational surrogate to secure the appropriate educational placements and services for their child.
4. Adding juvenile justice youth would not be unduly burdensome.

### **I. CHILDREN COMMITTED TO DCF BECAUSE OF JUVENILE JUSTICE INVOLVEMENT SHOULD NOT BE THE ONLY POPULATION OF COMMITTED YOUTH THAT HAS NO ACCESS TO EDUCATIONAL SURROGATES.**

Educational surrogates (sometimes called "surrogate parents") are specialists appointed by the State Department of Education (SDE) to assist students with their special education needs.<sup>1</sup> They provide a crucial function in navigating the complex web of evaluations, programs, services, and special education laws to ensure that students receive the services they need to succeed in school.

<sup>1</sup> Conn. Gen. Stat. Sec. 10-94f

Under current law, all children committed to the Department of Children and Families (DCF) for abuse and neglect are entitled to an educational surrogate if they have been identified as special education students or if there is reason to believe that they might be eligible for special education services.<sup>2</sup>

Although current legislation provides that children committed to DCF for juvenile justice reasons may have access to educational surrogates *if* they are enrolled in Unified School District #2 (USD #2),<sup>3</sup> (Solnit North, Solnit South, CJTS and Pueblo), **SDE does not currently appoint any surrogates for this population.**

In addition, **juvenile justice-involved children committed to DCF who are on parole, in a residential or group home contracted by DCF or Court Support Services Division lack even a statutory right to an educational surrogate, raising significant equity concerns.**

All of the children committed to the state with similar needs should be treated similarly. A child or youth's access to an educational surrogate to meet his/her special education needs should not turn on unrelated factors, such as where the child happens to be placed.

## **II. THE CHILDREN IN THE JUVENILE JUSTICE SYSTEM DEMONSTRATE THE MOST SERIOUS ACADEMIC FAILURE OF ANY POPULATION OF YOUTH AND ARE IN DESPERATE NEED OF THIS ASSISTANCE.**

Students in the juvenile justice often have complex special education needs –needs that have often gone unaddressed when these students were attending neighborhood schools in the community. (See e.g. attached Exhibit- typical Report Card) Indeed, research suggests a relationship between unmet special education needs and juvenile justice involvement.<sup>4</sup>

The most recent Connecticut data shows a distressing achievement gap between students in the juvenile justice system and their peers. For example, in 2013, only 2.6 percent of students in USD #2 achieved “goal” level on the CAPT (Connecticut Academic Performance Test) in reading, compared with 48.5 percent of children statewide. Only 21.1 percent of students in USD #2 met the lower benchmark of “proficiency” in reading in 2013, compared with 81 percent of students statewide.<sup>5</sup> Moreover, data from CJTS indicate 60% of the youth there have been identified with special education needs. (See attached Exhibit-“Shocking Statistics”)

Educational surrogates have been successful in securing appropriate placements for children committed to DCF for child welfare reasons , especially when these children are discharged to their home communities or travel from one foster home and one school system to another. Surrogates can be equally successful for juvenile justice-involved youth. When children are brought into state custody, the resulting change in schooling, frequent transfers among facilities, bureaucratic challenges, and resource gaps make it even more challenging for

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<sup>2</sup> Conn. Gen. Stat. Sec. 10-94g

<sup>3</sup> Id.

<sup>4</sup> Andrea M. Spencer, Center for Children's Advocacy, “Blind Spot: Identified Risks to Children's Mental Health” (2012), p. 2, 6; *cf.* Sarah Esty, Connecticut Voices for Children, “Arresting Development: Student Arrests in Connecticut” (2013), p. 7.

<sup>5</sup> <http://solutions1.emetric.net/CAPTPublic/CAPTCode/Report.aspx>

children's special educational needs to be met. Requests for records, testing, evaluations, special supports, or even a basic "credit count" can go unmet.

**III. MANY PARENTS NEED THE EXPERTISE OF AN EDUCATIONAL SURROGATE TO HELP SECURE THE APPROPRIATE EDUCATIONAL PLACEMENTS AND SERVICES FOR THEIR CHILD.**

Unfortunately -- as many parents and educators know--federal and state special education protections for students are not "self-enforcing": it often takes a determined, well-informed, persistent and skilled parent, advocate or professional, to make sure that a student's unique needs are met. This is particularly the case for children in the juvenile justice system, who often have a complex array of special education needs that have gone undiagnosed and untreated for years.

SB 842 contains notice and consent procedures designed to protect the rights of parents to make educational decisions for their children. We recommend that these protections be included in HB 5658 as well. These bills are designed to *support* parents of juvenile justice-involved youth, who due to barriers such as poverty and lack of free legal services in the community, are unable to access special education attorneys on their own. The bill is not meant to supplant parental rights but enhance the ability of parents, with expertise, to advocate for their child. Although there are a few nonprofits like the Center for Children's Advocacy who represent, free of charge, a fraction of the youth, most families with juvenile-justice involved youth struggle to secure the educational placements and services their child needs. A child's right to access the services to which she is entitled should not turn on whether the parents has the resources to hire a professional special education attorney.

**IV. ADDING THE POPULATION OF JUVENILE JUSTICE YOUTH WOULD NOT BE UNDULY BURDENSOME.**

SDE already has the persons identified and the training and mechanisms in place to allow their present cadre of educational surrogates to also be appointed for the juvenile justice youth. The numbers of additional cases is not significant. DCF estimates that approximately 124 youth would fall into this category. Approximate costs for this advocacy are only \$1,000 per child. This is less than one tenth of the average cost of a student repeating a grade due to unmet educational needs. It is also a small cost to prevent a youth from reengaging in criminal activity and adding to the recidivism rate.

For the reasons noted above, we strongly support **SB 842 and HB 5658 as amended.**

Respectfully submitted,



Martha Stone, JD  
Executive Director

2011-2012  
School Year

HARTFORD PUBLIC SCHOOLS



School

Dr. Christina Kishomoto,  
Superintendent of School

Principal

Student \_\_\_\_\_ Grade: 7 \_\_\_\_\_ Homeroom \_\_\_\_\_

Subject	Trimester 1		Trimester 2		Trimester 3		Final Grade
	G	C	G	C	G	C	
Language Arts	D 60%	2	D 61%	2	D 63%	2	D
Math	D 63%	1	C 70%	2	F 48%	1	D- 60%
Science	N/A		N/A				
Humanities	D 60%	2	F 48%	1	F 50%	1	F
Art	F	1	F	1	F	S	F
Music	C	2	D+	2	D	2	D+
Physical Education	B+	3	B 85%	3	B	3	B
Library	N/A		F	1	F	2	F

**EXPLANATION:**

Grade (G)	Conduct (C)
Excellent <b>A</b>	5 - Outstanding
Good <b>B</b>	4 - Above Average
Fair <b>C</b>	3 - Average
Poor <b>D</b>	2 - Below Average
Failure <b>F</b>	1 - Unsatisfactory

	Conduct (C)			Total
	1	2	3	
Days Absent	0	0	0	0
Tardies/Late	0	0	0	0

*"Strong Traditional Academics for Responsible Students"*



Principal

3<sup>rd</sup> TRIMESTER

Dr. Christina Kishomoto, Superintendent



NAME: \_\_\_\_\_ Homeroom: \_\_\_\_\_ Grade: I

Class/Teacher	Comment
Language Arts Aix	_____ has made strong academic strides this year. He needs to focus on behavioral goals for his eighth grade school year. Lexile Score: 151
Mathematics Wilson Harper	_____ is capable of doing more in Math. He finds it difficult to stay focused during instruction. He has many missing assignments.
Science N/A	
J Teacher Humanities Simpson	To do well next year, _____ needs to focus on improving his behavior.

Attendance Information

X Attendance continues to be a problem. \_\_\_\_\_ Late arrival continues to be a problem.

Promotion Information

\_\_\_\_\_ Your child is in danger of not being promoted.  
X Your child has been promoted to grade 8.  
 \_\_\_\_\_ Your child will repeat this grade in room \_\_\_\_\_ with \_\_\_\_\_

Class Average/Grade Equivalency

*"Strong Traditional Academics for Responsible Students"*

# Shocking Statistics

## CAP Test USD 2 2012-13 Report

### Grade 10

Math				Reading			
Group	Year	Avg Score	% Goal	% Proficient	Avg Score	% Goal	% Proficient
State	2012	255.3	49.3	78.8	245.8	47.5	80.9
State	2013	254.8	52.6	78.6	246.6	48.5	81
USD #2	2012	182.4	2.3	22.7	178.6	4.3	21.7
USD #2	2013	190.1	2.9	17.6	178.6	2.6	21.1

Science				Writing			
Group	Year	Avg Score	% Goal	% Proficient	Avg Score	% Goal	% Proficient
State	2012	260.3	47.3	80.2	266.7	63.1	88.8
State	2013	263.4	49	81.7	266.7	62.1	88.9
USD #2	2012	196.8	8.6	25.9	195.3	1.8	30.9
USD #2	2013	192.8	2	15.7	185.3	2	28

Age	14	15	16	17	18
Percent of Students with IEP	66	70	62	72	78
Percent of Students with 504 Plan	0	0	4	3	0