



Connecticut Association of Boards of Education, Inc.

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Testimony  
submitted to the  
Education Committee  
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**SB 1009 AN ACT CONCERNING TRAINING FOR SPECIAL EDUCATION HEARING OFFICERS AND THE ADMINISTRATIVE RESPONSIBILITIES OF SCHOOL DISTRICTS REGARDING THE PROVISION OF SPECIAL EDUCATION.**

**HB 7252 AN ACT ESTABLISHING AN ADJUDICATION PROCESS FOR SPECIAL EDUCATION AND THE RIGHT OF PARENTS TO OBSERVE THEIR CHILD AT SCHOOL.**

**HB 7255 AN ACT ESTABLISHING A TASK FORCE TO CONDUCT A FEASIBILITY STUDY REGARDING THE CREATION OF A SPECIAL EDUCATION PREDICTABLE COST COOPERATIVE.**

**SB 1007 AN ACT CONCERNING THE COLLECTION AND REPORTING OF DATA RELATING TO SPECIAL EDUCATION EXPENDITURES AND THE INTENTIONAL UNDER BUDGETING OF SPECIAL EDUCATION.**

**SB 1008 AN ACT CONCERNING THE FINANCIAL RESPONSIBILITY OF BOARDS OF EDUCATION RESULTING FROM RESIDENTIAL PLACEMENTS BY THE DEPARTMENT OF DEVELOPMENTAL SERVICES.**

**HB 7251 AN ACT CONCERNING REFORM DISTRICT TURNAROUND PLANS.**

In SB 1009, An Act Concerning Training for Special Education Hearing Officers and the Administrative Responsibilities of School Districts Regarding the Provision of Special Education, CABE is concerned that some of the provisions in Section 3 regarding the study being conducted by the Advisory Council for Special Education will be impossible to complete in a meaningful way. For example, the “optimal percentage of students receiving special education and related services in a classroom that is not specifically dedicated to special education students” and “the optimal caseload number of students receiving special education and related services from individual teacher” are very much dependent upon the individual needs of students. That is the whole purpose of developing an individualized education program for special education students, as required by state and federal law. It would be impossible to determine an “optimal percentage” in a vacuum.

CABE opposes the requirements in Section 4, as they impose additional burdens on already limited Department resources.

CABE strongly supports efforts to resolve special education placement decisions with the least amount of conflict between the parties, as that is clearly in the best interest of the students. HB 7252, An Act Establishing an Adjudication Process for Special Education and the Right of Parents to Observe their Child at School provides for the use of an independent adjudicator to present a proposed resolution to the parties, which could

be useful. However, the fact that participation in this process would not be required, and that the proposed resolution could not be submitted at any subsequent due process hearing limits the value of the proceeding. We urge you to amend this provision to require participation and make the findings and recommendations available to the hearing officer, who could benefit from the opinion of an expert. Without these changes, CABE opposes this provision.

CABE strongly opposes Section 2 of the bill, which require the State Board of Education to adopt guidelines concerning parental observations and would provide for not less than 16 hours of observation in a school year. It is not clear whether the 16 hours is inclusive of the time that an independent evaluator authorized by the parent would be involved in an observation. The presence of additional adults in a classroom can be extremely disruptive to the educational process, particularly when dealing with students with a variety of learning needs and attention issues. The issue of classroom visits is addressed by local district policy, and there is no need for prescriptive guidelines to regulate this process. A sample policy developed by CABE is attached to our testimony.

CABE also urges you to address the Connecticut regulation which places the burden of proof on the board of education. Placing the burden on the moving party would enable better decisions on behalf of children.

CABE supports HB 7255, An Act Establishing a Task Force to Conduct a Feasibility Study Regarding the Creation of a Special Education Predictable Cost Cooperative, which would allow the opportunity to carefully examine the many feasibility issues related to utilizing a special education predictable cost cooperative. Given the increased percentage of school budgets that are devoted to special education services, and the unpredictability of such expenses from year to year, it is important to carefully examine options to provide greater stability and support in funding, while remaining in compliance with state and federal law.

CABE will continue to advocate at the federal level for the federal government to meet its original commitment of funding forty percent, nationwide, of the costs of special education programs and services. This commitment has never been met, and current national funding is at approximately seventeen percent, resulting in Connecticut receiving only seven to eight percent in federal funds to support these costly services.

CABE supports Section 2 of SB 1007, An Act Concerning the Collection and Reporting of Data relating to Special Education Expenditures and the Intentional Under Budgeting of Special Education, which would provide information to the General Assembly on the various expenditure bands of special education expenditures. This is good information to review as the state looks at future funding structures for special education.

CABE is strongly opposed to Section 3, which imposes penalties on a school board if the Commissioner of Education finds that the board “intentionally or knowingly” under budgeted for special education expenditures and is relying on town funds to pay the difference between the actual expenditures and the budgeted amount. Special education costs are widely unpredictable, and are always based on the individualized education plans of the students. In addition, at the time local budgets are adopted, there is no way to anticipate what new students might be identified, or what students might move into the school district with existing individualized education plans. We urge you to reject this provision.

CABE strongly supports SB 1008, An Act Concerning the Financial Responsibility of Boards of Education Resulting from Residential Placements by the Department of Developmental Services. This bill would clarify the past practice of the Department of Developmental Services assuming financial responsibility for the non-educational costs of students placed by the Department, while school districts pay for the educational costs. Based on a recent ruling by the CT Attorney General, DDS is declining to pay for the non-educational costs, estimated to be \$6.5 million in 2016-17 for 26 children, creating a new unfunded mandate on local districts already facing significant budget challenges.

CABE strongly supports all efforts to insure that boards of education have a clear understanding of their roles and responsibilities. CABE and CAPSS have developed a governance document outlining the roles and functions of the board education and superintendent, which would meet the intent of Section 2 of HB 7251, An Act Concerning Reform District Turnaround Plans. CABE and CAPSS use this document when working with individual boards of education as well as in professional development that we offer on a regional and statewide basis. In order for boards of education to fully embrace their appropriate roles and responsibilities, it is important that they not merely sign a document, but receive professional development that enables them to fully understand how to put these concepts into practice.

Thank you for your attention to these issues.

*Sample policy to consider.*

## **Community Relations**

### **Visits to the Schools**

The Board of Education and staff of the school district welcome and strongly encourage members of the community and other interested persons to visit the schools. Such visits shall be regarded as expressions of interest in school affairs and/or efforts to become informed about school programs and activities.

The Superintendent shall establish regulations which:

1. Encourage school visitations.
2. Provide for appropriate hospitality for visitors.
3. Channel expressions of approval and constructive criticism to the Board of Education.
4. Ensure that public visits will not hinder the educational program.
5. Require all visitors to register in the principal's office upon arrival at the school.
6. Ensure student safety.

Visits to individual classrooms during instructional time shall be permitted only with the Principal's and teacher's approval. Such visits shall not be permitted if their duration or frequency interferes with the delivery of instruction or disrupts the normal school environment. When a visit involves a conference with a teacher or the Principal, an appointment should be scheduled during non-instructional time.

Since continuity in classrooms is often difficult to achieve and maintain, while visiting in a classroom, a visitor must not interrupt the class in any way, nor speak to (unless invited to do so) or disturb the students or teacher.

Although Board of Education members are encouraged to visit schools independently, they have authority only in regularly called meetings of the Board of Education, or when delegated specific tasks by specific Board of Education action.

**Optional:** The Superintendent, working with building administrators, shall develop and implement procedures regarding campus visitors who are identified as sex offenders. These procedures shall address (1) parental rights; (2) escort by District personnel; (3) access to common areas of the campus; (4) access to classrooms; (5) drop off and release of students; (6) eligibility to serve as volunteers; and (7) any other relevant issues.

The Principal or his/her designee shall have complete authority to exclude from the school premises any persons whom he/she has reason to believe are disrupting the educational programs in the classroom or in the school, are disturbing the teachers or students on the premises, or whom the Principal believes are on the premises for the purposes of committing an illegal act.

## **Community Relations**

### **Visits to the Schools (continued)**

#### ***Another version to consider:***

The Board and staff of the school district welcomes and encourage parents or guardians, members of the community, and other interested persons to visit the schools. To preserve the security of the schools, all visitors must check in at the main office where they shall be given whatever information or assistance is required. All visitors are required to wear school-provided identification badges for the duration of their visit.

#### ***Another version to consider:***

The Board of Education encourages visits by citizens, residents, and parents to all school buildings. In order to promote a safe and productive educational environment for all students and staff, the Board of Education requires all visitors to receive prior approval from the school Principal or his/her designee before being permitted to visit any school building. The Board of Education, through the administration, reserves the right to limit visits in accordance with administrative regulations.

Upon arrival, all visitors must comply with any applicable building security procedures, including but not limited to utilizing security buzzers for access, complying with requests for photo identification, reporting directly to and signing in and out at the visitors' reception area of the school office, prominently displaying visitors' badges or other identification required for visitors to the school buildings, limiting access to those areas of the buildings and grounds for which the visitors have authorized access, and complying with directives of school officials at all times.

Legal Reference: Connecticut General Statutes

53a-185 Loitering in or about school grounds: Class C misdemeanor

Policy adopted:

rev 6/10

rev 1/14

rev 3/14

*An administrative regulation to consider/modify.*

## **Community Relations**

### **Visits to the Schools**

#### **Visitor Protocols**

##### **Definition**

**For the purposes of this administrative regulation a visitor shall be defined as any person entering a school facility during normal school hours other than:**

- A student who attends that facility
- A member of that school's staff and faculty
- Central Office Employees with assigned duties at the school facility
- Multi-site Employees with assigned duties at the school facility
- Maintenance Department Employees
- Uniformed Police or Fire Department personnel in performance of their assigned duties

##### **All visitors shall:**

1. Enter building at location designated by the school administration
2. Go to the Main Office
3. Sign in the Visitor's Log Book (Visitor name, Purpose of visit, Person visiting)
4. Be issued a Visitor's ID Badge with date of visit
5. Visitors shall sign out at the end of their visit

The Principal or designee may refuse to register an outsider if he/she reasonably concludes that the individual's presence or acts would disrupt the school, students or employees; would result in damage to property; or would result in the distribution of a controlled substance. The Principal or designee or school security officer may revoke any outsider's registration if he/she has a reasonable basis for concluding that the individual's presence on school grounds would interfere or is interfering with the peaceful conduct of school activities or would disrupt or is disrupting the school, students, or staff.

##### **Visitors entering the building at locations other than the designated visitors' entrance shall be:**

1. Stopped by staff
2. Asked to identify themselves by name
3. Asked their purpose for being in the building
4. Directed by staff:
  - a. out of the building and to use the designated entrance
  - b. to the Main Office (if warranted by proximity to the Main Office)

## **Community Relations**

### **Visits to the Schools**

#### **Visitor Protocols (continued)**

#### **Visitors who refuse to identify themselves shall be considered trespassers. Staff shall:**

1. Direct them to leave the building
2. Call the Main Office
3. The Principal or his/her designee upon evaluation of the situation may:
  - a. call the Police
  - b. call Central Office
4. Consider locking down building

#### **Special Exceptions to the above:**

#### **Special Events (Plays, Concerts, Award Ceremonies, etc.)**

When a special event is planned which will attract large numbers of visitors so as to make the sign-in procedures impractical, the school administration shall designate and mark the appropriate path to the event location (auditorium, APR, gym, media center etc.). Appropriate staff shall be assigned to direct visitor(s) to the event location.

#### **Deliveries**

School staff that is expecting the delivery of a package(s) should notify the Main Office. Packages are not to be delivered directly to the staff. All packages shall be delivered to a location as determined by the school administration.

A sign-in log shall be maintained for deliveries required for building operations (such as food, fuel, etc.) to locations other than the Main Office.

Students are not expected to receive mail and/or packages at school. Mail and/or packages for students are to be refused unless prior arrangements have been approved by the school principal.

#### **Operations**

Maintenance Department Employees shall notify the school administration of their presence within the school facility.

#### **Other Board of Education employees without assigned duties at the school facility shall:**

1. Enter building at location designated by the school administration
2. Go to the Main Office
3. Sign in the Visitor's Log Book (Visitor Name, Purpose of Visit, Person Visiting)
4. Sign out at the end of their visit

## **Community Relations**

### **Visits to the Schools** (continued)

#### **Special Exceptions to the above:**

##### **Board of Education members shall:**

1. Enter building at location designated by the school administration
2. Go to the Main Office
3. Sign in the Visitor's Log Book (Visitor Name, Purpose of Visit, Person Visiting)
4. Sign out at the end of their visit

#### **Classroom Observations:**

When determining whether to approve a request to visit and/or observe student programs the Principal or his/her designee shall consider such factors as (1) the frequency of visits; (2) the duration of the visit; (3) the number of visitors involved; (4) the effect of the visit on a particular class or activity; (5) the age of the students; (6) the nature of the class or programs; (7) the potential for disclosure of confidential personally identifiable student information; (8) whether the visitor has a legitimate educational interest in visiting the school; and (9) any safety risk to students and school staff. The following guidelines shall be followed:

1. If the visitor wishes to observe a classroom, the time will be arranged in advance after the Principal has conferred with the teacher. The Principal has the discretion to limit, or refuse, requests for visits and/or observations of student programs in light of the above criteria.
2. If the purpose of the classroom visitation is to observe learning and teaching activities, the visitor may be asked to confer with the teacher before and after the observation to enhance understanding of the activities.
3. The Principal may withhold approval if particular events such as testing would be adversely affected by a visit. Similarly, if a visitor's presence becomes disruptive, the Principal may withdraw approval. In either case, the Principal will give reasons for the action; and
4. If a dispute arises regarding limitations upon or withholding of approval for visits:
  - a. The visitor will first discuss the matter with the Principal;
  - b. If it is not satisfactorily resolved, the visitor may request a meeting with the Superintendent or designee.
  - c. The Superintendent or designee will promptly meet with the visitor, investigate the dispute and render a written decision. The written decision will indicate that the visitor may appeal to the Board of Education to review the limitations imposed.

Regulation approved:

cps 6/10  
rev 1/14  
rev 4/14