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Testimony re: HB No. 7255, HB No. 7252, SB No. 1009, and HB No. 7254

To Members of the Joint Committee on Education:

I am a special education advocate, who has worked with hundreds of families of children with disabilities and school teams throughout Connecticut. My home and office are in West Hartford.

H.B. No. 7255 - AN ACT ESTABLISHING A TASK FORCE TO CONDUCT A FEASIBILITY STUDY REGARDING THE CREATION OF A SPECIAL EDUCATION PREDICTABLE COST COOPERATIVE

Please oppose HB No. 7255.

My detailed testimony on a similar bill, SB 542, is attached. It is not expressly stated in this bill, but it seems likely that the proposed Co-operative may be the one described in a report by the Connecticut School Finance Project. <http://ctschoolfinance.org/assets/uploads/files/Special-Education-Predictable-Cost-Cooperative-Policy-Paper.pdf>

My concern with this bill is that it seems like a pro forma step towards creating a special education cost cooperative, which I opposed in my testimony re: SB 542, attached. I also oppose this bill because, looking at the make-up of the task force, it is clear that protecting children with disabilities is not a priority or even a consideration, as there is not one member listed who advocates for children and their families. If there is to be a task force, there should be an equal number of members representing the interests of children with disabilities as there are those representing school district interests.

H.B. No. 7252 (RAISED) AN ACT ESTABLISHING AN ADJUDICATION PROCESS FOR SPECIAL EDUCATION AND THE RIGHT OF PARENTS TO OBSERVE THEIR CHILD AT SCHOOL.

Please support HB No. 7252.

Regarding ensuring that parents (and/or their independent consultants/evaluators) have the right to observe students in their school program, this is critical to ensuring that parents are able to participate as equal members of their children's Planning and Placement Teams. Too often, districts are prohibiting observation or substantially limiting this. (E.g., one parent was told that she could observe her child at school "for 10 minutes from the hallway.") Whereas school staff and district consultants have the opportunity to observe the student for as much time as is needed.

So what does this mean? Parents don't have direct knowledge of their child participating in large group and small group activities; they don't know whether the child is appropriately engaged with other students during lunch and recess; they don't know whether the child experiences on-task or off-task behaviors in different subject areas; they don't know whether the child has an easier or more difficult time during specials, like gym or art or music; parents don't know how much prompting the child requires at different times of day or with different types of tasks; parents don't know how much time their child spends out of the classroom, etc. I am not often asked to observe children at school, but when I do this, I find a full-day observation is necessary to have a reasonable understanding of a child and their program.

Some districts have claimed that parents and their designees cannot observe because this would somehow compromise the privacy rights of children at school. However, there is no expectation of privacy in a public school. Parents and community members are frequently in and out of public schools to volunteer and to participate in parties and assemblies, even taking pictures and videos of students; and this "concern" about privacy seems to come up only when parents of children with disabilities ask to observe. When this happens, parents naturally wonder what the district is trying to hide, which damages the relationship.

Permitting parents and their designees to observe the child will enable parents to act as equal members of their child's team and could go a long way to avoiding the distrust that occurs when districts prohibit or limit observation and to resolving differing perspectives about the child, reducing conflict.

Regarding the proposed adjudication system, I am not opposed to having an additional means of dispute resolution, provided (as it appears in this bill) that participation is optional and does not delay a hearing, that the adjudicator's decision is not binding, and that the adjudicator's opinion will not be used as evidence in a any subsequent hearing or judicial process. These aspects of the bill are especially important, as parents are unlikely to have attorneys in alternate dispute resolution (unlike school districts, who nearly always have attorneys involved, even when the parent is unrepresented), as parents are not experts in the special education process and may not know how to "present their case," and as the adjudicator would likely not have access to all the evidence.

Also, please note that our statutes would still need to permit mediation as an option for dispute resolution, as that is a requirement in the Individuals with Disabilities Education Act.

S.B. No. 1009 AN ACT CONCERNING TRAINING FOR SPECIAL EDUCATION HEARING OFFICERS AND THE ADMINISTRATIVE RESPONSIBILITIES OF SCHOOL DISTRICTS REGARDING THE PROVISION OF SPECIAL EDUCATION.

Please support SB No. 1009.

Naturally, it is important that hearing officers are trained in federal and state special education law, as well as any updates to the law.

In addition, I ask that the statute include language stating that this training shall include interpretation of legal requirements by both parent and board attorneys. Currently, hearing

officers are given access to LRP's database, which is an organization supporting school boards; and LRP's interpretation of legal requirements, case law, and agency decisions reflects that.

Hearing officers should also be provided with legal interpretation by the Council of Parent Attorneys and Advocates (COPAA), which is an organization protecting the rights of children with disabilities. COPAA does not have a database comparable to LRP, but when the state is presenting training or written information on cases from LRP, it would be important to also request input from COPAA. www.copaa.org

H.B. No. 7254 AN ACT REQUIRING SPECIAL EDUCATION TEACHERS TO COMPLETE A PROGRAM OF STUDY IN EVIDENCE-BASED STRUCTURED LITERACY INTERVENTIONS FOR STUDENTS WITH DYSLEXIA

Please support HB No. 7254.

Currently, our colleges and universities rarely, if ever, provide more than a token amount of training to special education teachers regarding the identification or instruction of students with dyslexia. This must change.

It is also critical that this bill specifies that such training shall include supervised practicum, as this is the only way to enable teachers to internalize what they have learned in the classroom and to foster fidelity of implementation.

If you have any questions or if I can be of any help, please let me know. Thank you for all your good work on behalf of all children, including students with disabilities!

A handwritten signature in black ink, appearing to read "Ding" followed by a long horizontal stroke.

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February 20, 2017

Written Testimony Against SB 542 – An Act Establishing the Connecticut Special Education Predictable Cost Co-operative

To Members of the Joint Committee on Insurance and Real Estate:

I am a special education advocate, who has worked with hundreds of families of children with disabilities and school teams throughout Connecticut.

I ask that you oppose SB 542, which is overly vague and does not ensure that Districts will be in compliance with the requirements of the Individuals with Disabilities Education Act (IDEA) and Section 504 of the Rehabilitation Act. This would be harmful to students with disabilities and would put the state at risk for losing millions in federal funds.

It is not clear from the minimal language in this bill, but it seems likely that the proposed Co-operative may be the one described in a report by the Connecticut School Finance Project. <http://ctschoolfinance.org/assets/uploads/files/Special-Education-Predictable-Cost-Cooperative-Policy-Paper.pdf> If that is the case, I have the following concerns:

1. This plan provides districts with a strong incentive to violate IDEA by not identifying qualifying students with disabilities, as District fees to the Co-operative are largely driven by the number of students identified as needing special education.
2. The Co-operative provides Districts with strong incentives to keep costs below the state average without a mechanism for ensuring that students with disabilities are appropriately provided services that meet their educational needs.
3. The model for this Co-operative includes a \$50 million reserve fund, which the report indicates would initially come from a reallocation of state special education funds. This seems to mean that there would be a \$50 million decrease in state special education funds to districts in Year 1.
4. The Co-op includes start-up costs that are proposed to be funded by the state, at a time when the state is in no position to absorb additional costs. Further, it is clear that there would be an ongoing cost to oversee the fund, and this extra cost would have to be absorbed by the state and/or municipalities.

I do support finding a way to help districts stabilize special education costs while ensuring quality, appropriate programming for students with disabilities. However, this bill doesn't ensure that that will happen and further would require a costly layer of bureaucracy to administer the program. Please oppose this bill.

