

Connecticut Commission on
Women, Children *and* Seniors



Testimony before the Committee on Education of the General Assembly
Submitted by
Commission on Women, Children and Seniors
March 16, 2017

Re: HB 7255 (Raised), An Act Establishing a Task Force to Conduct a Feasibility Study Regarding the Creation of a Special Education Predictable Cost Cooperative
HB 7251 (Raised), An Act Concerning Reform District Turnaround Plans
HB 7254 (Raised), An Act Requiring Special Education Teachers to Complete a Program of Study in Evidence-Based Structured Literacy Interventions for Students with Dyslexia
HB 7252 (Raised), An Act Establishing an Adjudication Process for Special Education and the Right of Parents to Observe Their Child at School
SB 1009 (Raised), An Act Concerning Training for Special Education Hearing Officers and the Administrative Responsibilities of School Districts Regarding the Provision of Special Education

Senator Boucher, and Senator Slossberg, and Representative Fleischmann, and distinguished members of the Committee on Education: Thank you for the opportunity to provide testimony on behalf of the Commission on Women, Children and Seniors (CWCS) on the above referenced bills.

HB 7255 (Raised), An Act Establishing a Task Force to Conduct a Feasibility Study Regarding the Creation of a Special Education Predictable Cost Cooperative

CWCS supports the passage of Raised Bill 7255, and hopes that its passage will result in the creation of a Special Education Predictable Cost Cooperative, which we see as a strong step toward ensuring Connecticut's school districts can continue to meet their obligations to serve students with developmental and other disabilities, and to more equitably bear the burden of their special education costs.

While the bill is an excellent first step, the Commission does recommend several small changes in the text, which are included in an attachment. These are primarily to address concerns about capacity for the study, to ensure that the proposed feasibility study is aligned with existing statutes and regulatory requirements of the Department of Insurance, and to eliminate specific cost figures until the results of the proposed study can be reviewed and assessed by the legislature.

The proposal for a Special Education Predictable Cost Cooperative is the result of long and hard work by many partners in the work of addressing the state's challenges in school finance. The Commission has participated in the Informal Working Group that developed the concept, alongside

representatives from the executive branch, an urban municipality, and CREC. We would like to continue our contributions to this work as it develops, and for that reason respectfully request that CWCS be named to the Task Force formed under Raised Bill 7255, should it be enacted.

HB 7251 (Raised), An Act Concerning Reform District Turnaround Plans

CWCS enthusiastically supports the passage of Raised Bill 7251.

The modifications to existing statute in Section 1 strengthen the goal of the legislation to enhance existing training for boards of education of under-performing school districts that are implementing improvement plans.

Section 2 of the bill, presenting new language regarding a model agreement developed by the Department of Education regarding school district responsibilities, provides a strong framework for supporting districts in the implementation of their improvement plans with the necessary guidance and supports.

We view this bill as a desired next step in the continued successful work of the Department of Education's work with the Alliance Districts—expanding and solidifying supports for what works. The Department's approach to turnaround plans is similar to its fostering of the Connecticut K-3 Literacy Initiative (CK3LI), which has been successfully piloted in a number of Alliance districts and individual schools. With successful outcomes building on prior successful outcomes, as we just observed in the Literacy Forum this past Monday, March 13, CK3LI is showing our state what works teaching literacy.

Support for HB 7251 will provide consistency and direction to the continued growth of Alliance Districts, narrowing the achievement gap among Connecticut's students.

HB 7254 (Raised), An Act Requiring Special Education Teachers to Complete a Program of Study in Evidence-Based Structured Literacy Interventions for Students with Dyslexia

CWCS supports Raised Bill 7254, and strongly and respectfully encourages its passage. There are a number of reasons for our support, from the points of view not only of the students and their parents who struggle with dyslexia but all school districts and the state itself.

We submitted testimony to this committee on March 6, 2017, regarding SB 953 (Raised), An Act Implementing the Recommendations of the Task Force on Professional Development and In-Service Training Requirements for Educators. While there is no need to repeat that testimony here, we do want to stress that Connecticut teachers need help in diagnosing dyslexia early—and in as many settings and contexts as possible, so that our children and our school districts are both spared the extraordinary costs and frustrations of allowing dyslexia to go unidentified and unaddressed.

Our previous testimony on this topic addressed the disastrous outcomes for children with dyslexia who are not properly diagnosed. The cost to each of them personally, in its effects on their lives, is not calculable. The cost to the state of their loss, in terms of academic and workforce success, is not imaginable, especially when we consider that as many as 20% of children may present with some level of dyslexia, based upon national statistics.

Of special note in the context of the Education Committee's overall agenda today, however, are the hidden costs districts may be paying in special education expenses, perhaps over years, whenever dyslexia is either overlooked or misdiagnosed. In those situations, a child may appear to have a quite different disability, and may even receive services for that alternate diagnosis—which will be both costly and ineffective, if the true cause of the child's difficulties is dyslexia.

Because of all the misery associated with dyslexia, we often don't pay enough attention to its good side: dyslexia can be remediated through evidence-based structured literacy interventions for which our teachers can readily be trained, allowing children who suffer this disability to overcome its most pernicious effects and become successful readers and learners. The good news continues: dyslexia can be diagnosed by teachers, if they are properly trained and certified, even in children of pre-school age.

In addition to its benefits for children and families, what House Bill 7254 would do for our districts and for the state is help us to reduce the costs of special education services, applied perhaps inappropriately, for far more intractable developmental disabilities with which dyslexia is often confounded by professionals untrained in its diagnosis and remediation. The prospect of this potential savings encourages the Commission to recommend the consideration of more expanded training and certification requirements: if every teacher in early childhood and K-3 settings, not only those seeking special certification, were trained simply to recognize and diagnose dyslexia, the long-term effects on curbing special education costs could well be profound.

HB 7252 (Raised), An Act Establishing an Adjudication Process for Special Education and the Right of Parents to Observe Their Child at School
SB 1009 (Raised), An Act Concerning Training for Special Education Hearing Officers and the Administrative Responsibilities of School Districts Regarding the Provision of Special Education

CWCS supports Raised Bill 7252, and in connection with it, we also support Sections 1 and 2 of Raised Bill 1009, its logical corollary.

We view these bills together as a step toward improving the clarity and efficacy of proceedings regarding special education. By expressly outlining the rights of parents to directly collect information regarding their children's classroom behavior, and to engage specialists for observation on their behalf, HB 7252 contributes to due process by ensuring that all relevant evidence is available to support a well-considered decision. HB 1009 helps to ensure that hearing officers are both truly independent and well-informed.

The children of our state who are struggling with disability demand no less than full due process in the determination of a school district's response to their needs. Under Title IX, access to a meaningful education is a federally protected civil right. Any process which will improve the fairness and completeness of evidence and adjudication promote the protection of that right at the state and local level. We encourage the passage of both bills.

Thank you for the opportunity to provide comment today on these bills.



General Assembly
January Session, 2017

Committee Bill No. 7255

LCO No. 5090



Referred to Committee on EDUCATION

Introduced by: (ED)

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

Be it enacted by the Senate and House of Representatives in General Assembly convened:

Section 1. (*Effective from passage*) (a) For the purposes of this section, "special education predictable cost cooperative" means a special education funding mechanism that (1) aggregates special education costs at the state level to compensate for volatility at the local level by (A) providing predictability to local and regional boards of education for special education costs, (B) maintaining current state funding for special education services, (C) differentiating funding based on student learning needs, (D) equitably distributing special education funding, (E) providing boards of education with flexibility and encouraging innovation, and (F) limiting local financial responsibility for students with extraordinary needs, (2) is funded by: (A) A community contribution from each school district, calculated based on the number of special education students enrolled in the school district and the school district's previous special education costs, with each town paying the community contribution of its resident students, reduced by an equity adjustment based on the town's ability to pay, and (B) the state contribution, which is a reallocation of the special education portion of the equalization aid grant and the excess cost grant, (3) provides all school districts with some state support for special education services, (4) ensures that a school district's community contribution will be lower than the actual per pupil special education cost of the school district, and (5) reimburses school districts for one hundred per cent of their actual special education costs for a fiscal year.

(b) There is established a task force to conduct, or cause to be conducted, a feasibility study regarding the creation of a state special education predictable cost cooperative in consultation with an expert in cooperative insurance models, as approved by the Department of Insurance. Such feasibility study shall include, but need not be limited to, documents required pursuant to C.G.S. §38a-91bb and the following:

(1) An actuarial analysis of the special education predictable cost cooperative;

(2) An explanation and demonstration of how (A) towns would contribute to the special education predictable cost cooperative, (B) towns would be compensated for special education costs under the special education cost cooperative, and (C) a town's compensation under the special education predictable cost cooperative would affect its required contribution in the subsequent fiscal year;

(3) An analysis of the various models for the legal status of the special education predictable cost cooperative, including, but not limited to, an independent state agency, a quasi-public agency, within an existing state agency a not-for-profit organization that is exempt from taxation under Section 501(c)(3) of the Internal Revenue Code of 1986, or any subsequent corresponding internal revenue code of the United States, as amended from time to time, or a private entity;

(4) A consideration of the governance structure of the special education predictable cost cooperative, such as (A) the process for nominating and selecting members of the board of directors and the executive administrator for the special education cost cooperative, (B) the number and composition of the members on the board of directors, (C) the qualifications for an executive administrator, who would be responsible for providing operational, financial and strategic support to the special education predictable cost cooperative, and (D) the accountability of the board of directors and executive administrator to the towns participating in the special education cost cooperative, including procedures for towns or boards of education to bring complaints or issues before the board of directors;

(5) A consideration of (A) the number of staff necessary to administer the special education predictable cost cooperative, (B) the costs associated with the hiring and employment of such staff, and (C) the funding source for hiring and employing such staff;

(6) An analysis of the initial capital investment required for the special education predictable cost cooperative different models and sources for funding the required initial capital investment, including the impact on state special education funding if state funds are used for such initial capital investment;

(7) A description of (A) a timeline for implementation of the special education predictable cost cooperative, (B) key dependencies and prerequisites for such implementation, such as the total number of towns voluntarily participating in the special education predictable cost cooperative needed for the special education predictable cost cooperative to function properly or whether participation in the special education predictable cost cooperative should be mandatory, and (C) contingency plans for any foreseeable problems arising from the implementation of the special education predictable cost cooperative; and

(8) An identification and analysis of state and federal law that would be involved in the creation and administration of the special education predictable cost cooperative, including (A) whether the Individuals With Disabilities Education Act, 20 USC 1400, et seq., as amended from time to time, permits a state to establish a special education predictable cost cooperative, (B) and the impact on the maintenance of effort prescribed by such federal law.

(9) (A) A framework for complying with regulatory requirements, such as, but not limited to underwriting services, legal counsel, actuarial services, investment strategy and management, accounting and auditing services, and federal securities requirements, and (B) the accountability of the special education predictable cost cooperative to the General Assembly.

(c) The task force shall consist of the following members:

(1) A representative of the Connecticut Association of School Business Officials;

(2) A representative of the Connecticut Association of Public School Superintendents;

(3) A representative of the Connecticut Council of Administrators of Special Education;

(4) A representative of the Connecticut Association of Boards of Education;

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- (5) A representative of the Connecticut Captive Insurance Association;
- (6) The director of the Connecticut School Finance Project;
- (7) A faculty member from the UConn Actuarial Science Program at The University of Connecticut;
- (8) The Commissioner of Education, or the commissioner's designee; and
- (9) The Secretary of the Office of Policy and Management, or the secretary's designee.

(d) The first meeting of the task force shall be held not later than thirty days after the effective date of this section. The chairperson of the task force shall be elected from among the members at the first meeting of the task force.

(e) The task force may, within available appropriations, retain consultants to assist in carrying out its duties. The task force may receive funds from any public or private sources to carry out its activities.

(f) Not later than January 1, 2019, the task force shall submit such feasibility study and any recommendations for legislation to the joint standing committees of the General Assembly having cognizance of matters relating to education and appropriations and the budgets of state agencies, in accordance with the provisions of section 11-4a of the general statutes. The task force shall terminate on January 1, 2019.