

**Wendy Lecker**  
**Testimony in Opposition to H.B. 7255**  
**AN ACT ESTABLISHING A TASK FORCE TO CONDUCT A FEASIBILITY STUDY**  
**REGARDING THE CREATION OF A SPECIAL EDUCATION PREDICTABLE COST**  
**COOPERATIVE**  
**March 16, 2017**

Dear Members of the Education Committee:

My name is Wendy Lecker. I am a taxpayer and public school parent from Stamford. I have been a public school parent for 17 years. I have also worked in the area of school finance, as a school finance lawyer and consultant, for 14 years. I am currently senior attorney at the Education Law Center, in Newark, NJ.

I respectfully urge you to vote no on H.B. 7255. H.B. 7255 appears to be the product of a special interest group and not of careful consideration of the real problems facing districts with regard to special education finance and services in this state. I list the problems with this task force and with the experimental, untested "special education cooperative" below.

**A. Improperly Narrow Scope of the Proposed Task Force:**

This task force proposes to examine only one option for special education finance: the Connecticut School Finance Project's creation, "the special education predictable cost cooperative."

This creation was the product of this one group, a group with no school finance expertise.

How do we know this solves the major problem(s) facing financing special education in Connecticut?

Prior to inventing this scheme, the CT School Finance Project did not survey superintendents, special education directors, board of education members, parents or special education advocates in Connecticut to ask what the major problem with sped finance is. They just decided a priori that the problem was "volatility." While fluctuation in spending may be a problem in districts, it is NOT the major problem across CT. The major problem with special education is **steadily rising costs**.

**Before deciding on a solution to special education finance, Connecticut must identify the problems. That task is accomplished by asking practitioners and parents across Connecticut, not by blindly relying on a special interest group with no expertise that has done no research beforehand.** (I understand the group

visited districts after to sell their idea, but this marketing is no substitute for real investigation).

## **B. The proper way to reform special education finance**

The dual problems of how to contain special education costs while effectively serving children is not unique to Connecticut.

How have other states dealt with it?

### **1. Two examples come from California (2015) and Minnesota (2012)**

#### *a. Representative Task Forces with a Comprehensive Focus and a Comprehensive Process*

Both states convened statewide task forces made up of educators, administrators, parents, special education advocates, special education experts, school finance experts, community members and legislators to hold hearings across the state and conduct numerous meetings to:

- i. Identify what the greatest concerns are with serving students with disabilities and with special education finance;
- ii. Examine: the distribution of special education incidence, including different disabilities, the interaction between special education and other needs (like poverty and ELL), the historical cost of different disabilities throughout their states, which districts are doing well with containing costs and serving kids and what are they doing, what other states are doing.
- iii. Make recommendations not based preconceived notions but rather on the evidence they gathered.

California's task force report: <http://www.smcoe.org/assets/files/about-smcoe/superintendents-office/statewide-special-education-task-force/Task%20Force%20Report%205.18.15.pdf> ; Minnesota's report: <https://www.leg.state.mn.us/docs/2012/other/121195.pdf>

#### *b. Conclusions*

Some conclusions from these studies:

- i. The biggest problem was ensuring adequate funding- so their first recommendation was to **increase funding**;

ii. Costs were contained better and children were served better with more local control-- another recommendation of theirs--- **increase local control**;

iii. Early intervention and prek helped reduce special education costs, as did integrating special education and general education:

So we cannot look at special finance alone. It would be most effective to look at special education finance in conjunction with general education finance. Some of the best tools to avoid an increase in sped finance are additional supports provided in general education.

## 2. **MORE Commission's Findings**

In 2015, the MORE Commission's Select Working Group on Special Education spent a year working on ways to better provide and fund special education services in Connecticut. Shouldn't this informed report be the starting point for any inquiry into how to fund special education? Why waste a year's worth of work by Connecticut special education experts? [http://www2.housedems.ct.gov/more/SPED/pubs/2015-02-18\\_Recommendations.pdf](http://www2.housedems.ct.gov/more/SPED/pubs/2015-02-18_Recommendations.pdf)

The issues of special education finance and special education services are complex and interconnected with many of the same issues facing general education. It does a disservice to examine just one option.

The cost study proposed by CCJEF would accomplish what we should be seeking to do in examining the costs of both general education and special education.

And, in fact, there are other solutions that would ensure adequate and predictable special education financing. One is to have various weights, based on the severity/cost of the disability, built into our school funding formula. Some recommendations are already contained in the MORE report, cited above.

At the very least, a special education task force should address all issues affecting special education services and cost. Only then can we know we are working toward a solution that is informed, comprehensive and lasting.

**C. The Special Education Cooperative is an experiment- never tried before anywhere else. It should not be imposed on Connecticut without careful review of ALL options**

Nowhere in the United States is there a statewide intermediary that pays all special education costs to school districts. In a thorough study on special education finance in California, researchers at the Public Policy Institute of California surveyed all states and found that while some states do risk pools for excess costs, no state has a separate statewide entity for distribution of all special education costs. <http://www.ppic.org/main/publication.asp?i=873> (please refer especially to the technical appendices)

**1. Only analogous entity - SELPA**

California's SELPAs (Special Education Local Planning Areas), 133 throughout California, are somewhat analogous to the special education cooperative scheme put forth by the Connecticut School Finance Project. They distribute special education dollars to districts.

**2. Problems with SELPAs**

Both PPIC and the California task force found real problems with SELPAs. They reduce transparency, accountability and local control. They are notoriously underfunded and distribute aid inequitably.

In fact, the recommendations to fix special education finance in California are to increase funding and fund local districts directly.

The only other somewhat similar entity to what is being proposed in Connecticut, the SELPA, fails to solve the major problems with special education finance- adequacy, equity and transparency.

Why are we gambling with this untested idea, the cooperative, whose only analogous entity has been a failure at solving what is likely Connecticut's most pressing problem- adequacy of special education funding?

**D. Proposed Task Force Membership**

This bill provides that the Connecticut School Finance Project will be standing member of the task force that decides whether or not the idea proposed by the Connecticut School Finance Project is worth adopting. That is a clear conflict of interest and should not be allowed

Any task force to look at special education finance should include: teachers, administrators, special education experts, school finance experts, parents, special education advocates, community members and CCJEF members

## **E. S.B. 542 AN ACT ESTABLISHING THE CONNECTICUT SPECIAL EDUCATION PREDICTABLE COST COOPERATIVE**

Although SB 542 is not before the Education Committee today, the same arguments against the task force should apply to this, more drastic bill. This bill establishes this experimental cooperative with no research or evidence whatsoever. It seems to render R.B. 7255 moot. If S.B. 542 is passed, establishing the cooperative, why would there be a need for a task force?

I must note that I find it curious that the Connecticut School Finance Project, a group that pushes a “unitary” funding formula, a group that claims that it is such a huge problem that Connecticut has eleven funding formulas, is pushing an additional formula, fund and layer of bureaucracy for special education finance. It is all the more curious when one realizes that this cooperative will likely fail to address the real problems in financing special education in Connecticut. I surmise that removing complicated special education finance from the ECS formula makes it easier to transition to a charter/voucher/money follows the child funding scheme. This is the funding scheme this group advocates (they like to sanitize it by calling it a “unitary” formula). And it is a funding scheme this legislature rejected in 2011 because we know it would result, inter alia, in local funds being funneled to privately run charter schools not under the control of local school boards. This, of course, is subject of testimony for a different time. I only point out that it is inconsistent for a group pushing the concept of funding for all under one umbrella to at the same time push different funding for one group of students.

I urge you to reject this bill, SB 542 and the funding proposals that take special education funds out of ECS.

Thank you.

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