

**STATE OF CONNECTICUT**  
**OFFICE OF THE CHILD ADVOCATE**  
**18-20 TRINITY STREET, HARTFORD, CONNECTICUT 06105**



Sarah Healy Eagan  
Child Advocate

**TESTIMONY OF THE OFFICE OF THE CHILD ADVOCATE FOR  
THE STATE OF CONNECTICUT**

**IN SUPPORT OF THE FOLLOWING BILLS:**

**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**

**H.B. NO. 7252: AN ACT ESTABLISHING AN ADJUDICATION PROCESS FOR SPECIAL EDUCATION AND THE RIGHTS OF PARENTS TO OBSERVE THEIR CHILD AT SCHOOL**

**S.B. NO. 1008: AN ACT CONCERNING THE FINANCIAL RESPONSIBILITY OF BOARDS OF EDUCATION RESULTING FROM RESIDENTIAL PLACEMENTS BY THE DEPARTMENT OF DEVELOPMENTAL SERVICES**

**EDUCATION COMMITTEE  
MARCH 16, 2017**

Representative Fleischmann, Senator Boucher, Senator Slossberg and distinguished members of the Education Committee:

This testimony is being submitted on behalf of the Office of the Child Advocate (“OCA”) in support or in response to several proposed Bills, including: (i) H.B. No. 7255, entitled *An Act Establishing a Task Force to Conduct a Feasibility Study Regarding the Creation of a Special Education Predictable Cost Cooperative*; (ii) H.B. No. 7252, entitled *An Act Establishing an Adjudication Process for Special Education and the Rights of Parents to Observe Their Child at School* and (iii) S.B. No. 1008, entitled *An Act Concerning the Financial Responsibility of Boards of Education Resulting from Residential Placements by the Department of Developmental Services*.

The obligations of the OCA are to review, investigate where necessary, and make recommendations regarding how our state-funded systems meet the needs of vulnerable children. This Legislature granted the OCA broad authority regarding access to information about children and state-funded facilities and programs, which provides this Office with a unique insight into the needs of at-risk, abused, neglected and special needs children and the agencies that serve those children. H.B. No.

7255, H.B. No. 7252 and S.B. No. 1008 all seek to improve how the needs of this state's children are being met in the school setting, including its most vulnerable children.

**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**

The OCA supports the concept of H.B. No. 7255 entitled, *An Act Establishing a Task Force to Conduct a Feasibility Study Regarding the Creation of a Special Education Predictable Cost Cooperative*, which seeks to examine efficient mechanisms for funding special education.

There are currently gaps in how such special education and related services are funded and delivered, inequities that result within a town or from town to town, burdens and challenges that towns face with regard to funding special education services for children, and resulting difficulties for children and their families. Examining efficiencies and better funding strategies to support high quality educational service delivery for children is a positive step toward tackling the important fiscal issues related to funding special education and related services. Any mechanisms that serve to improve the efficient funding and delivery of special education and related services to towns will ultimately benefit all children, including this state's most vulnerable children. **The OCA has one suggested amendment** to the proposed Bill, which is to include an education specialist and an advocate for persons with disabilities to the proposed task force.

**H.B. NO. 7252: AN ACT ESTABLISHING AN ADJUDICATION PROCESS FOR SPECIAL EDUCATION AND THE RIGHTS OF PARENTS TO OBSERVE THEIR CHILD AT SCHOOL**

The OCA supports H.B. No. 7252, entitled *An Act Establishing an Adjudication Process for Special Education and the Rights of Parents to Observe Their Child at School*, with respect to the right of parents (or an independent evaluator) to observe their children in the school setting, which would apply to children receiving special education and related services and children not receiving such services.

**Connecticut school districts have varying rules regarding when a parent may observe a child** in the school setting or have an independent evaluator observe the child, which rules can be burdensome to parents and hinder the involvement of parents in their child's educational experience. With respect to children receiving special education and related services, overly burdensome rules may deter parents from seeking to be involved in their child's educational placement and contributing meaningfully to the child's Individualized Placement Plan ("IEP"), which involvement is required in accordance with the Individuals with Disabilities Education Act ("IDEA"). Providing a framework through guidelines adopted by the State Board of Education for parental observation will allow and encourage more parental involvement in their children's overall educational experience, which will benefit the child, the parents and Connecticut school districts.

**COMMENT: S.B. NO. 1008: AN ACT CONCERNING THE FINANCIAL RESPONSIBILITY OF BOARDS OF EDUCATION RESULTING FROM RESIDENTIAL PLACEMENTS BY THE DEPARTMENT OF DEVELOPMENTAL SERVICES**

**The OCA offers comments regarding S.B. No. 1008** entitled, *An Act Concerning the Financial Responsibility of Boards of Education Resulting from Residential Placements by the Department of Developmental Services*, which seeks to assign all costs associated with a residential placement of a school-age child with the Department of Developmental Services.

The OCA is aware that families face enormous challenges when a child has complex disabilities and acute needs that may need to be addressed, either temporarily or on a more long-term basis, in an out-of-home residential treatment facility. Parents who receive a clinical or educational recommendation for such care for their child must face the daunting and painful hurdle of accessing that care – either through a responsible state agency such as the Department of Developmental Services (“DDS”) or the Department of Children and Families (“DCF”) or through the educational placement meeting with their school district and any resulting dispute resolution process.

The costs for a child placed in an out-of-home residential treatment facility are high. Historically, those costs have sometimes been paid by DDS and sometimes paid by the school district, which may be required under the IDEA when the placement is primarily for educational purposes for a school-age child and necessary to achieve goals set out in his/her IEP. Insurance rarely pays for such a placement. With DDS struggling to work within its budget, it has fewer resources to support such a placement for a child who may otherwise be eligible for DDS services and recommended for out-of-home treatment. **The OCA is aware that DDS has advised families seeking such residential treatment that they must first “exhaust” due process against the school district before seeking DDS support for such a placement.** School districts are also concerned about having to fund residential placements for children with complex needs and may look to state agencies to help share the cost or assume the costs of such programs.

**The larger issue associated with placements of children in out-of-home residential treatment facilities is the high cost of such treatment, the difficulty in accessing such treatment where necessary, and how these challenges can create unbearable burden and strain to families of children with disabilities.**

This Bill seeks to address the concerns outlined above by assigning financial responsibility to DDS for the custodial portion of a child’s residential treatment and to a school district for the child’s educational component. It is not clear however that this allocation of financial responsibility is clearly aligned with either the statutory responsibilities of the state agency or the responsibilities of the LEA as outlined by federal IDEA requirements.

OCA acknowledges, however, the grave concerns shared by families and state and local agencies, all seeking to ensure the needs of their families and constituents are well-met. The issues outlined herein highlight the urgent need for comprehensive mental health and special education funding reform to ensure that families of children with specialized needs can timely access high quality treatment and educational services. Currently, too often families seeking help for a child with a disability are pitted between increasingly strained state and local agencies. The state must find comprehensive and efficient opportunities for regionalization and specialization, cost-sharing, and possibly a single payer source for special education services.

Thank you for your time and attention to these important matters impacting this state’s most vulnerable children. The OCA is committed to ensuring the safety of Connecticut’s most vulnerable children through its continued efforts to work effectively with agency personnel and leadership regarding recommendations for system improvement.

Respectfully Submitted,

A handwritten signature in cursive script, reading "Sarah Healy Eagan". The signature is written in black ink on a white background.

Sarah Healy Eagan, JD, Child Advocate, State of Connecticut