



STATE OF CONNECTICUT STATE DEPARTMENT OF EDUCATION



Connecticut General Assembly Education Committee Testimony of Commissioner Dianna R. Wentzell March 16, 2017

Good morning Senator Slossberg, Representative Fleischmann, Senator Boucher, Representative Lavielle and members of the Education Committee. I am Dianna Wentzell, Commissioner of the Department of Education, and I am pleased to have this opportunity to testify before you today regarding a series of important education-related proposals.

Raised Bill 7255, An Act Establishing A Task Force To Conduct A Feasibility Study Regarding The Creation Of A Special Education Predictability Cost Cooperative

The Department recognizes the importance of conducting this study and would be happy to offer our assistance. We are hopeful that the task force, if created, will give thoughtful consideration and review to multiple funding models that exist around the country.

Raised Bill 7252, An Act Establishing An Adjudication Process For Special Education And The Right Of Parents To Observe Their Child At School

The Department believes that if passed, this bill may be in violation of the federal Individuals with Disabilities Education Act (IDEA), as it proposes to eliminate the mediation process afforded to special education students. The IDEA requires all State Education Agencies to have mediators to participate in a voluntary system prior to a Due Process Hearing. The elimination of the mediation process would therefore likely violate requirements outlined in the IDEA. If the language referring to adjudicators is removed and reverts back to mediators, we could support Section 1 subsections (1) and (2). Additionally, on February 1st of this year, the State Board of Education passed a resolution to create an Independent Educational Evaluation and Observation Task Force charged with reviewing observations and other related issues concerning Independent Educational Evaluations (IEEs) and to report back to the State Board with recommendations within 180 days. We would recommend waiting for the report of the task force before proceeding with the remainder of this proposal. We will be happy to share the task force findings with the Committee once they are received by the Board.

Raised Bill 1007, An Act Concerning The Collection And Reporting Of Data Relating To Special Education Expenditures And The Intentional Underbudgeting Of Special Education

The Department is not able to support this proposal, which is very similar to a bill vetoed by Governor Malloy in 2015. This bill requires local and regional school districts to report information to the Department relating to special education spending, including expenditures for each individual child receiving special education services. It additionally states that local boards would not be required to submit such data if it would compromise student confidentiality. These two things are mutually exclusive. The provision and subsequent disclosure of student specific special education expenditures is a violation of student confidentiality. Students receiving special education services are among our most vulnerable children and the Department feels very strongly that such disclosure violates the trust

that these families' have placed in their school. We also believe this proposal may be in violation of the Family Education Rights Privacy Act (FERPA). Furthermore, Section 3 would require the Department to penalize a district that intentionally under-budgets their special education budget in the following year by withholding ECS funds from the town in an amount equal to the previous year's shortfall. We first believe this is a local issue and not a state issue, furthermore the withholding of ECS funds in the subsequent year penalizes the town rather than the district, as districts would continue to be obligated to meet minimum budget requirements.

Raised Bill 7251, An Act Concerning Reform Districts Turnaround Plans

We have some concerns with this proposal, but stand willing to work with you on substitute language to enhance the bill. Section 2 of this proposal requires the department to develop a model school district responsibilities agreement, by January 1, 2018. We are ready to engage our stakeholders to deliver on this requirement. We are concerned, however, with the language requiring the department to ensure local board of education compliance with the agreements. In the current budget climate, we question whether the Department has the staff and resources to divert from our core functions to intervene and manage corrective action if districts are found to be noncompliant.

Raised Bill 1009, An Act Concerning Training For Special Education Hearing Officers And The Administrative Responsibilities Of School Districts Regarding The Provision Of Special Education

We do not believe Sections 1 & 2 of this proposal are necessary, IDEA regulations currently require hearing officers to possess knowledge of, and the ability to understand the provisions of IDEA, federal and state regulations pertaining to IDEA and legal interpretations of the IDEA by federal and state courts. Training is already provided to assist in hearing officer compliance with these requirements. Additionally, the study outlined in Section 3 should not be the sole responsibility of the Advisory Council for Special Education. Stakeholder input and participation from school special education staff and district pupil services administrators, is critical to ensuring the usefulness of the study results. It will also be difficult to determine the "optimal percentage" of students receiving special education services in a classroom that is not specifically dedicated to special education services. Assuming that all special education students have the same quantifiable needs ignores the reality of the nature and severity of each student's disability, the additional social, emotional and behavioral needs of the student, and the specificity and unique requirements of the student's individualized education plan (IEP). These same worries can be applied when trying to determine "optimal caseload". We are concerned that these determinations could be misinterpreted to negatively affect students who have unique special needs, but we stand ready to support any analysis that helps provide students with their legally protected services in the most efficient and effective way possible.

Raised Bill 7253, An Act Concerning Minor Revisions And Additions To The Education Statutes

Section 1 The Department does not believe the change being made in (f)(1) of this Section is necessary. The achievement data of recently arrived English Language Learners is excluded from the Performance Index which is based on test scores (Indicator 1) and not the accountability index (overall rating based on all indicators). Regarding Subsection (g), the Department would like to maintain some flexibility regarding mastery examination notification dates, because, in certain limited circumstances including administering a new examination or new scoring method requiring extensive psychometric work, the finalization of the process requires additional time and resources.

Sections 2 & 3 Following 4 years of developing a reasonable policy for the implementation of this Master's degree requirement - a process that included significant stakeholder involvement - plans for policy implementation have begun. Pushing back the implementation date now would likely create confusion in the field. The Department has already worked with educator preparation programs to ensure approval of the Master's degree programs in accordance with PA 12-116.

Section 4 Requiring the Department to submit the academic performance reports for Commissioner's Network schools by September 15th annually, does not allow for the analysis of the prior year's data, therefore the Department would have to report data from the 2nd prior year. We would request that the delivery date be extended to February 1, to allow for the reporting of the most current performance data after the Accountability Index is released.

Section 5 The Department supports this proposal. Existing regulations do not include language that expressly indicates the important need for students suspected of having a defect or disease of the eyes to be referred a specialist, such as an optometrist or an ophthalmologist.

Section 10 The Department would not be in favor of this change, as licensure is a requirement for certification as a school marital and family therapist. We would support language that indicates that the candidate has met all requirements for certification and is only awaiting approval of a pending application.

Section 12 While there are several federal reporting requirements that are tied to the October 1 collection, the Department is willing to conduct the study outlined in this section. We would request a later reporting date however, as our resources are already limited and this will take time away from other responsibilities.

Section 13 Public Act 15-5 of the June Special Session required the Department to issue a request for proposal (RFP) for the purchase and dissemination of single, statewide, electronic Individualized Education Program (eIEP) software. Pursuant to this requirement, the Department issued an RFP on October 1, 2015 and received several responsive proposals. The Department conducted an exhaustive review process in consultation with some local school districts, and narrowed the list of applicants. Funding for this project was never added to the Department's operating budget however, and the Department will not be able to complete this project until funding is appropriated. The Department will continue to be unable to complete this project unless this funding is restored. We also believe that the provision of a statewide eIEP system would be more effective following the provision of a single statewide student information product.

Section 14 We believe it is appropriate and consistent with the longstanding purpose of Section 10-4b to make clear that the statute applies to operators of interdistrict magnet schools, ASTE programs and endowed academies. Section 10-4b exists to ensure that the State Board of Education can intervene when a local board of education, or similar local governing body that is not otherwise subject to State Board control or oversight, has failed to implement the educational interests of the state. These choice programs are operated by local governing bodies that would not otherwise be subject to the kind of State Board oversight and enforcement that the Section 10-4b process entails, so we are supportive of their inclusion in the statute. However, Charter schools and Technical High Schools are fundamentally different. Charter schools are already subject to rigorous oversight by the State Board and the

Department – far beyond what Section 10-4b provides. We have the authority to place a Charter school on probation, an authority which we have used in the past. The State Board has the authority to deny a charter, deny renewal of a charter, revoke a charter, or set conditions for continued operation of a charter school. In stark contrast, the most that the State Board generally can do in the context of a section 10-4b complaint is order the local governing body to implement a remedial plan that would be developed by the local body itself. We believe making Section 10-4b applicable to Charter Schools is unnecessary and would cause confusion. It would, moreover, divert already scarce resources from our legal office. If the goal is to have a formal mechanism for individuals to make complaints against charter schools, we should explore adding language into the performance portion of our charter statutes and not into 10-4b. We would be happy to have those discussions with you. Additionally, under current law, Technical High Schools are not comparable to a local board of education or similar local governing body that is independent of the state. The Technical High Schools are state institutions and the power to establish and close them already rests with the State Board of Education. If the Technical High Schools become independent, we believe including them in the Section 10-4b process would be appropriate.

Section 15 The Department is very supportive of the 1 year 1 time extension for an acting superintendent who is not properly certified as it is outlined in this section.

Section 16 If this task force moves forward, the Department would request an appointment.