

Education Committee JOINT FAVORABLE REPORT

Bill No.: HB-7353

AN ACT CONCERNING VARIOUS ISSUES RELATING TO SPECIAL

Title: EDUCATION.

Vote Date: 3/25/2019

Vote Action: Joint Favorable Substitute

PH Date: 3/18/2019

File No.:

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SPONSORS OF BILL:

Education Committee

REASONS FOR BILL:

This bill would redefine “Extraordinary learning ability” and “outstanding creative talent, remove barriers for boards of education to share services, establish the right of a child to receive special education in the school which they attend, eliminate the ability of vocational schools to reject or refer special education students out of their school on the basis of disability, establishes workplace protections for teachers in PTT meetings from supervisor retaliation, creates a study group to conduct a study of the gap of services between birth to three programs and kindergarten and how the continuity of said services could be achieved, requires a plan of action for deaf and hard of students during school emergency situations, and requires the collection of data of hard of hearing and deaf student to track and assess educational outcomes.

SUBSTITUTE LANGUAGE:

The substitute language eliminates the parts of this bill that redefine “Extraordinary learning ability” and “outstanding creative talent”, remove barriers for boards of education to share services, and establish the right of a child to receive special education in the school which they attend. This language keeps the protections for teachers but enables supervisors to conduct performance evaluations during PTT meetings. This new language retains the sections that eliminate the ability of vocational schools to reject or refer special education students out of their school on the basis of disability, creates a study group to conduct a study of the gap of services between birth to three programs and kindergarten and how the continuity of said services could be achieved, requires a plan of action for deaf and hard of students during school emergency situations pursuant to the Rehabilitation Act of 1973, and

requires the collection of data of hard of hearing and deaf student to track and assess educational outcomes. Lastly, this bill would add language that requires the hometown school district of a special education student to reimburse magnet schools for special education services and require magnet school to provide said services for said student.

RESPONSE FROM ADMINISTRATION/AGENCY:

Sarah Healy Eagan, Child Advocate, The Office of the Child Advocate (OCA):

Ms. Eagan supports this bill. OCA supports the changes to the definition of a local or regional board of education on line nine of this raised bill and the study of the gap of service for children between birth and three and kindergarten. Technical Education and Career Systems (TECS) can currently find loopholes to discriminate against special education students, this bill as currently written would remedy this problem. The New Britain Public School districts had deficiencies in identifying children who needed special education because of the gap of services children did not have prior to preschool. This case study may be indicative of a larger problem and a closer look at this problem across the state is necessary.

Dianna R. Wentzell, Commissioner State Department of Education (SDE):

SDE has many concerns with this bill. SDE opposes section three because it would override an already effective PPT process. Regarding the technical schools, SDE has made recommendations to CTECS schools to improve their special education practices and requests that the committee wait until said recommendations are implemented. SDE is concerned that technical schools will not have the resources to take on more special education cases and is skeptical of the potential benefits. Section five is problematic because it could undermine professional conduct and assessment standards. SDE requests that line 128 be struck. As far as collecting data for deaf and blind students, SDE would be able to collect this data if it was limited to students who currently have IEPs. If the goal of this language is to collect the data on students without IEPs, this data collection would either be impossible or require massive amounts of resources.

NATURE AND SOURCES OF SUPPORT:

Senator, Norm Needleman:

Senator Needleman supports this bill because it would remove barriers from municipalities which have restricted their ability to share special education services. This bill would bolster efficiency in providing quality special education services across school districts.

Senator, Cathy Osten:

Senator Osten supports this bill. This bill is important because it would eliminate barriers that prevent special education student from acquiring the skills gained in technical and vocational schools. As of late, two formal complaints have been filed with the Office of Civil rights due to the discrimination of special education students. The practices of technical and vocational school run contrary to the Individuals with Disabilities Education Act (IDEA), the Americans with Disabilities Act (ADA), and Section 504 of the federal Rehabilitation Act of 1973. Additionally, Senator Osten supports clarifying statutes that would allow students' right to receive special education services in their local district which is good for the continuity of completing an IEP or 504 plan and the intellectual, physical, and socio-emotional health of a student.

Special Education Equality for Kids in Connecticut (SEEK-CT):

SEEK-CT supports this bill. Federal law requires that technical schools must comply with IDEA, frequently technical schools been non-compliant in admitting special education students. SEEK-CT supports the section requiring local schools districts to provide services in students' localities are if the students' parent say so. The section of this bill that has speech protections for teachers in PPT should be expanded to related service professionals such as psychologists, behavioral therapists, and social workers. The working group studying the gap of services for children between birth and three to kindergarten should include parents of special education children. Students with disabilities and their providers, advocates, and attorneys need to be included in said working group. SEEK-CT would support an emergency communication plan for deaf and blind children in section seven of this bill and collecting data on deaf and blind people is good for educational progress and intervention. SEEK-CT conducted a non-scientific survey about the fear of retaliation by teachers if they speak in out. The survey respondents confirmed that teachers are prevented from speaking out of fear of retaliation by their supervisors. This practice is a misguided way to control special education costs. SEEK-CT worked with Rep. Currey to craft HB6822 which also establishes protections for special education workers.

Mark D Benigni, Ed.D., Superintendent, Meriden Public Schools:

Superintendent Benigni supports this bill because it would repeal sections of the statutes which allow vocational schools to refer special education students out. Vocation technical schools should be held to the same standard as all the other public schools in Connecticut. Superintendent Benigni offers anecdotal evidence that he has dealt with parents who have had their child turned away from vocational schools because they qualify for special education.

Board of Directors for Disability Rights Connecticut (DRCT):

DRCT supports this bill because it would repeal the section in state statutes which allows vocational schools to discriminate against children by referring them out because they do not have available services special education. This practice is in conflict with state and federal law.

Jeffrey S. Bravin, Executive Director, American School for the Deaf (ASD):

Director Bravin supports this bill, especially the emergency action plans for deaf and blind children. Abundant visual, auditory, and message alarms are essential for blind and deaf students during lockdowns and evacuations, but are lacking in public schools. There are currently no statues that require emergency procedures for blind and deaf children. Additionally, Connecticut does not have a way to track blind and deaf children and the data collection outlined in this bill is the work recommendations of the Connecticut Coalition on Education of Deaf and Hard of Hearing Students.

Dr. Harvey Corson, Chair, Connecticut Association of the Deaf Education & Legislative Committee:

Mr. Corson supports this bill. Connecticut needs a statewide plan for emergency procedures for children who are deaf or visually impaired. The language assessments for deaf and blind people in this bill are essential in making these individuals can become independent when they are adults. Mr. Corson requests that a 504 plan or IEP for any deaf or blind child include communication plans through PPT and that sign language be included in said assessments.

New England Center for Hearing Rehabilitation (NECHEAR):

NECHEAR supports this bill. Giving paraprofessionals and teachers the right to discuss a student's needs candidly will lead to better PPTs and IEPs. Many blind and/or deaf students live with the fear that if a lockdown happens they will be left behind, this bill would take a step in the right direction to remedy that. Language assessments for deaf and hard of hearing students need to be conducted annually and can facilitate positive outcomes for these students.

John M. Flanders, Executive Director, the Connecticut Parent Advocacy Center State Advisory Council for Special Education (CPAC):

Mr. Flanders supports this bill. Section one of this bill ensures that Magnet, Charter, and Technical schools are obligated to serve students with disabilities. Section four reinforces section one and will stop the discriminatory practices of technical schools. Section five would protect teachers in PPT meetings but these protections should also be expanded to occupational therapists, speech and language pathologists, and related service providers. The working group should include more parents. Mr. Flanders has a son with hearing loss and enthusiastically supports section seven through eleven.

Sandra Inzinga, President, Connecticut Association of the Deaf:

Ms. Inzinga supports this bill. There is a lack of ability for schools to assess language milestones for deaf and blind children, which can lead to language deprivation. This bill would ensure deaf and blind children receive appropriate attention to their language skills so they can focus on other academic areas. Language assessments should be conducted by people who are specialized and familiar with the linguistic needs of deaf and blind children.

Shannon Jacovino, Director of Advocacy & Public Policy, the Arc of Connecticut:

Ms. Jacovino supports this bill. Connecticut Technical Education and Career Systems (CTECS) have been discriminating against and violating the civil rights of special education students. CTECS impose additional criteria on disabled students, refuse to make accommodations, discourage parents from submitting applications, and pushes special education students out once they are admitted. Employment outcomes for special education students have been poor, but every dollar spent on special education yields a dollar and forty six cents later on for future cost savings in social services.

Susan Kelly, National Alliance on Mental Illness (NAMI), & the Alliance for Children's Mental Health (ACMH):

NAMI and ACMH support this bill. Ms. Kelly supports this bill's repeal of the loophole which enables technical schools to discriminate against children with disabilities. This bill would put technical schools in line with the Individuals with Disabilities Education Act (IDEA). While as in Connecticut there are proportionally less special education students in technical schools than standard public schools, nationally it is the opposite. Under IDEA special education students are entitled to receive the skills and job training from technical schools who are required to provide special education services.

Ruth Levy, Superintendent of Schools, Chester, Deep River, Essex, & Region 4 Schools:

Superintendent Levy supports this bill. This bill would remove barriers of entry for regionalization and for local districts students it can be beneficially fiscally and educationally.

Brendan Murphy, Connecticut Education Association (CEA):

Mr. Murphy supports this bill. This bill would protect teachers from being reprimanded for speaking out in PPT meetings. Many times, supervisors pressure teachers to say certain things in PPT meetings and there are instances when they will get fired if they speak their opinion. This bill would allow a more effective and candid discussion in PPT meetings and allow teachers to advocate for students in need. Teachers are pressured to keep quiet on certain issues pertaining to their students because what they advocate for may have a large price tag on the local school board. Teachers should feel empowered to share their professional opinion.

Kathryn Schienberg Meyer, Esq., Center for Children’s Advocacy (CCA):

Ms. Scheinberg supports this bill. In 2016 CCA and the Greater Hartford Legal Aid filed a complaint against the Connecticut Technical Education and Career System (CTECS). CTECS systematically rejects and pushes out special education students. About fifteen percent of the states total population receives special education services, but only ten percent of kids in technical schools receives special education services.

Elizabeth Bayer, Kim Beckett, Stephanie Billiel, Brad Brockhaug, Gene Caro, Jeffrey Cohen, Jill Devane, JoAnn Dobres, Tom Fiorentino, Christina Ghio, Heather Graveline, Brynn Hickey, Joyce Lewis, Henry Martocchio, Shelagh McClure, Rachel Merritt, Maria Morelli-Wolfe, Lisa Nee, Lori O’Connell, Tracey O’Connor, Al Pehl, Leslie Prior, Imelda Reno, Jennifer Starkey, Shannon Strikeleather, Barbara Wehrly:

These stakeholders all write in support of section four of this bill. Connecticut Technical Education and Career Systems (CTECS) have been able to discriminate against students who require special education through a loophole in state statutes. Special education students are frequently rejected or referred out of CTECS schools when they find out a student requires special education. This bill would stop that practice.

Lorena Decarlo, Erica DePalma, June Freeman, Trudy Haury, Sheri Romblad, Keith Vinci, Alex Witkowski, Susan Yankee:

These stakeholders support this bill because of the supports it provides for deaf and hard of hearing students. Emergency protocols need to be put in place for deaf and hard of hearing students so they do not get left behind in lockdowns and evacuations. Additionally, collecting data of deaf and hard of hearing students in the state would allow schools to keep up with language milestones and keep deaf and hard of hearing students on track to succeed.

Diane Willcutts:

Ms. Willcutts supports this bill because it would protect teachers from retaliation by their supervisors for speaking freely at PPT meetings. Ms. Willcutts cites the non-scientific study that was conducted by SEEK-CT as evidence that protection for teachers to speak out in PPT meetings is necessary. The study shows that teachers feel as though they cannot speak out candidly at PPT meetings and that parents would prefer that those teachers could.

NATURE AND SOURCES OF OPPOSITION:

Connecticut Association of Boards of Education (CABE):

CABE supports language in section one but has concerns about the language in section three and five. CABE sees the efforts in section one to remove barriers for regionalization as a step in the right direction. CABE opposes section three which require a BOE to provide special education for a child in their current school, but this would undermine the

collaborative Planning and Placement Team process. Sometimes children would be better served outside of their school district. Section five as drafted would prevent the board of education from disciplining a teacher for saying anything regarding special education recommendations and is too broad as drafted.

Ed Leavy, President, State Vocational Federation of Teachers:

Mr. Leavy opposes this bill. In some cases Connecticut Technical Education and Career Systems do not have the resources to help a special education student given the type of instruction technical schools in Connecticut provide. This bill prevents Technical school from even having a conversation with parents about their recommendations in providing sufficient services for their child's special needs. Technical schools provide minimal language and math training, and students spend most of their time with very dangerous equipment..

Fran Rabinowitz, Executive Director, The Connecticut Association of Public School Superintendents (CAPSS):

CAPSS supports Technical and Career Systems being included as a local or regional Board of Education. There are cases when a Technical school will push a child out when said school finds out the student has special needs. These cases are discriminatory and this bill will stop that practice. CAPSS opposes the language that would require that a child be denied from being provided services in their local school district. In reality, that section of the bill would be an undue fiscal burden on schools and sometimes sending a child outside of district will provide them with higher quality services.

David Scata, Executive Director, ConnCASE:

ConnCASE has concerns about sections of this bill. First, lines eighty-one to eighty-eight in this bill allows parental advisors to be present at all times, the ambiguity of this language and current statutes as to what a parental advisor is could lead to requests by parental advisors for reimbursements which would negatively impact local budgets. The mandating of one to one paras for PPTs in this bill is not feasible in larger school districts. The protection for teachers speaking up in PPTs in this bill does not have a vehicle for enforcement nor would it set criteria for compliance. In this case, ConnCASE request that that part of the bill be made into a task force between SDE, Parent Groups, CPAC, CAPSS, and ConnCASE. ConnCASE fully supports the language in this bill that would eliminate loophole statutes for technical and vocational schools that allow discriminatory practices toward special education students.

Kevin J. Smith, Ph.D., Superintendent, Wilton Public Schools:

Superintendent Smith opposes this bill. This bill would require that all schools of choice provide special education services; this would be an unfunded mandate. Superintendent Smith states that this bill goes well beyond the IDEA mandate and that IDEA as it stands should be enforce. This bill may lead to additional staff and costs on municipalities.

Reported by: Colin Carroll

Date: 4/10/19