

SEEK Testimony to Committee on Education

March 3, 2021

Chairman McCrory, Chairman Sanchez, Ranking Members Berthel and McCarty, Members of the Committee,

Special Education Equity for Kids in Connecticut is a statewide organization of parents, providers, attorneys and advocates working for high quality education and civil rights for students with disabilities. We appreciate the opportunity to appear before you today.

Eight bills are listed for consideration today. We have comments on six of them:

***H.B. No. 6535 (RAISED)**

AN ACT CONCERNING ISSUES RELATING TO SCHOOL SECURITY.

SEEK is committed to the removal of uniformed, armed police officers from Connecticut schools. The presence of these law enforcement officials can have profoundly negative effects on students, particularly students with disabilities and students of color. Employing school resource officers (SROs) consumes resources that would be better applied to providing social emotional education and trauma-informed supports for the large number of students in need.

Raised Bill 6535 would create a working group to study the issue. We recognize that there is not the support presently to ban police officers from schools and are, therefore, not opposed to some further study of the issue. The questions posed in the legislation are the right questions. The composition of the proposed working group is, however, deplorable: six police chiefs, six administrators, and two teacher union representatives. There is no one representing students of color or students with disabilities. There is no one to present the trauma that uniformed police present. The working group, as proposed in this bill, is little more than an

effort to endorse police presence in school. Unless the make-up of the working group is substantially revamped, we oppose this legislation.

Police were placed in schools in large numbers in the wake of the massacre at Sandy Hook. They were deployed to ensure the safety of the school from outside intruders. Sadly, there is no data to support the supposition that having police inside schools reduces school shootings. From what we have seen, police in schools are ineffective and have not resulted in any positive change in student challenging behaviors. Indeed, logic suggests that police outside the school building would be more effective in reducing violence than police in the school building.

According to a March 26, 2018 report of the Office of Legislative Research, around two-thirds of Connecticut school districts utilize SROs. Districts can spend up to \$200,000 a year for two or three uniformed police officers. The duties and funding of any school resource officer is provided for in a Memorandum of Understanding (MOU), which, under Public Act 15-168, needs to be entered into between the local board of education and the local law enforcement agency. Notwithstanding the clear prohibitive language of these MOUs, school administrators often use SROs to enforce discipline within school. As a result, the presence of police officers in Connecticut schools leads to a higher average of student arrests. <https://ctvoices.org/publication/policing-connecticuts-hallways-the-prevalence-and-impact-of-school-resource-officers-in-connecticut/>. While the state has worked diligently to reduce the number of suspensions and expulsions, the number of in-school arrests continues to rise.

The disproportionate impact on students of color and on students with disabilities is significant. As Commissioner Cardona reported to the State Board of Education on February 6, 2020, "Large disparities remain in suspension rates between Black/African American and

Hispanic/Latino students and their white counterparts. While one out of every 25 white students received at least one suspension, one out of every seven Black/African American students and one out of every 10 Hispanic/Latino students experienced the same sanction." While the overall suspension rate was 6.7%, the rate for students with disabilities was 11.1%. Black and Hispanic students accounted for 63% of school-based arrests, while accounting for only 40% of Connecticut's students. Students attending schools with SROs were at greater risk of discipline overall. The average arrest rate of Latino students at schools with an SRO was six times greater than the average arrest rate of Latino students at schools without an SRO, according to the Voices for Children study.

The problem with uniformed, armed police officers in schools goes far deeper than that. Children of color and children from poverty often grow up with a well-founded abiding fear of the police. It would be superfluous to recount the reasons for that terror at this time. Turning schools into law enforcement agencies with frightening armed officers in the hallways exacerbates the fears and uncertainties of many students, and undermines the fundamental purpose of schools, i.e. learning. No student can learn while being traumatized. This fear pervades many students with disabilities as well who know that SROs often do not understand their disabilities or even think it important to consider their disability. The legion cases in which an individual with autism is arrested and abused by police officers is reason enough for that fear.

We know from our work in the field that SROs lack sufficient training in dealing with students on the autism spectrum. In many cases involving SRO arrests, a principal decided, often impulsively, that the school resource officer should handle an issue. The SRO's solution was to arrest the kid. Yet, the real origin of the "problem" was a learning issue or typical behavior tied to the student's autism. It's a very sad thing to see the light in a kid's eyes turned

off over an arrest in his school. Indeed, arrests at the high school level frequently lead to students dropping out of educational altogether. While the issue of armed police officers in school is usually seen as a race issue, we see it as a disability issue as well.

The cost of school resource officers is high. The cost of a police officer is at least equivalent to that of a school social worker. While a police officer brings fear and top-down authority into a school building, a social worker can promote the sort of social emotional learning that can prevent acts of violence from ever occurring. A supportive school, utilizing trauma-informed practice, conflict resolution, de-escalation, and restorative justice, can do far more to keep the peace than can a police officer.

School climate change needs to come as part of the removal of armed police officers from school. Increasingly, and far too often, school administrators call the police when they face a behavioral issue in their school. Whether there is an SRO in the school or not, police respond to these calls by using the power of arrest. Arresting a student does not deal with the social and emotional issues, often trauma-based, faced by a student. There are excellent blueprints available for Social Emotional Learning available, particularly from the Yale Center for Emotional Intelligence, which need to be implemented to ensure that the police do not need to be called.

***S.B. No. 945 (RAISED)**

AN ACT IMPLEMENTING THE RECOMMENDATIONS OF THE DEPARTMENT OF EDUCATION.

Two sections of this bill are of special interest to SEEK. Section 1 appropriately lowers the age for the beginning of transition services to fourteen for all students. In 2019, the legislature passed and the Governor signed Public Act 19-49, which lowered the age for the commencement of transition services to 14 for students diagnosed with autism spectrum

disorder. Work on transitioning a student with a disability from school to independent living and independent working needs to start early for all students with disabilities. There was no justification for special treatment for students with autism. Furthermore, the law was poorly drafted. There are students diagnosed on the autism spectrum disorder who are not eligible for special education and there are such students who are eligible in a category other than autism. So, school districts have not known how to implement this statute. Furthermore, it is not sound policy to provide a special benefit to a group of students with one disability but not to other students with disabilities, when the special benefit has nothing to do with the disability.

Section 1 of Raised Bill 945 addresses this issue by making transition planning mandatory for all students with disabilities in the Individualized Education Plan that takes effect when they are 14. This is a needed and appropriate fix.

Section 9 attempts to deal with the blatant and continued discrimination by Connecticut Technical High Schools against students with disabilities. The legislation deletes current language permitting rejection of a student with a disability if "the student requires special education services which preclude such student's participation in the vocational education program offered by a technical education and career school." In lieu thereof there is a requirement that the PPT in the town in which the student lives shall design a program for the student at the technical high school. Presumably, at such a PPT meeting, the technical high school could make the case that it could not accommodate the particular student and, based on that, the PPT could decide against the placement. If that is the intent, this language is a substantial improvement over the current situation in which the technical high school has the unilateral authority to reject a student with a disability.

Nevertheless, the bill retains the current language in 10-76q, subsections (a) and (b). Subsection (a) is nonsense. It appears to make the State Board of Education the Local Education Authority (LEA) for students in the technical high school system. The State Board has neither the capacity nor the jurisdiction to act as the LEA. Connecticut Technical Education and Career Services (CTECS) is the LEA for students in the technical high school system. This statutory misdirection should be eliminated. Subsection (b) is unnecessary and confusing. Any student entitled to receive special education is afforded the right to a hearing and appeal under the IDEA. This language adds nothing to the rights of students with disabilities and could be interpreted as reducing those rights.

***S.B. 946 (RAISED)**

AN ACT CONCERNING THE MINIMUM BUDGET REQUIREMENT.

***S.B. No. 947 (RAISED)**

AN ACT ESTABLISHING A WORKING GROUP TO REVIEW THE EFFECTS OF THE EDUCATION COST SHARING GRANT FORMULA ON SMALL AND RURAL TOWNS.

***S.B. No. 948 (RAISED)**

AN ACT ADDRESSING EDUCATION FUNDING AND RACIAL EQUITY IN CONNECTICUT.

***S.B. No. 886 (COMM)**

AN ACT IMPLEMENTING THE GOVERNOR'S BUDGET RECOMMENDATIONS CONCERNING EDUCATION.

We will comment on these four education funding bills together. At a time when most states are substantially increasing education funding to remediate the educational loss occasioned by COVID-19 school closures and distance learning, Connecticut is going backwards. While most states recognize that federal stimulus funds, both through the CARES Act and through the CRRSA Act, were passed to supplement, not supplant, state funds, Connecticut is using that money to backfill its obligations. While the Legislature, in 2017 passed legislation creating a 10-

year phase-in plan for a more equitable ECS formula, the Governor, in his budget, has abandoned the phase-in and may have rendered the Legislature's hard work nugatory.

The principal point is that equality in funding is not equity. Let's take two districts. Weston had, in 2017-18, an average per pupil expenditure of \$22,708, for its 2,346 students. New Britain, on the other hand, had an average per pupil expenditure of \$13,549, for its 11,644 students, a difference of over \$9,000. As for students more expensive to educate: English Learners: New Britain 16%; Weston 1%. Free and reduced-price meal eligible: New Britain 75%; Weston 2%. Special education students: New Britain 16%; Weston 11%. There can be no doubt that the cost of educating a New Britain student is far, far higher than the cost of educating a Weston student, yet, under Connecticut's current funding structure, the average Weston student had nearly 70% more spent on his or her education than did the New Britain student. Both Weston and New Britain have real property assessed under their Grand Lists at slightly over \$2 billion. Dividing the Grand List by number of students shows that Weston has nearly \$900,000 per student in taxable property, while New Britain has under \$190,000. New Britain's student body is 11% Black and 67% Latinx. Weston's student body, on the other hand, is less than 2% Black and about 7.5% Latinx.

The 2007 revision of the ECS formula came nowhere close to providing equal funding for students, to say nothing of equitable funding. But it did move the state in the right direction. The most underfunded districts would see a substantial hike in state funding, while the most affluent districts would suffer some loss in funding. To allow for planning, the formula was phased in over a ten-year period ending in Fiscal Year 2028. The phase-in would have required an increased state expenditure of \$32 million per year. Relying on ESSER funding, the

Governor axed these increases. By doing so, the budget stops in its tracks Connecticut's move towards more equitable school funding. The Legislature should not permit that to happen.

Connecticut can do better than slowly phasing in a somewhat more equitable school funding system. Raised Bill 948 would do that. The bill fully funds a revised ECS formula immediately. The formula is revised to focus more money on districts, like New Britain, with high concentrations of poverty and with large numbers of English Learners. Let's not defer attacking structural racism by failing to fund a more equitable school financing system. Yes, Raised Bill 948 would be tagged with a fiscal note. The bill is probably close to half a billion dollars. Rather than saying that the problem is too hard and too expensive, this Committee needs to bite the bullet, pass the legislation and then lobby the Appropriations Committee and the leadership to properly fund education in Connecticut.

The blueprint published by the Connecticut Association of Public School Superintendents (CAPSS) is right in saying that the state share of school funding in Connecticut is far too low, at 41%. We should be moving to the Vermont model of eliminating local property taxes as the source for education funding. Over a period of time, the state's share should be increased to full funding, except for federal funds.

The federal ESSER funds are no substitute for state ECS funding. ESSER funds are short-term, useable over two fiscal years only. Superintendents are unlikely to invest in new staff or new programs based on money that will disappear a year from now. There are very few restrictions on the use of ESSER funds by the school district. And the maintenance of effort language is so fraught with exceptions that ESSER money can be used to displace town funds, which can then be used for other purposes or to reduce taxes. Raised Bill 946 continues and expands the gapping loopholes in Connecticut's Minimum Budget Requirement law.

We see three crying needs for the ESSER money. First, it needs to be used to fund the large amount of compensatory education that is legally required to be provided to students with disabilities who did not receive the services specified in their IEPs over the last year. Second, we know that there has been substantial loss in education for all students due to COVID-based closures and remote learning. Funds should be earmarked to provide remedial services to all students. The American Rescue Plan, now working its way through the federal Congress, does have a 5% set aside for remedial education. Third, the COVID-based disruptions in school schedules have led to an appalling number of students not participating at all, a surge in anxiety and trauma among students, and a loss of needed structure and predictability for all. Funds should be dedicated to social emotional learning to deal specifically with the emotional and mental health issues that COVID has produced. We know that the transition back to full-time in-person learning will be a disruptive event for many students. We need to address those emotional needs.

In that local school boards are, under Connecticut law, instrumentalities of the State, the Legislature has the power to tell local school districts how they may spend federal ESSER funds. We recommend that the Legislature do so by directing that specific percentages of ESSER funds be used for compensatory education, for remedial education, and for social emotional learning.

The one specific appropriation for special education is the excess cost grant. This program provides an insurance program for school districts that must make very expensive placements for students with disabilities. It was designed to cover all costs above 4 1/2 times the average per pupil cost in the district. Because a \$140 million cap was placed on the program in 2012, and the number and cost of these expensive placements have increased, the \$140 million only permits districts to be reimbursed for about 67% of their excess costs.

There are a number of proposals to lift the cap or reduce the threshold. SEEK supports greater funding of special education but wonders whether excess cost reimbursement is the way to do so. The existing structure lifts any budgetary discipline for high priced programs. It provides a disincentive for school districts to design effective programs in districts, such as structured literacy programs or therapeutic settings as an alternative to expulsion or suspension. Rather than providing indemnity for highly expensive programs, it would be far better for the state to earmark money to school districts to support their special education programs and to hire student support personnel, such as social workers, school psychologists, guidance counselors, and mentors. The last figures on excess cost reimbursement by districts we had were for 2014-2016. From those figures, we see Bloomfield, Waterbury, New Haven and Danbury all averaged receiving less than \$100 per student in reimbursement, while Region 10 (Burlington/Harwinton), Darien, and Ridgefield all averaged more than \$400 per student in reimbursement. This is not a system that makes sense.

The appropriation for the State Department of Education also bears comment. The Governor proposes a sharp 11% reduction in personnel services in the Department. This is going in the wrong direction. The Department, restrained by budget and by history, sees itself primarily as a management consultant to local school districts. It gathers data, highlights successes, and recommends best practices. What it fails to do is to enforce the law, particularly in the area of special education, where the IDEA requires that the State Education Authority ensure that Local Education Authorities comply with federal legal requirements as a condition to receiving federal support. This situation is different from most states, where the state department of education enforces compliance with state and federal law. The Legislature needs to tell the

Department to do its job. The best way to communicate that message is to appropriate the funds necessary to ensure compliance.

In brief, Raised Bill 886, the Governor's proposal, should be soundly and loudly rejected. Raised Bill 948 is a move toward adequate and equitable school financing. Raised Bill 946 perpetuates the loophole-ridden Minimum Budget Requirement for schools and ensures that no part of federal stimulus funds can raise the MBR of a district. Raised Bill 947 is unfortunate. While education funding for small and rural towns is clearly a concern, that issue needs to be addressed in the context of the entire system, not through a separate working group.

We in SEEK want to work with you to create a more equitable and rational funding system for education in Connecticut.