



March 8, 2021

Testimony in Support of Raised S.B. 976, Section 1, and in Opposition to S.B. 976, Section 2, An Act Concerning Special Education

This testimony is submitted on behalf of Greater Hartford Legal Aid, Connecticut Legal Services, and New Haven Legal Assistance. Collectively, our non-profit legal services organizations provide free legal assistance to the low-income persons throughout the state of Connecticut through individual representation and systemic advocacy. Each of our organizations represents the families of children with disabilities who have educational needs.

Raised S.B. 976, Section 1

In August 2016, Greater Hartford Legal Aid and the Center for Children’s Advocacy jointly filed a systemic complaint with the Office of Civil Rights against CTECS (then the Connecticut Technical High School System) for all students with disabilities discriminated against during the admissions process. Our representative students came from different communities, applied to different CTECS schools, and had varied learning styles. In each case, the student was preliminarily accepted to CTECS, then denied admission, with CTECS asserting no obligation to program for these students or alter its program model. In 2017, the Department of Justice opened an investigation and encouraged this legislation to settle the matter.

This bill has been in development since 2017. Stakeholders- parents of current and former students, advocates, legislators, CTECS and Connecticut State Department of Education (SDE) leaders- have had numerous conversations around legislative change. We appreciate the efforts and commitment of all involved in promoting this legislative change and the SDE for its embrace of legislative change. The current language of C.G.S. § 10-76q (c) allows CTECS to circumvent its obligations under federal special education law (IDEA). Rather than looking at what supports a student might need to be successful, the current law allows CTECS to unilaterally determine that a student’s needs “preclude his participation” and send the student back to his home district. In essence, as it currently stand, C.G.S. § 10-76q (c) allows CTECS to determine that a student is not a correct fit for its educational model and thus permits the discriminatory exclusion of students with disabilities from its programs, denying them technical education opportunities.

Proposed S.B. 976, Section 1, eliminates this discriminatory language. In its place, the bill adopts language closer to the intent and framework of IDEA by requiring placement to be determined by a planning and placement team (PPT). Although IDEA already mandates a transition PPT

when a student moves from one placement to another, the historical inequities in the admissions process necessitate the passing of this legislation to begin to actualize the right of all students with disabilities to have the opportunity to attend CTECS, as they have that right with any other publicly funded school.

Additionally, the proposed bill requires the town in which the student resides (i.e., the sending school district), which understands the student's educational needs and current program, to convene a PPT prior to the student's transition to CTECS to fully consider what supports the student will need to meet IDEA mandates to receive a free and appropriate education (FAPE) in the least restrictive environment (LRE). At this PPT, the sending school, CTECS and the parent would all have a meaningful opportunity to be heard. The PPT may decide that CTECS can offer FAPE in the LRE, or the PPT ultimately may decide that CTECS cannot do so. Under the language of the proposed bill, CTECS would no longer have exclusive decision making power.

We urge you to vote in favor of proposed S.B. 976, Section 1, to begin to open up more equitable opportunities for vocational education to students with disabilities.

Raised S.B. 976, Section 2

Raised S.B. 976, Section 2, proposes the creation of a task force to study special education costs. We have grave concerns that the effect of such a task force's recommendations inherently run contrary to the framework and principles underlying the Individuals with Disabilities Education Act (IDEA),

The stated purpose of IDEA includes ensuring that all children with disabilities have available to them a free appropriate public education that emphasizes special education and related services designed to meet their unique needs and prepare them for further education, employment, and independent living, and ensuring that the rights of children with disabilities and parents of such children are protected. (See <https://sites.ed.gov/idea/about-idea/#IDEA-Purpose>)

We appreciate the concerns around rising costs of education in general. However, when federal law explicitly plans for individualization of unique needs for each and every student with disabilities who qualifies for special education and related services, a task force aimed at attacking the viability of the special education system as a whole, from a purely cost-based perspective, serves to ignore that purpose. To align with federal policy, any and all discussions regarding special education funding must be had in conjunction with the larger scheme of education funding planning, considering individual needs and providing for local school district support as the starting points. We implore you to seek solutions in the current discussions and proposed legislation around the Education Cost Sharing formula and equitably meeting the needs of populations systematically underserved and discriminated against under the existing education funding framework in Connecticut, namely children with disabilities and children of color.

Further, the 14-member proposed task force includes only two parents or guardians, with the remainder of the membership consisting of state-level school representatives. We ask you to consider the need for any task force that considers special education services to include more of the following members:

- More parents, who are the holders of the educational rights of their children, and who are the payors and receivers of the benefits of the special education system.
- Advocates, who directly represent those parents who are not able to navigate the complex special education system.
- Local school district members, who make the decisions around individual education plans and services.

For these reasons, we urge you to vote against Raised S.B. 976, Section 2.

Thank you for your consideration of this testimony. If you have any questions or concerns, please feel free to contact Attorney Maria Morelli-Wolfe, GHLA, at 860-541-5042 or mmorelliwolfe@ghla.org, or Agata Raszczyk-Lawska, Managing Attorney of the Children at Risk Unit, Connecticut Legal Services at 860-357-9316 or arlawska@ctlegal.org.