

Education Committee JOINT FAVORABLE REPORT

Bill No.: SB-1200

Title: AN ACT CONCERNING SPECIAL EDUCATION.

Vote Date: 3/24/2023

Vote Action: Joint Favorable Substitute

PH Date: 3/15/2023

File No.: 570

***Disclaimer:** The following JOINT FAVORABLE Report is prepared for the benefit of the members of the General Assembly, solely for purposes of information, summarization and explanation and does not represent the intent of the General Assembly or either chamber thereof for any purpose.*

SPONSORS OF BILL:

Education Committee

Rep. Mitch Bolinsky, 106th Dist.

Rep. Hector Arzeno, 151st Dist.

REASONS FOR BILL:

This bill makes several changes and additions special education legislation to improve and address concerns over accessibility, grant funding, and safety and confidentiality. Regarding accessibility, it enables school districts to provide dual instruction as part of remote learning for students who require special education and related services, provides for necessary translation services at Planning and Placement Team (PPT) meetings, and requires the State Department of Education (SDE) to post online all documents related to hearings and actions taken in response to complaints made against school districts.

To expand the ongoing need for grant funding, this bill also instructs SDE to omit certain federal pandemic recovery funds when calculating net expenditures of school districts to determine special education grants and extends School-Based Health Center (SBHC) Expansion Grant through fiscal year 2024 and expands its eligibility.

To address safety and confidentiality concerns in special education, this bill prohibits charter school applications from asking about a student's need for special education services and from including special education status in lottery considerations, limits and changes current guidance related to physical restraint and seclusion, and prohibits school boards of education from disciplining employees who participate in 504 plan meetings.

To support the ongoing study of best practices and recommendations in the area of special education, this bill furthermore adds additional topics of focus to an existing special education task force.

SUBSTITUTE LANGUAGE:

The substitute language for this bill makes minor additions and clarifications to existing sections, including adding 504 plans to the eligibility for dual instruction, adding two new members to the existing special education task force, and allowing for a wider range of possible translation services in PPT meetings.

The substitute additionally makes changes in response to student and faculty safety concerns from educators and other school staff over how the original bill handles restraint, seclusion, and "time outs." It adds language to require that students placed in emergency seclusion are monitored by a mental health specialist rather than any school employee. It additionally adds the requirement of school boards of education to notify parents or guardians when a student is placed in a time out on the same day that it occurs and provide an event summary within five days of a student's third "time out" in 30 days. The substitute furthermore adds mental health specialists to school district restraint and seclusion training and to school crisis intervention teams. Finally, it removes a previous provision that would have allowed injured parties to bring a claim in Superior Court to seek an injunction against further violations.

RESPONSE FROM ADMINISTRATION/AGENCY:

State Department of Education (SDE), Commissioner, Charlene Russell-Tucker;

expresses support for the provisions removing federal pandemic funds from calculations of net expenditures for determining special education grants, providing interpreters during PPT meetings if needed, and prohibiting special education status from being used as part charter school enrollment applications. They express a few concerns with other sections, stating that the language regarding dual instruction for remote learning limits existing guidance issued by SDE, that the prohibition of emergency seclusion would lead to increased disciplinary removals of students from school buildings*, and that the provision requiring SDE to post all special education complaints could create confidentiality issues and increase the burden on the understaffed SDE dispute resolution unit. They suggest that the latter language be amended to require SDE to instead provide summative data relating to special education complaints. They additionally request that the State Advisory Council for Special Education be added to the special education task force established last year*.

**The substitute language of the bill addresses these concerns.*

Connecticut Office of the Child Advocate (OCA), Child Advocate, Sarah Eagan;

supports this bill highlighting the language in Section 5 ensuring that special education students are not discriminated against in the charter school enrollment process. They also express support for the elimination of the use of seclusion and physical restraint, citing research showing that the practice often escalates the negative behavior of children and increases risk of injury. They recommend the bill include language to ensure that the frequency and duration of "time out" use in schools is tracked *. They also suggest adding provisions that would require notification to parents or guardians if their child is placed in a time out *, as well as video monitoring of the students placed in "time out spaces" during such time.

**The substitute language of the bill addresses these concerns.*

NATURE AND SOURCES OF SUPPORT:

Commission on Women, Children, Seniors, Equity & Opportunity (CWCSEO), Children's Policy Analyst, TJ Nuccio; supports this bill highlighting Section 1, which removes federal recovery funds from special education grant calculations for school districts. They note that this provision ensures that the most underfunded districts continue to receive greater levels of state support relating to special education. They also emphasize the importance of the Section 3 provisions expanding the mandate of the previously established special education task force, as well as the Section 7 provisions expanding the SBHC grant program. They state that these health centers are critical support systems for underserved students.

InterCommunity Health Care, President & CEO, Kimberly Beauregard; supports this bill highlighting Section 7, which expands and extends the SBHC grant program. They note that the demand for school-based health services has increased in the past two years, with their clinicians having caseloads of up to 90 students at certain sites.

Special Education Attorney, Meredith Braxton; supports this bill highlighting the Section 6 provisions regarding restraint and seclusion. They state that these practices can create trauma for students and lead to school avoidance. They also emphasize the Section 8 provisions requiring SDE to post special education complaints. They express that greater transparency in this area is necessary to ensure that school districts are not violating the rights of its students.

Child and Family Agency of SECT, Program Manager, Jessica Chan; supports this bill highlighting the Section 7 provisions that expand and extend the SBHC grant program. They state that these health centers help ensure equitable access to health services for young people and meet community need.

Special Education Equity for Kids in Connecticut (SEEK), Vice President and Legislative Chair, John Flanders and Andrew Feinstein; supports this bill stating that the expansion of the SBHC grant will ensure that enhanced resources are available to support the mental and physical health of students in schools. They express that the provisions regarding seclusion and restraint provide a template to ensure the safety of other students and educators, but not at the expense of the physical or mental health of the child in question. Finally, they emphasize that the provisions guaranteeing access to translation services at PPT meetings will ensure that non-English parents and guardians can understand the programs and rights involved in their child's education.

Connecticut Charter Schools Association (CTCSA), Policy Director, Cassandra Gallion; supports this bill highlighting the Section 5 provisions that prohibit charter schools from requiring the disclosure of special education needs on their applications or as part of their lottery enrollment system. They suggest extending this requirement for all school choice programs as to not single out charter schools specifically.

PDA North America, Social Worker, Diane Gould; supports this bill stating that no child should be subjected to restraint or seclusion. They express that these practices make behavioral problems more likely and do not help students.

Connecticut Association of Boards of Education (CABE), East Hartford Board of Education Chair, Tyron Harris; supports this bill highlighting the Section 1 provisions removing federal pandemic relief funding from special education grant calculations. However, they express concerns regarding the language prohibiting the emergency use of seclusion in schools*. They state that this response can prevent potential harm to students and staff in emergency situations*.

**The substitute language of the bill addresses these concerns.*

Literacy Learning Assess Center, Director, Sheryl Knapp; supports this bill highlighting the Section 4 provisions that require access to translation services during PPT meetings. They state that this will enable parents or guardians to make more meaningful contributions to their child's special education programming. They also highlight the Section 6 provisions regarding restraint and seclusion, noting the potential harm that these practices can have on children and the message that they send to a student's peers that they are dangerous. Finally, they emphasize the importance of the Section 9 provisions giving school employees the freedom to make recommendations regarding 504 accommodations without fearing disciplinary actions.

CT Association of School Based Health Centers, Board Member, David Krol; supports this bill highlighting Section 7, which expands and extends the school-based health center expansion grant program. They emphasize the vital role that these centers play in helping young people with their medical and mental health concerns. They also note that these centers increase school attendance, offer services to support at-risk students, reduce hospital visits, and create a positive school climate.

School and State Finance Project, Data Analyst, Amber Martin; supports this bill highlighting Section 1, which removes federal recovery funds from calculations determining special education grants for school districts. They state that this one-time federal aid should not reduce state support for students with additional learning needs.

St. Louis Children's Hospital, Child Neurology Resident, Aimee Morris; supports this bill highlighting the Section 6 provisions regarding seclusion and restraint in schools. They state that these practices are traumatizing for children, exacerbating emotional dysregulation and behavior problems. They also note that these practices cause children to feel powerless and unsafe, impairing their ability to learn effectively.

Connecticut Legal Services (CLS), Managing Attorney, Agata Raszczyk Lawska; supports this bill. Regarding Section 2, they recommend including students with 504 plans in the eligibility for dual instruction as part of remote learning*. Regarding Section 4, they state that guaranteeing translation services at PPT meetings will help ensure meaningful parent participation during these conversations. Regarding Section 6, they suggest including additional language concerning "time outs" to ensure appropriate utilization. Regarding Section 7, they highlight the importance of SBHC expansion, noting that these health centers are particularly helpful for students with behavioral and disciplinary challenges. Regarding Section 8, they state that requiring SDE to publish redacted documents relating to due

process hearing decisions and corrective actions will help provide parents and legal practitioners with a better understating of SDE interpretation of important special education issues.

**The substitute language of the bill addresses these concerns.*

Council of Parent Attorneys and Advocates (COPAA), Director of State Policy, Christopher Roe; supports this bill highlighting the Section 6 provisions addressing seclusion and restraint in schools. They cite research showing that these practices traumatize children, increase behavior challenges, decrease the ability of children to learn self-control, and harms the relationship between children and schools. They also note that special education students are roughly 20 times more likely than their peers to be restrained or secluded while in public schools.

Center for Children’s Advocacy (CCA), Director of the Medical-Legal Partnership, Kathryn Scheinberg Meyer; supports this bill highlighting the Section 6 provisions regarding seclusion and restraint in schools, specifically the shortened notice requirements. They state that this bill is a major step in reforming these practices, which can be traumatic for children. They also note that the Section 4 provisions guaranteeing translation services at PPT meetings will help ensure meaningful parent participation during these conversations.

Child and Family Agency of Southeastern Connecticut, Behavioral Health Program Manager, Jason Shirley; supports this bill highlighting the Section 7 provisions expanding the SBHC grant. They state that these important health centers provide behavioral and medical health services to thousands of Connecticut students.

Alliance Against Seclusion Restraint (AASR), Founder and Executive Director, Guy Stephens; supports this bill highlighting the Section 6 provisions addressing seclusion and restraint in schools. They cite research showing that these practices cause trauma and distressed behaviors in children.

Law Office of Anne Treimanis, Attorney, Anne Treimanis; supports this bill highlighting the Section 6 provisions regarding seclusion and restraint in schools, noting that these practices result in trauma and increased aggression. They assert that there is no data to support the use of these practices. Finally, they cite research showing that more than 2,000 Connecticut students were restrained during the 2020-2021 school year, which reportedly resulted in 134 injuries.

Law Office of Lawrence Berliner, Attorney, Lawrence Berliner; supports this bill highlighting the importance of the Section 4 provisions regarding guaranteed translation services at PPT meetings. They also emphasize support for the Section 6 provisions regarding seclusion and restraint in schools noting that these practices are ineffective and can result in medical issues, including emotional trauma. Finally, they express that the Section 8 publication requirements for SDE regarding due process hearings will ensure that the parents understand their rights.

Center for Disability Rights (CDR), Chief Advocate and CEO, Marc Anthony Gallucci; supports this bill. Regarding Section 6, they noted that that seclusion and restraint practices create harm and embarrass students. Regarding Section 2, they state that many students with disabilities can greatly benefit from this access. Regarding Section 5, they express that

special education students should have greater opportunity to attend charter schools. Regarding Section 9, they emphasize the importance of protecting school personnel when they make recommendations regarding accommodation for students with disabilities.

Lives in the Balance, Clinical Psychologist, Ross Greene; supports this bill. Regarding Section 6, they state that seclusion and restraint practices are unnecessary and not proven by any research to keep students and staff safe. They also note that these practices are disproportionately applied to students of color and students with disabilities.

Autism Included, Co-Director, Sarah Hamel; supports this bill highlighting the Section 6 provisions addressing seclusion and restraint in schools. They cite research showing that these practices are regularly used on special education students and state that this bill will help protect them from potential trauma.

Down Syndrome Association of Connecticut, Executive Director, Shanon McCormick; supports this bill highlighting the Section 6 provisions regarding seclusion and restraint in schools. They state that these practices can cause trauma lasting for years that carries over into home life, resulting in school refusal, anxiety, and defiant behavior. They also express that these practices do not help school personnel learn what is challenging the student or the best solutions to address the problem. Finally, they note that students with Down syndrome often struggle with verbal expression and that behavior may be the only type of communication available to them at a given time.

The Arc of Connecticut, Director of Advocacy, Carol Scully; supports this bill emphasizing the importance of guaranteeing translation services at PPT meetings. They state that this will increase equity and ensure that parents and guardians with limited English proficiency can meaningfully support their child with developmental disabilities in school.

Connecticut Association of School Based Health Centers (CASBHC), Executive Director, Melanie Wilde-Lane; supports this bill highlighting Section 7, which expands the SBHC grant. They state that SBHCs improve academic outcomes, particularly in lower income youth communities. They note that SBHCs also support school-wide programs that address social-emotional issues impeding student achievement.

36 Connecticut residents submitted testimony in support of this bill.

Three people anonymously submitted testimony in support of this bill.

NATURE AND SOURCES OF OPPOSITION:

Milestones Behavioral Services, Special Education Coordinator, Lisa Gregory; opposes this bill stating that seclusion is necessary in emergencies to ensure the safety of both students and educators*. They also express that allowing injured parties to seek legal action is unnecessarily punitive towards special education teachers*.

**The substitute language of the bill addresses these concerns.*

Milestones Behavioral Services, Special Education Coordinator, Marissa Nettleton; opposes this bill stating that it will make schools less safe*. They express that seclusion is a

necessary emergency intervention to protect students from harming others or from harming themselves*.

**The substitute language of the bill addresses these concerns.*

Milestones Behavioral Services, Special Education Coordinator, Katie Dube; opposes this bill stating that seclusion is a necessary component of ensuring a safe school environment*. They emphasize that seclusion is only used as a last resort in instances where an agitated student causing physical harm is imminent*. They express that removing seclusion as an emergency intervention will increase the occurrence of classroom injury*.

**The substitute language of the bill addresses these concerns.*

Connecticut Association of Private Special Education Facilities (CAPSEF), Members of the Board of Directors, Shawn Cyr, Karen Helene, and Kikke Gerdner; oppose this bill stating that eliminating the use of emergency seclusion would put students and school employees at greater risk*. They note that the practice is a safe, hands-off alternative to emergency restraint*. Additionally, they express that requiring meetings with parents after every instance of seclusion would waste time and resources. Finally, they request that the committee place representatives from CAPSEF on the special education task force*.

**The substitute language of the bill addresses these concerns.*

Ben Bronz Academy, Executive Director & CEO, Gail Lanza; opposes this bill stating that schools will become more dangerous without the capability to use seclusion in emergencies*. They also express that completely banning the use of seclusion will lead to an increase in disciplinary actions against students*.

**The substitute language of the bill addresses these concerns.*

Connecticut Education Association (CEA), Treasurer, Stephanie Wanzer; opposes this bill stating that dual instruction is an ineffective method of teaching and should not be expanded in eligibility. They also state that eliminating the use of seclusion as an emergency intervention would increase instances of physical injury in schools*. They note that school staff receive copious training on seclusion and emphasized that this practice is only used as a last resort*.

**The substitute language of the bill addresses these concerns.*

ConnCASE, President and Director of Special Education, Katharine Gabrielson and Annette Miserez-Dillon; oppose this bill stating that banning the use of seclusion in schools as an emergency intervention will have unintended consequences*. They note that seclusion is currently defined as "preventing a student from leaving an environment." They assert that if it is banned, school staff would no longer be able to stop students from leaving the building in the middle of the day*. Additionally, they express their belief that preventing seclusion in emergency situations would have negative effects on the mental health of the student in crisis, as well as their peers*.

**The substitute language of the bill addresses these concerns.*

Regional Education Service Center (RESA) Alliance; opposes this bill stating that it would reduce the quality of special education in their schools*. They express that banning the use of seclusion as an emergency intervention would greatly increase classroom disruption, having a negative effect on other special education students*.

**The substitute language of the bill addresses these concerns.*

Ridgefield Public Schools, Assistant Director of Special Education, Anthony Showah; opposes this bill stating that it is unnecessary and overreaching. They also express their belief that it would have a negative effect on the work of Planning and Placement Teams (PPTs).

Eight Connecticut residents submitted testimony in opposition to this bill.

NATURE AND SOURCES OF GENERAL COMMENT:

CT Citizen Action Group (CCAG), Associate Director, Liz Dupont-Diehl; expresses that special education funding in Connecticut schools is unequal and pits school boards against the parents and families that they serve. They emphasize the need for greater investment in special education services in Connecticut schools to ensure equity.

Derby Public Schools, Superintendent, Matt Conway; expresses concerns that prohibiting the emergency use of seclusion would require revisions to laws regarding the reporting of seclusion to parents or guardians and SDE *. They also suggest clarifying the issue of emergency use of restraint during the transport of a child in crisis.

**The substitute language of the bill addresses these concerns.*

Wallingford Public Schools, Assistant Superintendent of Special Education, Aimee Turner; requests more clarity regarding the topics added in Section 3 for the special education task force to study. They also recommend removing the provisions banning the use of seclusion as an emergency intervention *. Additionally, they state that the provisions that require meetings with parents and guardians following instances of seclusion or restraint are excessively burdensome. They also request eliminating the Section 8 provisions that require SDE to publish special education complaints and any resulting corrective actions. They state that even with redactions, it would be easy to determine the identities of students from the documents, especially in small districts.

**The substitute language of the bill addresses these concerns.*

Special Education Teacher, Elizabeth Guay; states that remote learning is vastly inferior to in-person instruction for both students and educators. As such, they express concerns regarding the Section 4 provisions that expand dual instruction eligibility and suggested that the special education task force examine alternatives.

Parent, Jonathan Chappell; expresses concerns that the complete prohibition of emergency seclusion use in schools would take away an available strategy for trained professionals *. They express that in limited circumstances, seclusion may be temporary technique utilized by a professional to de-escalate and prevent injury *

**The substitute language of the bill addresses these concerns.*

Reported by: Taha Anwar & Sam Gilberti

Date: 4/13/2023