

SPECIAL EDUCATION TASK FORCE

MINUTES

December 18, 2023

9:30-11:30

1. Discussion and Consensus on Each Finding of Attorney Feinstein's Draft Report
 - a. Findings do not go forward unless the task force owns them.
 - b. We will continue to use the consensus rubric.
 - c. Every person on this task force is an equal person.
 - d. Representative Currey would like to get the report in a timely manner and would like some recommendations that the legislature can act on during this short session.
 - e. Section One
 - i. Change the titles of Tara Flaherty (Secretary) and Stephanie Wanzer (Treasurer).
 - ii. Kathryn Meyer will email her title (needs to be changed)
 - iii. No other changes in Section 1.
 - f. Section Two
 - i. No issues with paragraph one.
 - ii. No issues with paragraph two. Typo in paragraph two (typos can be sent to Andy Feinstein)
 - iii. No issues with paragraph three.
 - iv. No issues with paragraph four.
 - v. No issues with paragraph five.
 - vi. The State Finance Project is fact-checking the numbers to make sure they are all correct.
 - vii. In the final paragraph when it says the vast majority of students, is there a way to insert data? Kate Dias feels that a vast majority is weak language when we should have data available to us. Given that it is a finding, Kate feels that it should be very specific.
 - viii. Bryan Klimkiewicz – For the excess cost reimbursement, we can pull data on that. Excess costs are 4.5 times above the per pupil rate in special education, which most often happens when you have tuition and transportation for students. That doesn't mean that students in local programs won't meet that threshold. The numbers would be accurate right from the excess cost reimbursement, grant data. We could pull exact numbers as far as the number of students that are in approved private special education programs versus not.
 - ix. Andy Feinstein – The one point that has to be clarified here is that excess cost can go into district programming.

- x. Bryan Klimkiewicz – Districts can put in for the student, regardless of the location. The majority of the students are outplaced that meet that criteria.
- xi. Fran requested that if the data is added it must be 100% accurate to our ability.
- xii. Karen Helene requested that the year be added to the sentence that says approximately 2.2 billion dollars annually.
- xiii. Typhanie Jackson requested that fact-checking be done where it says “It is worth noting that 21 charter schools spend an average \$9,133 on each special education student, while the six Regional Education Service Centers spend an average of \$52,902 on each special education student.”
- xiv. In the next paragraph, Fran doesn’t like the sentence “As such, the IDEA is both a pathology-based statute and a failure-based statute.”
- xv. Kate Dias stated she would need evidence to stand behind the written statement that its pathology based in a failure-based statute. The language was challenging for her to accept.
- xvi. Kathryn Meyer agreed that we need to nuance that statement a little bit but she doesn’t want to lose the point.
- xvii. Tara Flaherty stated that not all parents have the same experiences. Some parents do need to use legal means but all parents do not. Some districts do work really well with parents to help students achieve through the IEP process.
- xviii. Andy took out “As such, the IDEA is both a pathology-based statute and a failure-based statute. Rather than focusing on the learning weakness or troubling behavior, the question of eligibility is focused, first and foremost, whether the student has a medical or psychological label.”
- xix. Typhanie Jackson requested that something be added about barriers that exist for families. How do we acknowledge that in some way?
- xx. Kathryn Meyer stated we know what the law says but we also need to keep reflecting on what some of the challenges are. It is helpful that we keep speaking from the vantage point of parents and their practical experiences.
- xxi. Kate Dias feels that we can not make blanket statements off of some experiences unless we have the data or research to suggest it is more widespread.
- xxii. Jason Adler feels that the anecdotes are really important because the task force members all come from different perspectives. However, he feels that it should be part of the individual conversations and should not be utilized in the report. It seems difficult when we see these things but there is no evidence and that is not enough to have it in the report.
- xxiii. Kathryn Meyer feels that we have evidence that poor children struggle with accessing quality education and special education.

- xxiv. Leslie Torres-Rodriguez is not okay with fully omitting that our students are falling through the cracks. Students who are in traditionally marginalized communities experience a variety of barriers. We need to be explicit about the inequities given that a few meetings ago I thought there were a lot of trends around the equity barriers. She fully agrees with grounding in the data and quantifying but is not comfortable with fully omitting it.
- xxv. Fran asked if she could say that it will be framed in a way that says it is a challenge even if we do not have exact data to show it? There were no objectives.
- xxvi. Kate Dias feels in the next paragraph that what we need to say is that type of earlier intervention should exist in multiple tiers, so we are engaged with these students in the most creative ways as early as possible.
- xxvii. Bryan Klimkiewicz stated that the statement "By the time a student is evaluated or receives interventions on an IEP is too late" would have to be qualified too, because we know schools and programs work to identify students the day they turn 3 years old in many cases.
- xxviii. Fran Rabinowitz would like to somehow convey the idea that the intervention needs not to be limited to special education. It needs to be tier one intervention, tier 2 intervention, etc. to prevent the child from entering into special education. It is more of a general ed thing as well.
- xxix. Andy Feinstein stated that we have three paragraphs that need substantial reworking.
- xxx. Aimee Turner would like to make sure that we have the data to prove the gap widening.
- xxxi. Fran Rabinowitz and Kate Dias have an issue with "One possible explanation is that, in some districts and for some students, special education students are presumed to be incapable of significant achievement."
- xxxii. Bryan would like to rephrase it to say "As it is important to have high expectations for every child, including every child in special education."
- xxxiii. Patrice McCarthy agreed that we have to aspire to high expectations and find what works for each student.
- xxxiv. Karen Helene worries about the statement the temptation is to reduce the academic demands of these students. This is oversimplifying it. There is a requirement at times for professionals who are working with kids, with significant challenges and significant behavioral issues to be assessing and monitoring the situation sometimes on a minute-by-minute basis. But to overall say that the temptation is to reduce academic demands – the word temptation needs to be removed.
- xxxv. Sally Drew had a few notes which certainly are editorial that she will send to Andy. The word "troubling" comes up later on. Sally suggested using words like adverse or challenging. We need to make sure we're using person first language when we talk about students with disabilities. Words like typical should be typically developing, typically achieving, etc. Make sure we use general education throughout instead of regular education.

g. Section III - Current Issues

i. A. Funding

1. No questions or disagreements

ii. Excess Cost Reimbursement

1. The recommendation by Patrice McCarthy was that we should not just focus on the 88% reimbursement level, we should be looking at reimbursement levels that are lower under the other two tiers of reimbursement that now exists by statute.
2. Do we want to add Recommendations: to the findings document? No objections. It will be added.
3. Andy mentioned that Lisa Hammersley talked about adding weight for special education in the ECS formula. Andy asked Lisa to produce some language on this.
4. Aimee Turner used a cautionary tale about weighting high-needs students from the in and out.

iii. Other State Funding for Special Education

1. Andy Feinstein stated that the issue that's currently pending is, what is reasonable costs for special education services.
2. Typhanie Jackson noted that although they do sit in on PPTs for students in charter schools, the structure that folks are asking for reimbursement is highly inequitable. (1/10 ratio in charter compared to 1/20-25 in New Haven Public Schools.)
3. Kate Dias feels that there is a process that doesn't always end well, because there is not agreement of what reasonable costs look like.
4. Bryan Klimkiewicz mentioned that the funding for charters, magnets, CTechs, and AG schools is all very different, and the paragraph seems to focus mostly on charter. There are limitations based on the current statute. The way it is written, reasonable cost has been defined as actual costs for the Charter Schools. It is going to take more than the CSDE to put out guidance or clarification. Bryan is happy to provide information on the statute and the requirements, but to Kate's point the process leads to litigation in many cases between the public school and the charter school to defend or determine that reasonable cost.
5. Bryan Klimkiewicz does not feel that the guidance will address the way the statutes are written right now and will not be very helpful. It will clarify responsibility. The district has the responsibility and owns the IEP. The Charter School implements the IEP. Both entities are responsible for services for students. If the district provides in-kind services that is deducted from the costs. If there is a vacancy, both have to work in coordination and communication to ensure the vacancy is filled.
6. Kate Dias would like to flag this number (3) and note that in some respects how they are different. If the broad stroke works for all of them that's fine but if it doesn't, we should articulate that.

7. Typhanie Jackson stated that Bryan is right, there is guidance that says about actual costs, but when you're determining what your actual costs are, they're grossly inequitable. If there is a state complaint or any type of hearing through special education that comes back to the district, and people don't recognize to what extent we're enmeshed in that way. There is not in-kind cost for the amount of hours that you are spending on a state complaint that has nothing to do with you.
8. Andy Feinstein asked Typhanie Jackson and Kate Dias to come up with some draft language that we can circulate and see whether we can reach consensus.
9. Aimee Turner stated that they do see the same issues with magnet schools in terms of the disparity in charges. How do we look at what is considered high needs and what cost are we paying for special education services and related services?
4. Up to #4) The cost of providing special education.