

SPECIAL EDUCATION TASK FORCE

MINUTES

January 09, 2024

9:30-11:30

Introductions of Task Force Members in Attendance

1. **Adler**, Jason, AFT - Treasurer
2. **Bowman**, Alicia, Associate Executive Director for the CT Association of Schools
3. **Drew**, Sally, Sacred Heart University Associate Professor, Director of Special Education Programs
4. **Feinstein**, Andrew, Co-Chair of Task Force Private Practice Attorney
5. **Flaherty**, Tara, **High** School Math Teacher, Parent of Special Education student, and CEA Secretary
6. **Grove**, Michael, CASBO Vice President
7. **Hammersley**, Lisa, Executive Director of the School State Finance Project
8. **Helene**, Karen, Director of BenHaven School - Representing CAPSA
9. **Klimkiewicz**, Bryan, CSDE Special Education Division Director
10. **Lussier**, Jennifer, Representing the CT Parent Advocacy Center
11. **McCarthy**, Patrice, CABA Executive Director & General Counsel
12. **Meyer**, Kathryn, Attorney at the Center for Children's Advocacy & Director of the Medical-Legal Partnership at Yale Child Study Center
13. **Rabinowitz**, Fran, Executive Director of CAPSS & Co-Chair of Task Force
14. **Tartaglia**, Heather, Chief Program Officer @ CREC - Representing RESC Alliance
15. **Turner**, Aimee, Assistant Superintendent in Wallingford and President of ConnCASE
16. **Wanzer**, Stephanie, Special Education Teacher at CES, Representing CEA
17. **Yankee**, Susan, Chair of the CT State Advisory Council for Special Education

1. Continuation of Review of Findings Beginning With Attorney Feinstein's Draft of Findings

5. Approved Private Special Education Placements

- i. Bryan Klimkiewicz – it seemed as though there wasn't a great need for a model contract. He isn't opposed to helping to collaborate with the LEAs and CAPSA to generate something. There has been a lot of progress made in the last few years around the contract itself.

- ii. Karen Helene – spoke to some members of CAPSA about this particular issue. Most approved privates that she spoke to have good contracts. Many have attorneys that work with them so that when they are working with the Board of Eds or LEA attorney it feels balanced. Some small privates don't have the funding for their own attorney and feel like a model contract as long as it is a model and not a required contract might help them feel like they are entering the game on a level playing field.
- iii. Aimee Turner – Agrees that the privates post what their rates are. It depends on the individual student's needs. Maybe that is where the perception is. She has always known what the rates are before they start.
- iv. Heather Tartaglia – would have cautioned about a statewide approach because costs by county could be drastically different.
- v. Fran Rabinowitz – every student is different and every student's needs are different. It should be the responsibility of the district and the private commodity to work that out for every individual student. Stating a specific price for a specific category objectifies it too much. If there is a case where the district feels that they're overcharged, the State Department of Education has to become involved to deal with it.
- vi. Aimee Turner – is there a way to make it easier for districts to navigate tuition increases? It is very hard to budget for increases that are sent after budgets have been set.
- vii. Karen Helene – privates don't learn their health insurance rates until January. We need to think more about this. Suggest modifying that statement –
- viii. Alicia Bowman – the value of having a model contract may help with the structure and pricing of contracts. It allows the creation of some consistency, structure, and formality.
- ix. Fran – when you are entering into an agreement with a private entity do you have contracts that you work on? Is your attorney with you on that contract?
- x. Michael Grove – Consistency would be valuable.
- xi. Alicia Bowman – Having a model contract creates clarity and consistency and would be valuable for both parties.

6. A. Special Education and Minimum Budget Requirement (MBR)

- i. Lisa Hammersley – Not prepared to lead on the conversation but just did a Google search on the exceptions that are currently in statute with regards to MBR. Lisa does not see the exception that Bryan is referring to concerning if a student graduates or if they move out of state and they're therefore treated differently with regard to the MBR. Lisa would need more clarification from Bryan.
- ii. Andy asked Lisa if for a homework assignment, she and Bryan could take a look at that. If you have a student with a \$200,000 placement and he leaves your district, that probably should have an impact on your MBR.

- iii. Lisa Hammersley's organization did an FAQ on the MBR which lists the exception currently under the statute but she doesn't see one for students who leave the district.
- iv. Patrice McCarthy – when the student comes into a district the money doesn't immediately come into the district. We have to make sure that we are dealing with both sides of this issue.
- v. Susan Yankee - Who is this recommendation for? What is the greater good? It was not a recommendation of the funding subcommittee and she is hearing a lot of negatives.
- vi. Aimee Turner – this would benefit the municipality, not the school district.
- vii. It is the consensus of the task force to eliminate Section 6 altogether.

6. B. Eligibility

- i. Kathryn Meyer – We are constantly hearing of overidentification and numbers are going up. Taking part in the comparison of the states around us which are comparable or even lower. Part of this seems like a defensive posture. Kathryn doesn't hear about any structured intervention. They are trying to make the parents prove that the students need special education services. Kathryn does feel it is important to say RTI is an important piece of the whole picture. But she doesn't feel we need to say in response to there is too many kids in special ed.
- ii. Fran feels very strongly about this. It isn't so much the numbers or the increase. Fran wonders why we are increasing the numbers we have. The main area of contention – if we are increasing those numbers, how are we taking care of those students in special education? The achievement gap is growing exponentially. What kinds of standards do we have for students in special education? What kind of expectations do we have for those students in terms of achieving?
- iii. Fran goes back to her experience in Bridgeport and asks who does Tier 1, Tier 2, and Tier 3 and the answer is the classroom teacher. There were no interventionists, no reading interventions, etc. Do interventions exist in the most needed districts?
- iv. Do we have a robust intervention system in place so that the classroom teacher doesn't jump from the classroom to special education?
- v. Kathryn Meyer – it is a quality-of-service issue. In terms of RTI – it is seen as optional. We need to make a stronger statement. It is not negotiable.
- vi. Kathryn Meyer – it shouldn't be in the eligibility section.
- vii. Fran – RTI is not just regular education. It was put together with both regular education and special education.

- viii. Sally Drew – there is an issue with the continuum of support. The research clearly shows that there is a direct link between evidence-based interventions and special education eligibility. Working with many districts with our teacher candidates, the problem is it is different everywhere you go. Whatever we teach in terms of teacher prep, then gets translated into very different programs. The issue is that there should be collaboration between special educators and general educators. There should be database decision-making. Some districts are still using it for eligibility criteria. We have missed the picture of this tight collaboration and specification of those continuum of supports and what a family can expect, what a student can expect, and what we are preparing teachers to be able to do in terms of expertly designed instruction. What does it look like in a special education classroom? We are getting more and more research that tiered interventions are actually doing better than special education.
- ix. Alicia Bowman – would agree with the idea of progression. There is research to show the impact of a highly effective intervention on student growth for all students.
- x. Fran would like to envision special education in a continuum of support.
- xi. Michael Grove – If we don't have RTI the students could just go to special education. By not having this or saying that people could get identified just because they need support.
- xii. Kathryn Meyer – the continuum is not linear. We need to be careful with our language.
- xiii. Andrew Feinstein – one of the charges of the task force had to do with eligibility and the number unmistakably going up. He feels we need to comment on the increase in eligibility numbers.
- xiv. Aimee Turner – not allowed to stop the special education knowledgeable process because of lack of SRBI.
- xv. Fran Rabinowitz – do you have any concern about the numbers rising from 11 to 17%?
- xvi. Amy Turner – We are not overidentifying kids who don't qualify. For some reason, the students are just needier. There are a lot of students who have missed the basics and were never able to catch up. It is concerning but we are not overidentifying. It is hard to make a global comment – it is dangerous.
- xvii. Sally Drew – There is a direct link. That is where the MTSS piece comes in what is linking academics, social, and emotional, ADHD, etc.
- xviii. Kathryn Meyer - Chronic absentee numbers are insanely high.
- xix. Aimee Turner – Chronic absentee numbers are starting in pre-school. It is something that schools are struggling with.
- xx. Fran Rabinowitz – Schools are just mirror images of the community. The numbers are increasing. We are still not addressing the fact that the achievement gap is growing exponentially. Every child that is in special education should not be relegated to achieving less

- xxi. Alicia Bowman – establish criteria – criteria leads to creating a vision of what we hope it to look like and then you can use that to assess it.
- xxii. Kathryn Meyer – they have criteria – they have volumes of what it is supposed to look like.
- xxiii. Sally Drew – feels we need to clarify (MTSS, RTI, and SRBI) because what she is seeing across the districts is the move to MTSS where RTI is part of that but sometimes it is confusing to everyone. We need to clarify that and then create the criteria.
- xxiv. Andy Feinstein asked Sally Drew to put some language together on that.
- xxv. Alicia Bowman - High-quality Tier I instruction that benefits all students.
- xxvi. Jason Adler – We barely have enough PD time as it is. He is curious as to where we think will be brought in. Will it be in educational programs as they are training to be teachers or are we expecting this to be another mandate that we will have to fulfill during our again scarce professional development time?
- xxvii. Andrew Feinstein asked Sally Drew if there is a deficit in the future preparation of issues of UDL or culturally responsive teaching.
- xxviii. Sally Drew – we speak about it and connect culturally responsive teaching to universal design for learning. We do see it kind of being a drop-off in the field when our candidates go out and work with specialized teachers that they're not as familiar with it. It was specifically named in ESSA – it was named as a way to address this continuum of support, but she understands the tension with all the professional learning that is coming at districts. If you understand UDL you can understand how it fits with all the other pieces but it would need to be cohesive and connected.
- xxix. Alicia Bowman – Providing professional learning opportunities – not a mandate but maybe say best practice. It is foundationally and it does benefit all. Fran asked Alicia to provide wording on this.

RECOMMENDATION: The Task Force recommends legislation be enacted to gradually reduce maximum class size and to provide funding to school districts to be able to achieve the goal.

- i. If you mandate this, is it something that the town/city can do?
- ii. Aimee Turner – we don't have finances, teachers, or space for this.
- iii. Fran Rabinowitz – finances, teachers, and space are issues but Fran feels that these must be addressed especially in the early grades. There are a lot of barriers but policymakers need to know how important this is.
- iv. Jason Adler – has a reservation about making recommendations that we can't fix.
- v. Karen Helene's understanding was that the report was going to be findings and not recommendations. Maybe we need to just focus on the findings.
- vi. Alicia Bowman – can't our findings leave the door open on a lot of these items for later recommendations?
- vii. Fran would want the legislature to know that class size matters.

- viii. Lisa Hammersley – data is limited concerning class size.
- ix. The legislature is going to want to know what other states' class sizes are etc.
- x. Fran - It also matters that you have an effective teacher in the classroom.
- xi. Lisa Hammersley – In the interim, her organization did a review of actual class sizes, but that was probably about five (5) years ago. She could ask her team to see if there is any updated research, or academic research that we know or look at. The data is limited on class sizes across the state, which is how districts report up to the State Department of Education. Lisa will ask her data team to see if they can get any numbers and local district information.
- xii. Susan Yankee – Legislators are going to want to know what other state's class size numbers are.

Recommendation: The Task Force recommends that C.G.S. be amended to permit the use of the Developmental Delay exceptionally through age 7.

- i. Bryan – Going back to the discussion that they had there were pros and cons. There is flexibility. The Federal Government allows that category of developmental disability from the age of 6 to change at the age of 6 through the age of 9. We are within our perimeters as long as we come to an agreement. We have had some really great conversations with ConnCASE over the years on the pros and cons of doing that. The task force didn't get into lengthy discussion on this but I know the subcommittee has been working diligently on that.
- ii. At the State Department, they would need time to adjust our federal reporting. We have pretty robust systems in place right now for monitoring and oversight of that provision. We would need to work in concert and coordination with our parents, families, and school districts.
- iii. Aimee Turner - The subcommittee feels it is appropriate to move it up for those students that there isn't that identified visibility by age 6.
- iv. Kathryn Meyer is not in favor of this one because of the way she sees this play out. If you want to keep a child eligible there are other ways you can do that.
- v. Bryan - The disability category is an entryway into services, it shouldn't drive programming. Bryan doesn't view developmental delay as a gray area for students. He sees it as an entryway into accessing the needed individualized support and services for students. Whenever that transition happens, teams have to be prepared to adjust. We don't see, from a state level, students being exited and then being re-identified. He isn't saying it doesn't happen, he just hasn't seen that as a persistent issue in the state.
- vi. Aimee Turner has data that she can share. She feels very strongly that this will benefit students. You need to have a good two (2) years of solid instruction for us to say whether or not you can have the ability to learn. We should not be developing a program based on a label.
- vii. Where are we on revising the autism guidelines? We haven't started. It is on our list of recommendations. We are just in the initial stages of reviewing that.

- viii. Jennifer Lussier – Agrees with Kathryn that they hear the same things at CPAC. It is a constant problem when a child clearly is on the spectrum and it is not identified because they can keep them in developmental delay. If the group is talking about extending the developmental disability age she would like to do some other things also such as updating the autism guidelines, providing training to districts, etc.
- ix. Revising the Autism Guidelines is on the list of recommendations we have looked at and now the importance of updating eligibility guidelines. But we are just in the initial stages of reviewing that.
- x. Andrew Feinstein – we are going to need an additional meeting before our February 1st revised deadline. At this point Andy is going to leave the recommendation the way it is subject to further discussion.

January 23rd next meeting – 9:00 AM – 1:00 PM – CAPSS will provide lunch