

SPECIAL EDUCATION EQUITY FOR KIDS (SEEK)  
LEGISLATIVE AGENDA 2024  
JANUARY 17, 2024

**Parental Observations**

Currently, many Connecticut school districts significantly restrict or prohibit parents and/or private providers working with the child from observing the child at school and/or observing proposed programs for the child, making it impossible for parents to participate as equal members of their child's PPT. SEEK requests that the Legislature pass legislation paralleling the Massachusetts observation law, which provides that "a school committee shall, upon request by a parent, provide timely access to parents and parent-designated independent evaluators and educational consultants for observations of a child's current program and of any program proposed for the child, including both academic and non-academic components of any such program. Parents and their designees shall be afforded access of sufficient duration and extent to enable them to evaluate a child's performance in a current program and the ability of a proposed program to enable such child to make effective progress. School committees shall impose no conditions or restrictions on such observations except those necessary to ensure the safety of children in a program or the integrity of the program while under observation or to protect children in the program from disclosure by an observer of (written) confidential and personally identifiable information in the event such information is obtained in the course of an observation by a parent or a designee." Mass. Gen. Laws, Title XII, Chapter 71B, Section 3.

**Independent Educational Evaluations**

Current federal regulations provide for independent educational evaluations (IEEs) at the expense of the school district when a parent disagrees with the evaluation conducted by the district. The district can challenge the claim by demonstrating that its evaluation was appropriate or that the independent evaluator does not meet the generally applicable requirements that the district has for outside evaluators. Often, the only way a parent can effectively challenge the program and placement of their child is with an expert opinion that the IEP offered by the district is not appropriate. For parents of limited means, the IEE is the only means available to be able to afford an outside expert and secure an appropriate education for their child. If the Supreme Court overturns or severely limits the *Chevron* doctrine, as appears likely, the right to an IEE could be in serious danger. Therefore, SEEK requests the Legislature to codify the right to an IEE in state statute.

**Restraint and Seclusion**

SEEK believes the current restraint and seclusion law needs to be tightened in three regards:

First, schools should be required to ensure that a student is able to communicate in the student's preferred mode of communication when they are subjected to a restraint or a seclusion. For students who are nonverbal or have serious speech issues or impaired hearing, the student should have the same access to assistive technology that the student has throughout the school day. For

a student who is not an English speaker, the student needs to be able to communicate in his/her language of choice. This is essential because students in restraint or seclusion often have physical needs they need to communicate to the adult who is present.

Second, schools should be required to notify parents on the same day that their child is restrained or secluded. The parent needs the information to be able to work with the child, when the child comes home from school, on the behavior that led to the restraint or seclusion.

Third, parents should be provided with a mechanism to raise complaints about a restraint or seclusion with school administration. The mechanism created under the new anti-bullying legislation, where there is a form available and time limits for school administrators to reply to parent concerns, should serve as a model for the restraint and seclusion complaint mechanism.

### **Special Education Funding**

Each state has a different way of funding special education. Connecticut is among only 3 states that uses a high-cost service model under which the only direct funding for special education is an excess cost grant for special education placements and programs that cost more than 4.5 times the average per pupil cost in the district. In 2022, the Legislature created a tiered model which provided a higher percentage of reimbursement for more underfunded districts. Funding for special education services within the school district comes fundamentally from the Education Cost Sharing grant, which is not based on the number of special education students. The current system creates an incentive for very high-cost placements but does little to encourage high quality education for most students with disabilities, who are educated in district. Specifically, SEEK asks that a 25% weight be added to the Education Cost-Sharing Formula based on the number of students with IEPs in a district to provide additional money to districts based on their special education student load. The cost of this weight is estimated to be \$75 million.

### **Right to Read**

CSDE's implementation of the Right to Read legislation has led to a serious backlash against the mandating of the use of certain commercial curricula. SEEK wants to ensure that the Science of Reading is the basis for all pre-K to grade 3 reading instruction in the state. We will work to maintain existing legislation that makes teaching based on the Science of Reading a curricular requirement and a fundamental part of the educational interest of the State. Further, SEEK asks for additional funding for the teaching of teachers in the Science of Reading.

### **Mental Health**

Legislation needs to be enacted to make it clear that the social, emotional, behavioral, and mental health of students is fundamental to the educational interest of the State.

### **Staffing**

Special education in Connecticut has been particularly hard hit by staffing shortages. The shortage of special education teachers is serious; the shortage of paraprofessionals is dire. The

most direct action that the Legislature can take is to provide an across the board pay increase, funded by the State, for paraprofessionals. Further, grant money should be made available to districts with a serious shortage of special education teachers.

Beyond money, however, other actions are required, including

- Requiring the State Department of Education to design and oversee implementation of a system to limit the case loads of special education teachers.
- Establishing a training program to certify certain paraprofessionals to assume a substantial portion of the paperwork burden now placed on special education teachers.
- Creating a curriculum leading to the certification of certain paraprofessionals who can assume a higher level of responsibility and receive a higher level of compensation.
- Establish a system of hazardous duty pay for certain special education teachers and paraprofessionals who work with highly dysregulated students who are likely to inflict physical injury on such staff.

### **Exclusionary Discipline**

In 2015, the Legislature passed a bill prohibiting the expulsion or out-of-school suspension of very young students (pre-K to Grade 2) except in cases in which the conduct was of a “violent or sexual nature that endangers persons.” This exception is developmentally inappropriate and imposes an adult standard of intent on very young children. The Legislature, in P.A. 21-174, created “a committee for the purpose of studying the effects of and possible alternatives to suspensions and expulsions of students in any grade.” In 2021, the committee recommended certain changes to the Juvenile Justice Policy and Oversight Committee (JJPOC), which the JJPOC failed to act upon. The committee returned to work in 2022 and has a series of recommendations now pending. SEEK will work with the Center for Children’s Advocacy to eliminate the exception to the ban on exclusionary discipline for young students entirely. Instead, legislation should require and fund a system of educational services, social/emotional support and social skills training for students currently subjected to exclusionary discipline.