

Report on Select Committee on Special Education Meeting  
April 29, 2025

The Select Committee on Special Education met on Tuesday. The meeting was scheduled for 1 pm, but the Democrats decided to caucus. The caucus lasted until 4:54, when the Committee finally convened. Reports from the caucus were that it was tense and emotional, centered largely around the changes to the due process hearings contained in sections 41-43 and in section 1(12). The agreement reached was that an amendment would be offered and voted upon to delete those sections.

The Committee considered a substitute (LCO 7533 for Bill No. 7277; LCO 7532 for Bill No. 1561) that made the following modest changes in the bill:

1. It removed any deadline for the implementation of the new rate schedule for private providers, purportedly to provide ample time for a rate schedule to be responsibly developed.
2. Added the Office of the Child Advocate (OCA) to the agencies working on developing the rate schedule. The idea is that the Office of Policy and Management (OPM) would represent interest in fiscal control, the Connecticut State Department of Education (CSDE) would represent the interests of school districts and school board, and OCA would represent the interests of parents and students.
3. Made clear that the rate schedule would create a system whereby a price is placed on the individual student's IEP, utilizing set rates for each type of service contained in the IEP.
4. Struck section 32, prohibiting the approval of any new private providers until July 1, 2027.

Senator Gadkar-Wilcox made it clear, in her opening remarks, that these changes were to make it clear to those who testified that the Committee heard them. She stressed that the bill was a work in progress and this version was far from the final version. She said that, in light of the mounting costs, special education in its current form is not sustainable for many districts. She said her goal was accountability and transparency.

Chairwoman Khan was clearly irritated by the activities of the advocates (us), calling our language "dishonest". She said the bill did nothing to shut down any programs, the bill did nothing to remove any child from a program. She repeated that the language in the bill was not final.

Ranking Republican Tina Courpas spoke about her goals of increased accountability of private providers and the need to fully fund special education. She listed reservations in the areas of:

- Rate setting – Timeline, lack of information, awareness of consequences
- Agency Buy In – The agencies tasked with responsibilities (CSDE, OPM, DOT, OCA) have not indicated their support.
- Burden of Proof
- Administrative Burden
- Accountability for outcomes

In general discussion, which lasted two and a half hours, the following comments were made:

Rep. Welander raised concerns about OCA being overtaxed.

Sen. Gadkar-Wilcox spoke about other proposals for rate setting, including having it done by a task force, and not by agencies.

Rep. Bolinsky raised concerns about accountability. He said CSDE has refused to take responsibility. He cited the Dyslexia office as an example. He said 1/3 of the bill is good; the rest needs a lot of work.

Rep. Rader talked about how last year's mental health bill had added experts in disability to OPM.

Sen. Gadkar-Wilcox talked about the new office of Ombudsperson created by the bill. She said it would help parents and help teachers navigate the system. She asserted it would reduce lawsuits in the future.

Rep. Nuccio said that Committee bit off more than it could chew. Giving more money is not the answer. She also said too much of the education focus had been on the cities and that the small towns in her district were not getting the support they needed.

Rep. Zupkus said she had questions on every section. She raised seven concerns: (1) she believes money should follow the child when a child is outplaced to a charter or magnet school; (2) rates should be set for services, not based on the IEP, (3) she wanted to know what was being done about transportation costs, (4) paperwork is out of control, (5) she was confused about how evaluation and eligibility worked, (6) she wanted to know how big the Ombudsperson office had to be to carry out its functions; and (7) she was concerned about the lack of agency buy-in. She said the bill was too fluid for her to support.

Rep. Courpas spoke about the administrative burden both on parents and teachers. Adding an administrative person is not the answer, fixing the process is. She was concerned about students stuck at home and the fact that homebound services were often missed. It is wrong that parents need to fight for special education services. She wants the state to have measurements of outcomes.

Sen. Osten said concerns about affordability were unacceptable. Students deserve these services. The burden of proof should not be placed on parents.

Senator Gadkar-Wilcox then brought up an amendment to strike sections 41-43, and section 1(12) and provide for a six-month study by the Commission of Education into the due process system. Senator Kissel moved the amendment, seconded by Senator Osten. Osten spoke in favor of the amendment, as did Senator Kissel, who mentioned his disgust at Non-Disclosure Agreements. After Chairwoman Khan said the shift in the burden of proof only applied to unilateral placement cases, Osten said it was a slippery slope. Senator Slap, quoting Sarah Eagan, also spoke in favor. Rep. Zupkus raised concerns about another study. Rep. Welander spoke against the amendment, saying it was a beast of a bill, and she was not prepared to take out three sections in favor of a study. Rep. Bolinsky said that the implications were serious, but he was worried about CSDE conducting a student. Rep. Rader said it was premature to strike these sections of the bill. Chairwoman Khan ended the debate opposing the amendment. She said that unilateral placements did not have to provide special education services. She said a parent could unilaterally place to the Loomis-Chafee school. That is the reason for non-disclosure

agreements. The taxpayer should not have to pay for such placements. She said the purpose was to make unilateral placements harder.

On the amendment, voting in favor were:

Senator Gadkar-Wilcox  
Rep. Courpas  
Senator Kissel  
Senator Osten  
Senator Berthel  
Senator Slap

Voting against were:

Chairwoman Khan  
Rep. Poulos  
Rep. Bolinsky  
Rep. Susan Johnson  
Rep. Nuccio  
Rep. Rader  
Rep. Welander  
Rep. Zupkus  
Rep. Santiago.

So, the amendment failed 6-9.

The vote on favorably reporting the bill passed 8-7, with Senator Berthel, Rep. Courpas, Rep. Bolinsky, Senator Osten, Rep. Nuccio, Rep. Zupkus, and Senator Slap voting no.

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### Commentary

1. Had we known in advance of the amendment, I am fairly sure we could have turned around another one or two votes. Still, the narrow vote in the committee, both on the amendment and on reporting the bill, make it clear that the entire bill will be rewritten before it goes to the floor. Note that every Senator voted to strip the due process language, meaning that the bill out of the Senate will not contain the language. But we need to keep up the pressure.
2. Both Chairwoman Khan and Rep. Rader revealed real anger at us. They do not like being accused of undermining the rights of students with disabilities. I think we need to be very careful in not attacking their motives, while continuing to point out the impact of the proposed legislation.
3. The bill now goes to the Education Committee for 7 calendar days. The scuttlebutt we are hearing is that the Education Committee is not going to rewrite the bill, leaving it to the Leadership to do so before it goes to the floor. After Education, the

bill goes to the floor, which will then refer it to Appropriations because it will contain a whopper of a fiscal note.

4. We have a powerful ally in Senator Osten. She is chair of Appropriations, to which this bill will be referred.
5. **BOTTOM LINE:** A lot will happen over the next five weeks. We need to keep up the pressure. Everyone needs to meet with their own Representative and Senator to go over our concerns.