

Testimony of Special Education Equity for Kids in Connecticut (SEEK)
To Committee on Education
March 12, 2025

Senator McCrory, Chairwoman Leeper, Senator Berthel, and Representative Zupkus,

We are pleased to be able to present testimony to you today. This document is our comprehensive statement, which would take far longer than the allotted three minutes to read. Rather, each of the four members of the SEEK Legislative Committee – Andrew Feinstein, John Flanders, Naomi Nova, and Stacey Tie – will focus on an area of especial interest. We look forward to working with the Committee to develop legislative proposals that will protect and enhance the rights and the quality of education for students with disabilities in Connecticut.

SEEK is a statewide organization of parents, providers, advocates and attorneys focused on protecting and expanding the rights of and the quality of education for students with disabilities in Connecticut. We advocate before the Legislature and the Executive Branch, we produce webinars, we hold a large annual conference, and we provide a clearinghouse for parents.

H. B. 5001 is a shell to be filled in with needed reforms to Connecticut's special education system. High costs are not the only problem in need of action and full excess cost reimbursement is not the solution. Indeed, if the budget agreement provides for an additional \$40 million, \$100 million, or \$400 million to be spent to support our grossly underfunded special education system, SEEK does not believe that money should go to excess cost reimbursement.

Instead, the money should go to support special education services to the 96% of special education students who are educated in district. We can do this by (a) adding a special education weight to the ECS formula; (b) providing differential pay to attract and retain special education teachers, related service professionals and paraeducators; (c) creating and funding a ROTC-style program to bring more special educators into the field; and (d) funding the development of in-district programs to educate some of the students now outplaced.

In the short term, the Legislature was right to add \$40 million to excess cost reimbursement in the current year because municipalities had fixed budgets based on the State's promise of full reimbursement. Going forward, however, excess cost reimbursement drains money from needed services in district. Further, excess cost dollars do not go to the districts most in need of support. They do not reduce the gross inequity in school funding in Connecticut.

Beyond money, there are a number of reforms this Committee should consider when populating H.B. 5001. They are:

Transportation -- The cost of transportation to out-of-district placements is very high. CSDE should be tasked with creating a digital clearinghouse to permit districts to share rides and their transportation costs. Further, CSDE should be required to study the basis for the high cost of transportation and explore whether having the state assume liability costs would substantially reduce costs.

Cameras in self-contained classrooms and time-out rooms – Severely disabled students, many of them non-verbal spend their school days in self-contained classrooms. When a student comes home with a bruise, parents are wont to blame the school staff. Cameras and video will ensure that teachers are protected from false accusations and can provide a strong training device.

Guaranteed observations – Parents are partners in the educational planning process for students with disabilities. To be effective partners, they need to know what is going on in the classroom, either from their own observation or from the observation of their expert. Most districts permit observation; others do not. We seek guaranteed minimum observation rights.

Same day notification of restraints – When students suffer restraints at school, their parents need to know immediately so they can deal with whatever trauma the student has suffered when the student comes home from school.

Redefine and ban seclusion – Seclusion is defined as locking a student in a room, with or without an adult present, and is only permitted in dangerous situations. Seclusion serves no educational purpose and should be banned, except where a trained mental health professional is physically in the room and working with the student.

Develop evidence-based practice model for alternatives to restraint and seclusion – Aversives, like restraint and seclusion, are used because educators often know of no viable alternative. There are alternatives available. CSDE should be tasked to provide guidance and training on how to avoid using restraint and seclusion.

No exclusionary discipline for K-3 -- Despite legislation restricting its availability, students in the lower grades continue to be suspended out-of-school or expelled for behavior. This practice results in many of these students becoming alienated from the educational process. It is time to forbid out-of-school suspension or expulsion for young students altogether.

Stronger CSDE Enforcement – Despite an annual certification to the federal government that districts are complying with the requirements of the IDEA, the Connecticut State Department of Education (CSDE) conducts only cursory monitoring and little enforcement. The Legislature needs to give CSDE the resources and the mandate to enforce the law. The suggestion to add a Special Education Ombudsman can be an effective step in this process allowing independent eyes reviewing the situation of families who do not have the resources to use the defined dispute resolution mechanisms

Monitoring of out-of-district placements, including RESCs – There is no doubt that the cost of Approved Private Special Education Programs (APSEPs) and Regional Education Service Center (RESC) programs have skyrocketed in the last few years. Yet, neither CSDE nor local school districts regularly monitor whether services are being provided as stipulated by the student's IEP, whether the services are of high quality, and whether the cost is justified. We seek legislation requiring periodic on-site visits as well as inquiries into the costs charged.

IEEs for low-income students – The special education system is based on evaluations. A parent can only challenge the appropriateness of a school program through an evaluation. The regulations allow for an Independent Education Evaluation (IEE) at public expense, but districts fight against providing them. We propose that IEEs be automatically available to students on free or reduced lunch. So we do not impose a financial burden on the poorest district, the cost of these evaluations should be covered by the state.

CT-SEDS – Two years ago, CSDE implemented a new IEP form and software system. While the new form has improved features, it imposes a substantial burden on special educators to complete. Further, the software is rigid, resulting in districts frustrating student rights, especially in the case of unilateral parental placements. The Select Committee needs to look into this.

Study of growing achievement gap – Special education consumes an average of 25% of local school budgets to provide extra support to students with disabilities. Yet, in spite of 50 years of these expenditures, the achievement gap between students with disabilities and those without has not shrunk. Why is this and what can be done? The Legislature should commission the Neag School at UCONN to address this issue.

Medicaid reimbursement for related services – School districts can bill Husky (Medicaid) for certain related special education services, with parental consent. Connecticut has some of the lowest utilization of Medicaid reimbursement for special education services in the country. Under current law, districts get 25 cents on the dollar for what they bill and the cost of doing the billing is high. We propose raising the reimbursement proportion to districts by reducing the 25% that goes to the Department of Social Services.

More school-based health centers – School-based health centers provide medical and psychological services at some 300 schools across the state, often reducing the need for special education services. Those that are operating need financial support from the state. Funds also need to be provided to open more and to assist existing centers in covering costs.

End to rigid 70 IQ cut off for adult ID services -- The Department of Developmental Services (DDS) has a rigid cut-off for eligibility of adult services at a tested IQ of 70 before age 18. This cut-off is not scientifically based and has nothing to do with the ability of the young adult to live and work independently. A person-centered evaluation approach should be used instead.

Ban on NDA in settlement agreements -- School districts enter into settlement agreements for parental unilateral placements, usually involving some form of cost sharing. Districts insist on non-disclosure and confidentiality agreements as part of these agreements to hide the fact that they are sharing in the tuition cost of certain students. Yet, this is public money and the public has a right to know.

Structured literacy requirement in teacher training – The Legislature has mandated that the science of reading be used in all schools. Yet, many teachers are not trained in how to implement a structure literacy program. Teacher training programs should require such a course.

Limits on number of shelter-in-place drills – In the wake of the rash of school shootings, schools have begun implementing shelter-in-place drills. Yet, these drills can be traumatizing on many students, particularly those with disabilities. So, drills involving students should be limited to one per year.

SEEK pledges to work with this Committee. This Committee has always worked in a bi-partisan manner for the benefit of the children of Connecticut. We are pleased to report that, on most of the issues at play this year, all the special education stakeholders – parents, teachers, superintendents, private providers – are generally in agreement. The headline is that special education is grossly underfunded. The Governor’s proposal to add \$40 million to excess cost funding in the second year of the biennial budget does little to address the gaping budget shortfall now. Although decisions about overall budget levels and the fate of the guardrails rest with others, we urge this Committee to speak loudly and clearly about the need for substantially greater state resources for education in general and special education in particular.

Thank you.