

## Legislative History for Connecticut Act

### PA 19-184

#### HB7353

|       |           |    |
|-------|-----------|----|
| House | 5814-5846 | 33 |
|-------|-----------|----|

|        |           |    |
|--------|-----------|----|
| Senate | 4362-4372 | 11 |
|--------|-----------|----|

|           |  |     |
|-----------|--|-----|
| Education |  | 298 |
|-----------|--|-----|

4563-4576, 4578-4576, 4579, 4587-4588, 4596- 4597, 4605-4606, 4610-4613, 4641-4646, 4669-4672, 4676-4720, 4725-4737, 4746-4747, 4750-4752, 4754-4762, 4766-4774, 4776-4781, 4788-4800, 4901, 4913-4915, 4924-4925, 4931, 5016-5168

**342**

Transcripts from the Joint Standing Committee Public Hearing(s)  
and/or Senate and House of Representatives Proceedings

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Connecticut  
Gen.Assembly  
House

Proceedings  
2019

Vol. 62  
Part 7  
5325-6250

Have all members voted? Have all members voted? Will the members please check the board to determine if your vote is properly cast. If all members have voted, the machine will be locked and the Clerk will take a tally.

The Clerk will please announce the tally.

CLERK:

House Bill No. 7063

|                       |     |
|-----------------------|-----|
| Total Number Voting   | 143 |
| Necessary for Passage | 72  |
| Those voting Yea      | 143 |
| Those voting Nay      | 0   |
| Absent not voting     | 8   |

DEPUTY SPEAKER HENNESSY (127TH):

The Bill passes [Gavel]. Will the Clerk please call Calendar No. 377.

CLERK:

On Page 24, Calendar 377 Substitute House Bill No. 7353 AN ACT CONCERNING THE PROVISION OF SPECIAL EDUCATION. Favorable Report of the Joint Standing Committee on Education.

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DEPUTY SPEAKER HENNESSY (127TH):

Representative Sanchez.

REP. SANCHEZ (25TH):

Thank you, Mr. Speaker. Mr. Speaker, I move for Acceptance of the Joint Committee's Favorable Report and Passage of the Bill.

DEPUTY SPEAKER HENNESSY (127TH):

The Question is Acceptance of the Joint Committee's Favorable Report and Passage of the Bill. Representative Sanchez, you have the floor.

REP. SANCHEZ (25TH):

Thank you, Mr. Speaker. Mr. Speaker this Bill makes changes to the Education Statutes related to special education. I would like to thank my Ranking Member, Representative McCarty for the work that she has done on this Bill along with me to make it. The Bill is not a mandate and will not have a fiscal note. Mr. Speaker, the Clerk has an Amendment No. 9561. I would ask the Clerk to please call the Amendment and that I be granted leave of the Chamber to summarize.

DEPUTY SPEAKER HENNESSY (127TH):

Will the Clerk please call LCO No. 9561 which will be designated House Amendment Schedule "A".

CLERK:

House Amendment Schedule "A" LCO No. 9561  
offered by Representative Sanchez, Representative Currey, et al.

DEPUTY SPEAKER HENNESSY (127TH):

Representative seeks leave of the Chamber to summarize the Amendment. Is there objection to summarization? Is there objection? Hearing none, Representative Sanchez you may proceed with summarization.

REP. SANCHEZ (25TH):

Mr. Speaker the Amendment removes section 1 of the Bill, it amends section 2, it amends section 3. It removes section 7 and also amends section 9 of the Bill and that is basically what it does, Mr. Speaker. I move for adoption.

DEPUTY SPEAKER HENNESSY (127TH):

The Question before the Chamber is adoption of

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House Amendment Schedule "A". Will you remark on the Amendment? Representative McCarty.

REP. MC CARTY (38TH):

Thank you, Mr. Speaker.

I rise to support the Amendment in front of us although I would like to make a comment if I may, Mr. Speaker.

DEPUTY SPEAKER HENNESSY (127TH):

Please proceed, ma'am.

REP. MC CARTY (38TH):

The first section of Bill, we put in an awful lot of work into that because we discovered that the Tech/Ed schools found and were using a Statute that allowed them to send children that may have been able to be placed at the Tech Ed school but they were returned to the district and we had lengthy discussions over that and it is on good word that the Chair of the Education Committee, the Department of Education and the Tech Ed schools, the children's center and all those who were involved in studying that Statute so that the ultimate objective is to

provide the best quality of education that we can for all of our students and particularly our special Ed students that want to attend Tech Ed schools so while we are going to keep that statute in place with this Amendment I do want to support it because there are other very good parts to this Amendment and I trust our Education Chair and those individuals I mentioned that were going to voluntarily work on that part of the statute this summer. So thank you for those comments and if I may, just continue with the Amendment?

DEPUTY SPEAKER HENNESSY (127TH):

Please proceed, ma'am.

REP. MC CARTY (38TH):

Thank you. The Amendment also looks at section 2 that prohibits boards of education from disciplining or suspending or punishing employees that make recommendations at PPT meetings, is that correct?

Through you, Mr. Speaker.

DEPUTY SPEAKER HENNESSY (127TH):

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Representative Sanchez.

REP. SANCHEZ (25TH):

Through you, Mr. Speaker.

Yes, that's correct.

DEPUTY SPEAKER HENNESSY (127TH):

Representative McCarty.

REP. MC CARTY (38TH):

Thank you, Mr. Speaker. And in section 9 which I am very pleased, this section in the Amendment allows school boards to notify parents if they have a talented and gifted student and it is done electronically so there is no cost but we think this is an absolutely essential provision and something that will be very valuable to parents in the school district to help them. It will notify where they go to look for the specialist in the school district on talented and Gifted and to the State Department so that is another excellent part of the Amendment. And then section I think it is the close to the last section, 501 allows an advisory council that is located in the Department of Education the IEP



Advisory Council to study, to look at whether private therapists can enter into the public schools at payment by the individual looking for the service. Is that correct?

Through you, Mr. Speaker.

DEPUTY SPEAKER HENNESSY (127TH):

Representative Sanchez.

REP. SANCHEZ (25TH):

Through you, Mr. Speaker.

That is correct.

DEPUTY SPEAKER HENNESSY (127TH):

Representative McCarty.

REP. MC CARTY (38TH):

Thank you very much, Mr. Speaker. And then the final piece of the Amendment again a good provision and I want to recognize our state auditors for all of the work that they have done recently looking at our special ed private providers that work in contract with the local boards of education because this final piece of the Amendment looks at ways to find complaints, resolution and then whether or not

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the local district changes the programs due to that.

Is that correct?

Through you, Mr. Speaker.

DEPUTY SPEAKER HENNESSY (127TH):

Representative Sanchez.

REP. SANCHEZ (25TH):

Through you, Mr. Speaker.

That is correct.

DEPUTY SPEAKER HENNESSY (127TH):

Representative McCarty.

REP. MC CARTY (38TH):

Excuse me. Thank you very much. So I can say to the Chamber that this is an excellent Amendment to the Bill. All those provisions are necessary and will help our district. Thank you, Mr. Speaker.

DEPUTY SPEAKER HENNESSY (127TH):

Thank you, ma'am. Representative Lavielle of the 143rd. Ma'am, you have the floor.

REP. LAVIELLE (143RD):

Thank you very much, Mr. Speaker, good evening.

DEPUTY SPEAKER HENNESSY (127TH):

Good evening.

REP. LAVIELLE (143RD):

I rise briefly just to align my remarks with my ranking members on section 1 or the former section 1 concerning special education for students at the technical high schools. It is a very important area that we need to focus on because very often these students are extremely well suited to those activities and it provides them skills they can use for the rest of their lives and usefully too and give them a purpose. So I do think that it deserves all the work that can be put into it and I hope the working group that will be, hopefully convene this summer will give it the due time that it deserves and we will have another piece of legislation soon to look at and review. Thank you, Mr. Speaker.

DEPUTY SPEAKER HENNESSY (127TH):

Representative Kokoruda of the 101st District, you have the floor, ma'am.

REP. KOKORUDA (101ST):

Mr. Speaker I would like to ask you how I could

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lodge a complaint against Representative Candelora,  
he doesn't like my voice, he has been sabotaging  
[Laughter].

DEPUTY SPEAKER HENNESSY (127TH):

It's duly noted, ma'am.

REP. KOKORUDA (101ST):

Thank you. Mr. Speaker I just want to point something out. Obviously I know how hard the Education Leadership has worked on this Bill and this Amendment, but how disappointing I am and I hope we all pay attention and I certainly trust the leadership. Our kids that have IEP, that want to go to technical schools, I understand everybody can't, but many of us have had an opportunity to meet with our constituent or others had phone calls, Partner's in Policymaking group Saturday morning workshop, Representative McCarty and I were there two years ago and we met two mothers who told us their kids are in regular academic subjects doing nothing. They both had special education plans, high, high functioning, both boys can take an engine apart.

They are so interested in cars and anything to do with automotive but they are stuck in a public school taking, you know, a chemistry class that they will never use and frankly will never master. I have another constituent who has an incredible job at UTC. He lives in Durham. Joey Davenport and he was told he couldn't go to a technical school because we allow it with our laws. If a child has the ability to go to technical school we have to allow them. I'm not talking about a child that can't do the work, I understand that. But we have a lot of children that have special abilities but they are different and I just hope in the future, I hope next year we come through and everyone of those boys and girls get an equal opportunity. Our tech schools are our direct line to our community colleges and jobs. Let's get them there. So I hope we are standing here next year putting that Bill through, working with our local boards of education, working with our technical schools superintendent and getting our kids where they need to be to be

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successful. So thank you. Thank you, Mr. Speaker.

DEPUTY SPEAKER HENNESSY (127TH):

Thank you, ma'am. Representative Cook of the 65th District, you have the floor, ma'am.

REP. COOK (65TH):

Good evening, Mr. Speaker.

DEPUTY SPEAKER HENNESSY (127TH):

Good evening.

REP. COOK (65TH):

Mr. Speaker I rise in full support of this piece of legislation. I know that it does not solve all the problems that we are trying to solve and I know that we have incredible colleagues on both sides of the aisle that is been committed to working on this piece of legislation and moving forward and coming back next session to insure all students get the equal opportunity they need and deserve if in fact a Voc Tech school is the direction that they need to move or the desire to move into. When we heard from advocates from both sides of this issue we realized that trying to solve the problem in a

rush parameter could have caused problems as opposed to fixing and making the solution. So as we stand here together and I appreciate our colleagues on the other side of the aisle understanding and respecting their concerns and their desires and the advocates that I know are extremely concerned about what has been past practice, and respecting the intentions of the new Superintendent of our Tech Schools, the State Department of Education and our Chairs and Ranking Members in the Education Committee, I am fully confident to say that we will comeback to the table next session with the solution working on that during the summer and fall months. But I do want to stand in support. I want to thank all of our colleagues and make sure that the students that are watching recognizing that we do hear you and we are committed to insuring that you get the chances that you would like. Thank you, Mr. Speaker.

DEPUTY SPEAKER HENNESSY (127TH):

Will you remark further? Will you remark further on the Amendment before us. If not I will

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try your minds. All those in favor please signify  
by saying, aye.

REPRESENTATIVES:

Aye.

DEPUTY SPEAKER HENNESSY (127TH):

All those opposed, nay. The aye's have it.  
The Amendment is adopted [Gavel]. Will you remark  
further on the Bill as Amended? Representative  
McCarty. Representative Sanchez.

REP. SANCHEZ (25TH):

Mr. Speaker it is a good Bill and I hope it  
passes.

DEPUTY SPEAKER HENNESSY (127TH):

Will you remark further on the Bill as Amended?  
If not, Representative McCarty you have the floor,  
ma'am.

REP. MC CARTY (38TH):

Thank you very much, Mr. Speaker. I wanted the  
good Chairman to go first that is why I hesitated  
but I do have a few comments on the Bill itself if I  
may?



DEPUTY SPEAKER HENNESSY (127TH):

Please proceed, ma'am.

REP. MC CARTY (38TH):

Thank you. There is a very good section in this Bill that I would like to mention to the Chamber. It has to do with looking at our Birth to Three Program to Kindergarten. It puts in place a working group that will look at perhaps a gap in those years between the when a child finishes the birth to three program and going into kindergarten and we thought the best way to handle that was to put the working group together and a lot of professionals from the Office of Early Childhood, early care providers that will be on that working group so it is an excellent piece to the main Bill. There are also provisions in the main Bill that look at communication plans for our hard of hearing, deaf and blind children and that they are made in those plans that go with the school security plans so that those children are not overlooked in those plans are put in place. Is that correct?

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Through you, Mr. Speaker.

To the Chair?

DEPUTY SPEAKER HENNESSY (127TH):

Representative Sanchez.

REP. SANCHEZ (25TH):

Through you, Mr. Speaker.

That is correct.

DEPUTY SPEAKER HENNESSY (127TH):

Representative McCarty.

REP. MC CARTY (38TH):

Thank you, Mr. Speaker. And the last section, I would ask for some clarification to the good Chair dealing with the 504 Plans and interdistrict magnet schools, if you could just clarify that portion of the Bill.

Through you, Mr. Speaker.

DEPUTY SPEAKER HENNESSY (127TH):

Representative Sanchez.

REP. SANCHEZ (25TH):

Yes.

Through you, Mr. Speaker.

This language will resolve concerns that were raised by the Office of Civil Rights to clarify who is responsible for the associated cost of the services. And 504 Plans are different from the IEP, 504 is an accommodation for a child and some of those accommodations may be not permanent, they are accommodations that are a long period of accommodations, and it is my understanding that not, we don't really, FDE really doesn't make the count on 504 Plans, it really does a count on IEPs that the district does report but I hope that answers your question.

DEPUTY SPEAKER HENNESSY (127TH):

Representative McCarty.

REP. MC CARTY (38TH):

Pardon me, again. Yes it does very much so. My final comment is that this is a very good Bill, no mandate, no cost and I would encourage my colleagues to support the Bill and it's a pleasure working with the Chairman of Education. Thank you.

DEPUTY SPEAKER HENNESSY (127TH):

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Representative Abercrombie of the 83rd  
District.

REP. ABERCROMBIE (83RD):

Thank you, Mr. Speaker. Mr. Speaker I rise in support of this legislation. I just want to take the opportunity to thank the good Chair and everybody that worked on it and in particular the area around the deaf and hearing-impaired community. You know, we take for granted when we talk about kids with special needs of just being disabilities but we also have a population of blind and deaf community and we all thought all school districts had an exit plan if there was an emergency and come to find out we didn't. So this Bill addresses that. It also addresses some other areas that they had concerns and for that reason I will be supporting it and I urge my colleagues to also support it. Thank you, Mr. Speaker.

DEPUTY SPEAKER HENNESSY (127TH):

Representative Comey of the 102nd.

REP. COMEY (102ND):

Thank you very much, Mr. Speaker. I also would just wanted to add my support for this Bill especially regarding our study group that will look at the gaps of the Birth to Three Program and where we can provide some sort of continuity of services for children as they tend to age out of the program and my other point of support is also with my colleague, Representative Abercrombie and Representative McCarty on the support that we're going to provide keeping children who have hearing impairments and have different modes of communication and how they deal with how they are communicating not only to their classmates and their teachers and the administrators and making sure that we have everything that they need to feel safe and secure in their school days and that schools realize that they really do need to have a plan in place to alert them of what their best safety options are in case of such an emergency may come their way. So I encourage everybody to vote for this Bill and I am happy to lend my support. Thank you.

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DEPUTY SPEAKER HENNESSY (127TH):

Representative Kokoruda for the second time.

REP. KOKORUDA (101ST):

Thank you, Mr. Speaker. Just briefly I want to thank Representative Abercrombie and Representative Comey. This piece of the parts for the hard of hearing and the deaf, we put together a workforce a few years ago and we're actually taking the recommendations. That's great news. So I think the leaders of this Committee have done a great job with this piece of the Bill. This Committee works hard together and we can make a big difference so, thank you very much Representative Sanchez and Representative McCarty. Thank you.

DEPUTY SPEAKER HENNESSY (127TH):

Will you remark further on the Bill as Amended?  
Will you remark further on the Bill as Amended? If not will the Staff and guests please come to the Well of the House. Will the Members please take your seats, the machine will be open. [Ringing]

CLERK:

The House of Representatives is voting by roll,  
Members to the Chamber. The House of  
Representatives is voting by roll, Members to the  
Chamber.

DEPUTY SPEAKER HENNESSY (127TH):

Have all members voted? Have all members  
voted? Will the members please check the board to  
determine if your vote is properly cast. If all  
members have voted, the machine will be locked and  
the Clerk will take a tally.

The Clerk will please announce the tally.

CLERK:

House Bill No. 7353 as Amended by House "A"

|                       |     |
|-----------------------|-----|
| Total Number Voting   | 141 |
| Necessary for Passage | 71  |
| Those voting Yea      | 141 |
| Those voting Nay      | 0   |
| Absent not voting     | 10  |

DEPUTY SPEAKER HENNESSY (127TH):

The Bill as amended is passed [Gavel]. Will  
the Clerk please call Calendar No. 108.

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CLERK:

On Page 61, Calendar 108, Substitute House Bill No. 7068 AN ACT MAKING MINOR REVISIONS TO THE STATUTES REGARDING BOND-FINANCED HOUSING PROGRAMS. Favorable Report of the Joint Standing Committee on Finance, Revenue and Bonding.

DEPUTY SPEAKER HENNESSY (127TH):

Representative McGee of the 5th District, please proceed.

REP. MCGEE (5TH):

Good evening, Mr. Speaker and thank you. I move for Acceptance of the Joint Committee's Favorable Report and Passage of the Bill.

DEPUTY SPEAKER HENNESSY (127TH):

The Question before the Chamber is on Acceptance of the Joint Committee's Favorable Report. Representative McGee you have the floor.

REP. MCGEE (5TH):

Thank you, Mr. Speaker. Again as already mentioned this would make minor revisions to Statutes regarding the Homelessness Prevention and



Response Fund. The Bill adds to the list of programs whose administrative expenses may be paid from the Housing Assistance bond, number one the Affordable Housing Program i.e., the Flex Program and two, the Housing Trust Program. I move adoption.

DEPUTY SPEAKER HENNESSY (127TH):

Representative Dauphinais of the 44th District, you have the floor, ma'am.

REP. DAUPHINAIS (44TH):

Thank you, Mr. Speaker. A few comments regarding this Bill?

DEPUTY SPEAKER HENNESSY (127TH):

Please proceed, ma'am.

REP. DAUPHINAIS (44TH):

I originally supported this Bill going out of Committee but I have some reservations now. I better understand exactly what this Bill does. It allows bonding money, bonded money to be used for administrative expenses. Additionally it will fund ongoing maintenance and repair and to capitalize on

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operating replacement reserves in exchange for some certain conditions with the landlord which would be to have the landlord abate rent for a designed period and waive security deposit. So therefor I have changed my mind and I will not be supporting the Bill. Thank you.

DEPUTY SPEAKER HENNESSY (127TH):

Representative Davis of the 57th District, you have the floor, sir.

REP. DAVIS (57TH):

Thank you, Mr. Speaker. A question to the proponent of the Bill, if I may?

DEPUTY SPEAKER HENNESSY (127TH):

Please proceed, sir.

REP. DAVIS (57TH):

Thank you, Mr. Speaker. Currently the operating expenses for these programs are funded through what funding source?

Through you, Mr. Speaker.

DEPUTY SPEAKER HENNESSY (127TH):

Representative McGee.

REP. MCGEE (5TH):

Under the system law the admirative expense of certain bond financed state housing programs may be covered by the proceeds from the sale of programs general obligation GO Bonds.

Through you, Mr. Speaker.

DEPUTY SPEAKER HENNESSY (127TH):

Representative Davis.

REP. DAVIS (57TH):

Thank you, Mr. Speaker. I believe that is what the Bill would do but currently are these expenses paid for through those types of GO bonds or are they paid through some other type of revolving loan fund that perhaps isn't done through general obligation bonding?

Through you, Mr. Speaker.

DEPUTY SPEAKER HENNESSY (127TH):

Representative McGee.

REP. MCGEE (5TH):

Through you, Mr. Speaker.

If the kind gentleman could just repeat his

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question, I'm still looking though the old LR analysis.

DEPUTY SPEAKER HENNESSY (127TH):

Representative Davis.

REP. DAVIS (57TH):

Thank you, Mr. Speaker. I believe the purpose of the Bill is to shift the operating expenses, the administrative expenses from I think revolving loan fund or some other source to now going to be able to be used through General Obligation bonding for those programs. Could the kind gentleman confirm that or that is my recollection of the Bill not correct?

DEPUTY SPEAKER HENNESSY (127TH):

Representative Davis.

REP. MCGEE (5TH):

McGee, that's okay.

Through you, Mr. Speaker.

That's correct.

DEPUTY SPEAKER HENNESSY (127TH):

Representative Davis.

REP. DAVIS (57TH):

Thank you, Mr. Speaker and by doing this change would we potentially be opening up to greater bonding for GO for similar programs?

Through you, Mr. Speaker.

DEPUTY SPEAKER HENNESSY (127TH):

Representative McGee.

REP. MCGEE (5TH):

Through you, Mr. Speaker.

That is not correct. The Bill as I am reading it here, which was provided by the agency, the Bill instead allows landlords to use the HPRF funds for any o the above purposes in exchange for participation in either a Rapid Rehousing Program or Supportive Housing Program. It specifies the participation in either program includes a requirement to number on, abate rent for designated period and two, waive security deposits by using existing funds.

Through you, Mr. Speaker.

DEPUTY SPEAKER HENNESSY (127TH):

Representative Davis.

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REP. DAVIS (57TH):

Thank you, Mr. Speaker. When I look at the Office of Fiscal Analysis analysis of the Bill it says section 1, the current operating expenses for these types of programs are done through the revolving loan fund as the kind gentleman mentioned but that this Bill would actually make the change to put future administrative costs from the Department of Housing instead towards new bonding through the Housing Assistance Bond Fund which is financed through GO Bonding. Is that correct?

Through you, Mr. Speaker.

DEPUTY SPEAKER HENNESSY (127TH):

Representative McGee.

REP. MCGEE (5TH):

Through you, Mr. Speaker.

Could the kind gentleman just direct me where he is actually reading that, is that number 1 in section 1 or section 2.

DEPUTY SPEAKER HENNESSY (127TH):

Representative Davis.

REP. DAVIS (57TH):

Section 1 of that Bill, of that fiscal note,  
sorry.

DEPUTY SPEAKER HENNESSY (127TH):

Representative McGee.

REP. MCGEE (5TH):

Through you, Mr. Speaker.

I believe section 1 of the Bill adds, and I'm  
just gonna read verbatim, adds DOH the Flex Program  
we're talking about and housing trust funds programs  
to the bond finance programs that may have their  
administrative expenses covered by the program GO  
Bond funds while this Bill is not anticipated to  
change the amount of administrative costs expends by  
DOH, it may result in reallocation of future  
administrative costs from the housing repayment and  
revolving loan not financed by new bonding to the  
housing assistant bond fund which is financed  
through current GO bonding.

Through you, Mr. Speaker.

DEPUTY SPEAKER HENNESSY (127TH):

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Representative Davis.

REP. DAVIS (57TH):

Thank you, Mr. Speaker. And through my interpretation of that fiscal note we are actually shifting from something that doesn't use new bonding, the revolving loan fund which takes money back from the Affordable Housing from the rents and everything else and pays for those expenses that way to now shifting it to the source of a loan fund which is actually sourced through general obligation bonds which the fiscal note mentions could increase those costs for general obligation bonds and ultimately the debt service paid out of the general fund by doing that. So for that reason I will not be supporting the Bill. I did not support in the Finance Committee I will not be supporting it here as well because it shifts essentially what could be considered an operating cost that is appropriated in a different way now being done through bonding and borrowing. Thank you, Mr. Speaker.

DEPUTY SPEAKER HENNESSY (127TH):



Will you remark further? Will you remark further on this Bill? Representative McGee.

REP. MCGEE (5TH):

Thank you, Mr. Speaker. Again this Bill came through Housing Committee at the request of DOH which would allow them to better provide service to the constituents of the State and the folks that utilize the services through DOH so that I'd ask that our colleagues in this Chamber support this provision. Thank you so much.

DEPUTY SPEAKER HENNESSY (127TH):

Will you remark further on the Bill? If not will the Staff and guests please come to the Well of the House. Representative Yaccarino.

REP. YACCARINO (87TH):

I apol - well I just want to make a statement. I apologize but I have the right to say something. I voted for this in Finance and I voted for it, I know there is bonding for this and I know it is part of the expenses of the State and so I guess it is a bleeding heart in me but when you see, and I've seen

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people in the middle of the night for volunteering that are homeless and have nowhere to live, I think the State has a responsibility in some ways to have some sort of housing plan and I think we could do better as a State. I'm hopin our new commissioner does do a better job. So I did support this and I plan on supporting this. That's all I want to say. Until you see how the other half lives, how other people live, you have to put yourself in their shoes sometime. I know it's an expense and I know we should be better budgeting but sometimes you have to have a priority and this is priority for me. So that's all I have to say. Thank you.

DEPUTY SPEAKER HENNESSY (127TH):

Will you remark further on this Bill? If not with Staff and guests please come to the Well of the House. Will the Members please take your seats, the machine will be open. [Ringing]

CLERK:

The House of Representatives is voting by roll,  
Members to the Chamber. The House of

Representatives is voting by roll, Members to the Chamber.

DEPUTY SPEAKER HENNESSY (127TH):

Have all members voted? Have all members voted? Will the members please check the board to determine if your vote is properly cast. If all members have voted, the machine will be locked and the Clerk will take a tally.

The Clerk will please announce the tally.

CLERK:

House Bill No. 7068

|                       |     |
|-----------------------|-----|
| Total Number Voting   | 143 |
| Necessary for Passage | 72  |
| Those voting Yea      | 91  |
| Those voting Nay      | 52  |
| Absent not voting     | 8   |

DEPUTY SPEAKER HENNESSY (127TH):

The Bill passes [Gavel]. Are there announcements or introductions? Representative Vail you have the floor.

REP. VAIL (52ND):

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Health. And I just wanted to talk to folks about the fee. The fee is planning on remaining the same as it has been and that is in the budget. Thank you.

THE CHAIR:

Thank you, Senator Somers. Will you remark further on the legislation? Will you remark further on the legislation? If not, a Roll Call Vote has been requested. Senator Abrams, you did request a Roll Call vote?

SENATOR ABRAMS (13TH):

I withdraw the request and ask that we move it to the Consent Calendar.

THE CHAIR:

Seeing no objection, so ordered. Mr. Clerk -- Senator Duff.

SENATOR DUFF (25TH):

Thank you, Madam President. For items for our Consent Calendar please.

THE CHAIR:

Please proceed.

SENATOR DUFF (25TH):

Thank you, Madam President. On Calendar Page 21, Calendar 380, Senate Bill -- House Bill 7313, I'd like to move that item to Consent. On Calendar Page

23, Calendar 401, House Bill 5683, I'd like to move that item to Consent. On Calendar Page 23, Calendar 402, House Bill 6997, I'd like to move that item to Consent.

On Calendar Page 24, Calendar 409, House Bill 7282, I'd like to move that item to Consent. On Calendar Page 25, Calendar 415, House Bill 6666, I'd like to move that item to Consent. On Calendar Page 25, Calendar 416, House Bill 7243, I'd like to move that item to Consent.

On Calendar Page 30, Calendar 469, House Bill 7325, I'd like to move that item to Consent. On Calendar Page 31, Calendar 480, House Bill 7361, I'd like to move that item to Consent. On Calendar Page 33, Calendar 496, House Bill 7340, I'd like to move that item to Consent.

On Calendar Page 34, Calendar 499, House Bill 7064, I'd like to move that item to Consent. On Calendar Page 35, Calendar 515, House Bill 7248, I'd like to move that item to Consent. On Calendar 37, Calendar 535, House Bill 7230, I'd like to move that item to Consent.

On Calendar Page 38, Calendar 538, House Bill 6346, I'd like to move that item to Consent. On Calendar Page 41, Calendar 574, House Bill 7122, I'd like to move that item to Consent. On Calendar Page 42, Calendar 575, House Bill 7125, I'd like to move that item to Consent.

On Calendar Page 42, Calendar 578, House Bill 7000, I'd like to move that item to Consent. On Calendar Page 43, Calendar 582, House Bill 5575, I'd like to move that item to Consent. On Calendar 43, Calendar

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583, House Bill 7104, I'd like to move that item to Consent.

On Calendar Page 45, Calendar 592, House Bill 7394, I'd like to move that item to Consent. On Calendar Page 45, Calendar 594, House Bill 6939, I'd like to move that item to Consent. On Calendar Page 46, Calendar 600, House Bill 5181, I'd like to move that item to Consent.

On Calendar Page 47, Calendar 607, House Bill 6122, I'd like to move that item to Consent. On Calendar Page 48, Calendar 608, House Bill 6747, I'd like to move that item to Consent. On Calendar Page 48, Calendar 609, House Bill 6146, I'd like to move that item to Consent.

On Calendar Page 49, Calendar 616, House Bill 7286, I'd like to move that item to Consent. On Calendar Page 49, Calendar 617, House Bill 6890, I'd like to move that item to Consent. On Calendar Page 49, Calendar 619, House Bill 5213, I'd like to move that item to Consent.

On Calendar Page 50, Calendar 623, House Bill 7217, I'd like to move that item to Consent. On Calendar Page 50, Calendar 626, House Bill 7244, I'd like to move that item to Consent. On Calendar Page 52, Calendar 635, House Bill 7373, I'd like to move that item to Consent.

On Calendar Page 52, Calendar 637, House Bill 6942, I'd like to move that item to Consent. On Calendar Page 53, Calendar 638, House Bill 5833, I'd like to move that item to Consent. On Calendar Page 53, Calendar 640, House Bill 7215, I'd like to move that item to Consent.

On Calendar Page 53, Calendar 641, House Bill 7353, I'd like to move that item to Consent. On Calendar Page 54, Calendar 645, House Bill 7299, I'd like to move that item to Consent. On Calendar Page 55, Calendar 649, House Bill 7107, I'd like to move that item to Consent.

On Calendar Page 37, Calendar 536, House Bill 7190, I'd like to move that item to Consent. On Calendar Page 67, Calendar 381, House Joint Resolution 57, I'd like to move that item to Consent. On Calendar Page 56, Calendar 657, House Bill 6376, I'd like to move that item to Consent.

On Agenda 4, Calendar 692, House Bill 7192, I'd like to move that item to Consent. On Agenda 4, Calendar 695, 7363, I'd like to move that item to Consent. On Calendar Page 2, Calendar 76, Senate Bill 971, I'd like to move that item to Consent.

On Agenda 2, Calendar 696, House Bill 6088, I'd like to move that item to Consent. On Calendar Page 26, Calendar 423, House Bill 6184, I'd like to move that item to Consent. On Calendar Page 66, Calendar 686, House Joint Resolution 170, I'd like to move that item to Consent.

If the Clerk will now call the items on the Consent Calendar followed by a vote on the Consent Calendar. Thank you, Madam President.

THE CHAIR:

May I just say that was impressive, Senator Duff. [laughter] [Applause] And can I also say, I wrote all that down. I was not the Secretary of the State for nothing. [laughter] Mr. Clerk, would you --



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SENATOR DUFF (25TH):

Hold on, Madam President? We need to add -- add one more please.

THE CHAIR:

Yes, sir.

SENATOR DUFF (25TH):

On Calendar Page 514 -- I'm sorry, Calendar 514, House Bill 6588, I'd like to move that item to Consent, please.

THE CHAIR:

All of those items are so noted and --

SENATOR DUFF (25TH):

One more, Madam President.

THE CHAIR:

-- so ordered. Yes. We will -- 6588, House Bill 6588.

SENATOR DUFF (25TH):

All right. Madam President, if the Clerk can start reading the items on the Consent Calendar, please?

THE CHAIR:

Mr. Clerk. You go, Mr. Clerk.

CLERK:

Consent Calendar --

THE CHAIR:

Consent Calendar No. 3, Mr. Clerk.

CLERK:

Consent Calendar No. 3, Page 21, Calendar 38 -- oh, House Bill 7269, House Bill 6088, House Bill 7192, House Bill 7363. Page 21, Calendar 380, House Bill 7313. Page 23, Calendar 401, House Bill 5683. Page 23, Calendar 402, House Bill 6997. Page 24, Calendar 409, House Bill 7282.

Page 25, Calendar 415, House Bill 6666. Page 25, Calendar 416, House Bill 7253. Page 26, Calendar 423, House Bill 6184. Page 30, Calendar 469, House Bill 7325. Page 31, Calendar 480, House Bill 7361. Page 33, Calendar 496, House Bill 7340. Page 34, Calendar 499, House Bill 7064. Page 35, Calendar 515, House Bill 7248. Page 37, Calendar 535, House Bill 7230. Page 37, Calendar 536, House Bill 790. Page 38, Calendar 538, House Bill 6346. Page 41, Calendar 574, House Bill 7122. Page 42, Calendar 575, House Bill 7125. Page 42, Calendar 578, House Bill 7000.

Page 43, Calendar 582, House Bill 5575. Page 43, Calendar 583, House Bill 7104. Page 45, Calendar 592, House Bill 7394. Page 45, Calendar 594, House Bill 6939. Page 46, Calendar 595, House Bill 6921. Page 46, Calendar 600, House Bill 5181. Page 47, Calendar 607, House Bill 6122.

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Page 48, Calendar 608, House Bill 6747. Page 48, Calendar 609, House Bill 6146. Page 49, Calendar 616, House Bill 7286. Page 49, Calendar 617, House Bill 6890. Page 49, Calendar 619, House Bill 5213. Page 50, Calendar 623, House Bill 7217. Page 51, Calendar 626, House Bill 7244.

Page 52, Calendar 635, House Bill 7373. Page 53 -- 52, Calendar 637, House Bill 6942. Page 53, Calendar 638, House Bill 5833. Page 53, Calendar 640, House Bill 7215. Page 53, Calendar 641, House Bill 7353.

Page 55, Calendar 649, House Bill 7107. Page 56, Calendar 657, House Bill 6376. Page 60, Calendar 677, House Bill 7194. Page 66, Calendar 686, House Joint Resolution 170. And Page 67, Calendar 381, House Joint Resolution 57.

THE CHAIR:

Senator Duff.

SENATOR DUFF (25TH):

Thank you, Madam President. I need to add three more items, please.

THE CHAIR:

Please proceed.

SENATOR DUFF (25TH):

Thank you, Madam President. On Calendar 111 -- I'm sorry, on Calendar -- House Bill 7152, I'd like to place that item on our Consent Calendar. And also

Madam President, have we called Senate Agenda No. 5?

THE CHAIR:

No.

SENATOR DUFF (25TH):

Okay. Mr. Clerk, would you please call Senate Agenda No. 5?

THE CHAIR:

Mr. Clerk, Senate Agenda 5.

THE CHAIR:

Senate Agenda No. 5, dated Wednesday, June 5th, 2019.

SENATOR DUFF (25TH):

Thank you, Madam President. Madam President, I -- I move all items on Senate Agenda No. 5 dated Wednesday, June 5th, 2019, be acted upon as indicated and that the Agenda be incorporated by reference to the Senate journal and Senate transcripts, and be immediately placed on our Calendar.

THE CHAIR:

So noted, so ordered.

SENATOR DUFF (25TH):

Thank you, Madam President. For our Consent

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Calendar, Substitute for House Bill on Agenda No. 5, Senate 7297. I'd like to place that item on our Consent Calendar. And the second item is, House Bill 7258 on Agenda 5. I'd like to place that item on our Consent Calendar, please.

THE CHAIR:

So ordered.

SENATOR DUFF (25TH):

Thank you, Madam President. The first item was House Bill 7152, Calendar 679, Page 60. Thank you, Madam President. Let's vote.

THE CHAIR:

Thank you. Thank you, sir. Mr. Clerk, 7152, 7297, 7258.

SENATOR DUFF (25TH):

7297, 7258, and House Bill 7152.

THE CHAIR:

Mr. Clerk kindly call the Roll. The machine will be opened on the Consent Calendar.

CLERK:

Hold on. Hold on a moment. Let me put it on -- I got to put these on the -- we'll put these on the Consent Calendar. On the Consent Calendar 72 -- Agenda No. 5, 7297, Agenda No. 5, 7258, and House Bill 7152. House Joint Resolution 7152.

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SENATOR DUFF (25TH):

Senate -- Madam President? Madam President?

THE CHAIR:

Senator Duff.

SENATOR DUFF (25TH):

Thank you. Calendar 514, House Bill 6588 on the Consent Calendar, please.

THE CHAIR:

Mr. Clerk. Thank you.

CLERK:

Calendar 514, House Bill 6588 on Consent.

THE CHAIR:

Mr. Clerk.

CLERK:

Consent Calendar No. 3. Immediate Roll Call Vote has been ordered in the Senate on Consent Calendar No. 3. Immediate Roll Call Vote in the Senate on Consent Calendar No. 3.

THE CHAIR:

Mr. Clerk, please announce the tally.

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Consent Calendar No. 3.

|                       |    |
|-----------------------|----|
| Total number voting   | 36 |
| Those voting Yea      | 36 |
| Those voting Nay      | 0  |
| Absent and not voting | 0  |

THE CHAIR:

Consent Calendar is adopted.

SENATOR DUFF (25TH):

Thank you, Madam President. I think we have time for just one more Consent Calendar. [laughter]  
Thank you, Madam President. And with that, I move that we adjourn. I move that we adjourn, Sine Die.  
[Applause]

THE CHAIR:

Senator Duff. [Gavel] [Gavel]  
SENATOR DUFF (25TH):

Thank you, Madam President. Madam President, I think that was an impressive Consent Calendar. And I want to thank everybody for their cooperation on that. Madam President, as we -- before we get down to the -- to the Governor's speech, I want to just take a moment to say thanks to -- to some folks here in the Chamber and outside the Chamber. If we could have order in the Chamber, please?

THE CHAIR:

[Gavel] [Gavel] [Gavel] [Gavel] [Gavel] Could

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well today [Laughter], and so I'm very happy for the results of the game, and both teams played very well. Thank you.

REP. SANCHEZ (25TH): Congrats to Waterford, and yes, you beat us, but there's always next year. [Laughter].

REP. MCCARTY (38TH): [Laughing] Okay.

REP. SANCHEZ (25TH): And, we do have a great relationship here on this committee. Thank you.

REP. MCCARTY (38TH): Thank you.

SENATOR MCCRORY (2ND): So, I also want to add it's not all that bad, Representative Sanchez. One of the schools from my school district, Innovation High School, that is located in New Britain, they actually won the state championship for the first time, so I want to congratulate them, and I will give you half the credit, Sanchez, because it's in New Britain, although it's a school belonging to CREC. Okay? All right. So, congratulations to them. [Applause]. And, I was at the game, so I think my presence helped push them along [Laughter], so with that said, we're gonna go right into our testimonies, and we're gonna start with June Freeman. June Freeman?

JUNE FREEMAN: Hello. To the members of the Education Committee, I would like to share, but I like the statement number 227 through 233 on Bill 7353 saying, "The Department of Education and Office of Health and the Office of Early Childhood shall develop a process for collection and sharing data to ensure that the students identified as deaf, hard of hearing, deaf/blind, and plus + have the necessary language skills to acquire knowledge that will

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assist them to be successful in school, and also after graduation no later than January 1, 2020."

And, here are my comments. I have seen deaf children who are truly uneducated and have a tremendous lack of social skills due to arising at a deaf school at such late ages. They entered the American School for the Deaf as a very final resort. Language deprivation is still happening, and it continues even today. Language deprivation is absolutely preventable. And, I took this from some information online -- California is the first state to pass language development milestones for deaf children, and this happened in 2015.

And, I'd like to finish with a quote from Aristotle -- "Educating the mind without educating the heart is no education at all." [Bell]. And, with that, I would like to close and ask that you please pass Bill 7353. Thank you.

SENATOR MCCRORY (2ND): Thank you, and thank you for your testimony. Up next, we have Abraham Febus, followed by Barbara Cassin. Abraham? No Abraham? Okay, then we're gonna move to Barbara Cassin.

BARBARA CASSIN: Good afternoon. I am Barbara Cassin, an alumnus of the American School for the Deaf, and I serve on the Board of Directors. I am here speaking in support of House Bill 7353. As an active member of the deaf and hard-of-hearing community and an advocate, one of the biggest challenges I have faced over the years is the continued lack of any statewide statistics for our deaf, heard of hearing, and deaf/blind people. When we have met with legislators or committees regarding issues, often there are questions about the statistics, and we have to back up our statements

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and requests. Unfortunately, our standard response is there are none because there is no entity collecting the necessary data. Many of us believe this has had a direct and substantial impact on the reduction of services to and support for members of our deaf, heard of hearing, and deaf/blind community regardless of their age. I believe a good beginning towards addressing this problem outlined in section 10 of raised Bill 7353, requiring the Departments of Education, Public Health, and Office of Early Childhood to develop a process that would require the collecting and sharing of data to ensure that children who are deaf, heard of hearing, and deaf/blind will have language skills to acquire knowledge and be successful in school. Language acquisition is the foundation and must be continually evaluated and monitored to assure that the educational placement and services are appropriate.

I would also like to stress the importance of sections 8 and 9. Safety is an important issue within our schools. They are expected to have measures in place to ensure everyone within the school and every environment is aware of any emergency situation. However, there is no standard protocol on how this information is shared or conveyed to deaf, hard of hearing, and deaf/blind students. Aides and/or interpreters may not always be with their students even if one is assigned. To ensure everyone's safety, standard protocols need to be established so that whether a student may be attending an event at another school or outside of his or her district the response will be the same. At the American School for the Deaf, warning systems are visual utilizing flashing lights and monitors

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with text and sign communication. Of course, the staff also provides full communication to alert any deaf, hard of hearing, and deaf/blind staff students, or visitors. It is careless to wait for a time for an incident to happen before developing such a system. While addressing these needs at an IEP meeting is wise, deaf, hard of heard, and deaf/blind students who do not qualify for or are not served by an IEP may be overlooked. Ensuring that standard protocols are established thereby ensures that no child's safety is overlooked. Thank you.

SENATOR MCCRORY (2ND): Thank you for your testimony. Is Abraham Febis or Febus present? No. Harvey Carson.

DR. HARVEY CORSON: To the chair, co-chairs, and members of the joint legislative committee on education, I am Dr. Harvey Corson, Chair, Connecticut Association of the Deaf Education and Legislative Committee. Today I am speaking before you regarding the raised Bill 7353. As the legislative co-chair of the Deaf Child Bill of Rights Initiative in 2012 successfully advocating for a language and communication plan in Public Act 12-173, I am pleased to see this bill addressing language assessment, emergency communication plan, and vocational-technical education. The Connecticut Association of the Deaf supports this bill with the following suggestions.

We suggest that you seriously consider adding the language to Section 7 and also Section 11. Now, Section 7 talks about the individualized education program, and we suggest that you add or 504 plan for any child identified as deaf, hard of hearing or

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both deaf and blind or visually impaired. These children need to have a language and communication plan. This way this provision of language and communication plan would be addressed for every child who is identified as deaf, hard of hearing, or both deaf and blind or visually impaired whether the child is covered under a special education service; thus, Connecticut would be assuring every child that they would have a language and communication access in preschool, elementary, and secondary educational programs in the State.

Now, the second section, Section 11, talks about establishing from the Department of Education a working group, and this working group would develop guidelines concerning appropriate language assessments, and we would be talking about when a student does not demonstrate progress in age-appropriate expressive and receptive language skills. We suggest that you add "in English and American Sign Language" as well. Thank you all for your consideration and support of this legislation. Thank you.

SENATOR MCCRORY (2ND): Thank you. Could we -- does he have a copy of the written testimony? I don't know if we --

HARVEY CORSON: Yes, I do. I did submit.

SENATOR MCCRORY (2ND): Great.

HARVEY CORSON: Before I came here today.

SENATOR MCCRORY (2ND): Great. We like to get -- you know, look into those recommendations.

HARVEY CORSON: Great. Thank you so much.

SENATOR MCCRORY (2ND): Thank you. Jeff Bravin.

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JEFF BRAVIN: Good morning, co-chairs and members of the Education Committee. I have testimony today in support of House Bill 7353, AN ACT CONCERNING VARIOUS ISSUES RELATED TO SPECIAL EDUCATION. I fully support all the recommendations on this bill, most especially two issues in particular. The first one is emergency communications and language assessment. The emergency communication is absolutely critical to make sure that all deaf, hard of hearing, and deaf/blind children are informed of any emergency situation that arises because emergency situations can promote fear, anxiety, or confusion during various events. This anxiety for deaf, deaf/blind, and hard of hearing students is magnified in these situations. At the American School for the Deaf, we have the absolute top-of-the-line emergency communication with tv screens, flashing lights that support visual and auditory needs, but this does not apply to the public schools where it is truly needed by the deaf, hard of hearing, and deaf/blind students who are mainstreamed in those public schools. With this bill, this will truly solve this issue. It will ensure that all students, visitors, and staff will be appropriately notified so that in the event that an emergency situation happens those students are aware. This raised Bill 7353, Sections 10 and 11, now also focus on the language and communication plan for deaf, hard of hearing, and deaf/blind students. Currently, Connecticut has no way of tracking how those students are doing. If you ask the State Department of Education or the Department of Public Health, there are no mechanisms in place for tracking students. Other states, however, have passed similar bills where they now are tracking all

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of those kinds of students, and we need to do the same here in Connecticut.

This bill was developed by the Coalition on Education of Deaf and Hard of Hearing and Deaf/Blind Students. This particular coalition has been in place for many years and has been working together. We've also met with the Department of Education and the Department of Public Health and birth to 3 officials to make sure that we can find a way to collaborate all of the data. In addition, the bill was developed by the Advisory Board of Deaf and Hard of Hearing individuals. This advisory board has developed a list of people that should be committee members on this working group, and I would encourage you to look at the draft that was developed by the advisory board in order to develop the working group. We've already identified the right kind of people that need to serve on that group. Again, I want to thank you all for your commitment to assuring that deaf, hard of hearing and deaf/blind children are well protected and also given appropriate language assessments that will provide them the appropriate interventions so they can become successful in the future. Thank you.

SENATOR MCCRORY (2ND): Thank you for your testimony. One comment. Representative McCarty.

REP. MCCARTY (38TH): Thank you, Mr. Chair. Just basically a comment to thank you for your advocacy and for coming forward and really offering some solutions. It's very much appreciated. Thank you.

JEFF BRAVIN: Thank you.

SENATOR MCCRORY (2ND): Representative Comey.

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REP. COMEY (102ND): Thank you, Mr. Bravin for coming. The language assessment that you spoke about -- have you discussed this with other agencies -- what other agencies here in the state and what can we do to move that forward?

JEFF BRAVIN: Thank you, so when we developed the bill, we had decided to ask for a meeting with the State Department of Education, specifically the Special Education Office and the Department of Public Health, as well as birth to 3 lead agencies, and they all came together to review the bill to ensure that we have not missed anything and to identify how we can collaborate, and they are all extremely supportive of the bill, and all three agencies said we absolutely have a data problem, and we need to coordinate the efforts to ensure that the data is available, and so that is something that this bill will truly promote, and then we can move forward and really assess all deaf and hard of hearing children to ensure that they have the language milestones being met. If we do identify a delay, we can act quickly with the appropriate interventions before the delay falls so far that they are not able to catch up.

REP. COMEY (102ND): Fantastic. Thank you. I'm trying to catch up with you. [Laughter].

JEFF BRAVIN: [Laughing]. Okay, thank you.

SENATOR MCCRORY (2ND): Thank you. Next up is Sheri Romblad.

UNKNOWN SPEAKER: She's not here this morning.

SENATOR MCCRORY (2ND): She's not -- okay.



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UNKNOWN SPEAKER: But, we have another parent in her place. Is that okay?

SENATOR MCCRORY (2ND): Yes. Do they want to come up?

UNKNOWN SPEAKER: Yes. Thank you.

SUSAN YANKEE: Good morning. My name is Susan Yankee, and I support House Bill 7353. I am a member of the Governor's Advisory Board for the Deaf and Hard of Hearing, and I am a parent of a hard of hearing student. I support this bill with one change. In the section for emergency planning in schools for deaf and hard of hearing -- it's lines 179 to 180 -- it should state all students who are deaf, hard of hearing, or deaf/blind receive a language and communication plan, which includes a place for emergency planning, not just IEP students. The language and communication plan is an important tool in guiding accommodations for deaf and hard of hearing students. At my son's 504 meeting, I was told they weren't required to give me a language and communication plan, so as this bill is written, they are not required to give him an emergency plan either. Deafness is an invisible disability, and administrators and teachers often forget that students with hearing loss have inadequate access to basic safety measures. How can I send my son to school every day knowing he might not hear an emergency announcement or an officer telling him to stand down? In an active shooter situation, he won't know where to run since he can't tell which direction the shooting is coming from. What about our students who can't hear the shooting at all? how do we ensure that officers know how to look for tiny cochlear implants or hearing aids when a child

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is not complying with their orders? So, how can you ensure an emergency plan is in place for all deaf, hard of hearing, and deaf/blind children?

So, the physical disabilities of a 504, an IEP student, or deaf or hard of hearing are the same, so they should be all protected. I know this committee wants all Connecticut students to be safe and succeed, so I'll remind you that under Title 2 it's your obligation to ensure equal access to education and services. So, the language and communication plan is going to be an important planning tool in emergency planning, so I urge you to include everybody, not just some deaf, hard of hearing, and deaf/blind students. I also support the tracking and assessment of deaf and hard of hearing students into high school. My son wasn't diagnosed until kindergarten, so he was not eligible for the birth to 3 early intervention. Also, the development of language and communication plays an important role in preventing behavioral problems at an early age in deaf, hard of hearing, and deaf/blind students, and it really develops their social skills, so we want to catch them early, and then catch them when somebody else doesn't when they come from another school. Thank you so much.

SENATOR MCCRORY (2ND): Thank you for your testimony.

SUSAN YANKEE: Thank you.

SENATOR MCCRORY (2ND): Any questions?  
Representative McCarty.

REP. MCCARTY (38TH): Yes, thank you for our testimony, and it's really just a question. Did you submit testimony?

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SUSAN YANKEE: I did, but different testimony, yeah.

REP. MCCARTY (38TH): Okay, because I didn't see, but I'll -- I'll look for it.

SUSAN YANKEE: Okay. Yes. More on the assessment tracking and the vocational special education section.

REP. MCCARTY (38TH): I was just referring to the lines that you quoted and what you're suggestions were, and I was looking, but it's all right. We'll find --

SUSAN YANKEE: Oh, but I -- since I'm on the Governor's Advisory Board for Deaf and Hard of Hearing, we did come up with like an action plan --

REP. MCCARTY (38TH): Okay.

SUSAN YANKEE: Things you can do such as ASL, letting students have their cell phones in school so they can receive text messages 'cause sometimes teachers take them away.

REP. MCCARTY (38TH): Okay. Yeah, that's what I was looking for.

SUSAN YANKEE: Yeah.

REP. MCCARTY (38TH): Okay. Thank you.

SENATOR MCCRORY (2ND): Thank you for your testimony. Oh, excuse me. Representative Comey.

REP. COMEY (102ND): Thank you, Ms. Yankee. You know, the emergency planning within a 504 plan is something that as -- personally we had to do with my child who has -- has life-threatening food allergies, and what we were thinking about in the -- in the 504 planning is what if the school had gone

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into lockdown and for several hours in extended day they could not leave, and where would they be and what would they eat, right? So, I understand that -- that in these 504 plans and -- we have to think of all the different scenarios, even how unlikely maybe they hopefully would be. You mentioned to consider all the people that would be present. We don't know. This would be an unpredictable event should it happen. The emergency situation would happen, who would be in the room, and what kinds of language would be helpful for that situation for you?

SUSAN YANKEE: So, I feel that you should have basically all students and teachers and first responders learn some basic ASL symbols. My son doesn't use American Sign Language, but in a room when it is really quiet, he can't understand a word anyone is saying, and lockdown situations often are quiet situations, so if you do -- let's see -- get down, run, quiet -- because every school has a different quiet sign. I don't know if your children go to school. Some have quiet coyote, some have -- so if it was something standard it would be wonderful, and that would also work for nonverbal students, so if you would consider it, that would be wonderful. I really appreciate you taking up Bill 7353.

REP. COMEY (102ND): Thank you. Thank you, Chairman.

SUSAN YANKEE: Thank you.

SENATOR MCCRORY (2ND): Okay. Thank you for your testimony. Eric Dillner.

ERIC DILLNER: Hi, my name is Eric Dillner, and I am a hard of hearing, and I attend Daniel Hand High

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School in Madison, Connecticut. I support House Bill 7353, but with some changes. Currently, this bill states that I will not receive a language and communication or emergency plan because I am a 504 student, not an IEP student. In Connecticut high schools during a lockdown, the teachers lock the door and do not let students that are in the hallway back in. What if I am not in the classroom to hear the emergency announcement. I will be left in the hallway not knowing what is going on. If a teacher has to whisper instructions quietly, I will not know what they are saying. I was in elementary school when the Sandy Hook shooting happened, and I cannot believe that for the past seven years I have not had an emergency plan in place that considers my lack of hearing. I use an FM system but not in all classes. Most teachers have no idea that I cannot hear. You may have noticed that I am wearing a hearing aid in my left ear. Most of the newer hearing aids are trying to become more invisible by making them skin color and smaller. This makes it even harder for someone like an officer to notice my invisible disability. This is why teachers and officers need to know a few basic signs to communicate in these situations. Stop is a simple but effective sign to stop this problem.

I was in my 504 meeting last year with my mom, and she asked for the language and communication plan to be filled out. They told her that we are not required to fill that out, and that was right in front of me, and I was very surprised that they did not want to help me. Please change House Bill 7353 to include all students who are deaf and hard of hearing, not just IEP students, so I can feel safe at school. Thank you.

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SENATOR MCCRORY (2ND): Thank you, and thank you for your testimony. Any questions from the committee? I'm seeing none. Again, thank you again.

ERIC DILLNER: Thank you.

SENATOR MCCRORY (2ND): That concludes our students and those who have been supported with adults. We are going to go to our elected officials. At this time, Commissioner Wentzell, you have as much time as you need to state your case.

SB 1068

SB 1069

HB 7350

HB 7351

HB 7352

HB 7353

HB 7356

HB 7357

COMMISSIONER WENTZELL: Good afternoon, Senator McCrory, Representative Sanchez -- I'm looking for my large print version. Thank you. [Laughing]. I have to make my accommodations too. Thank you. [Laughter]. But, Laura takes care of me -- Senator Berthel, Representative McCarty, and members of the Education Committee, I am Diana Wentzell, Commissioner of the Department of Education. I'm pleased to have this opportunity to testify again before you today regarding a number of important education related proposals on your agenda. Regarding Senate Bill 1068, AN ACT CONCERNING THE MINIMUM BUDGET REQUIREMENT. The department is not opposed to this proposal, but would ask that the language be amended to reflect a two-year lookback period for reductions in student enrollment as opposed to a five-year lookback. The language as written would create a substantial amount of work for the department by requiring us to modify the minimum budget requirement data collection to track the new information for a five-year period before we could perform the calculation. We believe that a two-year lookback would serve to solve the current timing issue and allow districts to take advantage

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Regarding House Bill 7351, AN ACT CONCERNING GRADUATION DATA FOR THE TECHNICAL EDUCATION AND CAREER SYSTEM. The technical education career system is in possession of this information on graduation rate and on the programs of study, so we suggested what this proposal seeks to do could be added to the annual report that the career and technical educational system does for the General Assembly and present it to you.

House Bill 7352, AN ACT CONCERNING MINOR REVISIONS IN ADDITION TO THE EDUCATIONAL STATUTES. The department cannot support Section 3 of this proposal, which would negatively impact the ability of priority school districts to recruit educators. We also cannot support the removal of edTPA as the preperformance assessment in Section 4. My written testimony specifically outlines many of the reasons, and I'd be happy to answer questions that you may have. We are generally supportive of the rest of the bill, but in my written testimony, you will note that we've noted our capacity and fiscal concerns. We wouldn't currently have the capacity or the resources to administer the pilot or a continuation of the efforts at the end of a pilot.

Regarding House Bill 7353, AN ACT CONCERNING VARIOUS REVISIONS TO SPECIAL EDUCATION. The department has many concerns with this proposal, and would welcome the opportunity to speak with committee member in an effort to work on language that might be more amenable. My written testimony highlights in detail the various sections, so I will not go through each one, but I would ask that you take -- be able to read through it, and let me know where we could have discussions. We're very happy to work on language

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of the resident student deduction savings in the following year.

Senate Bill 1069, AN ACT CONCERNING VARIOUS REVISIONS AND ADDITIONS TO THE EDUCATION STATUTES. The department is generally supportive of this proposal. We believe certain sections pertaining to background checks are necessary in order for our statutes to be compliant with federal rules regarding the disclosure of fingerprint records. Much of that language was developed through the work of a taskforce that the department participated in prior to the start of this session. The final section of this proposal adds additional health topics to the required courses of study offered in public schools. We believe these topics are of great important but would like to note the districts will need additional guidance and support in order to offer this instruction in a developmentally appropriate way using culturally responsive methods. At this point, the department does not have a health education consultant who can assist in this.

House Bill 7350, AN ACT CONCERNING REGIONAL CORPORATION AND THE SHARING OF SERVICES AMONG RESC AND MEMBER BOARDS OF EDUCATION. As we stated in previous testimony on this general topic, we believe that we no longer live in a time where it's practical or feasible for the state to have over 200 independently operated school districts; therefore, we would be in support of any proposal that requires the study of shared services. We do not currently have a full-time employee who could perform the work outlined in the proposal, so the department would require additional resources if this were to move forward.



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SENATOR MCCRORY (2ND): Thank you, and thank you for your testimony. Any questions from the committee? I'm seeing none. Again, thank you again.

ERIC DILLNER: Thank you.

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with the committee that would make this more doable for us.

House Bill 7356, AN ACT CONCERNING SCHOOL SECURITY. We believe with the addition of childcare centers and preschools to the entities eligible to receive the school security grants, it may be appropriate to add the Office of Early Childhood to the Grant Review Committee because those -- those settings sometimes have special concerns. We would also suggest pushing back the reporting requirement date for the school security officer taskforce outlined in Section 2. Given the importance of the task being contemplated in this proposal, the timeline is too aggressive for us at least.

House Bill 7357, AN ACT CONCERNING A STUDY OF EDUCATION MANDATE RELIEF. We are generally very supportive of mandate relief for our local and regional boards of education; however, we are not in a position to take on this type of study without additional resources. We are struggling to meet our existing statutory requirements, and with the rapidly diminishing workforce and budget, we therefore don't have the capacity to take on this work in addition. You have my written comments, and I'll stop here and be happy to answer any questions that you may have.

SENATOR MCCRORY (2ND): Thank you and thank you for your testimony. So, I'm going to ask my questions before I forget them. I'm getting older. I had a birthday Friday, so I'm getting old. My memory is losing it, so. Can you speak to the concept of edTPA? Can you explain to the committee? Many might not be familiar with it, and then I'll follow with my questions afterwards. Thank you.

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REP. SANCHEZ (25TH): Hi, Commissioner. Question on 7353. I was just surprised that a 504 plan for children was not included in regards to helping these studies, and that only under IEP was in consideration and not a 504 plan. Is that a practice statewide or is it just -- through just individuals districts?

COMMISSIONER WENTZELL: Well, that part of the bill I think that particularly pertains to the emergency plan is a part we're more able to support than other parts of the bill, and that part should include 504 students if the disability -- the reason for the 504 is their hearing. I think that would make sense. So, the practices around the state I think vary currently in terms of how individual districts may be both identifying this as an area of concern within the IEP and the 504, and also how they are handling the emergency communication. I would caution that it will be important to make sure that districts and local schools still are able to do the emergency communication in a way that is sustainable in the local school district and in the classroom because it can vary tremendously in different classrooms and based on the student's disability what's appropriate. For some students, the teacher might need to sign into their hand, you know, depending on their multiple disabilities. For some school districts, if we were to require the kinds of systems that we've heard about today, the financial cost of them would mean that it would take a long time before we would ever see those in the classroom and what's happening in the meanwhile, so I think we just have to be careful about that.

REP. SANCHEZ (25TH): Okay. Now -- so you would support?

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COMMISSIONER WENTZELL: That part.

REP. SANCHEZ (25TH): That part.

COMMISSIONER WENTZELL: There are a number of other parts that we do have concerns with, and we look forward to more conversation.

REP. SANCHEZ (25TH): I'm just concerned because when the student, Eric.

COMMISSIONER WENTZELL: Yes.

REP. SANCHEZ (25TH): Came up and testified. Those were some really concerns -- real big concerns to me.

COMMISSIONER WENTZELL: Yes.

REP. SANCHEZ (25TH): "Cause he had the right to know what's going on as well.

COMMISSIONER WENTZELL: Absolutely.

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REP. SANCHEZ (25TH): So, and going back to the TPA -- the edTPA, I think some of the concerns that I've heard has been cost. What it cost that particular student to get taped, and I want to say I heard the cost was anywhere between \$400-500 dollars.

COMMISSIONER WENTZELL: There's no cost to produce any kind of video. If a student is choosing to incur a cost like that, that's their choice. Students can do -- candidates can do the classroom video on their phone. They can do it on anything and still submit it to the platform, so some students may be incurring additional costs that are not required by the assessment out of wanting it to look really perfect, and you know, I think that's something that we can address by maybe putting out information to them on our website because the

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explicit in the school climate statute about sexual harassment, and maybe we can follow up after?

COMMISSIONER WENTZELL: That'd be great.

REP. GILCHREST (18TH): Thank you.

SENATOR MCCRORY (2ND): Representative McCarty.

REP. MCCARTY (38TH): Thank you, Mr. Chairman, and welcome, Commissioner.

COMMISSIONER WENTZELL: Thank you.

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REP. MCCARTY (38TH): I have a couple of questions on a few of the bills, but primarily, I'm interested in speaking to you a bit about the tech ed and career schools, and just your opinion -- so, I know the beginnings of Section 10-76q that's still open, in your opinion, I believe -- to interpretation, and you do not -- I don't want to put words in your mouth, but get your opinion that why you think that piece should or should not remain in the statute, and then on Section 4, do you agree, however, that that piece can be eliminated and under that "c" where a technical school would not be sending students back to the local district that they could accommodate more? I think that was the --

COMMISSIONER WENTZELL: Right.

REP. MCCARTY (38TH): Emphasis behind that section, and that we want to be clear and careful that we're clear and careful that we're not -- that we're accommodating all of our students, and I know your office has been very cooperative in that regard and really looking at some of the admission policies that will be in place, and trying to remove some of those barriers, but I -- I'd just like to get your opinion on removing that Section 4.

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COMMISSIONER WENTZELL: Thank you, Representative McCarty. And, this is an area that we've really appreciated your engagement with as well as other members of the General Assembly throughout the year to really look at the -- the work to support students with special needs in our state career and technical educational system, and this particular provision law has been interpreted in a way that has supported the exclusion of students with special needs from our technical education and career system in some cases, and also because previously each of the 17 schools could have their own sort of interpretation of this law. It was also not done uniformly across the district. We've seen a real willingness on the part of the technical education career system and their superintendent to be much more inclusive in admissions, and we've done a tremendous amount of work with the taskforce on recommending changes to the admissions policies and practices, and we want -- we want any changes in law to be done in a coordinated way that comes with the resources that would support students in -- who were accepted into the technical high school and career system to be successful once they're there, so I do think that this particular language does need to go, and it's all about when, so do we first make sure the resources are there so that when the kids get accepted they can be accommodated or do we take the language out now and then hope the resources will be there and the kids will be accommodated? So, I think that's something maybe we can talk more about, but you've hit on a really important aspect where the language has been used to exclude, and that's obviously something that no public educator can -- can accept.

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I'm looking forward to working with you folks for one of my communities that really is a bit confused right now. Thank you.

COMMISSIONER WENTZELL: Thank you.

SENATOR MCCRORY (2ND): I have one more question, then Representative Barry has a question. Listening to my colleagues, there's a question in regards to 504. Who's responsible for the support -- paying for the support services that a child needs if they're -- if they identify as 504 if that child leaves it's school district and is educated in another school district? From my understanding in talking with some educators, the language is silent. So, can you tell me whether it is silent and if it is silent, who should be responsible for that cost? And, if it is silent, we will have to do some adjusting in fixing that language. That's my one question and then Barry.

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COMMISSIONER WENTZELL: Thank you, Senator McCrory. You've hit on a really important question as usually. It's a really big one. Not only is the state statute silent on the situation when a student has a 504 plan and is educated outside of their district. You know, for instance, in some cases they would be covered by a bunch of other laws, but if it's a student from one community who attends a magnet school either run by a RESC or in another community, the state statute is silent on the financial responsibility for the 504, and it's handled inconsistently as a result probably of that. The guidance from the department has been inconsistent over time, and IBA is also silent on this. So, this is an area that is unclear. Generally, for many, many years, the department

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advised -- although it doesn't have the strength of law, of course -- that the 504 situation for magnet schools should be handles similarly to the special ed situation. There's no basis in law for that, and personally as an educator that situation creates a situation in delay of services for a kid with a 504, and a student with a 504 often either has a temporary need or a very emergent need where you're doing a 504 plan as part of the response to intervention to see if you need to do a PPT for special ed, so that has bogged down good practice I think for about 20 years in Connecticut. In the Choice setting, the students being educated out of their district, the 504 is the responsibility of the LEA who's educating them. Educationally, that is a better model, so right now, there is no statutory guidance, so I get to say what an educator thinks, and as an educator, a 504 plan should be developed as close to the child and the instruction as possible because with a 504 situation either you're noticing that the student needs help that they're not getting to learn to read or to do something or whatever, or it's medical, or it may be for instance vision, and until the vision is stabilized, they need temporary accommodation or they broke their leg and they can't get their normal transportation or they have a physical ailment that means they need seasonal transportation but they don't qualify for the kind of special ed transportation, so it definitely is an area that could use more clarification.

SENATOR MCCRORY (2ND): Thank you, and we'll definitely work on that this session.  
Representative Barry.



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COMMISSIONER WENTZELL: Thank you.

REP. SANCHEZ (25TH): And, my ranking member would like to say some words too.

COMMISSIONER WENTZELL: Thank you, Representative Sanchez.

SENATOR MCCRORY (2ND): Thank you. Yes, I thank you, Mr. Chair. I forgot that this is maybe our last public hearing in education, so I'd like to add to those comments. You've been so professional, so accessible and agreeable, and I -- I just wish you the very best. We don't want to say goodbye, but you know, you've worked so well with our committee, and I appreciate it very much. Thank you.

COMMISSIONER WENTZELL: Thank you.

SENATOR MCCRORY (2ND): Senator Berthel.

SENATOR BERTHEL (32ND): And, I would just echo all those comments, Commissioner. Thank you for your service to the people of the state of Connecticut, and it's been a pleasure working with you. Thank you.

COMMISSIONER WENTZELL: Well, thank you, and it has been an honor to serve in this capacity and such a pleasure to collaborate with the General Assembly, and I look forward to working with the committee for the rest of the session so that we can do the best possible work for our kids. Thank you.

REP. SANCHEZ (25TH): Thank you, Commissioner. I'd like to go back to Abraham Febus or Febus, if he's present?

ABRAHAM FEBUS: Good afternoon, Education Committee. My name is Abraham Febus. I'm here to talk about

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the Bill 75 -- 7353 today. I requested services from -- I'm a graduate from Bullard-Havens Technical High School, and I came here today to talk about my story and how the company helped me stay in school because I was drastically about to be kicked out for no reason. I was top of my class. I was literally the top 100 in grade wise, and due to my disability, they wanted to kick me out after they realized what they -- brought me through school, so then, I started to work with Center -- the Center Children's Advocacy Program, and she provided me with service, and it was greatly needed because they wanted to kick me out for really no grounds -- straight As, doing my work. I didn't have the tools I needed to be more independent, but as soon as I got that, I was knocking out my work, doing what I can, and top of my class virtually, helping other students, having good grades, all that, even student of the month multiple times. So, it was really shocking on my point, the added stress onto me because they wanted to kick me out for really due to what my -- my paper said I couldn't read or write, but -- at -- where I was supposed to be at grade wise verbally and auditorily, so it was shocking on my point, and it was very unnecessary, and luckily, she -- luckily, I contacted her and stopped them from kicking me out or I didn't -- would have not been a graduate in that school. The reason why I support this bill today because -- [Bell]. The reason why I support this bill today because students need to be heard because they do not have a chance, and I felt like they didn't give me a chance to show what was a good student I was. They just saw something on a paper and wanted to kick me out because of it, and I proved them wrong, and graduated pretty much top of my class, so that's why I came here today to speak

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about the bill and how important it is for people -- for students to have a chance to show what they're capable of before they was even kicked out. And, I actually knew people who had a small disability, but they didn't give them a chance and was kicked out, and was not given an opportunity to attend the school. Thank you for your time.

REP. SANCHEZ (25TH): Okay. Thank you for coming up here today and to testify about what had happened to you personally. Representative McCarty.

REP. MCCARTY (38TH): Thank you, Mr. Chair. Yes, similarly, I wanted to thank you for taking today to come up and testify. So, did you graduate and what -- what were you studying?

ABRAHAM FEBUS: I was studying architect, drafting, so I was virtually was setting how to build buildings, the blueprints. It was a lot of hands-on work, proofing, and using the programs. And, so reading didn't really come up except for just studying and doing the test, so I was able to knock it out with the break periods.

REP. MCCARTY (38TH): Okay.

ABRAHAM FEBUS: And, I graduated.

REP. MCCARTY (38TH): And, you've graduated. And, was there any type -- within your school, was there any service after to help you seek employment or to do anything?

ABRAHAM FEBUS: Currently, right now, I'm working with a job program that's currently trying to get me employed and get me started out in the work field.

REP. MCCARTY (38TH): That was through the school or not?

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ABRAHAM FEBUS: Yes, through the school. I got contacted through the school, and they helped me.

REP. MCCARTY (38TH): Well, congratulations. I'm glad you had persistence and that you graduated and at the top of your class, and thank you for coming here today. Thank you.

ABRAHAM FEBUS: Thank you. I appreciate this.

REP. SANCHEZ (25TH): Thank you for your testimony. Representative Tim Ackert.

REP. ACKERT (8TH): Good afternoon.

REP. SANCHEZ (25TH): Good afternoon.

REP. ACKERT (8TH): Thank you, Chairman Sanchez and ranking members McCarty and Senator Berthel, and all the esteemed members of the Education Committee. I'm here today to help shorten it a little bit with Mark Walters from the town of Columbia. We're here to speak on Bill 1068, MBR, and I couldn't have forecasted earlier what Representative Kokoruda brought up has any time has a town been denied when they've gone in with a solid case as to why they needed to reduce their funding for their education, and I met -- actually met with SDE to highlight the issues that a small district has with their MBR. We literally took the advantage of going to SDE and break down the case that they had. A lot of the MBR bills that we have that allowed for some reductions came with myself and Senator Edith Prague worked together on small towns and allowing them to be able to -- to reduce funding 'cause they just don't have the student count. They just don't have the student count, so I'd like to introduce Mark Walters, Mr. Chairman.

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process hearings. We'd also ask that you study and review the minimum budget requirements and impact of repeating MBR, and what that would have on the regional school districts and local school districts, and that although we support the elimination of an MBR altogether, for non-alliance districts, we believe a reasonable step that can be taken right now is enabling language to local and regional school districts to reduce the MBR and have that flexibility, have that language in the statutes so that we're able to having flow with the midyear cuts or any other type of underfunding that we receive through special education or anything else within the communities. Thank you again for having me here today, and I'm ready for questions.

SENATOR MCCRORY (2ND): Any questions from the committee? Thank you for your testimony.

MICHAEL CRISS: Thank you.

SENATOR MCCRORY (2ND): Senator Osten, followed by Sarah Egan, followed by Denise Mema.

SENATOR OSTEN (19TH): So, good afternoon. Thank you very much for having me here today. All of the hardworking people on the Education Committee, you certainly have had a share of the public hearings this session. I'm here today with Dr. Powers. I have a couple of bills that I'm testifying in support of. As you know, I've been working for years on the issues revolving around dyslexia, dyslexia instruction and training, and I again have a bill that talks about dyslexia and figures out how we're going to implement and make sure we're implementing the laws that we have already passed.

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In addition, I'm talking about the -- I'm in support of Senate Bill 1068, AN ACT CONCERNING THE MINIMUM BUDGET REQUIREMENT. I represent ten towns -- Columbia, Franklin, Hebron, Lebanon, Ledyard, Lisbon, Marlborough, Montville, Norwich, and Sprague, and all of them have had issues revolving around minimum budget requirements. I know you heard earlier testimony, and you have my written testimony.

I also am here to testify in support of House Bill 7353, AN ACT CONCERNING VARIOUS ISSUES RELATING TO SPECIAL EDUCATION. In particular, I believe that the technical schools need to be more open to students with special education issues, and you have my written testimony on all three of these, but I have with me Dr. Powers. He's the head master at the Southport School to talk about the issues of dyslexia. I will yield my time to him. Doctor.

DR. BEN POWERS: Thank you very much, and thank you to the members of the Education Committee for hearing this testimony today. I previously submitted written testimony. I've been working with students with dyslexia for 19 years, and I've run two schools for students with dyslexia -- the Kildonan School and now the Southport School in Southport, Connecticut. I think what you hear today is, unfortunately, a story of failure in many cases for our students, and I'd like to take a moment to acknowledge those -- the voices that you hear today because it takes an incredible amount of courage to get up in front of people and do the thing, which is hardest for you, which is to read if you have dyslexia. For people who don't have dyslexia, it might be tough to recollect what it was like to learn to read, but for people with dyslexia, you

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remember every step of that journey. I see significant financial costs that school districts have to bear when they are -- [Bell] -- unable to provide the right kind of education for these children, and I see the emotional -- the emotional trauma that our students and our families face. It's incredibly significant, and now, as a parent of four children in the state of Connecticut, one of who has an IEP herself, I see the struggle through the PPT process of providing the right types of resources and the amount of human power that is wasted in discussions on trying to clarify what is needed, where, when, and by whom. We have a lot of these answers. Part of the work I do as an affiliated research scientist at Haskins Laboratories right here in Yale, it's the epicenter for spoken and written language in the world, and so we have an incredible amount of resources in the great state of Connecticut, and by having this taskforce, we have a unique opportunity to stand on the platform that the committee built to recognize dyslexia and to actually build programming -- effective evidence-informed programming for our students, so that they don't have to fail in school, and that districts don't have to incur the significant costs that they do right now when a child fails to learn to read, so thank you.

SENATOR OSTEN (19TH): And, if I could just add one more thing, Mr. Chair? I had a different bill in Judiciary to look at a taskforce for folks in -- that are incarcerated. The reason why I asked for that was one, to look at the number of people that were mentally ill and chronically mentally ill in our Department of Corrections, but I also point out that there's a unified school district number one in

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the Department of Correction, and when they have a new student come into the correctional system, and they evaluate that person, the numbers of young people who are ultimately identified as having dyslexia or autism are through the roof with those students that had previously unidentified or I would pause it somewhat ignored cases of dyslexia and autism, creating a certain amount of -- of unfairness for those students to be successful, and I just want to point that out that that's one -- as someone who worked in the Department of Corrections for 21 years, I think that it's important for us to recognize this issue, and thank you very much.

SENATOR MCCRORY (2ND): Thank you. Any questions from the committee? Representative McCarty.

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REP. MCCARTY (38TH): Thank you, Mr. Chair, and just quickly. Welcome, Senator and welcome, doctor to the Education Committee, and thank you for your testimony. I'm happy Senator Osten that we agree and that we agreed on the bills mentioned today. You did not comment on the bill that I know you've had an interest before, and I'll go back to the dyslexia, but on the education cost sharing formula, if you would like to have an opportunity to tell us if you think that needs more study?

SENATOR OSTEN (19TH): Well, the education cost sharing formula that we agreed on last year does not address some of the issues. We also made a promise that we would expand it out ten years when we're taking money away from districts, and I think we need to revisit that issue. That's not true in the current governor's budget. I also think we need to get schools back up to 100 percent. We need to look at the formula itself, but I hate to continue to



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look at it year after year and not come through with a real formula that helps out programs for children. Ultimately, the goal is -- and I've obviously testified on -- and supported regionalization, but I really think that we need to spend less on administrative costs and more on programs for children, and that's really my goal is to spend more on programs for children and to get money into those programs, and that's -- that's what I want to see happen, and you all do such great work on this issue. I'm very glad that we have such capable hands on the Education Committee to discuss and debate these issues.

REP. MCCARTY (38TH): Thank you, and if I may, Mr. Chair, just quickly to the doctor? Thank you for coming in with your testimony and to highlighting that we do have many resources here in this state, and that we really need to be sure that we get the appropriate training into the classrooms early, so is it your opinion that every child -- a child that's dyslexic can be successful long term if they have the appropriate training? Does everyone have that ability to succeed?

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DR. BEN POWERS: The evidence is quite clear on this when we look at the scientific literature that with evidence-informed instruction every child can learn to read, and the Florida Center of Reading Research -- Dr. Joe Torgerson did a great meta-analysis of this about maybe 15-20 years ago where we saw that, you know, even with tier 1 and 2 instruction with students there were significant outcomes between 60 to 90 percent of those students who are at risk for reading failure learn to read, and so there will always be a small number of people with dyslexia who are significantly impacted by the severity of their

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dyslexia that reading will always be a challenge to them, but all of those children and adults will learn to read through effective evidence-informed literacy instruction.

REP. MCCARTY (38TH): Thank you for those comments, and I -- I think we do still have a lot of work if we look at the statistics only that we're still not identifying all of the children that can use the services, so we have work to do in that area as well, but thank you for your testimony.

SENATOR MCCRORY (2ND): Any other questions? Thank you for your testimony. Sarah -- Sarah Egan. No Sarah? Dennis Mema, followed by Costa Diamanatis.

DENNIS MEMA: Thank you, Mr. Chairman. Thank you to all those that have proposed this legislation. I'm talking about proposed Bill 7352, and thank you to all those who will take it into consideration. I was actually here not too long ago testifying in favor of House Bill 715 for higher ed, but today, I'm here for a different purpose. I feel as if I owe it to future students in our state's very rigorous and successful school system to ensure that they know and understand the unequal implications of human kind's impact on our world. I am absolutely in favor of proposed bill 7352, but I think more should be done to address the climate justice aspect that is left out of this legislation.

In my reading of the bill discussed here today, there is not one mention of the word justice, and in a state that will be proportionally less impacted by climate change than other poorer or equatorial areas of the world. This is an important aspect of integral education missing from the proposed curriculum changes, and interestingly enough,

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schedules, and it would make family time much more enjoyable.

REP. HAINES (34TH): Right, and then a followup question, if you mind? The -- what do you do -- younger children I hear they do better earlier, so are you looking to set that up to have children -- younger children going to school earlier or same times?

SARAH RASKIN: So, the research is kind of not there yet for younger children. We know a lot about high school and middle school aged children. We started -- we know about puberty and beyond. In terms of optimal start times for younger children, I wouldn't say that that data is quite so clear, but certainly, what information we have suggests that they might do better, that they're up earlier anyway. They're naturally up earlier than teens are, and so it might make sense to have them start school earlier.

REP. HAINES (34TH): Okay. Thank you very much. Thank you, Mr. Chair.

REP. SANCHEZ (25TH): Thank you. Thank you for your testimony. Next, I have Brendan Murphy.

BRENDAN MURPHY: Good afternoon, Representative Sanchez and members of the Education Committee. My name is Brendan Murphy, and I have been on staff with the Connecticut Education Association representing teachers in Fairfield County for the last 3+ years. I am here today to support House Bill 7353, which protects teachers from reprisal in any form for expressing their professional opinion in a PPT or pre-PPT meeting. As a former special education teacher, I can attest the pressure that is put on teachers to conform or go along with whatever

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the administration is proposing at a PPT meeting. Teachers need to be able to speak up and express their professional opinion as to what they feel is best for a specific student. Teachers need not fear any reprisal because they express their professional opinion, even if their opinion is not a popular opinion with administration. The ability to speak freely about what is best for a student with special needs is imperative. In one district that I worked in as a CA staff member, a teacher disagreed with administration around what was best for a particular student. The teacher was a non-tenure teacher and subsequently told that she was going to be non-renewed. In other words, she was released without cause. The teacher had to resign and has since left teaching entirely because she spoke up and advocated for the needs of her students. This bill would help prevent things like this from happening in the future. Teachers should not fear that they might lose their jobs if they speak up and advocate for the needs of a special education student.

Often times, the biggest problem area in advocating for students with special needs is the associated cost. Teachers are told to not recommend certain placements, accommodations, or services that come with high costs even if the teacher's professional opinion is what is best for the student. This should not be the case. Teachers should feel empowered to advocate for student's needs, and know that their advocacy will not be held against them. Thank you for our time and consideration.

REP. SANCHEZ (25TH): Thank you. Question. [Bell]. The bell's too late. [Laughter]. Protects teachers who wish to make recommendations, right, outside of a PPT, so a teacher's approaching, who? The parent

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-- talking with the parent or talking with other --  
with administrators at the school? I mean what --

BRENDAN MURPHY: The teacher is in the meeting -- in the PPT meeting expressing their opinion as to what they think is best for the child, so it's a team meeting, so they're a part of a team, and often times, they're -- they're told to not express what they think is in the best interest of the child because of associated costs usually.

REP. SANCHEZ (25TH): So, would this affect more a teacher that's not tenured versus a teacher that is tenured?

BRENDAN MURPHY: It affects all teachers depending on how they're retaliated against. It definitely has greater implications on a non-tenured teacher though because of the process.

REP. SANCHEZ (25TH): Right, 'cause I would imagine the teacher that is tenured there would be a process.

BRENDAN MURPHY: Correct.

REP. SANCHEZ (25TH): Right. Okay. Any other -- any questions? Representative Comey.

REP. COMEY (102ND): I'm way down here [Laughing]. Thank you. I have heard from parents that -- that that is in fact what you're saying is in fact true. You can see it in their faces. I have also heard that social workers can speak more honestly and freely if they feel that the family might be "worth the risk" is how it was put to me. So, I'm wondering if you think that that is -- is -- what difference the social worker has in that situation than a teacher doesn't?

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BRENDAN MURPHY: I think a lot of that has to come down with the professional opinion as to what is valued and what isn't. If they believed that the social worker has greater depth of knowledge or insight into the particular child, then they would be more willing for that person to kind of express contrary opinion to what's popular versus a classroom teacher who technically isn't trained the same way a special educator is or a social worker, and therefore, their opinion is not looked at exactly the same even though it's supposed to be a balanced team approach.

REP. COMEY (102ND): Thank you, Chairman.

REP. SANCHEZ (25TH): Thank you for your testimony.

BRENDAN MURPHY: Thank you.

REP. SANCHEZ (25TH): Next, I have Ray Rossomondo. Is Ray here?

RAY ROSSOMONDO: Good afternoon, Representative Sanchez, Senator Berthel, and the distinguished members of the Education Committee. My name is Ray Rossomondo. I'm here with the Connecticut Education Association. I'm speaking on bill 1069 regarding various revisions in additions to the education statutes. I'd like to begin with the aspects of the bill addressing fingerprinting. Thank you to the committee for last year approving a taskforce to look at the fingerprinting issue of educators. It seemed like an issue that was pretty straightforward. If we had centralized places to fingerprint educators, it would be very easy to get them registered and have background checks and substitutes to be able to get in queue for being in classrooms; however, that hasn't been the case. I

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RAY ROSSOMONDO: Yes.

REP. SANCHEZ (25TH): They are presently doing this in one location?

RAY ROSSOMONDO: Yes, and I have a link in my testimony, but Texas has something called a Fingerprint Applicant Clearinghouse of Texas or FACT, and they've been able to centralize their fingerprinting through that. Massachusetts uses -- uses a company IDENTICO to process, and then we also had heard from Washington State and Nebraska that they have centralized facilities as well with Nebraska using their state patrol. So, it seems like there are some -- some solutions out there. My understanding is that we do belong to some sort of regional compact that might be creating some obstacles, but beyond that, I -- I defer you to Mr. Kitching who is chairman of the taskforce.

REP. SANCHEZ (25TH): Thank you. Any questions? Thank you.

RAY ROSSOMONDO: Thank you.

REP. SANCHEZ (25TH): Next, I have Lon Seidman.

SB 1068  
SB 1069  
HB 7353

LON SEIDMAN: Good afternoon, Representative Sanchez and Senator Berthel and members of the committee. Thank you for having me today. I was here about two weeks ago during the regionalization discussion, and I told you all about how our crazy district in Chester, Essex, and Deep River. I am the Chairman of the Essex Board of Education and also the chair this year of the Supervision District for Region 4. Chester, Essex, and Deep River have their own elementary schools. We have a regional middle school and high school that serve the three towns. As a result of this, we have four boards of

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education, but we are managing everything through a single central office, and there are two bills that the committee raised that I think could help us out quite a bit. I can expand upon how we are structured if you have questions about that 'cause it might take me longer than three minutes to explain [Chuckling].

Bill 7353, Section 1 adds some definitions about what a local board of education is, and one of the provisions in that description is to allow for a cooperative agreement under 10-158a to be considered a school district in this definition, and that would be enormously helpful for us because right now, although we manage everything centrally, although the teachers are the same, the state doesn't see us that way, and we run into a number of roadblocks trying to make these programs better for the kids and also more efficient at the same time. We've been on a major effort to reduce the number of out-of-district placements, and have been very successful at that, but we keep hitting these roadblocks because the state sees us as four different districts even though we're doing everything the way that they want us to do it and so far as regionalism is concerned, and 10-158a has a lot of potential to I think help get a little bit more sanity to school regionalism, and this is a minor change to a statute that I think would make a huge difference.

Also, Senate Bill 1069, has some language about requiring the Department of Ed to research having this cooperative agreements be considered under certain circumstances a local education agency or an LEA, and this would also be really helpful if it were to happen because it would allow us to have



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some flexibility. The big difference in how a cooperative agreement works versus a regional school system is that under a cooperative agreement boards of education can grant certain powers to the region and also reserve certain powers, and I think it's much more compatible to how our towns operate, and I think it's going to eventually bring us to a place where I think everyone wants to be where we have more regional cooperation without all of the roadblocks. It's worked very well for us. It's added some complexity, and I think it's important to have this study done the way it suggested in the bill because it is different than the governor's language in that it sets a firm deadline by the end of the year so that the session following this one can maybe pick up some work on this, and it also I think will -- will really get some of this story out that we've been doing for the last 70 years 'cause I think we're the only district that's doing as much with this statute. [Bell]. And, I will be happy to take any questions.

REP. SANCHEZ (25TH): Okay. Any -- oh, Representative Kokoruda.

REP. KOKORUDA (101ST): Thank you for coming up again. We appreciate it.

LON SEIDMAN: Thank you for the new language. It's very helpful.

REP. KOKORUDA (101ST): I always learn something every time I meet you, Lon, so I want to thank you for that. You're so dedicated. Your towns are Deep River, Essex, and the third is Chester?

LON SEIDMAN: Chester. That's correct.

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REP. KOKORUDA (101ST): Correct. I find it -- you mentioned a little, so I'm going to give you a chance to explain it.

LON SEIDMAN: Sure.

REP. KOKORUDA (101ST): How is your regional -- regional school system set up and what is the issues with the different boards and what's driving it?

LON SEIDMAN: So, we have almost as many board members as you have Senators up here -- [Laughing] -- 33 of them, and what happened is 70 years ago the baby boom happened, and they were looking at a huge influx in students, and they didn't have enough high school space to accommodate them, so what they decided to do was regionalize grades 7 through 12, but they had perfectly good elementary school buildings that are actually a pretty good distance apart from each other, so they remained intact as separate elementary districts, and what they did differently though is that they decided to run everything as a single unit, and they created something called the Supervision District, which eventually I think actually probably helped guide this 10-158a statute as it came together, and the reason why we haven't been able to successfully regionalize K-12 is that the way the -- the law basically requires you to average out your student expenditures means that every time that we've looked at regionalizing one town gets hit with a significant amount of increase because we have to balance out the per student cost differently for each town. So, the last time we looked at it one town was going to get hit with half a million dollars extra for really nothing. We tried to work out some arrangement, you know, where we could

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kickback the savings through a check, you know, and then it was discovered that a town meeting could blow up that entire arrangement, so we were kind of stuck there. And, other towns in the district didn't want to see control over the closure and opening of school buildings to the neighboring towns because if you're a small town in a regional school system you'll lose that autonomy, so what we've basically put together is a hybrid that's kind of the best of both worlds. We have, you know, the control that we're looking for, and we can also regionalize and de-regionalize services as needed, and we feel that this -- this arrangement works very well for us. We'd like to make it more sane, and I think if we could have some changes to the law to recognize that there's more than one way to run a school district that we might be able to be a good example for better regionalism.

REP. KOKORUDA (101ST): Have you ever worked with your legislator to come up with solutions to this because five boards that you have? I mean do you have a solution to it and has it been proposed and just never got any traction or what happened?

LON SEIDMAN: Yeah, we -- we've tried over the years. You know, there's been -- I think this year's been helpful because I think there's been a real focus on this issue, which has I think brought a lot of attention to it statewide, and it's helped us tell our story a little bit. We have had bills in before. We tried a bunch of different things. To be honest, we didn't really realize that this definition problem was the problem until we started going down that path. We had some success with legislation in the past -- speaking of teacher tenure -- if a teacher moves into a cooperative

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agreement from a school district, their tenure remains intact. That was a change that was made. There's been a few other changes made over the years that have been helpful, and now we're at a point where we feel like if -- if a cooperative agreement could be defined as a LEA somehow, somehow that that might bring about some change. Senator Needleman has a bill in -- on this topic as well, and it -- it's -- I'm seeing parts of it starting to work its way into some of this language, so we're really grateful.

REP. KOKORUDA (101ST): So, Senator Needleman I didn't see this bill; would it solve that problem?

LON SEIDMAN: Yes, it would. I think if we could have that definition provided it would give towns the choice. They could decide, hey, you know what this cooperative agreement's working. Why don't we, you know, make this our district, and -- and you'd have the flexibility, the local fiscal control, and you'd have a new regional set of school districts starting up. There hasn't been a regional school district formed I probably 30 years, and I think the reasons are is that there's just very little option for the towns to pursue that makes sense to them, and we're trying to propose something that might I think break the law jam and create some more opportunities.

REP. KOKORUDA (101ST): Well, you've been sitting here all day, so I'm sure you heard my story about Durham with losing the money in the middle of the summer, and that's -- that's what hurts people wanting to go regional. Like they are worried because they hear stories like that. just a change in subject, just because a lot of what I know about

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MBR I've learned from you. I was very surprised to hear your last CAFE regional meeting that the changes we've made to the appeal process don't seem to be working. What's going on? Is it just -- is it so subjective or is there something that we didn't do that would have made that whole appeal process much more doable for our boards -- for our towns?

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LON SEIDMAN: Today's been really informative because I've heard a couple different stories from a few different districts, and -- and I've come to understand the importance of the MBR I think more than I initially thought it was to be it initially, and -- and there's a real purpose that it -- that it exists in the law and it should remain in the law to protect a lot of districts that need it, and in our case, all three of our towns have had MBR issues over the years. All -- every one of them has been a result in declining enrollment, and it's usually because we have sections that are just no longer needed. What's interesting is that our -- our educational expenditures for programs have actually increased over those periods of time, so we added all-day kindergarten in the midst of being under MBR restrictions, and one of the things that I noted in the statute -- and I'm not sure if this is in the statute now or if it's part of one of the sunsetted provisions, but I believe the commissioner has the ability to evaluate a district's story and make a determination, and I've always been of the opinion that nobody knows how well a school district is doing, especially my own, better than the state board who we report to with a lot of information, and I think it would make a lot of sense to have a school district just have a process in which they

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can go and make their case and say, look if in the evaluation you see that we're not reducing any educational programming here, we have a significant decrease due to population, we saw like 20 percent drop, so I think it would probably be simpler for the legislature to have to not have to define every single condition, and give us the ability to go up and make our case with a hearing of some kind that we'd be able to present our evidence.

REP. KOKORUDA (101ST): Are you suggesting that -- that determination what a town does or a district does apply -- should really be reviewed by the whole state board?

LON SEIDMAN: I don't know if it should be the state board or the commissioner. I know right now I believe the statute says the commissioner --

REP. KOKORUDA (101ST): Commissioner.

LON SEIDMAN: Is the person, so if it is the state board, I -- I think we would just welcome the opportunity to do that 'cause you have one of our towns is under MBR this year. Essex was almost under it, but we -- we are not now, and a lot of times you get hit with the MBR midyear 'cause you have an ADM swing in one town --

REP. KOKORUDA (101ST): Yep.

LON SEIDMAN: Versus the other, so in every case that we've had, it's been a surprise.

REP. KOKORUDA (101ST): And, when you've gone for these three times for the appeal, how many times have you gotten there?

LON SEIDMAN: Never.

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REP. KOKORUDA (101ST): You've been denied each time.

LON SEIDMAN: Yeah, I don't know how many times we formally -- the towns in the district have formally appealed 'cause it's the one complication of our district is that those towns are different than my board even though we all work together, but I do know that they -- they have not been successful in getting an appeal even though the evidence was very clear that we're not reducing any cost for the district, and what was interesting too about the statute is that it actually requires the Board of Ed to approve the request, so it's not something that's just happening by a board of finance or a city council. It's that the Board of Ed says, yes, we agree that these -- these reductions are necessary because of X, Y, and Z.

REP. KOKORUDA (101ST): All right. Thank you. Thank you very much.

LON SEIDMAN: Thank you.

REP. KOKORUDA (101ST): Thank you for all your work.

LON SEIDMAN: Thank you.

REP. SANCHEZ (25TH): Thank you for your --

LON SEIDMAN: Thank you for your time today, and thank you for the language. It's very helpful.

REP. SANCHEZ (25TH): Leslie Prior.

LESLIE PRIOR: Does that help? [laughing]. Thank you very much for allowing me to speak today. My name's Leslie Prior, and I live in the town of Tolland. I'm here to support Section 4 of HB-7353 that discussed students with disabilities in the

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technical high schools. My son, Gavin, is very interested in media studies, very good at video editing. Unfortunately, for him, he has autism. We work very hard as has he to overcome his difficulties. When I started looking at transition for him -- and if you need me to explain that just ask me -- a lot of our tech high schools offer medial art, and his specialty is video editing. He's quite good at it, so I decided to call the technical high schools and discuss the possibility of him going into their program. While I was discussing this with them, they said simply to me don't apply because we don't do that. When I asked them why, I had a lot of trouble getting any good answers out of them. I guess the best one was is that you need grade-level reading skills due to the complexity of the technical manuals and the school's rigorous academic schedule. After doing some digging, I found this very difficult to believe that this was the actual problem. One, being that most of their math and reading scores fell well below the majority of our public high school's scores, often times not reaching even 20 percent proficiency. Also, there's very well-known avenues that are readily available to circumvent any possible reading issues. When I added all this together, I decided that really my son was being discriminated against because he has autism. He wasn't even being given a chance, nobody had spoken with our high school, and certainly, nobody had bothered going over his IEP.

Since then, I've been forced to find alternate -- alternative strategies, internship positions that will hopefully afford him somewhat of a similar experience and allow him to learn and progress into a job in his preferred field. Thankfully, with the



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help of his transition program, some of these opportunities are appearing for us. It's slower and a less sure route than one that might have been available if I had been able to send him to one of our technical high schools, but this is what we're dealing with. My experiences with out tech high schools have made me question what we're really talking about when we talk about diversity and inclusion, entitlement, welfare reform, and we have the means to educate a child in an area of strength using a free appropriate public education then why aren't we? We aren't we giving people like my son an opportunity to grow in the system and give him the gift of independence later on in life? So, I'm here hoping that Gavin's story will cause you to consider these questions and think about what we really want for our kids, for our state, and what kind of example Connecticut is setting within the world of special education and beyond. Thank you for your time.

SENATOR MCCRORY (2ND): Okay, and thank you for your testimony and your advocacy. Any questions?  
Representative Sanchez.

REP. SANCHEZ (25TH): Thank you for coming up here and testifying, and giving us our story about Gavin. The transition that you're talking about, is that within the services within the public school system?

LESLIE PRIOR: Yes. So, -- so, when kids reach age 18 and they're in their senior year of high school, our state allows them to do what are called transition services between -- for the next three years between the ages of 18 and 21. That covers a very wide ranging -- wide ranging options of what is available to them including really what should be

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education within the technical high schools because they are a public school system. There are any transitioning programs depending on children's level of need and what they are looking to be educated in, but it was well within my right to ask that he be allowed to study in their media program within the technical high school given the fact that it -- it is a public school system.

REP. SANCHEZ (25TH): Thank you.

REP. MCCARTY (38TH): Representative Kokoruda.

REP. KOKORUDA (101ST): Thank you. Thank you, Mr. Chairman. You know, one thing you did say that really struck a chord -- the idea of inclusion, which is everything we've talked about with special education in this building. So, what you're saying to us is that your child, because of the learning disability or special needs autism, even though he's supposed to be included in public education, has been excluded from one part of Connecticut's public education program?

LESLIE PRIOR: Yes, he has.

REP. KOKORUDA (101ST): And, you actually applied for it, and what did they say to you? And, you didn't even apply?

LESLIE PRIOR: So, I didn't even apply, and that's my bad. I didn't apply because I was very heavily discouraged from applying. I was told, we just don't do that. That's not something that we do. He's not at grade reading level, he has moderate autism, that's nothing we're gonna -- we're gonna be able to do for you.

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REP. KOKORUDA (101ST): Who was talking to you, saying this to you? Your school?

LESLIE PRIOR: Actually, yes [Laughing]. Somebody from our district and also one of the technical high schools.

REP. KOKORUDA (101ST): You know, thank you very much. This is an issue that I think a lot of us were not aware of. It's pretty shocking, actually. I understand it brings some issues for our tech schools, but the idea that our children who could really get meaningful employment from this program are being excluded is I think shocking. Thank you so much.

LESLIE PRIOR: Thank you.

REP. KOKORUDA (101ST): Did you want to say something else?

LESLIE PRIOR: Well, you know, it disturbs me because so often a lot of our children with special needs, with some very, very minor assistance in some cases that we -- we could really have kids, especially in this technical high schools. Some of these kids bloom in this situation where they're hands-on, which is the case of my son. He has now that I've had him out in these internships working at some actually local tv stations, the transformation has been absolutely stunning, and that's just my case with a child. I -- it wouldn't surprise me that this would be the case everywhere, and here we have technical high schools that offer so many hands-on opportunities. A lot of these kids do very well in the technical high schools because that's how they learn best. They're kinesthetic learners. We also have tons of trades that are

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looking for these skills, and they've been lacking nationwide for many, many years. I think we as a state and as a nation are missing out on opportunity by not including a lot of these kids in these programs.

REP. KOKORUDA (101ST): Thank you so much.

LESLIE PRIOR: Thank you.

SENATOR MCCRORY (2ND): Thank you. Any other questions? Representative Bolinsky.

REP. BOLINSKY (106TH): Thank you for being here. Lots of courage to tell the story, and you are -- you're projecting an inner strength that I know you gotta build to because of years of being sort of pushed down, so you know, I just want to find out where -- at what point in the school system in which your son is enrolled did you see denial of services come and rear it's -- it's ugly head and -- and -- and then when you experienced that, how and to whom did you reach out, and how did that play out? It's a loaded question, I understand.

LESLIE PRIOR: It certainly is [Laughing].

REP. BOLINSKY (106TH): Yeah.

LESLIE PRIOR: That's okay. I've had loaded questions before. My son was actually outplaced at IEA, Intensive Education Academy in West Hartford at my request. Our school system, Tolland, is basically a very, very good school system, but my son is now 19 years old -- way back when we're talking about when I had an outplace, they really didn't have great services for kids with autism. I let him go through the first six months, and I was terribly dissatisfied. He wasn't making any

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progress. I sought out other programs. He initially went through -- and Tolland agreed to give it a shot -- he went through a CREC program, River Street Autism Program, the Coltsville section of that, did so well that they said, we can't do for you and him what they can do, so they agreed to let him stay there. He was there for several years, and then academically he wasn't getting what he needed, so I sought out another program, and that was Intensive Ed Academy in West Hartford. He was there for about 11 years, did quite well. We all agreed that Tolland didn't have what he needed as far as services to bring him back to district that would allow him to achieve the way he was achieving at Intensive Ed Academy, so up until then, I did not have a huge problem with Tolland. It's a shame he couldn't be educated within the school system, but Tolland did ensure that he was educated one way or another. So, the biggest issue we had when we came up around transition, and that is when typically the bottom drops out for a lot of families is during transition time. Nobody knows what's going on. Nobody really knows where to send you. If you don't fit in this tiny little box, you're kind of out of luck, so he was in a transition program when the media arts program at the technical high schools would not accept him. It's been a struggle. It has been a lot of me chasing everybody's tail and me actually searching out positions for him, and then getting the program to hook them up with the place I found hooking him up with the program. It's worked well, but I don't know how well that would work for everybody else. I'm a full-time career firefighter. I have four other children. Four of my five have some sort of learning disability or developmental delay, so I spend a lot of time chasing people's

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tails. So, I'm really good at it [Laughing], but I don't know how that would work for some families that maybe -- I'm just very tenacious. So, how would that work for some families that maybe don't have the information that I have or the tenacity? And, that's a huge concern.

REP. BOLINSKY (106TH): Thank you for that. That's a very important questions. Now, you mention that you do have -- you know, you do have four children that have various types of disabilities. Are any of them similar to one another or is every single person individual?

LESLIE PRIOR: Life is like a box of chocolates [Laughing]. You never know what you're gonna get, and each one is very different in my family.

REP. BOLINSKY (106TH): So, you're inventing a new solution for every single thing?

LESLIE PRIOR: I am, and it's funny because the -- the dyslexia bill had come up, and I said to Shannon, I said, oh, my goodness. I didn't have any wind of this. I've got a child with dyslexia who was just diagnosed at 12 years old, so I'm right on board with that testimony too.

REP. BOLINSKY (106TH): Yeah, it's interesting. The -- just for some folks that may not know this. What happens after transition? So, you go through the high school thing, you had 11 years of decent experience, right now you're struggling to possibly get into a technical high school or whatever it is that you're doing, that's from 18 to 21.

LESLIE PRIOR: Right.

REP. BOLINSKY (106TH): What happens at 21?

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LESLIE PRIOR: At 21, unless they qualify for DDS services, VRS, the bottom drops out, and even with that, because the agencies are so underfunded, the bottom still tends to drop out for the majority of parents depending on the needs your child has and what kind of support you can give them. Some kids end up sitting at home. I have friends who have more severe kids with autism at home, and they're struggling to even find in-home health. The job prospects for people on the spectrum and actually kids with disabilities in general are fairly abysmal. I'm trying to remember. I think is it less than 40 some odd percent are employed? Yeah, and that isn't even necessarily full time. I'm sorry if I don't have the exact percentages, but it's somewhere in that -- that realm. It's funny because I -- I have a daughter who had attended college for a while, and I had -- as I'm sure the rest of your -- I've still got those FAFSAs. It's enough to make you tear your hair out. Well, you know, we are responsible for them to age 26 financially, and then I look at our kids with disabilities, and I think who thinks 21 is a great age to just have you're on your own, have a good time, you know trying to find employment for them, trying to make jobs for them, seeing if you can do customized employment maybe somewhere. It's a full-time job for parents to try to either continue to educate or to find jobs for their kids or to try to keep teaching them skills. It's a very short time -- three years.

REP. BOLINSKY (106TH): Yeah. All right. Thank you very much. It's an important perspective, and -- and -- and I applaud you for sharing and using your own experience to try to teach us. Thank you, Mr.

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Chairman. I'm gonna stop questioning because I could go for about an hour probably, but this is something that we do need to formalize, and we do need to have some protocols, and we need to, you know, not have to have every parent invent their own solution. It's just you know there are people's lives in the balance, and where do they go? So, thank you very much. I appreciate the latitude, Mr. Chairman.

SENATOR MCCRORY (2ND): Thank you. No problem. Representative Haines.

REP. HAINES (34TH): Thank you, Mr. Chair. Hi, I'm over here. [Laughter].

LESLIE PRIOR: Oh [Laughing].

REP. HAINES (34TH): Thank you so much for coming in and testifying. I'm a mom of two, and the struggle is real, so I get it. My question for you though is we've talked -- a number of people have testified as far as educators having the skill to diagnose whatever these problems are earlier, and in your case, I mean you just mentioned that one of your children was diagnosed at 12 with --

LESLIE PRIOR: She was a non-specified learning disability and just last year at the spring PPT, they said we've discovered doing more testing she has dyslexia, so now we have a name.

REP. HAINES (34TH): Great. If you were -- if it was diagnosed earlier, I imaging that this is something that could have been prevented, and when you get to the point where when somebody's 21 or 26 or whatever it is where they lack the skills to you know move on and be a productive person in their own right -- so my question I guess is the protocols and



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standards that we've talked about today -- what are your thoughts on the older or the higher education piece that we need to get our teachers into their schooling to get versed testing for this just earlier -- just kindergarten, first grade, second grade when we're trying to teach them how to read? That's when we need to know that they have this problem -- whatever that problem is.

LESLIE PRIOR: You're not gonna like my answer. My answer is that I think eventually what's gonna have to happen as that these separate classes that are being piecemealed out to teachers, I think that's gonna have to go away. I think what's gonna happen is we're looking at special education in a way that we never did 50 years ago when I started school, so we know more and we need to do more. I don't think special education should anymore be a specialty field. I think that if we're looking at true inclusion in the classroom setting, I think that what we need to be looking at is the colleges and universities need to include special education as part of regular teacher curriculum, and not just a two-week blog on it or you can choose it as an elective. I'm talking that this has to be a regular part of their curriculum. It has to be imbedded in their education. It has to be something every single teacher knows like the back of their hand, and then yes as things change and improve, yes you go and you do continuing ed credits on it. But, I think until we have that, we're gonna be looking at ridiculous costs for our school districts because you're getting specialties in when your teachers could really be doing this, and I also think that we are not going to get true inclusion until we actually see that.

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REP. HAINES (34TH): Well, I appreciate your answer very much. I have a daughter right now who is going to school at Gettysburg to become a teacher -- a music teacher, and she has a specialty concentration in learning about special ed because she feels that every child needs to be taught no matter what the issue is, and I think I absolutely 100 percent agree with you that we need to change our higher ed, and I think a lot of people said that today -- every child needs to have equal opportunity for education whatever they are -- whatever the problem is. So, thank you so much for coming in --

LESLIE PRIOR: Thank you.

REP. HAINES (34TH): And, telling us all about your situation.

LESLIE PRIOR: And, thank you for your patience.

SENATOR MCCRORY (2ND): No problem. Any other questions or comments? Representative McCarty.

REP. MCCARTY (38TH): Sorry, I just wanted to thank you very much for coming in with your testimony, and if you could just tell me what your son is doing now?

LESLIE PRIOR: So, my son is with the Horizon's Program, which is a transition program in South Windham, and he just started a couple of weeks ago. He is now out in the community five days a week. He has a video editing internship at Eastern Connecticut State on Mondays. He's at UCONN TV Tuesdays and Thursdays doing video editing and filming, Wednesdays he's at Bolton Local Access TV Station. He's worked with them since the beginning of September. He has filmed roofing jobs, edited bluegrass festivals with Charter Communications.

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He's making a lot of noise -- [Laughing] -- I think through their program and doing quite well. He had to actually interview for the UCONN TV. He got several letters of recommendation, which I read and I burst into tears because they were so sincere, and after speaking with them, they meant every word of it. He's quite capable, which goes to show ya if you have a love -- disability or no disability -- sometimes you can really make it work.

REP. MCCARTY (38TH): Well, thank you for sharing that, and you illustrate very well what can be accomplished, and what -- excuse me. Sorry. And, what can actually be achieved when you have that interest and you're given the appropriate attention, so thank you very much.

SENATOR MCCRORY (2ND): Representative Kokoruda.

REP. KOKORUDA (101ST): Thank you. I just have to ask. What you explain to us what your son has done and is doing is exactly how we were hoping the transition plan would work. But, let me just finish because I know what you're going to say.

LESLIE PRIOR: Yes.

REP. KOKORUDA (101ST): How much of this was done by Tolland through their transition plan (inaudible - 03:50:31) for your son, and how much of it did you really have to do privately?

LESLIE PRIOR: [Chuckling] So, -- so, Tolland would have been very happy with us just going into the transition plan that Horizon's developed, and they -- they would have liked -- they would have been happy with my son doing whatever -- whatever they had, which was typically there. For the first three weeks he was there even though they knew we were

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coming since April, they had him painting and staining benches outside, and they had him cleaning up and doing those kind of things. I had to call another PPT and say, what are we doing here? And, they're like well you don't understand. It's really hard to make these connections, and I said, I do understand. You've had since April to start making these connections. The one connection you've made is one I gave you that I made initially for you. And, they said, well, you just don't understand how hard it is, and I said, what would happen if you paid thousands of dollars for your child to go to college and they sat in their dorm room for the first three days because the teacher didn't have their curriculum together, and they said that's not the same thing. I said, it's the exact same thing. This is my son's college. This is his secondary ed -- post-secondary education, and I said, and I need you to take it as seriously as you would if your child was sitting in a dorm room while you paid thousands of dollars, which is what my district is doing, for them to get him somewhere, make a bridge.

SENATOR MCCRORY (2ND): Any other questions? Thank you, and thank you for your testimony.

LESLIE PRIOR: Thank you so much.

SENATOR MCCRORY (2ND): And, your advocacy for your child. Katherine Meyer, followed by Andrew Feinstein, and Terry Bedard.

KATHERINE MEYER: Good afternoon, Senator McCrory, Representative Sanchez, and esteemed members of the Education Committee. My name is Katherine Shineburg Meyer [phonetic]. I'm an attorney at the Center for Children's Advocacy. CCA is a nonprofit legal organization that promotes and protects the legal

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rights of Connecticut's most vulnerable students, and I'm here today to talk about House Bill 7353, and just to give you a little bit of background. In 2016, along with Greater Hartford Legal Aid, I filed a systemic complaint against the Connecticut Technical Education Career System, CTECS, to the Office of Civil Rights. We were representing ten students. They -- so, I representing ten students. They had a range of disabilities. They're located across the state, and they were applying to a variety of different high schools, and they were all denied based on their disability. This complaint is still currently under investigation now by DOJ, but I just want to accentuate the fact that a lot of these students -- I mean had really low-level needs. One of my students required only resource for them a few times a week, and we were told that that could not be accommodated, that that would be a fundamental alteration of their program, and it wasn't gonna meet -- she wasn't going to be successful in that school. So, the -- the way that CTECS does this or has been doing this is by using Connecticut general statute 10-76q, and they use this statute kind of as a loophole to justify discriminating against students in this way. So, we believe this statute is in contravenes IDEA, the Individuals with Disabilities Education Act, and this federal law requires all public schools to program for all students regardless of disability, and we think that there's no other public school that can refuse students because of their disability, and we don't think CTECS should be allowed to do so either.

So, what -- this is what the process looks like is that CTECS unilaterally decides if a student is

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going to be admitted into their program based on their records alone, so they would hold a PPT. This is the current practice. They hold a PPT. They -- the administrators of the PPT, they convene the PPT at their school, they may or may not include defending school district. Hopefully, they at least try to. The parent shows up, and basically, it's predetermined when the parent walks in the door as to whether or not they're going to get in based on their record and based on how they're viewing this child's disability. They very much adhere to a principle that they do not have to make against fundamental alteration of their program. They're very strictly, you know, holding onto their program exactly the way it is without making any accommodation for different children's needs, and as you saw today earlier with my client Abraham, they also can use the statute to push out students who have already been accepted into the program and then actually are doing very well.

So, in summary, you know, we think that CTECS should be held to the same standard that any other LEA is and should be done by state and federal law in the same way that any other LEA has to, and programmed for students with all different disabilities.

SENATOR MCCRORY (2ND): Thank you. Any questions? I have one.

KATHERINE MEYER: Sure.

SENATOR MCCRORY (2ND): In regards to the PPT process excluding kids, from my understanding, the CTECS system is a blind lottery; is that not -- or is it only for the -- about three other schools who are admitted to the school?

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KATHERINE MEYER: So, it's pretty complicated -- the process. They have a rubric. They one of the factors I actually have the report that Commissioner Wentzell spoke of earlier, and it gives a detailed finding of how it works, but basically, they weigh math and English grades. They weigh their intra-statement, and they just added some more standardized testing. They -- they took it away, they added it back, so it's not -- it's not a blind lottery. You have to have a certain score, and then you go kind of they're ranked in order --

SENATOR MCCRORY (2ND): So --

KATHERINE MEYER: Then, if you're at a certain point in that ranking, then you get this initial letter -- this first letter of acceptance, and then they have the PPT to determine if they're going to sit there or not.

SENATOR MCCRORY (2ND): Okay. All right. I guess I asked the wrong question, but thank you for that response. I was almost sure that at least three of the schools were part of --

KATHERINE MEYER: Not part of Sheff.

SENATOR MCCRORY (2ND): Right --

KATHERINE MEYER: Yes, they are separate.

SENATOR MCCRORY (2ND): By doing that, it's a blind lottery, so the kids they don't know whether the kid is a special needs or not. They get in. But, what you're saying -- it sounds to me what you're saying once they're in they then hold a PPT process to --

KATHERINE MEYER: Once they get that initial first -- first letter.

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SENATOR MCCRORY (2ND): Right.

KATHERINE MEYER: Yeah, I don't know how it's working with those three schools now because it's brand new, so I can't speak to that, but I could -- I could find out the information for you.

SENATOR MCCRORY (2ND): All right. Thank you. Any other questions? Representative McCarty.

REP. MCCARTY (38TH): Good afternoon, Katherine. Good to see you here today.

KATHERINE MEYER: Good to see you.

REP. MCCARTY (38TH): Could you just, for the committee, talk a little bit about the statute 10-76q, and why you think that is so important to eliminate. I think you -- I don't know whether you were here earlier today when the commissioner was present?

KATHERINE MEYER: Yes.

REP. MCCARTY (38TH): But, she did agree that there was a loophole there, and was very supportive of removing Section 4, Part c of that. So, why do you think this piece is still important? Just for more clarification.

KATHERINE MEYER: The whole statute you mean?

REP. MCCARTY (38TH): Yeah.

KATHERINE MEYER: Yeah, I think the pieces that people think are protective are just redundant. IDEA provides all the protection that's necessary if we look at a technical high school like we look at any other public school, like -- and we look at the district, like we look at any other LEA. Everything that we need is already encompassed with an IDEA, so



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we don't need to have a separate process, and we don't need to have different protections. They're already built in.

REP. MCCARTY (38TH): Okay. But, do you see any harm in leaving that section if you have the other Section 4 eliminated? Do you think it does any harm to leave it in?

KATHERINE MEYER: So, you mean --

REP. MCCARTY (38TH): The first part of the statute.

KATHERINE MEYER: There's one provision --

REP. MCCARTY (38TH): Just one?

KATHERINE MEYER: Yes, a and b.

REP. MCCARTY (38TH): Okay.

KATHERINE MEYER: There's one provision that talks also about reviewing to see if the student is an appropriate fit. I'm forgetting which exact provision that is, but that part I would like to be included as well -- repealed as well.

REP. MCCARTY (38TH): And, then the last question. So, you know that this merger now -- or separation actually from the Department of Ed and the tech schools will be going out a little longer, and I think there a lot of improvements have been made to be sure in the admission policy that no child is really excluded, that we -- so, I'd like to continue that work to be sure that that is ongoing. But, the commissioner did mention, and there's so many vacancies already I believe in the tech ed schools, so her concern I think -- and I don't want to -- you know, we'll have to go back -- but I think she said something about that we need to be certain that we

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have the resources available. Did you hear that piece and did you want to comment on that?

KATHERINE MEYER: Yeah, I mean I think that's a question for any school providing for any student. If you look at the report that SDE wrote, which is very comprehensive and very thorough, it does detail there's -- there's a huge number of vacancies in some of the school -- up to 60 and 70 slots, and so you would think that if they're maintaining their staff levels that they might have some extra resources at least in you know a good portion of the schools. You know, I think it's important to note that while 14.8 percent of the state's total school population receives special education services, only 9.6 percent of students in CTECS do, and if you look at, again, the chart in this report, it really varies between schools, and that's because as the commissioner was talking about there are different set rates, and they were -- at one point, the school could design their own set rate of which scores they were going to accept. So, now that I'm happy that that's becoming more consistent and that it needs to be more consistent, but I still think there's -- there's a lot of flexibility and that we -- again, we need to view the technical schools like we look at any other LEA. I mean that's just not an excuse to not have the resource.

REP. MCCARTY (38TH): And, I appreciate those comments, and I also wanted to thank you for your commentary on the gap in the birth to 3 to the kindergarten, and agreeing that -- that -- that work group is necessary.

KATHERINE MEYER: Yes.

REP. MCCARTY (38TH): Thank you.

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SENATOR MCCRORY (2ND): Thank you. Any other questions? Representative Currey.

REP. CURREY (11TH): Thank you, Mr. Chair. Nice to see you, Katherine. So, I was gonna ask you opine a little bit on the commissioner's comments regarding missions of court, but I think you took care of that just now with Representative McCarty's questions. But back with regards to Texas' PPTs being predetermined, and I think that's a bit concerning for some of us sitting around this table today, specifically the fact that parents may not have any input on how much is happening, which is potentially a violation IDEA. Can you talk a little bit more about that?

MS. MEYER: Sure. I mean, I've been at those meetings. I've heard from a lot of clients what that felt like. I mean, a PPT is supposed to be an equal decision making body and a parent is part of that decision making body, as is a sending school district. And they're supposed to have an equal role in making the decision about the child. In fact, I would argue the parent and the sending school district would have a larger role because they actually know the student, and the technical school doesn't know the student and is looking at their records for the first time.

And it very much feels like when you walk in to that room that that determination, that decision, has already been made. And parents have told me, I mean, they feel like they have -- there's nothing they can say about it. They don't think they have any recourse. And, you know, a main tenet of IDEA is parental participation and the ability to, you

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know, to freely participate as part of a decision making body. So, that really hampers that ability.

REP. CURREY (11TH): Are there any suggestions on how we may strengthen that? Or is it just a matter of us ensuring that they're following the rules which are already kind of out there?

MS. MEYER: Yeah. And I think it -- again, it should occur as it does any other LEA. It should be that the district that knows the child is holding the PPT and making decisions about programming and next steps for the child. If the child is accepted into CTECS in a nondiscriminatory way, then they should be part of that team. But the default should be that the child does get to go and does have a spot and does have a role in that community. The presumption is that we will program for that child.

REP. CURREY (11TH): And do you know, with regards to the sending school, that's supposed to be part of that PTT process, are you aware of the teachers in which having -- that have had experiences with that child, are they lending their voice to that school's overall messaging when it makes it way eventually over to the TEC system?

MS. MEYER: Yeah. Thank you for asking that. I mean, I've heard from parents that a teacher from their sending school has gone with them to the PPT to try to speak up for the child and for the parent, and it hasn't gone well for the teacher. I mean, they really feel outnumbered. They feel like, again, their perspective -- while they know the student so much better than anybody else in the room, their perspective is completely devalued. So, unfortunately, it doesn't seem like they are equal participants in that decision making.

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REP. CURREY (11TH): So, it sounds like we need to give a few more people a larger voice in some of these meetings, so. I appreciate your comments today.

MS. MEYER: Thank you, Representative.

SENATOR MCCRORY (2ND): That's it? Thank you for your testimony.

MS. MEYER: Thank you so much.

SENATOR MCCRORY (2ND): Andrew Feinstein, followed by Terry Bedard and Patrice McCarthy.

MR. FEINSTEIN: Good afternoon, Chairman. I'm delighted to be here before 6 o'clock and I'm particularly delighted to be testifying before Fran Rabinowitz for the first time in my life. I'm Andy Feinstein. I'm the legislative chairman of SEEK of Connecticut, Special Education and Equity for Kids of Connecticut. We've submitted testimony on both the dyslexia bill and on; what is it, 7353 today. Other people have focused at great length on the technical school portion and in the hearing impaired portion of 7353. I want to focus on section 5.

Section 5 is the one that provides that teachers should not be censored when they go and speak at PPT meetings or when they deal with parents. This is critically important legislation. The IDEA was formed on the basis of a collaborative partnership to develop programs for children with disabilities. What we have now is a situation almost universally in this state where the school team meets in advance and is told by the administrator what can be offered and what can't be offered. Teachers are prohibited from speaking freely and, at least according to the survey we took recently, many teachers feel that

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they're subject to reprisal, including up to a termination, if they do speak against the policy, against the limitations set by the administrator. That is not the way to program for special education.

In terms of this legislation, there's one amendment that's needed. The legislation now covers teachers and paraprofessionals. It needs to cover related service providers as well; the psychologists, the counselors, the OTs, the PTs, who are also a part of these PPT meetings. Generally, SEEK is very supportive of 7353 and congratulates the committee for moving forward with it and think this could be a remarkable change in providing meaningful and appropriate services for children with disabilities.

Thank you. I'm finishing early.

(Laughter)

SENATOR MCCRORY (2ND): You were afraid I was waiting, that's why. Any questions? Representative Currey.

REP. CURREY (11TH): Andy, I just wanted to tell you that I thank you for coming back today and talking about this. Did you have anything to add with regards to actually the speaker right before you, with the respect to the TEC system and allowing teachers to have the conversations and being more inclusive prior to those moving over to the tech school?

MR. FEINSTEIN: Well, I think it's absolutely right that the tech school makes the decision as to whether the kid's gonna come there. And they've made that decision before the meeting starts. Just like in almost all PPTs, the decision as to what to

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offer is made before the meeting starts. Parents have very little voice and teachers, who are usually -- who are often aligned with the parents, are told to be quiet. I will tell you that I had a recent case where the special ed director of a town called me and said this kid really needs to go to this tech school but they won't let him in. Can you get him in? I was frustrated in my effort to do so by that -- by the provisions of the law, which allows the tech schools to exclude this child.

I just want to step back a second and say there are 212 or 218 LEAs, local education authorities, in Connecticut, which includes the tech schools, the regional school, some charter schools. LEAs, under the law, are required to provide a free, appropriate public education for every kid under their jurisdiction. And the fact that tech schools can say we don't want you, you're not under our jurisdiction, is the way they avoid providing the services that they need to provide.

REP. CURREY (11TH): Thank you and I appreciate your comments with regards to how we may need to tweak this a bit.

MR. FEINSTEIN: And I thank you for your leadership, Representative Currey.

SENATOR MCCRORY (2ND): Representative Cook.

REP. COOK (65TH): Thank you, Mr. Chairman. Thank you for being here. I'm glad actually I walked in while you were testifying. So, this gives me the opportunity to ask you two questions. First -- and I wasn't gonna ask, but since Representative Currey started on the tech school conversation. On some of those -- on some of the denials for tech school

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admittance, is it -- in your professional opinion, has it been deemed a denial because of safety for the child, depending on the trade and what have you? Ever in --

MR. FEINSTEIN: Oh, sure. There are those denials and maybe some of those are legitimate. But most of the -- many of the denials I've seen are kids who need one period a day of resource room, nothing to do with safety and nothing to do with dealing with the equipment. And the fact is that lots of kids with special needs really do well with hands-on, practical work. That's what technical schools are about. I mean, we in fact denying access to the schools that could actually do the best for them.

REP. COOK (65TH): Thank you for that. And then my second question was talking about people being allowed be and discussing topics for children during IEP processes and teachers being afraid or not allowed to speak. So, if you have teachers that -- we passed this provision. And they're still gonna be refused allowed in. What are their abilities at this point or that point going forward to fight that battle? Because we have that problem in our district currently.

MR. FEINSTEIN: The teachers are not allowed to attend the PPT meeting?

REP. COOK (65TH): Teachers, paraprofessionals, which we did that law. We passed that a couple of years ago. And the issue of them being told what they can and cannot say or write down.

MR. FEINSTEIN: It's an enormous problem. Section 5 deals with it in some way, deals with it fairly effectively. It does not contain any special



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enforcement provision. I will say there are two objections that have been raised to this. One, the commissioner has said, not today, but elsewhere, that there are plenty of labor law remedies for teachers who are denied the right to participate. My -- I practice law. I don't know what those provisions are. If she's making that argument, I would think that the committee would ask her for a legal memo, explaining what those labor law provisions are, because as far as I know, they don't exist.

And the second concern that my friend from CAFE will make in a few minutes, is that this will limit the ability of school boards to fire teachers. I don't see that. I mean, in every case where there's a teacher -- where there's an employee protection provision, whoever the decision maker is has to parse out which is the legitimate reason for termination and which is an illegitimate reason. I don't think this changes that equation in any meaningful way. Did that answer your question, Representative Cook?

REP. COOK (65TH): It did. I'm just wondering if we need to go a -- I mean, one step further. Not you and I specifically, but we, as a committee, trying to figure out how we can give the educators the ability to communicate effectively, openly and honestly without the fear of retaliation. And quite frankly, it's gotta be about the education of the child. And if we have gotten past that, and I believe that we have in certain areas, then we're not doing our job and we have to -- we truly have to step away from the numbers, if you will.

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And, oh, we have too many special ed kids so we can't label them, we can't identify them, we can't be honest about what's really going on with them because what -- you know, I sat in a meeting the other day with over 40 teachers and ten of them wanted to leave because they're being abused in their classrooms by kids as young as kindergarten, but they're not allowed to write that down or discuss it in a PPT. That's a problem for me.

So, I just think that as we're moving forward with this we really need to look at this whole conversation, the ability to honestly communicate for the betterment of all parties. You talk about free, you know, public education. This also wraps into that as well and it's also talks about protecting our teachers. So, this is a big piece and I want to thank you. Thank you.

MR. FEINSTEIN: Thank you very much.

REP. SANCHEZ (25TH): Representative Genga.

REP. GENGA (10TH): Thank you. Thank you, Mr. Chair. Thank you for your testimony.

MR. FEINSTEIN: Thank you, sir.

REP. GENGA (10TH): Could you elaborate on your advice that we make a change here or expand to include what you said was related services?

MR. FEINSTEIN: Yeah. There's a team that works with each child. And many special ed children have speech therapy; have counseling with the school psychologist. They all attend the PPT meetings too. In the bill, the way it's now drafted, just covers teachers and paraprofessionals. But certainly those related service providers ought to be encouraged to

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speak freely about what they see in regard to the child.

REP. GENGA (10TH): You said parents have no choice. But as I understand, parents have the ability to -- the capability to challenge a choice.

MR. FEINSTEIN: That's right.

REP. GENGA (10TH): And the burden of proof is on the school system.

MR. FEINSTEIN: The burden of proof is on the school system to demonstrate that it offered a free, appropriate public education. Yes, sir.

REP. GENGA (10TH): And my understanding, following this previously on this committee, we had roughly 24 challenges and about half of those, maybe less, that really went to conclusion. The rest were mediated and settled. And this came from the previous director of CABE. So, what I'm asking you is how serious is this challenge? And I was a teacher. I didn't experience the things that you're saying.

But I know people from school systems who would say it all depends on the bottom line and that's why the superintendents had mediated, well, more than half; I can't remember the exact number, it was maybe two-thirds, without going to a full hearing because it was saving money. So, is this driven by that, that you're saying where people are held back from holding their opinion?

MR. FEINSTEIN: Well, let me -- let me talk about the figures. Last year and for each of the last few years, there have been 400 cases filed for either due process or mediation. Of those, somewhere in the last year 18 went to final decision in due

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process. All the rest were either withdrawn or were mediated a settlement. We have a very active -- Connecticut leads the country in mediations, frankly, in a per capita basis. And about half the cases are settled in mediation and virtually all the rest are settled before the beginning of a hearing.

So, parents do have a right to challenge it and they do get results. It takes a lot of effort and, frankly, money to challenge those and it should not be that way. These decisions should be made at the PPT level, not through due process filings and mediation.

REP. GENGA (10TH): So, since I've been here, there's been a challenge to this committee for several years to change the burden of proof, to switch.

MR. FEINSTEIN: Yes, sir.

REP GENGA (10TH): I don't believe that. I think the system is too big for any individual and the individual knows their children best and they ought to be able to challenge that decision and the system. Overall, the system, to me, doesn't work when it gets down to the individual level. So, would you, in your opinion, say that the burden of proof should be changed?

MR. FEINSTEIN: No, I would not say the burden of proof should be changed.

REP. GENGA (10TH): Thank you.

REP. SANCHEZ (25TH): Representative Bolinsky.

REP. BOLINSKY (106TH): Thank you for being here.

MR. FEINSTEIN: Thank you, sir.

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REP. BOLINSKY (106TH): And congratulations on going before 6 o'clock.

MR. FEINSTEIN: I'll see you at the candy machine again this time.

REP. BOLINSKY (106TH): Absolutely. There's a little bit of conversation about teacher involvement, para involvement, etcetera, and you did make note of the fact that teachers don't typically suffer the consequence of termination. A lot of that has to do with the, you know, collective bargaining agreements and, you know, the protections that are there, rightly so, for those teachers. What about the paraprofessionals that are not -- are paraprofessionals covered by collective bargaining agreements?

MR. FEINSTEIN: In most cases I don't believe they are, sir.

REP. BOLINSKY (106TH): Right. And that's actually the -- you never ask a question you don't know the answer to. I've been presented individual cases by parents who have had the collaboration of paras and those paras are much easier to terminate than a teacher. And even when termination's not an issue, we've seen that they've been pressured out of their positions as well.

MR. FEINSTEIN: Mm-hmm.

REP. BOLINSKY (106TH): There comes a point where anybody can break the camel's back. How -- is there a limit to the number of advocates that any special education child and his or her parents need?

MR. FEINSTEIN: Is there a limit to the number of advocates?

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REP. BOLINSKY (106TH): Yeah. You know, I see the -  
- I see this as a situation where when, you know, a  
paraprofessional gets involved in a child's special  
education needs, generally that becomes a little bit  
tighter relationship than it does with teachers  
simply because, you know, in many cases it's  
dedicated resource. And I'm not exactly certain how  
I have turned this into a question as opposed to  
turning it into a comment, but.

You know, how do we -- how do we put in place the  
advocates necessary to protect the rights of these  
children, to have that, as you referred to earlier,  
that one hour, that one period of, you know,  
interventional assistant to, you know, change their  
learning environment and change their future?

MR. FEINSTEIN: I think section 5 of this bill goes  
a long way to doing that. I think if teachers and  
related service professionals and paras are free to  
speak at meetings and are free to communicate with  
parents, I think that's gonna go a long way to  
getting the services that these children need.

REP. BOLINSKY (106TH): Okay. All right. I'm gonna  
just -- thank you very much for the insight.

MR. FEINSTEIN: Thank you, sir.

REP. BOLINSKY (106TH): I appreciate it. And thank  
you, Mr. Chairman.

SENATOR MCCRORY (2ND): Rep. McCarty.

REP. MCCARTY (38TH): Thank you, Mr. Chairman. And  
thank you, Attorney Feinstein. So, I'm gonna refer  
again to the -- because you mentioned earlier that  
you did a survey?

MR. FEINSTEIN: Yes, sir. Yes, ma'am.

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REP. MCCARTY (38TH): Can you tell us a little bit about the survey, and then just my commentary. So, if a teacher is outside of the PPT and is advocating something else to the parent, how do you reconcile the discord that may exist? I mean, it could be potentially something there. If you're all meeting together at the PPT and then the teacher is outside of the agreement for this particular child, how do you reconcile that and did you cover something like that in the survey?

MR. FEINSTEIN: The survey was not scientific. It was done through social media. We submitted it previously to this committee and I have some copies with me today and I'll leave another copy with the staff afterwards. But it did show a sizeable proportion of teachers felt that they were not allowed to speak freely, that they were told what to say by administrators before PPT meetings. What I see all the time is a teacher coming up to the parent and saying don't quote me on this, but here's what I think, or I can't say this in the meeting, but here's what I think.

And you're right. It's a level of discord. It's very hard to deal with it. Teachers generally want the best for the kids that they're serving, and particularly special ed teachers, who are in the field because they want to provide services to these kids. And it's a very difficult situation for them to feel constrained.

On the issue of retaliation, I've got to say that a couple of years ago when I mentioned this to my teacher-wife, she said, oh, you know, you're not gonna get anywhere because they can always put the most difficult kids in your class. They can always

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put you on perpetual bus duties. And there's really little way that you can challenge that. I agree that the enforcement of it is a bit ticklish, but I think the strong statement by this legislature, that administrators cannot tell teachers what to say to parents or at PPT meetings, will go a long way.

REP. MCCARTY (38TH): Thank you.

MR. FEINSTEIN: Thank you.

SENATOR MCCRORY (2ND): Any other questions? Seeing none. Thank you again, Andrew, for your testimony.

MR. FEINSTEIN: Thank you very much, sir.

SENATOR MCCRORY (2ND): Terry, followed by Patricia McCarthy and then Fran Rabinowitz.

MS. BEDARD: Good afternoon, Chairmen Sanchez, McCrory, and members of the Education Committee. Thank you for the opportunity to speak to you today in favor of Raised Bill 7353, AN ACT CONCERNING VARIOUS ISSUES RELATED TO SPECIAL EDUCATION.

My name is Terry Bedard and I am also here on behalf of SEEK. That stands for Special Education Equity for Kids in Connecticut. It's the first and only organization that is made up of special education advocates, attorneys, education professionals and parents, all advocating to help the -- on behalf of the 70,000 children with disabilities in Connecticut. I am also a special education attorney as well as a parent of a 26-year old son who was born profoundly deaf. And then, this is my twelfth year of leading a nonprofit chapter of the Hearing Loss Association of America, with a mission to empower preteens, teens, and young adults with hearing loss.



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So, you can glean from my background that I have a great deal of experience working with special education children. Now, Raised Bill 7353 hits the mark on many levels and I'm gonna talk about five in particular. First of all, as many speakers before me have already mentioned, technical schools should be required to comply with the Individuals with Disabilities Education Act. Because what we're seeing is that many students with special needs are either ejected or excluded all together. (Bell ringing) That doesn't apply to me. It can't be three minutes. No? Okay. But many speakers before me I think have eloquently spoken about that, Leslie and Katherine, Andrew.

Now, teachers, administrators, and paraprofessionals may not be retaliated against for speaking up on behalf of their special education students. And again, Attorney Feinstein had talked about that just now. That should be amended, that particular section, to include related services providers. But I think Representative Comey, who earlier asked about social workers, well currently this section does not apply to social workers and other related services providers, as Attorney Feinstein had identified. So, that should be amended.

Third, adding a work study group to look at the gap in services between birth to three and kindergarten is a good idea. But that work study group needs to include parents of special education children. Now, with regard to deaf or deaf-blind students, requiring an emergency communication plan is essential. I was the co-chair of a legislative initiative back in 2002, successfully advocating

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along with our community on behalf of a language and communication plan requirement. And I can tell you that an emergency communication plan could easily be added to that existing language and communication plan requirement. There's a section that addresses communication access.

And I agree with previous speakers that this provision should actually be expanded to students who have 504 plans as well. Now, one of my worst nightmares as a parent of a profoundly deaf son is that he would not be alerted to a fire alarm or other emergency signals. And many of us assume that somebody will be around in the event of a fire or some other emergency, but that might not be the case if the student is in the restroom or some other place. So, I think that it's a really critical provision of this bill.

Now, another good idea, the fifth point, is to add a work study group to collect data about what language assessments or skill assessments are needed to ensure that deaf or deaf-blind students are making progress, and if they're not, what interventions are required in order to help them make that progress.

In conclusion, thank you for advancing this legislation and I hope that you strongly support this Raised Bill 7353. I'm happy to take any questions.

SENATOR MCCRORY (2ND): Any other questions? Seeing none. Thank you for your testimony. Oh, wait one second. Representative Kokoruda.

REP. KOKORUDA (101ST): Thank you.

MS. BEDARD: Hello.

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REP. KOKORUDA (101ST): Thank you. Nice to see you again. I just want to make an observation. As far as the bills that are being -- or the ideas being pushed for the deaf community and all, those bills came, those ideas came from a task force. And you know we make fun of how many task force we have, but it's nice to see a task force working and the Education Committee actually taking up what's being recommended. I know we're not taking up everything, but certainly the school safety piece came from them and certainly the individualized learning. So, thank you.

But I just hope we all learn. We just, you know, kind of move along, appoint a task force or an advisory. We can't forget the piece that when they come back with recommendations, that's what we need to action on. And I hope that's what we see here this year with all the different points that you spoke about. But thank you so much.

MS. BEDARD: Thank you, Representative. And I applaud the work that you are doing in order to listen to the task force recommendations, as you just noted. And I would also emphasize that any task force or study group should absolutely include parents who have, in this case, deaf or deaf-blind children or at least special education children. Thank you so much.

REP. SANCHEZ (25TH): Thank you. Okay. Next up is Patrice McCarthy.

**SB 1069**

MS. MCCARTHY: And Mr. Chairman, I would ask that Jeff Kitching, who is signed up later on the list, be able to join me? Thank you so much and thank you for your patience during this long day and probably evening. I'm Patrice McCarthy, the deputy director

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REP. SANCHEZ (25TH): In a public. Okay. Thank you. Thank you for your testimony.

DR. KITCHING: Thank you.

REP. SANCHEZ (25TH): Fran Rabinowitz. How are you Fran?

MS. RABINOWITZ: How are you? Good afternoon, Representative Sanchez, Representative McCarty, and members of the Education Committee. Thank you for the opportunity to speak before you today. I had a hard time choosing which bills, but I'm looking at 7353 and 7351.

(Bill) 7353, especially around the technical high schools. I have heard eloquent testimony today. I don't think I can add much other than to say that as a former superintendent, I dealt with the children who were not accepted because they had special needs. And it was -- it was incredibly hard for them. I saw letters where they were preliminarily accepted. And as the superintendent in Bridgeport, many of these parents and children felt they had been fully accepted into the schools, but then a review of their records revealed that they were special education, and were told that the school could not meet their needs, and so they were unaccepted. And I would see them in my office quite upset.

So, I applaud 7353 moving forward in this way. I think technical high schools should be no different from any other school. And if they need the resources then it's our responsibility to get them the resources that they need to meet the needs of the students.

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(Bill) 7351, as a former superintendent in a priority district, I really ask that the tenure requirements for priority school districts should be the same as every other school district in Connecticut. Right now, it states that if a teacher or administrator enter from another school district, either in the state or outside the state, where they receive tenure, that in the priority districts alone we give them tenure within one year. I'm not sure what the reasoning was putting that in the bill. This was done probably five or six years ago and I think it was because more people would be attracted to the priority districts because tenure would come more quickly.

I would say we should be held to the same high standards as every other district in Connecticut. I also would say that it takes time to assess a teacher or administrator and it takes time to prepare a development and support plan to move that person forward. And it's two years in every other school district in Connecticut after they've been tenured somewhere else. I believe it should be two years and no different in Connecticut -- in the priority districts in Connecticut. Thank you so much for your time. And I learn a whole lot when I sit through these public hearings. Just hearing different perspectives, it broadens my perspective as well. So, thank you.

REP. SANCHEZ (25TH): I'm learning a lot too.  
Representative Cook.

REP. COOK (65TH): Thank you, Mr. Chairman. And thank you for being here. I do have a question in regard to the voc-tech situation.

MS. RABINOWITZ: Yeah.

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REP. COOK (65TH): And I understand that there is issues on both sides. The one thing that does make it a little bit different than the traditional public school is the fact that in your junior and senior years you are off site on projects for your trade. And so how is it that we can take a child that needs to have certain resources during the given day and bring them back or not find themselves on the job site that does -- is a critical component of their graduating with their trade certifications and so forth and so on? So, as much as I understand -- I have a child that was special ed.

So, as much as I understand that and I understand that they are applied learners and hands-on learners and all of those things, how do we or how do you suggest that we get past some of those needs that might interfere with their off-site job requirements? Because what would end up happening is one of two things. They don't meet the requirements, so then they wouldn't graduate with the equal or adequate standards in the trade of which they're graduating with. Or we pull them back and forth, which is gonna be an expense to the state and the district, and then that also interferes with that child's learning process while they are on-site.

Again, it traditionally happens their junior and senior year, when they become more specialized. So, I'm just trying to figure out how we accommodate all parties. And then finding ourselves on the other side in that once you get to a certain point in that child's career at the technical school and they don't have the credits or the hours that they need to leave in their profession.

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MS. RABINOWITZ: Thank you. That's a great question. Here's what I would say to you. I would say there are a lot of minds around that table in a PPT process. I believe we can find solutions to that and I think we can customize that for a child who is out in the job market. That's what the child is going to face. So, if the child has autistic tendencies or emotional disturbance or learning problems, how is it that we can address it for that child? Because when they're juniors and seniors chances are, if they do graduate within a year or two, that's where they're going to be. So, how do we accommodate them in the work environment?

I would also say to you that public schools are changing. In their junior and senior year now, many students are out on internships and many of those internships are very inclusive. You know, what I mean is, they take many hours out of the day, and we have to make accommodations for that. I think that if we keep in mind that our purpose is for providing the very best for the child, we're going to have to look at each child in an individual basis and there is nothing in my testimony or anybody else's that would say that we don't need more resources. And I believe that if more resources are needed in the technical high school, then we need to find a way to give it to them.

REP. COOK (65TH): So, I absolutely would agree with you, when I've been proponent for more resources. There is no argument with that at all. So, I hope that that is not something that anybody would ever think that would be something that I would support the lesson of. I would bring it, though, back to a couple of things. Not every child that goes to the

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technical high school chooses to go straight into that profession. A lot of kids go to college.

MS. RABINOWITZ: Absolutely.

REP. COOK (65TH): The other issue that we have with all of that being concerned is depending on how -- depending on what trade you're in and I'm not sure if you have gone on job sites with the kids. So, co-op is not a new thing. I graduated from high school in 1988. We had co-ops. And I'm clearly not a spring chicken, so it's not a new thing. It might be new here, in Connecticut, but I'm from Missouri. We had it back then.

You know, but I do think that it's done in different ways for different people, but not everybody is able to co-op and that is regardless of whether you're regular ed or special ed. And so I understand the complexity of this, but I don't think it's as easy as saying it should be just because you are or just because you're not. It's specialized circumstances in certain cases. And I do think that when we talk about trades, in certain trades specifically, that there are certain limitations and that would be with anybody. And I don't want that to sound like I am not an inclusive person, because I fully believe that we are. But we have to recognize that sometimes the limitations are for the safety of the child, not for the detriment of the child.

MS. RABINOWITZ: So, I would say to you, Representative Cook, that we need to look at that on an individual level, but we need to have a statute that admits all students and then we -- those students become the responsibility of the technical high school, and together -- I don't mean that it's just theirs. It's all of our issues. But we need



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to help them find a way to meet the needs of that student so that the student can engage in the internship and go on to college or go on to the workforce.

REP. COOK (65TH): And I would agree with you and I would say that if we're gonna call out one specific school system in this piece of legislation; it has to be all school systems.

MS. RABINOWITZ: Yes.

REP. COOK (65TH): So, it would have to be charters, specialized charters, magnets, specialized magnets, as well as. Not just a tech school. Because I think that we -- because they all have an entrance conversation as well and there's also denials in all of them as well. And so I don't -- I'm not looking like I'm protecting the voc-tech school, it is about the child, but we cannot -- if we're doing our due diligence as a committee, we should not call out one specific educational institution. It should be each and every one of them equally. So, thank you, Mr. Chairman, and thank you. It's not a debate. It was just more along the lines of --

MS. RABINOWITZ: Thank you and I couldn't agree with you more.

REP. SANCHEZ (25TH): Thank you. Representative Johnson.

REP. JOHNSON (49TH): Thank you, Mr. Chair. And thank you for your testimony and being here. I just am looking at this and I'm thinking. You know, under the Americans with Disabilities Act there has to be a reasonable accommodation made. And I'm wondering has anybody ever filed a lawsuit in that circumstance with its voc-tech schools? And then

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the other question that kind of leads into that is what kind of reasonable accommodation based on certain types of disabilities would we be able to provide in the voc-tech school? And is there a process or system for doing that, which might be a little bit different than what would be addressed in a regular school system.

And then, finally, when people get out, because it kind of is all the same process in terms of how this might work, what might you know about ADA requirements when someone is an electrician or -- and working for somebody in a contractor environment or, you know, what types of placements once someone's graduated from the tech school. Would the ADA come into compliance? If you have any of that information.

MS. RABINOWITZ: And I'm sorry, Representative Johnson, but I don't. I don't know the ADA requirements and I'm sure there are many people that are really skilled in that. I just believe our purpose in education is to meet the needs of every child and so we need to find a way to do that. I didn't mean to call out technical high schools, but I know that I engage often in a lot of conversation around charter schools not accepting all kids. And routinely, I also understand that our own technical high schools don't. And so that's I pulled them out.

REP. JOHNSON (49TH): Well, that was very interesting. So, you made me think a little bit more about this and thank you so much for that. Thank you, Mr. Chair.

MS. RABINOWITZ: Thank you.

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REP. SANCHEZ (25TH): Representative Lavielle.

REP. LAVIELLE (143RD): Thank you, Mr. Chair. Good afternoon.

MS. RABINOWITZ: Hello, Representative. It's good to see you.

REP. LAVIELLE (143RD): Thank you for coming. And you. Thank you for coming and waiting again.

MS. RABINOWITZ: It's okay. I learn a lot.

REP. LAVIELLE (143RD): And this time you got intercepted by Andy.

MS. RABINOWITZ: I know! I know.

REP. LAVIELLE (143RD): I just noticed something, just a small sentence in your written testimony, where you mention that there is no discussion with the sending school around the student in advance of the decision. And I wondered if that was standard practice that no one ever discussed anything. Whether there's something that stipulates that there must be some discussion so that the schools are actually prepared to welcome the student and accommodate the student and whether you had anything to say about why that happens.

MS. RABINOWITZ: I -- you know, I'm not entirely sure. I know that in the magnet schools and charter schools the school district is responsible for providing the special education services to the students that are in those schools, and so we are at the PPTs. We are present. At the technical high schools, it has just never come up. They've always been a separate school system, so to speak. And I'm not advocating that it be different, but I'm saying that that could in fact be the reason why we are not

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called in to talk about the -- I would say, when the child is accepted by lottery and then there is review of the records, I would -- I think it would be incredibly helpful for the sending school to be involved in that discussion.

REP. LAVIELLE (143RD): Do you think it's just sort of an oversight or do you think that something has to be -- do you think that there has to be a legislative provision requiring that to happen?

MS. RABINOWITZ: I think it's an oversight. I think it's just past practice, that it's always been done that way. I think, you know, legislation. I can attest to the fact that legislation always helps things to happen. I don't know that we need to -- I think if we were to set forth this 7353, that technical high schools accept all students, I would think that then the discussion would take place.

REP. LAVIELLE (143RD): Right. Okay. I was just wondering if there needed to be, in that context, a specific mention.

MS. RABINOWITZ: Yes.

REP. LAVIELLE (143RD): Thank you very much. Appreciate it. Thank you, Mr. Chairman.

REP. SANCHEZ (25TH): Representative Kokoruda.

REP. KOKORUDA (101ST): Thank you, Mr. Chairman. Good to see you.

MS. RABINOWITZ: Good to see you too.

REP. KOKORUDA (101ST): You know I think the conversation about, you know, all schools being open, the tech schools and charter schools, I mean, I certainly think we can have that conversation.

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And of course, it'll also open the conversation of excess cost sharing and it would open it for our charter schools and, obviously, the tech schools. But I think what really started the conversation, I don't want to lose sight of, is we were approached by so many parents whose children are going to school that offer all the main courses. You know, they offer what the charter schools offer. But what they don't offer is any technical training.

MS. RABINOWITZ: Yes.

REP. KOKORUDA (101ST): And we have identified special needs children. As a lot of them with autism, for example, have an incredible propensity of being interested in those topics and their schools just aren't able to help them. And at the end of the day, we're trying to get children to a point -- this transition plan, we talked to too many parents that kids go through a transition plan. I don't care what school they're in, at the end of it, at 21, their kids are sitting home. And the whole idea of bringing the tech schools in was so that wouldn't happen. And I think it would be a shame if we get lost this year.

What we were trying to do was give these kids a career, give these kids something they were really interested in that couldn't be accomplished in their regular home neighborhood school. And I think most of the times with the technical piece would not be accomplished in many of our charter schools if any, maybe some of the magnet schools. But could you just talk about that?

MS. RABINOWITZ: I couldn't agree more, Representative. I do believe that we lost something when we let go of the technical skills at the

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regular high schools. There are many students who benefitted from that. But I also have a vision that we could use the technical high schools in a different way. Yes, they could be -- enroll students. But I'm wondering if there's a way -- you know, I had this program in Bridgeport for a very short time because resources ran out. But if there's a way to build partnerships between the public school and the technical high school so that the students could get their academics at the high school, perhaps, and then go to the technical high school for internships or technical skills.

I will tell you that I had an alternative high school that we started in Bridgeport. Unfortunately, it's gone now because of funding. But we had students that were chronically absent and we got them into a program where they took their academics early in the day and then they went over to the -- to Bullard-Havens. And the kids were so excited. They came before the State Board -- I mean, before the school board to talk about the accomplishments, you know, in culinary, masonry, etcetera. And I think there are ways that we should be building that.

When I chaired the Governor's Ed Policy Committee, we talked about forming a Connecticut Council for Career Pathways. Part of that would be certainly working on something like that. I don't think schools have to be thought of in the old traditional way. We can forge some new partnerships with this.

REP. KOKORUDA (101ST): Thank you. I think we're doing that a little bit with our magnet schools. I know in my community we have kids that go in the afternoon to one of the magnet schools for a topic,

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or morning. I'm not sure. But anyway. I just wanted to ask you if you could give us your opinion, if you have it, on bill 7352, on the tenure changes. Do you have anything to address on that at all?

MS. RABINOWITZ: On the tenure changes for priority schools?

REP. KOKORUDA (101ST): The ones that were addressed in 7352. I've just looked at them myself now, but I know there are -- appears to be significant changes. Could you address that all?

MS. RABINOWITZ: No, I can't.

REP. KOKORUDA (101ST): Is it just priority schools? Is that what you're?

MS. RABINOWITZ: Yeah.

REP. KOKORUDA (101ST): Okay.

MS. RABINOWITZ: I think that it is. In the way it's written, I think it's -- there are good changes in that bill.

REP. KOKORUDA (101ST): So, what you've seen in here you like?

MS. RABINOWITZ: Yeah.

REP. KOKORUDA (101ST): Okay. Thank you very much.

MS. RABINOWITZ: Thank you. Thank you all.

REP. SANCHEZ (25TH): Hold on, Fran. Representative McCarty.

MS. RABINOWITZ: Okay. Thank you.

REP. MCCARTY (38TH): Thank you. It's so good to see you here today. I think in the last point, just if I may follow up with Representative Kokoruda.

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And I want to come out and say I think there's excellent collaboration going on right now with the tech ed schools and the Department of Education in just what you've referenced, looking at different models and how we can accommodate all of our students.

MS. RABINOWITZ: Yes.

REP. MCCARTY (38TH): But I think some of the barriers that we had faced before were the 91-day requirement between academics and the tech ed piece on the training. So, I think with the flexibility that we need to build in and to look for creative, innovative ways so that many of the children can be served in the tech ed schools that are currently maybe not there, by doing some of these -- reducing some of the barriers there, but also looking to what we can do in our traditional schools to meet some of those concerns that students can meet there may require additional thought and creativity. But since the superintendent of the tech ed schools is not here today, I just wanted to point that out, that there's excellent collaboration going on and I think that we're gonna get there. So, I just wanted to back you up on that.

MS. RABINOWITZ: I agree with you, Representative McCarty, and I would say to you that Jeff is a tremendous collaborator and I really do think we can build something far more effective than what we have right now.

REP. MCCARTY (38TH): Thank you.

MS. RABINOWITZ: Thank you.

REP. SANCHEZ (25TH): Thank you. Next is Kelly Howard.



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kids mainstreamed the whole way through and avoid all the litigation that comes with this late and hesitating response. So, I feel pretty strongly about our role here and defining the policy.

Because I spent the last seven years advocating for people that have this exact same thing, we lump our children with dyslexia into the special education bucket, with children; at the risk of sounding -- I don't know how this is gonna sound. With children that have much more profound problems and much more difficult things to deal with. But to deal with early literacy and have these kids read would mean that they don't have to be in a special education program, which is sort of an interesting concept. And I'm dying to get us to the point where we can go there. Thank you very much.

REP. SANCHEZ (25TH): Thank you, Representative. And thank you for the passion that you have in regards to this. And can you also let my clerk -- get her -- let her get you my email so that you can email me the study and the information that you were talking about?

MS. HEIZLER-MENDOZA: Absolutely. Thank you very much.

REP. SANCHEZ (25TH): Okay. Thank you.

MS. HEIZLER-MENDOZA: Thank you all.

REP. SANCHEZ (25TH): I have next, Matt Conway.

MR. CONWAY: Good evening, Chairman Sanchez, Ranking Member Representative McCarty, distinguished members of the Education Committee. I'm here tonight to testify on -- I plan to testify on five different bills, all of which I've submitted the written

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testimony to that are before us tonight. I did not plan -- one of the five was not 7353, but after hearing some of the compelling testimony earlier today, I do have some information, acceptance actually, information towards tech schools of a quick study that I had done when I initially heard there was an issue with this back a couple of years ago that would be -- if the Chairman so permits and anybody could ask myself to share that information, to just give you a little bit of light into actual numbers from a district.

But I'm here tonight on behalf of, first, H.B. 7352, AN ACT CONCERNING MINOR REVISIONS AND ADDITIONS TO THE EDUCATION STATUTES. While CAPSS understands the intention of mandating the teaching of climate change, we really -- or of the position and support that the decision of curriculum and specific curricular mandates be maintained through the authority of local boards of education that make these curricular determinations. (Ringing bell)

UNKNOWN SPEAKER: It's not three minutes.

MR. CONWAY: Got it. And this is also -- it's okay. This is also any of the districts that subscribe to the CAFE policy services. This is in our 0300 mission goals policy, which stated that the Board of Education is the policy-making body for the, in our case, Derby Public Schools, decisions of the board, such as the adoption of the budget and approval of curriculum. We also feel that if we're gonna mandate curriculum that there be a repository of resources available for teachers to be able to actually teach it and that our teachings are accurate to that of the resources available before we begin mandating anything.

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without establishing a regional school district. And I have a quick example of that if the committee would like that greatly benefitted Derby.

With that, I'll answer any questions to include 7353 if the Chairman wishes.

REP. SANCHEZ (25TH): I forgot my question. Any questions from the committee? Representative McCarty.

REP. MCCARTY (38TH): Thank you, Matt. Yes, you have the floor to give us your thoughts on 7353.

MR. CONWAY: Okay. This came about as a result of the study, a quick study that came as a result of conversations we had CAPSS around the technical high school system and the disparities that certain superintendents had experienced with regards to identification of students in the selection process into our Connecticut technical high school system. And again, I will preface, this was under a prior administration when this topic first came up. It was during the '15-'16 school year. So, Jeff may have made changes since that time.

But with the discussions that were all going at our CAPSS Board of Directors meeting -- and I do have to give a shout out to my mother tonight. So, in conversation with her on my rides home from Derby at night are quite eye opening, but I share with her some of the things that we've discussed and she recommended why not invite the superintendent from the technical school system into your CAPSS board meeting to have these discussions, which I felt was a great idea, which we then moved to and met with the superintendent to -- and voted on that

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individual position being an ex officio member of our Board of Directors.

But the conversation that was being shared by colleagues was the disparities that existed in terms of the selection process. And they're a public school, just like we are, receiving the same funds as we are, yet they're selecting the students that enter. So, I went back to the district and looked at our own data, and this is the '15-'16 to '16-'17 when these discussions initially occurred. It was quite eye opening.

So, of the 23 students who had applied, and this would've been to Emmett which is in our district. Of the 23 students who applied, 17 were accepted. Of the 23 who applied, four students had an IEP. Of the 17 accepted, only two had an IEP. Of the 17 accepted, eleven attended Emmett Technical High School. Of the eleven who attended, zero had an IEP. And when I called down to the school office -- I went over to the high school and called the students down individually who had been accepted but had not -- chosen not to attend. I received the same story that Fran Rabinowitz received in Bridgeport. They had received a subsequent letter, discouraging them from attending, that the technical school system did not feel they'd be able to provide the services, the special education services, for their child.

So, at the end of the day, the eleven who attended, zero had an IEP, zero had any behavior issues, and all of them had higher assessment scores, using both NWEA as well as SBAC assessment scores, than the students who were rejected by a considerable amount. They were all either in the three or the four

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category on their SBAC and their NWEA assessment a large percent higher as well in terms of proficiency. So, it highlighted for me that the actual real selection process that was at least taking place.

Now, we did hear that they were going to stop using test scores as entry data. And I was surprised to hear tonight that that is now back into their formula for acceptance. But it is a concern that I think the committee is addressing, so. But I'll just provide that as informational data at the time that we collected it.

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REP. SANCHEZ (25TH): Thank you. That's good information. And the other question that I had in regards to the tenure from ten months. What would your suggestion be? Would it be two years?

MR. CONWAY: I don't think there's a need to treat it any different than we do any other teacher. We're an alliance district. We're a priority school district. You know, recruitment, we have the same - - in terms of positions for recruitment, we have the same obstacles as any other district I think specific to certain content areas. But overall, our level of applicants are the same. So, I don't see this to be a need to try and attract individuals to come to priority school districts. I think there's other ways you could go about it. But, certainly, making the right decision with tenure is a critical one that we don't want to look at or lessen the weight of that.

REP. SANCHEZ (25TH): Okay. Thank you. Any questions? Representative McCarty.

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shared services with regards to the legislation in 1069 to look at what we can do with regards to our pursuing authorization with the towns and cooperative arrangements. But we have been able to realize significant savings under a shared services agreement as opposed to actual regionalization, though we are in a two-year study now with Ansonia around regionalization as well of the school districts. But in the meantime, we've had tremendous success with your shared services agreements between the communities that realized a significant financial support to Derby.

REP. MCCARTY (38TH): Thank you.

REP. SANCHEZ (25TH): Thank you for your testimony, sir.

MR. CONWAY: Thank you.

REP. SANCHEZ (25TH): Dr. Katherine Veronesi. Reverend Rodney Wade. Mark Walter. Lisa Knee? Oh, Lisa's here.

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MS. KNEE: I was on deck. Thank you. I'm Lisa Knee. And Senator McCrory and Representative Sanchez, and other esteemed members of the Education Committee, I too am here to speak about the bill concerning the discrimination in the technical high schools in the State of Connecticut.

I want to show you a picture, and I'll stand up a little. Right here, this guy here, this is my son. This is real, true-to-life racecar driver. The trophy in the middle is what they just won two weeks ago, in 2018, for winning the Granite State Pro Stock Late Model Series for all of the eastern coast. And these two are from Madison, Connecticut. My son has been working on that pit crew with that

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racecar driver for three years. These two have a lot in common. They both love cars. They both live in Madison and they are both people with autism, and they both applied to a technical high school and were discouraged and turned away because -- not because they have great talents in cars, but because they had IEPs.

These two, without having certification that a technical high school can give you in the automotive industry, cannot obtain a car -- a job in the automotive industry. Instead, my son, last summer, was placed by BRS as a clothing sorter at Goodwill. And this summer he's on track to stock shelves, that is if a robot doesn't take his job first.

Four years ago, when I was told that technical high schools are not equipped to handle students with an IEP I folded like a bad hand of cards. And now, one of the -- but no more. Now, I'm educated and I'm angry and this discrimination against students with IEPs has to stop. One of the main arguments we were given not accepting students with IEPs was the rigor of the program, of the academics. Recently, I looked up the math and the reading proficiency scores for all of the technical high schools, the 16 that are listed that you can apply to, as based on the CT school, the SAT result, and I was shocked.

What I discovered is that 13 of those 16 schools have zero proficiency in math. And of the three schools that did show a proficiency in math, only one -- the highest ranking one was 23 percent. In reading, one school scored as low as 18 percent proficiency, with the highest being at 59 percent. In Madison, the reading proficiency is 93 percent. It is time that we stop living in fear of what

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students with disabilities will do to our technical high schools and what might they do to their performance of the technical high schools and begin to actively encourage the application of students who have IEPs, not because it's the law and not because the workforce is in desperate need for these trained, skilled labor people, but because research shows time and time again, schools that practice inclusion raise the performance level of every student in that school, as measured by attendance, grade scores and behavior.

By not creating an inclusive environment in these technical high schools, we are doing a disservice to all students. We have a real problem with a real solution. Remove the discrimination from admittance to technical high schools and educate all the students to attain a certificate. Albert Einstein said, *"Everybody is a genius, but if you judge a fish by its ability to climb a tree, its whole life it will believe it is stupid."* So, I must ask the people in the room here. Who are the fish climbing the tree and feeling they are stupid? Thank you. I appreciate the time.

REP. SANCHEZ (25TH): Thank you. Thank you for your testimony. Representative Kokoruda.

REP. KOKORUDA (101ST): Thank you. Well, I think Lisa Knee has given you some indication of what Madison parents are like and why I'm so proud to represent that community. It was actually Lisa, she was here with another mother, and it might've been the other mother who testified. I wasn't sure.

MS. KNEE: It's Leslie.



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REP. KOKORUDA (101ST): We were asked to come to -- you all have been asked these policy -- partners in policy making. And Kathleen McCarty and I had the opportunity to sit down with Lisa and the other mom, and our eyes were opened to what was going on. But what we found out was that the lack of inclusion to a segment that we pride ourselves on mainstreaming and an answer to these kids to really give them a life, to give them a career.

At age 21, her son's now sorting clothes. What kind of job is he gonna get? How much help is he gonna need from us in social services? Instead, I think what these parents have found is there's an answer for, not all these kids, but a lot of them. And, Lisa, you're such an advocate for your son, but you're an advocate for every special needs child. Lisa's also started the SEPTO -- SEPTO? Special Education PTO in our town. I don't know how she does it all, but. This is an answer to a problem we have with what to do with these kids when they turn 21. Somebody who is new here asked what happens when they're 21. They fall off a cliff. That's what we're told by the parents. And I think our tech schools really have the answer to a lot, so. Lisa, I was really surprised by one of the things you said. Could you just reiterate a little bit about what you found out when you look at the kids that are in our tech schools and what you're finding out about their achievement level compared to the kids we'd like to see there?

MS. KNEE: Some -- when -- and there's charts and you can -- and their -- actual data found on the *U.S. News and World Report* site on high school performance. And so there what's turned in. And what's even more shocking is the graduate rate is

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almost 100 percent with inadequate proficiency in math and English. And so, there -- yeah, it shows the scores, the graduate rate. It doesn't -- but it -- and it gives the makeup of, you know, how many female and how many male. But that's about it. But, yeah, it was shocking, shocking, that 13 schools had zero percent proficiency at math. And we're worried about can our kids keep up. It seems to me there may be a lot of unidentified learners in there that could benefit from a variety of teaching methods.

REP. KOKORUDA (101ST): Lisa, that's an excellent point. Thank you so much. And thank you for your advocacy. I'll tell you, you've given a significant eye opener to a lot of us today, but also previously to this. And this is something we definitely have to take care of. We have a group that we're not -- we're closing the door on and we're not allowing them to achieve what they can. But thank you again for coming and sitting here all day. Thank you.

MS. KNEE: It was very educational.

REP. SANCHEZ (25TH): Thank you again. Thank you for your advocacy and I agree with Representative Kokoruda. I wish one of you couldn't been --

MS. KNEE: Yeah. And I do -- if I can just. Representative Bolinsky has been commenting on what this does to a parent. I think the invisible cost to our economy is parents who can no longer be in the workforce. I was making six figures four years ago and to -- when my son started high school, I had to stop working because this is what it takes to get him this kind of experience, because the school will not give it to him. And that's what we do, and

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that's a big invisible cost to our economy. Thank you.

REP. SANCHEZ (25TH): Thank you. I have Douglas Curtiss. Shannon Jacovino.

MS. JACOVINO: She's a tough act to follow. Good afternoon, Senator -- oh, Senator McCrory is not here. Representative Sanchez, McCarty, and the other esteemed members of the Education Committee. My name is Shannon Jacovino and I'm the director of Advocacy and Public Policy for The Arc Connecticut. We're the state's oldest and largest advocacy organization for people with intellectual and developmental disabilities and their families.

Thank you for the opportunity to testify today in support of H.B. 7353, particularly the sections of the bill that we believe will not only stop discrimination, they will also create a better path towards meaningful, competitive employment for students with disabilities. We support the amendment to Connecticut General Statutes 10-76a to define the term, *local or regional board of education*, to include the technical and educational and career system, which will codify the fact that the CTECs are bound by the same federal special education laws as any other local education authority. We are also strongly in favor of section 4, lines 113 through 120, of H.B. 7353, which will repeal section C of the Connecticut General Statute 10-76q.

Our organization has spent the past year working in coalition with a lot of the people that you heard testify today, including Lisa and Leslie, whose kids were discriminated against by the technical schools. And I just want to address the point that

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Representative Cook brought up, which is why the technical schools, why are we singling them out. And the reason is because they are the only schools in Connecticut that have a statute that they have used specifically to discriminate against kids. We need to remove that language. I mean, I'm sure that we have problems -- I know that we have problems in other schools, but these schools are using a statute that violates kids' protections under the IDEA, and it needs to come out. So that's why we're doing this now.

So, through our work in the past year, we've learned that the CTECs have used that statute, the loophole in that statute, to deny students with disabilities their rights and there have been five -- two complaints filed with the Office of Civil Rights on behalf of students within the past five years. By abusing this statute, CTECs have not only evaded their responsibilities under the IDEA to educate students with disabilities, but they've also robbed them of the opportunity to receive the vocational educational training in the trades, which according to the *U.S. Talent Shortage Survey*, have been the hardest jobs to fill for seven consecutive years.

A historic lack of prioritization of employment outcomes for people with I/DD and other disabilities has resulted in some very grim statistics. The percentage of people with I/DD nationwide who receive state agency support and work in community jobs is only 20 percent and only 12 percent to 14 percent work in individual integrated employment.

For many people with disabilities, employment is a viable, but rarely attainable gateway to meaningful friendships, happiness, and an identity based on

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ability rather than disability. Greater employment for individuals with disabilities also yields a positive return on taxpayer investment. Studies show that every dollar spent on training and supports resulting in a competitive wage job, yields \$1.46 in sales and income taxes generated by the individual working.

Developing opportunities and resources to increase employment for persons with disabilities will result in a clearer path towards choice and independence, stronger economic growth, and more inclusive and cohesive communities. Thank you.

REP. SANCHEZ (25TH): Thank you. Any questions from the committee members? Representative McCarty.

REP. MCCARTY (38TH): Thank you, Mr. Chair. And welcome, Shannon. I just wanted to recognize all the good work that your organization has also done to really put a spotlight on this issue and to really working in a collaborative fashion to try to find the answers. And if I just may ask you, do you think it's gonna require some sort of maybe cultural shift in working with the two systems and so that we can really ultimately provide all students with the necessary services that they need? Do you think there's something other than the statutes that we need to continue to work on?

And also, if you might be able to just mention some of the work that you've done to try to help remove some of the existing barriers that we mentioned earlier, with testing, and also with meeting the two requirements for the academics and the actual work of the training in the school. But you made a very astute observation that this is also a reason that we need to move because we have a lot of workforce

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needs out there and all -- there's so many individuals that would be able to really work well in some of these jobs. So, we have to find the solution.

MS. JACOVINO: Yeah. That was a lot, so I don't know if -- if I don't address everything, let me know. But I think, in general, we all need to make a cultural shift in the way that we look at people with disabilities and what they're capable of. You know, people with disabilities deserve to have a level playing field and that's what these educational laws are designed to give them and that's why we need to remove that statute.

But I think through this work in the past year with our partners, you know, we have had the opportunity to meet with the superintendent of the CTECs. It was a very productive meeting. He explained to us that he wants the schools to be more inclusive. And we believe him and we're excited to continue to work on changing the culture in the technical schools. But I don't think that that is a substitute for removing language in our statutes that, you know, that is discriminating against kids with disabilities and violating their rights under federal law.

REP. MCCARTY (38TH): Well, thank you, and I appreciate those comments because I think it's important as we continue to move this forward that we realize that we're all working in a fashion so that we get the right results and that it's done in an appropriate manner. So, thank you for that collaboration.

MS. JACOVINO: Thank you.

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MR. HANNAFIN: I revised it today. I don't know if you have the second version, but.

REP. MCCARTY (38TH): We'll find it. But thank you. I just wanted to be sure you had submitted the testimony. Thank you.

MR. HANNAFIN: Okay.

REP. SANCHEZ (25TH): Thank you. Next, I have John Flanders.

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MR. FLANDERS: I have to commend you all on your endurance. Chairman Sanchez, Ranking Member McCarty, my name is John Flanders and I'm here wearing a number of hats today. My day job is the executive director of the Connecticut Parent Advocacy Center. I'm also represent -- here representing of the Sate Advisory Council for Special Education and Afcamp for children with disabilities. CPAC is the Parent Training and Information Center for the State of Connecticut. We're a statewide organization established under IDEA to help parents in the education process of parents who have children with disabilities. The SAC is established under Connecticut law under 10-76g, to advise the legislature and the State Board of Education on matters related to special education. And I've been delegated to represent their wishes as -- or their opinions as well as my own.

I'm not going to add a lot to what you've heard in the process. I can't bring you the passion of the families who have been kept out of technical schools because of their children's disability. What I can do, as a statewide organization, tell you that it is an endemic problem. Our parent consultants get

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dozens of calls on this issue and what we find most frustrating is, given 10-76q, our ability to provide them with tools to negotiate through the process and work with the schools to get their children into these programs is severely limited. It is a very frustrating process.

We support very strongly section 1 and section 4 that will help do this. We also strongly support section 5. We find we get, again, score of phone calls, not just from parents, but from teachers, who tell us I would like to be able to talk to the PPT about this family's child. They are not being treated properly. But I can't do it because I'm afraid of my job. Please call these people and help them. This is literally a weekly call in our office in addition to the parents who make this. So, we strongly support allowing a vehicle that would help encourage teachers to participate fully in the process as fully.

Very few people have talked about section 6, but as the Parent Advisory Center for the State of Connecticut, we note that quite often when the state creates task forces to look at problems within the state, they neglect to include one of the groups that has a great deal of information to participate in that process. And in this case, and in almost every case, that is parents. I sit on a lot of these task forces and I will tell you that about a third of my job is showing up at the first meeting of the task force and saying where's the mom, where's the dad, and I get no looks.

What I strongly encourage you is to change the membership in this so that there is someone who can



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represent the interests of the parents in the explaining.

Lastly, I will add on a personal note, as the father of a child with a profound hearing loss, who is now out of school, but in graduate school, that I very and we very strongly support sections 7 through 11, particularly with regards to the emergency --

SENATOR MCCRORY (2ND): Please summarize.

MR. FLANDERS: Okay. And you cut me off on my ultimate word, Mr. Chairman.

SENATOR MCCRORY (2ND): I didn't cut you off. You were here earlier. You know what that bell sounds like. (Laughter) It's a warning sign. I actually let you go 30 more seconds. So, in conclusion... I'll start you off.

MR. FLANDERS: So, in conclusion, I will shut up unless you have questions.

SENATOR MCCRORY (2ND): Any questions from the committee? Representative Sanchez.

REP. SANCHEZ (25TH): Going back to section 5, where it says protection of teachers, right.

MR. FLANDERS: Yes.

REP. SANCHEZ (25TH): For the PPTs. Would you, in your opinion, adding other staff, like social workers, is that something that?

MR. FLANDERS: Oh, absolutely. I apologize. I think Mr. Feinstein expressed that very, very well and Ms. Bedard. But absolutely, every member of the team needs to be protected and needs to feel very free to be able to express an opinion, even if it's contrary

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to that of the administration or even if it might cost some money.

REP. SANCHEZ (25TH): Okay. And then in section 6, where you mentioned about parents. I've been working with parents in my community for many, many years and I've noticed that lately parents are just not showing up to meetings we offer them to talk about their kids and they just don't show up. Do you have any suggestions on what we can do to get parents more involved? Because I'm telling you, it's getting more difficult every year.

MR. FLANDERS: CPAC -- let me say that my staff is composed entirely of parents with children with disabilities except for my bookkeeper and the person who answers the phone. So, we do have people who we regularly provide for these organizations. We also have a mailing list of about 17,000 parents, many of whom are, let me say, aggressively interested in participating in the process. And if you were to reach out to us or to Afcamp, I am certain that we could get you families who would adequately participate in this process. Let me know.

So, if I might add, and I know that your background is in Head Start. In this particular area, it is vitally important, because, quite honestly, what we find is the difference between a birth-three provider and an educator in what they understand about the process and the gulf that happens when a child turns three is truly dramatic. We have a serious silo problem. And one of the things that having a parent or a parent-oriented organization involved in this is -- for example, our charge goes from birth to age 26, so we have experience in that whole process, and in fact, we have a program that

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deals specifically with that. So that one of the problems with having just educators is that you are missing that transition that goes from a preschool program, an infant and toddler program to essentially a school.

REP. SANCHEZ (25TH): Thank you. Thank you for sharing that. Representative McCarty.

REP. MCCARTY (38TH): Yes, thank you, Mr. Chair. And thank you for that observation. I think we had noticed. So, that will be ongoing. We need to have the parent. We also have a task force this session to include more parental engagement with our students. So, we have multiple task forces that we need to include the parents on. But if I may just -- and thank you for -- I do think that we need to look at the transition from birth to three, to the kindergarten, and make -- and to be sure there's no gap with identifying students that may need additional services.

And ultimately, I think that that would be cost savings going into the school as well as giving quality service to the children during that. So, thank you for those comments that you made. But I'm still a little on the section, the new section, referring to disciplining teachers and others that may make comments outside of the PPT. Does anyone have any data suggesting that that's going on? Because what I've heard today seems to be anecdotal. Now, I'm not saying it hasn't happened in several, perhaps, in schools. But if we're gonna create -- and I don't know how a law can really change that, but that's another discussion. But I'd like know is there any data showing that that's happened?

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Because my -- I don't think our board has ever dismissed anyone for saying something.

MR. FLANDERS: Let me suggest that there's two problems with -- let me start, if I might, parenthetically. We haven't testified yet on the task force for family engagement. But I noted when the list came out that there are no parents on that board, nor are there any on 7356, for juvenile justice, which you're also looking at today.

Going back to your real question, without my proselytizing, there has been no scientific, that I'm aware of, data collected on this to date. SEEK, the Special Education Parents Advocacy group, Mr. Feinstein speaks for, did conduct an informal survey which had significant numbers of parents and teachers indicating that. Our -- my organization gets about 4,000 calls from parents and educators every year and we get significant numbers that deal with this very issue, both from parents and teachers. Is that scientific? No, absolutely not.

But the other problem in this is less one of dismissal, as one of other repercussions on the educator's life. You may not get dismissed, but you may find yourself standing out in the rain, welcoming kids off of the bus for the next six months. Or you may find yourself on a particular lunch duty for a long time or you may get a more difficult class next year. So, the repercussions are not just firing. It's hard to fire a teacher, particularly one who has tenure. I'm on a board of education. I know how hard it is to get.

But there are absolute repercussions. And I have sat in enough PPTs in 20 years representing families where the administrator says something and everybody

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else in the room goes like this and looks down, and does not add a word to the process. And whilst I suspect that none of those people would've been fired had they spoken up, they were clearly intimidated from their ability to express that.

And, in fact, I was looking through a policy. One of our communities, their policy for paraeducators, specifically tells the paraeducators do not talk to parents about their children's education. If they have a question about that, refer it to the teacher. These are people who deal with the kids every day and these are families that we talk to every day and say what -- this woman is with my son six hours a day and I'm not allowed to ask her how his day was or what did he have, what he did.

And so, while I can't give you a scientifically-based assessment of that, I can tell you that the information that I've seen has absolutely convinced me that this is a problem and it is a problem that this kind of legislation will allow those educators at least a tool to protect themselves. It's not going to be perfect, certainly, but it will give them some leverage, some utilization of their union rights to say, yeah, you put me on bus duty. I'm filing a grievance because you did it because you violated this particular law.

REP. MCCARTY (38TH): Okay. Just following up with that. So, in your opinion, what would you think would be the motivation behind that?

MR. FLANDERS: What would I?

REP. MCCARTY (38TH): Why do you think that?

MR. FLANDERS: It's never because the teacher is recommending less services.

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REP. MCCARTY (38TH): Right.

MR. FLANDERS: At the risk of being in politic, it is money. It is we have a limited amount of resources and we are going to try and operate within that limited amount of resources. God help you if you're the 36th kid that needs an hour with the speech and language pathologist, because they only work 35 hours a week. You ain't getting it.

REP. MCCARTY (38TH): Okay. Thank you.

SENATOR MCCRORY (2ND): Any questions?  
Representative Johnson.

REP. JOHNSON (49TH): Thank you, Mr. Chair. Just quickly, do you think that the education cost-sharing formulas throughout the state have an impact on the availability of special education? Some districts are getting 72 percent. Others are getting more than 100 percent. Do you think that has an impact?

MR. FLANDERS: It has to have an impact. I mean, I sit on a board of education. I promise you that that is a significant topic of conversation in our budget negotiations. I think absolutely a formula - - I strongly recommend that we adopt the Wyoming formula. Wyoming solved their problem by discovering a gargantuan amount of oil under their state and using that money to pay for all of the special education costs.

REP. JOHNSON (49TH): I don't think it's gonna happen here.

(Crosstalk)

MR. FLANDERS: No one takes my good advice.

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REP. JOHNSON (49TH): Well, if you can find the oil you let me know.

SENATOR MCCRORY (2ND): Thank you and thank you for your testimony.

MR. FLANDERS: Thank you for your time and your consideration.

SENATOR MCCRORY (2ND): Cynthia Ross-Zweig.

MS. ROSS-ZWEIG: Good Afternoon Senator McCrory, Representative Sanchez, and members of the Education Committee. I speak in support of H.B. 7352. My name is Cynthia Ross-Zweig. I live in New Fairfield and I have been a paraeducator in the New Fairfield school district for approximately 13 years. Many fields are dominated by women. These include clerical, service, and education. Historically, these jobs have been undervalued and continue to be underpaid to a large extent because of the gender of the people who work in the field. Part of the wage gap from the differences in education, experience or time in the workforce, but a significant portion can be -- can't be explained by many of those factors.

If we look at who the para is, it's usually a woman working in her local community. Does the job pay less because it is held by a woman? The women who work as paraeducators in today's school system perform many responsibilities. The incorrect assumption they are mothers' helpers who simply support a classroom during lunch or recess couldn't be farther from the vital educational support and role they give. We support students with Individual Educations Plans, or 504s, in one-to-one settings, and in group settings as well. Paras are required to know the subject they are giving support in, and

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takes on two or three students instead of one or leaving a group of eight who require classroom support to cover one who has more behavioral needs. It is the students who are affected. We are underpaid, and understaffed.

These consistencies are throughout the state, where no evaluation of the para role has occurred the Department of Education in excess of ten years. The para advisory committee --

SENATOR MCCRORY (2ND): Please summarize.

MS. ROSS-ZWEIG: -- has recommendations to the Department of Education on numerous occasions, but unfortunately, action is slow or inconsistent. We ask legislators to take an active role in improving the working conditions of these 10,000 workers across our state. When you help a para, you help a family and a child. Please support House Bill 7352. Thank you.

SENATOR MCCRORY (2ND): Any questions? Seeing none. Thank you for your testimony.

MS. ROSS-ZWEIG: You're welcome.

SENATOR MCCRORY (2ND): Ashley Blunt. Christina Ghio. Karen Mylly. Susan Kelley, followed by Ann Pratt, Orlando Rodriguez.

MS. KELLEY: Good evening. It is evening. Senator McCrory, Representative Sanchez, Representative McCarty, my name is Susan Kelley, and I'm the director of Advocacy and Policy for NAMI Connecticut. I am here to testify in support of House Bill 7353. And I know that you've heard a lot of testimony this afternoon and into the evening on



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this, and so I just want to make two points. You have my testimony.

The first is the issue of the statute, that that is the fundamental problem and I believe what 7353 is trying to repeal so that CTECs do not have that loophole to be able to make unilateral decisions regarding students with disabilities and keeping them out of -- not taking them into the schools. And I thought it was interesting, Representative -- Ms. Rabinowitz talking about how CTEC schools are separate and so there isn't that ability to converse. And that very much may be true, but I think that the separateness also has to do with this statute, that it allows the school to believe that it can act independently and it doesn't have to comply with the IDEA. So, fundamentally, I think that's the main problem and the big obstacle that needs to be removed.

My second point has to do with graduate rates for students with disabilities from high school. And the reason why I bring it up is because a career and technical education is so vital to students with disabilities, including those with behavioral health challenges, not only to get skills for a trade, for example, but also to be able to graduate from high school. Estimates suggest that one out of every three students with disabilities do not earn a high school diploma. Thirty percent of students with a mental health condition, ages 14-21 and older, are served -- who are served by special education dropout. And that's the highest dropout rate of any disability group.

So, schools like CTECs, with their programs, really help students to be able to stay in school and

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graduate and it's so vital to their being able to then graduate and potentially, you know, thrive and have the ability to get employment. And so, I guess my -- I have two and a half points. My half point is that when we talk about a cultural shift to be able to address the needs of students with disabilities and why that isn't able to happen, I think -- or isn't happening as quickly as we'd like. I think it's because that disabilities are very unique to the individual. And so, when I -- what I'm advocating on behalf of students with behavioral health problems, but that doesn't mean that I understand --

SENATOR MCCRORY (2ND): Please summarize.

MS. KELLEY: Yeah. That doesn't mean that I understand somebody with autism, particularly, or a physical disability. And I've made the mistake myself of thinking -- underestimating a child of a parent friend of mine, who I didn't understand her disability and I made it sound as though she couldn't do as much as maybe -- you know, she could, but I didn't realize it. And I will never make that mistake again. And I think that people often don't understand the disability, what people are going through and what kids are going through and what they're capable of. And so, I think the more we're able to see the individuals and start from a place of trying to understand what they're capable of that we're more likely to not close the door for them, so.

SENATOR MCCRORY (2ND): Thank you. Any questions?

MS. KELLEY: Thanks for letting me go. I was trying -- it takes me awhile to tell stories.

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SENATOR MCCRORY (2ND): Well, an opportunity to ask a question. Any questions? Representative Kokoruda.

REP. KOKORUDA (101ST): Just briefly. You know, as they say about if you've met one child with autism, you've met one child with autism. And I think that's your point about every child with a disability. I want to thank you for advocating for this tonight and I also just want to take this opportunity to tell you what a fine job NAMI does. In a state that doesn't really offer much for small towns with mental health, it's really great to have your phone number. I've given it to many people.

And I know some of your one -- mental health 101 or whatever, or NAMI 101. I just want to thank you for it because that's been a real frustration, especially with young children, for a lot of legislators who just -- if they're not below a certain level, there's really no services for them and when I'm told even if you have insurance, we don't have anything for you. So, NAMI really does fit in a niche that I think is so valuable and I want to thank you for that.

MS. KELLEY: Thank you very much. I think people don't realize that most, if not all, of NAMI's support and education programs are free and I keep telling them they should start charging because they're so valuable and, you know, with cutbacks and we're all sort of short of funds. But they are free and they can really be helpful for parents and others. So, I appreciate your comments. Thank you.

SENATOR MCCRORY (2ND): Any other questions? Representative Comey.

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REP. COMEY (102ND): Thank you, Chairman. Yes, Ms. Kelley, I also just wanted to chime in and say -- I mean, tonight, as we're speaking right now, in Branford, NAMI is holding a managing -- for free, holding classes, managing challenging behavior for our children, at the high school for parents. Excuse me. And there's ten very eager parents that have signed up for it and it's a, I think, an eight-week course or something like that. It's very gracious of you to come into our community and to offer that service for our families. So, thank you.

MS. KELLEY: Thank you. That always makes me smile. So, I appreciate it.

SENATOR MCCRORY (2ND): Representative McCarty.

REP. MCCARTY (38TH): Thank you, Mr. Chairman. And welcome, Susan. Thank you for your testimony. And thank you for coming out also to advocate for the children with disability and the tech ed schools. But you mentioned a statistic a little bit earlier in your testimony. Could you repeat that for me? The 40 percent of children, was that with a mental health or behavioral?

MS. KELLEY: First. Yeah. First, is that one out of every three students with disabilities doesn't earn a high school diploma. But 37 percent of students with a mental health condition, ages 14-21, who are served by special education dropout. And it is considered to be -- that group is considered to be the highest dropout rate of any disability group and that's -- in my testimony, it's a citation to NAMI's facts.

REP. MCCARTY (38TH): Right. And that puts, really, a highlight on what we really need to do. Because

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there's no reason, as we've learned, that any of these children, whether they have a mental health or a behavioral health or another type of disability, that with the right appropriate training with our teachers and the requirement, that all of these children can flourish and then go back on to having employment -- have training and employment. So, can you send that? I didn't see your -- I don't know what's wrong with my computer today, but I'm not getting anybody's testimony.

MS. KELLEY: Sure. I'll be glad to forward it to you. No problem. I think being able to help. As a disability, you know, does really suffer from stigma. I think it is also understood, but is more of a negative than some other disabilities, unfortunately. Even though they're all challenging -- all challenges, just different kinds, so.

REP. MCCARTY (38TH): Well, I thank you for sharing that with us. Thank you.

SENATOR MCCRORY (2ND): Any other comments or questions? Thank you for your testimony.

MS. KELLEY: Okay. Thanks.

SENATOR MCCRORY (2ND): Karen -- no, no. Ann Pratt. Orlando Rodriguez, followed by David Lenihan.

MR. RODRIGUEZ: Good evening, Senator McCrory, Representative Sanchez, Senator Berthel, Representative McCarty, and members of the Education Committee. My name is Orlando Rodriguez. I serve as a research and policy development specialist for the Connecticut Education Association. CEA opposes Senate Bill 1068 because the bill continues a loophole in K-12 education funding that allows boards of finance to take taxpayer dollars collected

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new pieces that were put in place. Not to say that it's not an improvement to the former ECS.

But I'm a firm believer that whatever we put in that it always helps to take a look back and to see can there be improvements made anywhere. And after listening to you, maybe you would like to see a task force the MBR as well as the ECS. But I just wanted to clarify that for you. That it isn't to go back into what's happening right. It's to give it a chance and then to look back to see where the gaps may be and if there could be improvements.

MR. RODRIGUEZ: Representative McCarty, I agree with you. Our concern is that the task force comes out with a recommendation that says we have to make all these changes, and then where are we. You know, it's a Pandora's Box again. That's our concern about it, is that there's some folks out there who would like to tweak it here and tweak it there and don't realize the political problems that you raise when you open this thing up again.

REP. MCCARTY (38TH): Thank you.

SENATOR MCCRORY (2ND): Thank you and thank you for your testimony. Barbara, I think this is, Wehrly? Barbara. Followed by Marty Isaac and Henry Martocchio.

HB 7353

MS. WEHRLY: Senator McCrory, Representative Sanchez, Representative McCart -- McCarty, excuse me, and Education Committee, thank you for your consideration and time that you've given to all these issues today. My name is Barbara Wehrly and I am a Birth to Three service coordinator and developmental therapist. Birth to Three is an early intervention program that provides services for

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children and their families who have a child a developmental delay. I'm here to speak in support of H.B. 7353, regarding the working group to study issues relating to the gap of services for children three to five years old, for children who are not eligible once they leave Birth to Three.

When children -- the day before a child turns three they no longer qualify for birth to three services under their early intervention program in the State of Connecticut. They can qualify for services with a local education agency; however, Connecticut has one of the strictest eligibility criteria in the country that allows children to qualify for services from three to five. So, what we've discussed today is I've heard a lot about gaps in services for children and I think this working group would be able to look at that gap in services for children ages three to five who have a moderate delay.

Studies show that early intervention works in the continuity in services from birth to five instead of birth to three is most effective. I heard a lot today about families asking for early identification and early intervention, and I think this is an opportunity to provide those services and intervention before the problem becomes greater. Moderate delays may disappear or they may remain the same, or they may become a significant delay. And the only way for us to understand and to follow what's happening with these children is to provide a continuity of services that they continue to be monitored.

I have many families who are disappointed and surprised when they have nowhere to go when their child is released from Birth to Three and there's a

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discontinuation of services because their child has a moderate delay. So, I would like to see the working group look at these issues. I also think it provides another opportunity for early identification of the other issues that families brought up today regarding dyslexia and other delays that a child might have. We just haven't been able to detect yet or we don't have a way to detect them without having birth to three -- I mean three to five-year-olds have services. Thank you.

SENATOR MCCRORY (2ND): Thank you. Any questions?  
Representative McCarty.

REP. MCCARTY (38TH): Thank you and it's good to see you. And thank you for waiting for so long today to give your testimony. So, do you actually -- do you ever have any interaction with the school districts as well or -- and do you think that we're really overlooking a sizeable amount of children in that period of time?

MS. WEHRLY: I do have interaction with the LEAs and so I find that the LEAs informally, some of them -- all of them monitor the students in their system and some of them informally may provide a type of service for the children. For example, I've heard in West Hartford that they have a play group for children that didn't qualify for services. It's an option, so the parent can have their children participate or not. But many school districts don't have those programs available. And it's also not always district-wide; it can be school-based.

As far as the percentage, so when I look at the fiscal year for '17 on the Birth to Three website, of those students that were exited, 34 percent were found not eligible for services. Of that, it was



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approximately six percent that were not eligible for services because they no longer qualified. So, that leaves us with, what's that, 28 percent of children who were potentially moderately delayed and could've benefitted from services between three and five.

REP. MCCARTY (38TH): If I may. And so, that percentage that you identify, if they were to get continuous service they would probably, as they entered into kindergarten, maybe they'd still have that continuation, so they may need less intense service at that point.

MS. WEHRLY: Yes. And studies show that children who receive early intervention services between kindergarten and third grade are likely to no longer need special education services. For those children who get services from kindergarten or after, they're most likely to need services into middle school and all the way through high school.

And then as far as cost to the school system, right now the cost approximately, on average, \$9,000 dollars per child to provide birth to three services. The -- I don't have specific numbers for districts, but on average, it can cost anywhere from \$9,000 dollars to \$25,000 dollars additional for each student to provide them with special education services. If they receive out-placement services, it can go anywhere from \$50,000 dollars to \$100,000 dollars per child. So, it would be a significant cost to the district.

REP. MCCARTY (38TH): Okay. Thank you.

MS. WEHRLY: Okay.

SENATOR MCCRORY (2ND): Any questions? Seeing none, oh, Representative Johnson.

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REP. JOHNSON (49TH): Thank you so much. And I didn't hear all of your testimony, so if you've already spoken about this. But I just want to ask you, in terms of the transition from birth to three, when you go into the pre-K, are you finding that the transition is smooth or that it's a difficult transition to make to get the same services that perhaps are offered in birth to three?

MS. WEHRLY: It varies by district, so depending on the district. And that's something that's been discussed amongst birth to three providers. And, you know, we have a transition plan in place to make a smooth transition. The challenge comes when each district is allowed some leeway, so how those transitions occur vary from district to district. So, some districts, again, they may have informal programs to provide to children, and others don't provide anything.

Although, I will say, that the Office of Early Childhood has -- it's called Ages and Stages, so, and that's an informal program where the child can be enrolled in a developmental screening monitoring program. The concern with that is that the parent doesn't have to follow up. They don't have to submit. The questionnaire comes out every three months to track the development of the child and if the parent doesn't submit that with the responses to the questionnaire, then we have no way of keeping track of the child's progress and development.

REP. JOHNSON (49TH): And just quickly, do you have an idea of which districts are more compliant and more -- have a smoother transition than which other districts and does it have anything to do with the funding of the schools?

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MS. WEHRLY: I can't speak to that. I don't know specifically.

REP. JOHNSON (49TH): Very good. Thank you very much for your testimony and being here all day. Thank you so much, Mr. Chair.

MS. WEHRLY: Thank you. Thank you so much for your time again.

SENATOR MCCRORY (2ND): And thank you. Come on up. You're the last one.

MR. MARTOCCHIO: Is that good or bad?

SENATOR MCCRORY (2ND): That's a great thing for you and I.

MR. MARTOCCHIO: Hi guys. My name's Henry J. Martochchio. Senator McCrory, it's an honor to testify in front of you. I submitted my digital online copy. I'd like you guys to look at -- I'm in actually support kind of a way of 7553. But I'm also kind of denying it without having the attachment of, like Rep. Johnson had said earlier, the ADA. Let me tell you, ma'am, the schools do not know that they're mandated to have the ADA under Title 2. Hence, I've given you guys a bunch of policies and procedure underneath the ADA that I think that this committee really should look.

And Senator McCrory, to your kind of advantage, we just heard testimony in regards to Waterbury. Two weeks ago there was a gentleman, a school teacher, in this building claiming not one child of his special ed is qualified for extended services. My son is a 240-day service. I have issues with the Town of South Windsor. Our equipment were ripped trampolines, a sit-and-spin and a bouncy ball. They

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pushed them through the ABLE system. I went and did independent testing and found out again that they weren't doing things by the right of my child. Hence, I had to go out now and go get, you know, more evaluations, more -- they deemed me as a problem parent because I have a concept of the law. They didn't want me to teach other parents in the Town South Windsor what our rights are.

My right is not to sit there and just fund people so that they can maybe get a scholarship for baseball players and have these all-time great memories. As a society, our one objection is to give somebody an education, to be able to manage their life as best as they are capable of doing. So, when we talk about Title 2, which you're referring to post-education, that's the problem. We're putting kids into post-secondary education with the intent that they don't even know what the job is to begin with. We're training them to ask their employers what your modification's gonna be ahead of time to that job. This is the problem that I'm kind of seeing. Hence, I'm kind of saying, wait a minute; this whole system is built backwards. It's absolutely backwards if I look at it underneath Title 2.

Title 2 pulls from, again, the '73 Rehabilitation Act or the 504 plan. There's a lot of things I can go into for hours on end, ladies and gentlemen. I'm not just a gorgeous-looking, beard-faced walking the halls around this building. I do have knowledge on disabilities. I was forced to do it. I was forced to do it by ways of the judiciary system. And I ask you guys now to look up a case called *Raymond v. Rowland*. Judiciary took that case. They dead-ended after making this settlement agreement. DDS is not the only department that we have. Hence, I'm asking

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you, Senator McCrory, we need to have a designated responsible employee for the ADA in the Educational Department. Hence, my policies and procedures.

We can't say under Title 2 -- ma'am, again, I'm gonna grab this one really quick. Under Title 2, if I walk forward with my autistic child. An autistic child is an autistic child. Under Title 2, the state will make -- the entity will make an offer. Under Title 2, the disabled have the right to come back and say, no, I think this modification will fit me better and do better for me to receive maximum inclusion. So, again, that's the problem that I'm getting as a parent everywhere I'm going. I want to know, hey, what are you gonna do for my child. Well, what do you mean? What do you want done? And again, it's a game of ignorance that they play.

When we talk about dollars in 2007, that's President Obama gave stimulus packages. My town got \$160,000 dollars. They spent it on pay for the teachers. That's insane! Again, there's nobody regulating because we are not doing self-evaluations to determine Title 2 program services and activities to --

SENATOR MCCRORY (2ND): Hey, good looking guy. Will you summarize, good looking guy?

MR. MARTOCCHIO: That's the end of it. Because we are not doing it and that's what I feel is what's absent in this whole problem, this whole game of discrimination. I can show you guys class C towns that have got it going on. And that means they're a poor, poor town. But then a rich town like South Windsor doesn't care. East Hartford is a great example of how full inclusion is. Mansfield, Connecticut, is a great example. Again, a rich town

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like Avon or Simsbury; we expect them to be achievers. But Waterbury? To have a teacher here two weeks ago saying his disabled students only get a 180-day program. That's an absolute slap of discrimination against everyone that is using that.

Which it could be green, purple, black, white, I don't care. Forty-three percent of the population has a disability, 43 percent. That's a large number that we can get federal dollars for if we did self-evaluations. That's it, ladies and gentlemen. Have a great night.

SENATOR MCCRORY (2ND): Any questions? Thank you. We'll end this committee on -- Representative Comey.

REP. COMEY (102ND): I'm sorry. I have a quick question. I'm sorry, Chairman. Thank you for your patience. What is your experience with respite care?

MR. MARTOCCHIO: Respite care. Okay, I'll give you an idea. After many, many years --

REP. COMEY (102ND): Briefly on this one.

MR. MARTOCCHIO: Again, I dove right into voluntary services with my child because insurances weren't paying at the time. Again, at that time in New Britain -- if you lived -- if I lived in New Britain, I would've never gotten it. My feeling is now, because my son's a little older, I want to enjoy my son. I don't want to give money to somebody else to go have them have fun. Yes, I do need respite services, and yes, there is a couple girls that will come in, far and few between. If I can't go there with my child, I don't go there. But I understand there is activities you can't go to. Like today, I wanted to testify here. So, what did

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I have to do? Run home, get him, cook dinner, and come back in. I barely made it. That's just how life is for me.

I've determined that's how life is gonna be until the state does its evaluation. Because there's lot of parents -- and again, it doesn't make sense to me to pay that person \$20 bucks an hour to -- there's parents out there that don't even make that. So, we're gonna pay -- as respite care, you're gonna pay \$20 bucks an hour and yet the person, the parent, is only going out to make below minimum wage. It's insane! It's really insane today, guys. And again, I trained girls that are working for DCS right now with autistic kids. How's that possible? Me? They got nothing from the state. It was all my and child's interactions.

So, I humbly ask you guys attach and we can could really sit down for a month and dive into how the ADA has changed the mandates. Maybe we don't need all this mandated training that we heard earlier. Maybe the ADA will sit there and say, hey, modifications to policies and procedures. Again, it's a real simple concept, but everybody doesn't want to go there because everybody things we're gonna rewrite the program's activities. We're not saying that. We're saying it's simple modifications.

And again, undue burdens. When a town screams that's a burden, a financial burden. After 29 years of doing nothing and taking that money and just balancing the budget, when do you kind of say wait a minute, isn't that fraud? Isn't that fraud? You took the money and you didn't build the program. How long are we supposed to continue to fund these

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programs under the idea that they are gonna catch us up to speed? Hence, again, I'm begging you, designate a responsible employee; 28 CFR 35.107 should be for every department, every building, and they should be coming back to you and basically giving you their report of the year and telling you how they spent their money, how they achieved the money and where they're lacking and where they're suppose to be doing better in.

REP. COMEY (102ND): Thank you.

SENATOR MCCRORY (2ND): Thank you for that.

MR. MARTOCCHIO: Thank you. I appreciate the question, though, at this time of night because Doug's got to go home.

SENATOR MCCRORY (2ND): Ah, no, no. No, now you got me fired up. I've gotta do my homework on this ABA.

MR. MARTOCCHIO: I'd teach you any day of the week. I gave you a simple 50-page brief. I know it's geared toward judicial, but the remedies are still there. You're denying it. When I sit there and I say deny 28 CFR 35.107, that's the activities. Without it, we're denying people the appropriate. So, we heard a lot about dyslexia today. That's a simple modification. It's a modification to the education of the teacher that we're using. That's all.

And again, for them to say that this is an undue burden to go out and get extra training for them. When I was learning about autism, I had paras sitting next to me in the town events that I was attending to. Imagine that, on their own time. The Town of South Windsor would not even pay the paraprofessionals to get the training. And I



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question this now, when my son's at age 21, who's gonna care for him for the rest of his life? Somebody that the state only feels is worth \$12 bucks an hour and is not trained? That's insane. These guys grow all the way until the day they die. I mean, it's beautiful.

I'll ask you to come up to Manchester swimming pool on Sundays. How come that's the only IHO program in the state that provides inclusion? My son lives a life of segregation. The students of South Windsor do not have a clue who we are in our community and I'm fifth generation to be on the land. Imagine that, fifth generation, and not one child knows my child in my town. I call that segregation big time. Because we wouldn't do that if we said little Johnny had blonde hair, you've got to go to a different school. You're fat; you've got to go to a different school. This is insane. A school is a school. A teacher is a teacher.

And, you know, these extra letters of, you know, endorsement, I just don't follow that. You've just go to have a warm heart and listen to the child and maybe get rid of a little bit of the ABA and start looking more at Miller Method and Floortime. Because I'll tell you honestly, I prefer those two.

And anyone who's taking their cell phone away from their child as the teen years; that's Miller Method or Floortime. That's not ABA. Meaning you done X, Y, Z, I'm gonna punish you. You're having something that they want really, really bad and you're making them work for your respect. And that's all I can say, honestly. And then again, I'm just a father, a single father, stumbling through life as best I can. And if I know this, guys? I'm just a simple

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plumber. Imagine that. If we really had the laws up in our law library, because, again, the policies and procedures come from the LOB. They don't come from every department in making up their own idea or concept. The LOB has to define the policies and procedures for the subcontractors of the state to carry out. That's it.

SENATOR MCCRORY (2ND): Thank you. Thank you for your advocacy for all children.

MR. MARTOCCHIO: No, thank you for giving me the extra minutes. It's -- honestly, if we just open our eyes a little bit, guys, we could really help out all. And it won't be the question of, well, you live in the city, you live in the suburb, this is your -- baloney. It should be an equal opportunity for both. Absolutely. And nothing less than that.

SENATOR MCCRORY (2ND): Thanks again.

MR. MARTOCCHIO: No, thank you guys. Enjoy your night.

REP SANCHEZ (25TH): Is there anyone else that would like to speak? Anyone else? No? This public hearing is adjourned. Thank you. Thank you, committee members.

**SENATOR CATHY OSTEN**  
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Education Committee  
 March 18, 2019  
 LOB 1E 12:00 PM

**In SUPPORT of Senate Bill 1068**  
*An Act Concerning the Minimum Budget Requirement*

Chairman McCrory, Chairman Sanchez, and distinguished members of the Education Committee, I am here to testify in support of Senate Bill 1068, *An Act Concerning the Minimum Budget Requirement*.

My name is Cathy Osten and I represent the 19<sup>th</sup> Senate District, which includes the towns of Columbia, Franklin, Hebron, Lebanon, Ledyard, Lisbon, Marlborough, Montville, Norwich, and Sprague.

I'd like to begin my testimony by thanking the leadership of the committee for raising this important legislation.

As you may know, Representative Mike France and I introduced similar legislation, House Bill 5243, *An Act Permitting Reductions to the Minimum Budget Requirement for Boards of Education that Experience Reductions to their ECS Funding during the Fiscal Year*, earlier this year. Allowing towns to utilize a five-year look-back period for reductions in student enrollment in order to determine a corresponding reduction in its budgeted appropriations for education is critical to alleviate the burden local budgets face each year. As we have seen, municipalities, especially smaller towns, who have experienced a consistent decline in student enrollment over the last decade, have found it increasingly difficult to fund their state-mandated minimum budget requirement. This legislation and other similar bills is a critical first step in providing some relief for local property taxpayers, like you and me, while still providing programs and services for our children.

Thank you again for the opportunity to testify in support of House Bill 7353. I look forward to working with the leadership and members of this committee on this bill's passage.



**STATE OF CONNECTICUT**  
**STATE DEPARTMENT OF EDUCATION**



**Connecticut General Assembly**  
**Education Committee**  
**Testimony of Commissioner Dianna R. Wentzell**  
**March 18, 2019**

Good afternoon Senator McCrory, Representative Sanchez, Senator Berthel, Representative McCarty and members of the Education Committee. I am Dianna Wentzell, Commissioner of the Department of Education, and I am pleased to have an opportunity to testify before you today regarding a number of important education-related proposals on your agenda.

**S.B. 1068 An Act Concerning The Minimum Budget Requirement**

The Department is not opposed to this proposal but would ask that the language be amended to reflect a two-year look-back period for reductions in student enrollment, as opposed to a five-year look-back. Currently we calculate the resident student deduction after districts have already passed their budgets. The timing means they cannot take the savings or they must estimate what it will be when calculating their budget. The language as written would create a substantial amount of work for the Department by requiring us to modify the minimum budget requirement data collection to track new information for a five-year period before we can perform the calculation. We believe a two-year look back would serve to solve the current timing issue and allow districts to take advantage of the resident student deduction savings in the following year.

**S.B. 1069 An Act Concerning Various Revisions And Additions To The Education Statutes**

The Department is generally supportive of this proposal. We believe certain sections pertaining to background checks are necessary in order for our statutes to be compliant with the federal rules regarding the disclosure of fingerprint records. Much of that language was developed through the work of a taskforce that the Department participated in prior to the start of session. The final section of this proposal adds "sexual harassment and assault, adolescent relationship abuse and intimate partner violence, and human trafficking, including commercial sexual exploitation" to the programs of instruction that must be offered in public schools. We believe these topics are of importance but would like to note that districts will need guidance and support in order to offer this instruction in a developmentally appropriate way, using culturally responsive methods. The Department does not currently have a health education consultant who would be able to assist in that work.

**H.B. 7350 An Act Concerning Regional Cooperation And The Sharing Of Services Among Regional Educational Service Centers And Member Boards Of Education**

As stated in previous testimony on this general topic, we believe that we are no longer living in a time where it is practical, or feasible, for the state to have over 200 independently operated school districts. Therefore, we would be in support of any proposal that requires a study of shared services. We do not currently have a full time employee who could perform the work outlined in this proposal, so the Department would require additional resources if this were to move forward.

**H.B. 7351 An Act Concerning Graduation Data For The Technical Education And Career System**

The Technical Education and Career System is in possession of the graduation rate and programs of study data that this proposal seeks and could modify its annual report to include it.

**H.B. 7352 An Act Concerning Minor Revisions And Additions To The Education Statutes**

The Department cannot support section 3 of this proposal, which would negatively impact the ability of Priority School Districts to recruit educators. We also cannot support the removal of edTPA as the pre-performance assessment in section 4. edTPA is a performance-based, subject-specific assessment and support system that is used nationally in more than 30 states by educator preparation providers to emphasize, support, and measure the skills and knowledge that teacher candidates need from day one in their classrooms. edTPA training and assessments align with the Connecticut Common Core of Teaching and the CT Core Standards and was adopted in Connecticut through a broad based stakeholder process that reached consensus on principals to transform teacher preparation. In 2017, the General Assembly passed legislation that requires the Department to report annually on the effectiveness of teacher preparation programs and removing edTPA would be in direct conflict with the intent of that legislation. These assessment should also not be developed individually across all educator preparation programs as is suggested in section 5. There absolutely must be a set of uniform, professional standards across the state. We are generally supportive of the rest of the bill, however we do have fiscal concerns with administering the pilot program outlined in section 8 and would definitely be unable to develop, implement and sustain a program beyond a pilot.

**H.B. 7353 An Act Concerning Various Revisions To Special Education**

The Department has many concerns with this proposal and would welcome an opportunity to speak with the proponents of the various sections mentioned below in an effort to work on language that might be more amenable to the Department.

We are unable to support the change outlined in section 3. This is a planning and placement team (PPT) decision and would cause undue hardship on districts, as many self-contained programs are often housed in only one school in the district. This language would also override the authority of the PPT and potentially negate due process procedures.

We believe that the interpretation and implementation of 10-76q has been problematic in the past, but we strongly believe removing this language will be equally problematic without an in-depth analysis as to the benefit of this change and without the Connecticut Technical Education and Career System (CTECS) being given the resources and infrastructure to support its removal. The Department undertook a significant review of the admissions policy for CTECS last year and made many recommendations for improvements which are currently being implemented. We would ask that no change be made until that implementation is complete.

Section 5 could be problematic from a teacher evaluation and professional conduct perspective. We would want it to be very clear that teachers could still be evaluated based on professional conduct

during PPT meetings. Furthermore, no recommendations regarding special education services should be made outside of a PPT meeting, so we would ask for that language to be struck in line 128.

The Department has some concerns with the scope of the data project outlined in section 10, but believes it could deliver the information successfully on a more limited set of students. Not all students who have hearing or visual impairment qualify for special education under the Individuals With Disabilities Act. The Department only knows about those students who have visual and hearing impairments if they have an Individualized Education Plan (IEP). If the intent is to track and gather data on non-IEP students, that would create a tremendous amount of work that we could not undertake without additional resources. If this is limited to students with an IEP, who have a primary disability of deaf/blindness, hearing impairment, or visual impairment and are taking state assessments, it would be more likely that we could create the requested report.

#### **H.B. 7356 An Act Concerning School Security**

We believe with the addition of child care centers and preschools to the entities eligible to receive school security infrastructure grants, it may be appropriate to add the Office of Early Childhood to the grant review committee. We would also suggest pushing back the reporting requirement date for the school security officer taskforce outlined in section 2. Given the importance of the tasks being contemplated in the proposal, the timeline seems aggressive.

#### **H.B. 7357 An Act Concerning A Study Of Education Mandate Relief**

We are generally very supporting of mandate relief for our local and regional boards of education, however we are not in a position to take on this type of study without additional resources. We are struggling to meet our existing statutory requirements with a rapidly diminishing workforce and budget, and therefore currently do not have the capacity to take on this work.

**Testimony of Ruth Levy  
Superintendent of Schools  
Chester, Deep River, Essex, & Region 4 Schools**

**IN SUPPORT OF RAISED BILLS HB 7353 AND SB 1069**

This testimony is in support of HB 7353, "AN ACT CONCERNING VARIOUS ISSUES RELATING TO SPECIAL EDUCATION," and SB 1069, "AN ACT CONCERNING VARIOUS REVISIONS AND ADDITIONS TO THE EDUCATION STATUTES." The language in these bills are what we need to build programs and cut costs between small districts.

HB 7353 opens the door for us to help students receive more efficient special education services at a lower cost. It builds a sense of cooperation between districts and towns. Simply, it is better educationally and fiscally for children and towns. In addition, it broadens a sense of community and support for our students most in need.

SB 1069 will allow the Supervision District, to incorporate more positions across Chester, Deep River, Essex, and Region 4, providing more parity and economic efficiencies within our three towns. In addition, this language will allow us to share personnel without them losing seniority as occurs currently. Cooperative agreements between our towns and other local small towns will provide the mechanism so needed to share personnel and operationalize programs that provide better programming and economic efficiencies.



## SENATOR NORM NEEDLEMAN

DEPUTY PRESIDENT PRO TEMPORE

33RD SENATORIAL DISTRICT

**Chair:** Energy & Technology

**Vice Chair:** Banking

**Member:** Commerce; Finance, Revenue & Bonding; Transportation

March 14, 2019

I support Raised Bill No. 7353, "AN ACT CONCERNING VARIOUS ISSUES RELATING TO SPECIAL EDUCATION," and Raised Bill No. 1069, "AN ACT CONCERNING VARIOUS REVISIONS AND ADDITIONS TO THE EDUCATION STATUTES."

My experience with the topics raised in these proposals is built on years of involvement with a regional three-town system, in both budgeting and policy planning, as the First Selectman of Essex. Nothing is more important to families than the quality of their children's education and the costs involved in their children receiving that education.

Legislation that encourages school districts to work together voluntarily gives school districts and taxpayers the flexibility, freedom and creativity to develop strategies that work for their specific needs. Current law puts arbitrary barriers and metrics in place that hamper the efficiency of that very cooperation.

Bill 1069 will require the Department of Education to start thinking about breaking down barriers that have prevented school districts from working together with a report due by the end of the year. And bill 7353 goes further by allowing school districts to pool their resources for the purposes of Special Education.

By allowing school boards and school districts to collaborate in their own ways, we remove complex and costly regulations that can lead to inefficiencies. It may also provide new routes to success. For instance, while Essex, Chester and Deep River operate a regional system, they have five total boards of education due to state requirements. If their report finds combining or collaborating on these efforts would bolster efficiency, they would be free to find the strategy that works best for them. The best advocates for children are the ones working closest with them.

I submitted SB 572 to begin breaking down these barriers and allow towns to have these flexible arrangements recognized as school districts. Both of these bills address that concept and are a step in the right direction. By getting rid of red tape, we free school districts from limitations and give them the power to do what's best for their students. I look forward to seeing how the conversation evolves and hope this legislation bolsters Connecticut's educational system.

State Senator Norm Needleman



**Testimony of Lon Seidman**  
**Chairman, Essex Board of Education & Region 4 Supervision District**

**IN SUPPORT OF RAISED BILLS HB 7353 and SB 1069**

I write in support of HB 7353, "AN ACT CONCERNING VARIOUS ISSUES RELATING TO SPECIAL EDUCATION," and SB 1069, "AN ACT CONCERNING VARIOUS REVISIONS AND ADDITIONS TO THE EDUCATION STATUTES." Both bills will help begin breaking down statutory barriers to regional cooperation.

HB 7353 section 1 will have an immediate and positive impact for shared special education services. The bill expands the definitions of local and regional school districts for the purposes of special education to include cooperative agreements operating in compliance with 10-158(a) of the Connecticut General Statutes.

Chester, Deep River, and Essex have long made use of 10-158(a) to share services among our local boards of education and the Region 4 board of education. We call our cooperative agreement the "Supervision District" and it manages a single central office along with dozens of shared services. Special education is one of the services we have centralized through our Supervision District.

Over the years we have hit many roadblocks with special education because the state has not recognized our collective efforts as a single entity. This has resulted in a less efficient operation that has to maintain redundancies in order to be compliant with state law.

The simple changes in HB 7353 will help us develop a much more efficient program in our towns that will also provide a better education to our special education students. We are grateful to the committee for raising this bill and urge your colleagues to support it. We are more than happy to share our experiences with other school districts that might wish to begin their own cooperative agreements to better control their special education costs.

SB 1069 requires the Department of Education to submit a report by the end of the year to the legislature in regards to cooperative agreements and the possibility of having those agreements recognized as school districts. We support this study and hope that it will lead to legislation next session to allow for more flexibility in defining school districts. We are ready and willing to provide our experience and expertise to the department as they begin this work.

Respectfully submitted,  
Lon Seidman

Testimony in Support of Section 4 of  
H.B. 7353 An Act An Concerning Various Issues Relating to Special Educations

Senator McCrory, Representative Sanchez and other esteemed members of the Education Committee,

Thank you for the opportunity to submit testimony in support of Section 4, lines 113-120, of HB 7353 which will repeal section C of Conn. Gen. Stat. §10-76q, so that Connecticut Technical and Career High Schools can no longer to use it to justify discriminating against students with disabilities.

For years Connecticut Technical and Career High Schools (CTECS) have used a loophole in a Connecticut statute (Conn. Gen. Stat. § 10-76q) to deny students with disabilities their rights under the Individuals with Disabilities Education Act (IDEA).

In the past 5 years, two separate complaints have been filed with the Office of Civil Rights on behalf of students with disabilities to address this. According to those official complaints and anecdotal information, CTECS have consistently violated the rights of students with disabilities in just some of the following ways:

- Imposing additional admissions criteria for students with disabilities;
- Refusing to make accommodations, including those that are well established and used effectively in other public schools;
- Discouraging parents from submitting applications for students with disabilities;
- Pushing special education students out once they are admitted.

By abusing this statute CTECS have not only evaded their legal responsibility to students with disabilities, they have also robbed them of the opportunity to receive vocational educational training in the trades, which according to the 2016/2017 US Talent Shortage Survey have been the hardest jobs to fill in the US for seven consecutive years.

Thank you for the opportunity to be heard on this important issue.

**Elizabeth Bayer**  
**Wilton**

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Thank you for the opportunity to be heard on this important issue.

*Kim Beckett*

**Spread the Word to End the Word**

Chairman Sanchez, Chairman McCrory, and Members of the Education Committee:

Thank you for this opportunity to speak to you in support of Raised Bill #7353 – An Act Concerning Various Issues Relating to Special Education.

I am a special education attorney advocating for the educational needs of children with disabilities. I am also a parent of a 25-year old son who is profoundly deaf, and I lead a nonprofit chapter of the Hearing Loss Association of America with a mission to empower preteens, teens, and young adults with hearing loss.

As you can glean from my background, I have significant experience advocating for children who receive special education. Raised Bill #7353 hits the mark on many levels such as:

1. Technical schools must comply with IDEA requiring a free appropriate public education to students with disabilities because what's happening now in many cases is the exclusion or ejection of students with disabilities from these technical schools;
2. Teachers, administrators, and paraprofessionals may not be retaliated against for speaking up on behalf of students with disabilities. This section should be amended to include related service professionals such as those providing speech, occupational, physical, vocational, behavioral therapy and that also includes school psychologists, social workers, and guidance counselors who are many times told what they can and cannot say in support of additional services for these students;
3. Adding a work study group to study issues related to a gap in services between Birth to 3 and Kindergarten is a good idea, although this group should include parents of special education children;
4. With regard to deaf students or deaf/blind students, an emergency communication plan is essential. As the legislative co-chair in 2012 successfully advocating for a Language & Communication Plan requirement, I can tell you an emergency communication plan could easily be added to this existing Plan requirement under Section 7 of this bill.

One of my worst nightmares as a parent of a profound-deaf child is that my son would not be aware of a fire alarm or other emergency signals. Most of us assume that someone would be around to let a child know about an emergency, but that's not always the case if the student is in the restroom or outside of class for any reason.

5. Another good idea is to add a work study group and collect data regarding appropriate language assessments and skills for these deaf or deaf/blind students to ensure they are making progress in their language development, and if not, they receive immediate interventions.

Thank you for advancing this legislation, and I strongly urge you to support Raised Bill #7353.

Chairman Sanchez, Chairman McCrory, and Members of the Education Committee:

Thank you for this opportunity to speak to you in support of Raised Bill #7353 – An Act Concerning Various Issues Relating to Special Education.

I am here today representing Special Education Equity for Kids in Connecticut (SEEK-CT), Connecticut's first organization of parents, providers, advocates and attorneys fighting for excellent education for the 70,000 Connecticut students with disabilities. I am also a special education attorney advocating for the educational needs of children with disabilities. I am also a parent of a 25-year old son who is profoundly deaf, and I lead a nonprofit chapter of the Hearing Loss Association of America with a mission to empower preteens, teens, and young adults with hearing loss.

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5. Another good idea is to add a work study group and collect data regarding appropriate language assessments and skills for these deaf or deaf/blind students to ensure they are making progress in their language development, and if not, they receive immediate interventions.

Thank you for advancing this legislation, and I strongly urge you to support Raised Bill #7353.

# MERIDEN PUBLIC SCHOOLS

Here, Students Succeed



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*Director of Curriculum &  
Instructional Technology*

March 18, 2019

Dear Esteemed Education Committee Members:

Thank you for the opportunity to share written testimony supporting line 113-120 in Section 4 of H.B. 7353, to repeal Section (c) of the Connecticut General Statutes § 10-76q.

With this change, Connecticut Technical Education and Career System (CTECS) will no longer be able to justify their discrimination against students with disabilities. As a former special education teacher and current Superintendent of the Meriden Public Schools, I feel strongly that we cannot sit idly by as students with disabilities are discriminated in the CTECS admission process. I encourage you to level the playing field for all students and hold our state vocational technical schools to the same standards as all of our public schools. I do not want to have another hopeless conversation with a Meriden parent whose child had been pushed away by their dream school, our vocational technical high school, because of their disability. One look at special education rates between the CTECS and neighboring school districts will clearly show this problem has been occurring for years.

Thank you for your consideration and all you do for our State and citizens. I appreciate your time and service.

Respectfully submitted,

Mark D. Benigni, Ed.D.  
Superintendent of Schools  
Meriden Public Schools





Testimony in Support of Section 4 of  
H.B. 7353 An Act An Concerning Various Issues Relating to Special Educations

Senator McCrory, Representative Sanchez and other esteemed members of the Education Committee,

Thank you for the opportunity to submit testimony in support of Section 4, lines 113-120, of HB 7353 which will repeal section C of Conn. Gen. Stat. §10-76q, so that Connecticut Technical and Career High Schools can no longer to use it to justify discriminating against students with disabilities.

For years Connecticut Technical and Career High Schools (CTECS) have used a loophole in a Connecticut statute (Conn. Gen. Stat. § 10-76q) to deny students with disabilities their rights under the Individuals with Disabilities Education Act (IDEA).

In the past 5 years, two separate complaints have been filed with the Office of Civil Rights on behalf of students with disabilities to address this. According to those official complaints and anecdotal information, CTECS have consistently violated the rights of students with disabilities in just some of the following ways:

- Imposing additional admissions criteria for students with disabilities;
- Refusing to make accommodations, including those that are well established and used effectively in other public schools;
- Discouraging parents from submitting applications for students with disabilities;
- Pushing special education students out once they are admitted.

By abusing this statute CTECS have not only evaded their legal responsibility to students with disabilities, they have also robbed them of the opportunity to receive vocational educational training in the trades, which according to the 2016/2017 US Talent Shortage Survey have been the hardest jobs to fill in the US for seven consecutive years.

This is an issue close to my heart because I have neighbors and friends whose children with learning disabilities are pursuing vocational training in the technical high school system. I believe this training is an imperative part of raising our children to become successful, contributing members of society. When children are unfairly denied educational and vocational training, and the opportunity to develop independent living skills, it harms us all.

Thank you for the opportunity to be heard on this important issue.

**Stephanie Billiel**  
**Marlborough, CT**

**TESTIMONY BEFORE THE EDUCATION  
COMMITTEE CONCERNING:  
House Bill 7353 An Act Concerning Various Issues Relating to Special Education  
March 18, 2019**

Dear Senator McCrory, Representative Sanchez and Esteemed Members of the Education Committee:

I contact you in my capacity as a member of the Board of Directors for Disability Rights Connecticut (DRCT)<sup>1</sup> to urge you to repeal section (c) of Connecticut General Statutes §10-76q. As it stands, section (c) of §10-76q provides a mechanism for excluding and discriminating against students with disabilities. This provision is in direct conflict with state and federal protections for students with disabilities and therefore should be repealed.

Generally speaking, a planning and placement team (PPT) comprised of parents, teachers, administrators and evaluators, meets to determine the needs and programming for students with disabilities. The PPT writes a plan for the student that identifies the services and accommodations that must be provided by the local board of education. That plan remains in effect for at least one school year and must be implemented by successive boards should the student enroll in different schools. If a student enters a different public school system, the receiving school may convene a PPT meeting and change the services it will provide but the receiving school cannot say to the student “our program cannot accommodate your needs, you must go back to where you came from.” That is essentially what section (c) allows technical/vocational schools to do.

The practical effect of section (c) is that technical/vocational schools are either thwarting entrance into their schools or are pushing students with disabilities out after they are admitted. Instead of hiring and training adequate staff to provide the services and accommodations identified in a student’s plan, Connecticut’s technical/vocational schools claim their programs cannot be altered and some other school board has the responsibility of providing services to the student. No other public school system, including magnet and charter schools, are allowed to exclude students with disabilities under the guise that their needs, i.e., their disabilities, preclude participation in the school program. This discriminatory practice cannot be countenanced any longer.

Accordingly, I ask you to support Section 4, lines 113-120, of HB 7353 which will repeal section (c) of Conn. Gen. Stat. §10-76q. Thank you for the opportunity to be heard on this important issue.

Board Member Name & Contact Information  
Name of Board Member’s Town

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<sup>1</sup> / DRCT is the federally designated Protection & Advocacy system for the state of Connecticut. As such it is charged with the responsibility to protect and advocate for the civil and human rights of people with disabilities in Connecticut.



Jeffrey S. Bravin,  
Executive Director

139 North Main Street  
West Hartford, CT 06107  
www.asd-1817.org

## Testimony of Jeffrey S. Bravin

### *Executive Director, American School for the Deaf*

I submit this testimony today in support of Raised Bill 7353: *An Act Concerning Various Issues Relating to Special Education*.

I support all recommendations proposed in this bill, most especially the assertion that emergency communication plans be developed for students identified as deaf, hard of hearing, blind, and/or deaf-blind, that includes procedures for alerting such students of an emergency situation and ensuring that the specific needs of these children are met during such an emergency.

Emergency situations can provoke fear, anxiety, and/or confusion under any circumstance. This anxiety and confusion is heightened for deaf, hard of hearing, blind, and deaf-blind children who are not provided access to critical information during an emergency.

At the American School for the Deaf (ASD), great effort has been made to ensure our students are alerted and fully informed during emergency situations, including lockdowns and fire emergencies. In addition to abundant visual and auditory alarms, an extensive messaging system provides critical and timely information via text displays on all television and computer monitors in every classroom, office, and common area. Deaf and hard of hearing students in public schools do not always have this same access to emergency information – a severe problem that must be corrected.

Raised Bill 7353 aims to solve this problem. I support its assertion that effective alerting mechanisms for deaf, hard of hearing, blind, and deaf-blind students be implemented in all schools, and that school administrators/staff review their emergency plans on an annual basis to continually address their methods for communicating and informing these students during emergencies.

Currently, there is no legislation requiring the establishment of emergency procedures to ensure that deaf, hard of hearing, and deaf-blind students are alerted during emergency situations. This is critical to the health, safety, and well-being of all students, and I hope you will join me in support of this bill to correct this inequality in Connecticut's schools.

Raised Bill 7353, in Sections 10 and 11 also focuses on the language assessments for Deaf, Hard of Hearing and Deaf-Blind students. At the present time, Connecticut does not have a way of identifying, assessing, or monitoring progress of deaf or hard of hearing children from the time of identification of the hearing loss through secondary education. The Department of Health, the Office of Early Childhood, and the Department of Education need to collect and share data to improve services for children who are deaf, hard of hearing, or deaf-blind so that they have the necessary language skills to acquire the knowledge and academic competencies that will allow them to be successful in school and life.

This Proposed Bill on Language Assessment was a result of the work of Connecticut Coalition on Education of Deaf and Hard of Hearing Students and has been unanimously approved by the Advisory Board of Deaf and Hard of Hearing Persons. We have also spoken with State Department of Education – Office of Special Education, Department of Public Health and Birth-To-Three lead agency when we developed the draft bill. In the draft bill that was developed, we clearly identified members of the working committee and it also identifies the specific recommendation and action plans for the working group that we would like for the committee to add to the Raised Bill 7353.

Thank you again for your commitment to ensure that Deaf, Hard of Hearing and Deaf Bind children and students are being protected and given appropriate language assessment that will provide for appropriate intervention that will allow them to be successful learners.

Testimony in Support of Section 4 of  
H.B. 7353 An Act An Concerning Various Issues Relating to Special Educations

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Thank you for the opportunity to be heard on this important issue.

**Brad Brockhaug**  
**137 Forest Street**  
**New Canaan, CT 06840**



Connecticut Association of Boards of Education, Inc.

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81 Wolcott Hill Road, Wethersfield, CT 06109-1242 - (860) 571-7446 - Fax (860) 571-7452 – [www.cabe.org](http://www.cabe.org)

**Testimony  
submitted to the  
Education Committee**

**March 18, 2019**

**HB 7353 AN ACT CONCERNING VARIOUS ISSUES RELATING TO SPECIAL EDUCATION**

CABE supports the language in section 1, which by defining board of education for purposes of this statute to include the regional education service centers and cooperative arrangement committees may reduce some of the barriers to the creation of cooperative special education programs.

CABE opposes the language in section 3, which would allow a parent to require a board of education to maintain a special education student's enrollment in their current school. This is an artificial constraint on the Planning and Placement Team process, which is designed as a collaborative process to ensure the best placement for each student. Both state and federal law already require that a child be educated in the least restrictive environment, and that continuum of placement begins with consideration of education in the local school. In some situations, however, other placements may be needed to meet the educational needs of the student.

We are concerned that section 5 as currently drafted would prevent a board of education from disciplining a staff member for any conduct if that person had discussions or made recommendations with respect to a child's special education services. We understand the intent of this section, but urge a review of the specific language to avoid an unattended consequence.

Thank you for your attention to these issues.

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Gene Caro

Stratford, CT

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Thank you for the opportunity to be heard on this important issue.

Jeffrey D. Cohen  
40 Chestnut Hill Road  
Madison, CT 06443



Public Testimony Before Joint Legislative Committee on Education  
Regarding Raised Bill # 7353 – An Act Concerning Various Issues Relating to Special Education  
Monday, March 18, 2019

Senator Douglas McCrory and Rep. Robert Sanchez, Co-Chairs and Members of the Joint Legislative Committee on Education:

I am Dr. Harvey Corson, Chair, Connecticut Association of the Deaf Education & Legislative Committee.

Today I am speaking before you regarding the Raised Bill # 7353. As the legislative co-chair of the Deaf Child's Bill of Rights Initiative in 2012 successfully advocating for a Language & Communication Plan in Public Act #12-173, I am pleased to see this Bill addressing language assessment, emergency communication plan and vocational-technical education. The Connecticut Association of the Deaf supports this bill with the following observations.

At present, the State of Connecticut needs to have a more effective statewide system of procedures and guidelines to identify, assess and monitor the progress of low incidence population of deaf, deaf-blind and hard of hearing children from the time of identification through secondary education, especially language development milestones.

This bill addresses the importance and urgency of language assessment of deaf, deaf-blind and hard of hearing infants, children and youth from birth through 21 years of age. Acquisition of appropriate developmental language milestones at various stages of growth is critical in terms of academic learning, communication with other people and acquire knowledge that would assist these students be successful in school and after graduation.

Accordingly, we would suggest that you seriously consider adding the language to Section 7 and Section 11 as shown below where underlined:

**Section 7 (lines 179-181):** "The individualized education program or 504 Plan for any child identified as deaf, hard of hearing or both deaf and blind or visually impaired shall include a language and communication plan developed by the planning and placement team for such child."

This way this provision of language and communication plan would be addressed for every child who is identified as deaf, hard of hearing or both deaf and blind or visually impaired whether or not this child is receiving special educational services. Thus, the State of Connecticut is assuring that every such child has language and communication access in preschool, elementary, secondary educational programs in the State.

**Section 11 (lines 240-244):** "The working group shall develop guidelines concerning appropriate language assessments, practices and programs and the provision of immediate interventions when a student does not demonstrate progress in age-appropriate expressive and receptive language skills in English and American Sign Language."

With timely intervention strategies based on appropriate on-going language assessment, including language development milestones, many children would be supported with continued language learning and growth to achieve greater linguistic and communication competency to assure success in academic learning, communication with other people and acquisition of knowledge.

Thank you for your consideration and support of this proposed legislation.

Public Testimony Before Joint Legislative Committee on Education  
Regarding Raised Bill # 7353 – An Act Concerning Various Issues Relating to Special Education  
Monday, March 18, 2019

## New England Center for Hearing Rehabilitation

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354 Hartford Turnpike (Rte. 6)  
Hampton, CT 06247

Phone: 860-455-1404  
Fax: 860-455-1396  
Email: [Nechear@nechear.com](mailto:Nechear@nechear.com)

March 15, 2019

Re: Support HB 7353 – AN ACT CONCERNING VARIOUS ISSUES RELATING TO SPECIAL EDUCATIO

Dear Education Committee Members,

The New England Center for Hearing Rehabilitation (NECHEAR) provides clinical and educational services to children with hearing loss. We are also one of the three Birth to Three programs contracted with the state to provide specialized services to infants and children with hearing loss. NECHEAR provides aural habilitation (listening and language therapy) and pediatric audiology services to students whose parents or caregivers have chosen spoken language as their primary mode of communication for their family.

We are in support of HB 7353. We support several specific sections within this law.

NECHEAR supports the amendment to Sec.5, Sec 10-76d, giving teachers and paraprofessionals the right to discuss recommendations regarding their students with parents/caregivers. This will improve communications between educators, parents, outside educational consultants, and administrators, and the result will be more efficient PPT meetings and effective IEPs. Parents and teachers of children that have been identified as requiring special education need to work as partners; this amendment is a step in providing the transparency needed for the partnership to be successful.

NECHEAR also agrees with the addition of 8 of Sec 710-76jj that would include an emergency communication plan for children that have been identified as deaf, hard of hearing or both blind or visually impaired and deaf. Students that are deaf or hard of hearing express anxiety thinking about lock-downs in school. Often, their fear is related to being left behind during a lock-down, for example, when they are in the hallway or in a different part of the school than their class. Implementation of this law will help to keep students that are deaf or hard of hearing safe and help to make students **feel** safe at school.

NECHEAR strongly agree with both Sec 10 and Sec 11 of Sec 710-76jj that a) establishes a timeframe to develop a way to document the language skills of deaf and hard of hearing children so that they may be successful in school and post-graduation and b) establishes a working group on language assessments on children that are deaf of hard of hearing.

It is imperative that children with hearing loss of any severity have a complete language evaluation (speech, receptive and expressive language) performed by someone with knowledge of hearing loss. Any speech or language tests given will need to be given in the student's primary language, with standard scores that can be compared to those of typical peers, or the peers that will be educated with the student. This testing needs to happen annually, so that it will be known if the services being rendered are effective and what the annual goals and objectives will be.

We hope that you will support for [HB 7353](#). Please contact us with any questions.

Sincerely,

Jennifer Cox, Au.D., CCC-A  
Co-Director, New England Center for Hearing Rehabilitation  
354 Hartford Turnpike  
Hampton, CT 06247  
860-287-7735  
[nechear@nechear.com](mailto:nechear@nechear.com)

Kristin Dilaj, Ph.D., CCC-A  
Co-Director, New England Center for Hearing Rehabilitation  
354 Hartford Turnpike  
Hampton, CT 06247  
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**Lorena DeCarlo**

66 Beaver Street  
Fairfield, CT 06825

March 15, 2019

**RE: SUPPORT HB 7353- AN ACT CONCERNING VARIOUS ISSUES RELATING TO SPECIAL EDUCATION**

Dear Education Committee Members,

Please support HB 7353. Children who are DHOH (Deaf/Hard of Hearing) who receive appropriate language assessments have shown to have more success in school and beyond, and these children also deserve the right to a safe and secure environment.

My 3-year-old son Lucas was diagnosed with several medical complexities when he was born, including complete hearing loss in his left ear and moderate loss in his right. He has had over 15 surgeries and medical interventions to repair cardiac and other birth defects. We were told that his complexities would limit his quality of life and limit him.

He spent the first 10 months of his life in an Intensive Care Unit fighting for his life and we fought to bring him home with a ventilator and tracheostomy tube to breathe. Due to the tube in his airway, he was unable to vocalize and thus was non-verbal. Once home, he received therapies through the birth to three program and started to learn ASL (American Sign Language).

Despite it all, Lucas has defied the odds and is reaching typical childhood milestones we hoped but weren't sure were in his future. I cannot begin to tell you the joy both Lucas and I felt the first time he signed "Help" to me, and he realized I understood him! I realized then that my son had been trapped by his own inability to communicate effectively. As he learned more and more signs, we soon began to see how much receptive language he had already acquired with his limited hearing. He had so much to say but had no other way to tell us. Standardized tests in place didn't properly address his hearing loss and he appeared to be further delayed than he really was.

We are working to transition Lucas from homeschool to the Early Childhood Center in Fairfield so he can interact and socialize with peers but have many concerns as we head into this new phase of education. We worry that the supervision provided does not speak his native language ASL, and therefore is unable to respond to his safety needs should he seek and adult for help. We also worry that there aren't clear guidelines or assessments to capture and address Lucas's language skills and set him up for success in the classroom. My son's hearing is impaired but has shown that he is able to acquire language successfully if supported properly.

We have fought to overcome great medical hurdles but hope that his education and safety are not hurdles he will continue to face.

Thank you for taking the time to consider my testimony in support of HB 7353, please feel free to contact me if you have any questions or would like to discuss further.

Sincerely,

**Lorena G. DeCarlo**

lg\_lorena@hotmail.com

Erica DePalma

110 Perry Avenue

Norwalk, CT 06850

RE: SUPPORT HB 7353 – AN ACT CONCERNING VARIOUS ISSUES RELATING TO SPECIAL EDUCATION

Dear Education Committee Members:

Please support HB 7353. It's extremely important that children who are DHOH receive appropriate language assessments have better outcomes. It's just like giving a cognitive test to a child with hearing loss and testing their verbal word recognition. You have to test based on what's within their reach to get a proper understanding of their abilities / disabilities.

Our daughter is currently enrolled in the CREC Soundbridge program in Bristol, Connecticut. I'm fighting on her behalf for a comprehensive literacy test by a specialist with experience testing a child with cochlear implants. For example, if you showed my daughter nine pictures, one of which was a pill and you asked her to point to the word "pill". She wouldn't point at anything and she'd stare back at you. If you said "medicine", she'd point to the pill. If one of the pictures was a bucket, and you asked her to point to a bucket, she couldn't. But if you asked her to point to a "pail", she'd point to the bucket. You must have an expert who has worked with these children long enough to know what's simply not in their vocabulary – or you'll incorrectly mark the responses as wrong. That is one of many examples.

Thank you for your time and consideration for support on HB 7353, please contact me personally if you would like to discuss this further or to answer any questions you may have.

Erica DePalma

203-856-5834

Erica.depalma@gmail.com

This testimony is in support of H.B. 7353 to repeal C.G.S. 10-76q (c) and is submitted by Jill DeVane, Special Education teacher, and currently School Administrator of a private special education school.

The problem is that as C.G.S. 10-76q (c) currently stands it allows CTECS to circumvent its obligations under federal special education law (IDEA) and allows the discriminatory exclusion of students with disabilities from its program. The law allows the CTECS PPT process to deny admission to students based often on records alone and allows CTECS to push-out special education students rather than program for them.

When working in an alternative special education program housed in a public school, I experienced first-hand the discriminatory practices against 8<sup>th</sup> grade students who were highly interested in attending a technical high school so that they could learn a trade and participate in hands-on learning. The admissions process for special education students was not an equitable process. One version of the process, which occurred for only a few students, involved the sending school's input through a pre-screening process. However, though invited to attend the meeting, the teams' input (which often included a special education teacher, lead teacher of the program, mainstream teacher, and/or Special Education Director) was often ignored. Another version of the process included a record review by CTECS only and then denial of admission.

Having participated in the PPT admissions process, I was privy to the unfairness of the practices. CTECS discriminated against the students by the program they were in, rather than what their current educational program entailed. For example, some special education applicants were participating in the mainstream community for over 80% of their school day, or had some of the highest test scores in the 8th grade. Other students were denied admission with reasoning such as the CTECS cannot support their current educational structure, which included special education modifications such as pull-out or alternative math instruction. It was also stated that there was limited to no modifications to the pace or curriculum.

In addition, the manner in which CTECS conducted the PPT and questioning techniques used was shaming and left students with a sense of hopelessness and inadequacy. Throughout the PPT process, CTECS reiterated over and over about the fast pace of the curriculum, and intensity of the consolidated classes, often alluding that it would be very challenging for special education students to keep up with the rigorous class requirements. In addition, when denying students placement, the CTECS often informed the students, that if they could "just enroll in mainstream classes the next year," then they could re-apply to the technical schools, which ultimately entailed giving more false hopes to students, nor did it take into account the PPT process.

When meeting with CTECS staff, the manner in which they described their programs, portrayed CTECS high school students as being without any disabilities, accommodations, or needs. This was evident when discussing the rigor and pace of the curriculum. This was also evident when planning for academic and mental health supports for students. The CTECS staff often referenced the students' placement in an alternative special education setting as being one of high supports and one that they were unable to replicate, even though the alternative program recommended via PPT process that the student be placed in a mainstream high school because of their current levels of performance and success. This is an example of the CTECS system pushing out special education students rather than programming for them.

It is my hope that in the future the CTECS schools can program for all students, especially those who are highly interested in learning a trade while earning their high school diploma. By doing so, we are preparing our students to thrive in today's world. No public school should be allowed to deny admission to students with disabilities nor should they refuse to program for students with exceptionalities. For these reasons, I support H.B. 7353 which seeks to repeal C.G.S. 10-76q (c).

If you have any questions or concerns, please feel free to contact me at 860-305-6944.

Respectfully submitted,

Jill DeVane, M.A., C.A.G.S



March 17, 2019

Dear Members of the Committee:

I am writing in support of H.B. 7353 to repeal C.G.S. 10-76q (c).

My child is a student at Westhill High School and has been identified as having certain disabilities that require an IEP.

He loves figuring things out and using the computer to create things and for this reason, he strongly wanted to attend J.M. Wright Technical High School and learn more about media and computer science and he applied for admission effective the fall of 2017. Following the admissions exam, which he passed, we were requested to bring him to a PPT meeting to discuss his accommodations and attendance. We were provided the chart comparing a Traditional High School and the Connecticut Technical High School System.

Following the meeting, in which no questions were asked directly of my child, they rejected his admission stating:

1. that they had safety concerns although there were no incidents of safety in his full term in middle school, and
2. that "his educational programming needs preclude his participation in the CHTSS programming", as they present a "fundamental alteration to the program".
3. that he should consider reapplying after showing what he could do in high school and enter midyear or in 2018 by repeating 9<sup>th</sup> grade.

My child is totally capable of learning computer and media science as he has shown in his performance in technology courses taken in his current high school including an AP Computer Science course. What he needed and was denied was the additional support to help him succeed in certain academic areas. The failure to provide this support in JR Wright Technical High School and by CTECS in general, denied him the opportunity to passionately pursue an area of great interest to him in a school with the technology infrastructure to support that interest.

Technical schools are in place to support children like my son, to help them achieve skills to be productive adults in the workforce, not to deny them opportunities because of the failure or refusal to provide appropriate support in academic areas.

Please support H.B. 7353 and repeal C.G.S 10-76q and give these very special kids, the ones who need these skills, the opportunity to learn them.

I appreciate your consideration of my testimony and am available to answer any questions you may have.

Thank you  
JoAnn Dobres  
203 512 5245  
JLDobres@gmail.com

STATE OF CONNECTICUT  
OFFICE OF THE CHILD ADVOCATE  
999 ASYLUM AVENUE, HARTFORD, CONNECTICUT 06105



Sarah Healy Eagan  
Child Advocate

**TESTIMONY OF THE OFFICE OF THE CHILD ADVOCATE FOR  
THE STATE OF CONNECTICUT**

**IN SUPPORT OF THE FOLLOWING BILL:**

H.B. NO. 7353. AN ACT CONCERNING VARIOUS ISSUES RELATED TO SPECIAL EDUCATION

**EDUCATION COMMITTEE  
MONDAY, MARCH 18, 2019**

Senator Sanchez and Representative McCrory and all other distinguished members of the Education Committee:

This testimony is being submitted on behalf of the Office of the Child Advocate (“OCA”) in support of H.B. No. 7353.

The obligations of the OCA are to review, investigate where necessary, and make recommendations regarding how our state-funded systems meet the needs of vulnerable children. This Legislature granted the OCA broad authority regarding access to information about children and state-funded facilities and programs, which provides this Office with a unique insight into the needs of at-risk, abused, neglected and special needs children and the agencies that serve those children. The above referenced Bill seeks to address how the needs of this state’s children are being met, including its most vulnerable children.

**H.B. NO. 7353. AN ACT CONCERNING VARIOUS ISSUES RELATED TO SPECIAL EDUCATION**

OCA strongly supports Raised Bill No. 7353, which includes a new definition of “local or regional board of education” to include the Technical Education and Career System,” (Line 9) and establishes a working group to “study issues relating to the gap of services for children three to five years of age, inclusive, during the period in which such children are no longer eligible for services provided by the birth-to-three program.” (Line 135).

## Technical Education and Career System

Children who receive special education and related services should have the same access to the schools that make up the Technical Education and Career System (“TECS”) as children without disabilities. Public school districts often make the determination that TECS schools can provide the most appropriate educational programming for a child receiving special education and related services based on its familiarity with the child, various assessments and evaluations. However, TECS currently has the right to deny admissions to such a child based on its assertion that it cannot serve the needs of the child. Such a decision while not prohibited by state law is contrary to the federal laws - specifically the Individuals with Disabilities Education Act (“IDEA”)

The OCA has received complaints from families whose child has been denied admission to a TECS school and there have been numerous efforts from child advocacy groups in Connecticut to allow for these children to be admitted to a TECS school. Connecticut has taken a progressive approach to its special education laws, and yet TECS schools are being permitted to discriminate against children diagnosed with a disability. These vulnerable children deserve all of the same opportunities as their peers, and if a public school district has made a determination that a TECS school will provide the best education programming for a particular child, the child should not be prohibited from attending such a school.

The OCA strongly urges the passage of Bill No. 7353 with no amendments to the language of that Bill that corrects the current issues with TECS schools discriminating against children receiving special education and related services.

## Working Group – Children Ages Three to Five

In 2017, the OCA, upon receipt of systemic concerns, conducted an investigation into the education service delivery for preschool age children with disabilities entering New Britain Public School and published a Report in October of 2017.<sup>1</sup>

As stated in that Report:

As a foundational matter, OCA observes that early educational supports can make a lifetime of difference for children. Experts have found that when properly executed, early educational intervention “can work a miracle, [allowing an estimated] 75-80% of the disabled children [to enter kindergarten] alongside every other ... five-year-old—without needing further supplemental special education.” These positive outcomes substantially advance the [Individual with Disabilities Education Act]’s primary goal: ‘to ensure that all children with disabilities have available to them a free appropriate public education that emphasizes special education and related services designed to

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<sup>1</sup> Investigative Report: Education Service Delivery for Preschool Age Children with Disabilities Entering New Britain Public Schools (October 27, 2016). See full Report available on the web at: [https://www.ct.gov/oca/lib/oca/OCA\\_INVESTIGATIVE\\_REPORT\\_EDUCATIONAL\\_SERVICE\\_DELIVERY\\_10\\_27\\_16.pdf](https://www.ct.gov/oca/lib/oca/OCA_INVESTIGATIVE_REPORT_EDUCATIONAL_SERVICE_DELIVERY_10_27_16.pdf).

meet their unique needs and prepare them for further education, employment, and independent living.”<sup>2</sup>

During its investigation, the OCA identified serious deficiencies affecting children who had received early education supports from birth to age three but were then not properly identified for adequate special education and related services upon entering the public school. The New Britain public school district worked with the OCA to find solutions to this problem and ensure that all children transitioning from a Birth to Three program were properly evaluated for special education and related services. Based on the number of complaints that come into the OCA for this struggling age group, it is likely a larger problem than one school district and needs more attention that one agency is able to provide.

Providing a strong foundation from birth to age three and then failing to maintain those supports from ages three to five does little to serve these vulnerable children. Bill No. 7353 provides a first step toward further identifying these issues and working with stakeholders to improve education service delivery for preschool age children with disabilities entering local public schools.

Thank you for your time and attention to this important matter impacting this state’s most vulnerable children. The OCA is committed to ensuring the safety of Connecticut’s most vulnerable children through its continued efforts to work effectively with agency personnel and leadership regarding recommendations for system improvement.

Respectfully Submitted,



Sarah Healy Eagan, JD  
Child Advocate, State of Connecticut

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<sup>2</sup> *DL v. District of Columbia*, 845 F. Supp. 2d 1, 5 (D.D.C. 2011) (internal quotations omitted) citing 20 U.S.C. § 1400(d)(1)(A) (holding the District of Columbia responsible for identifying and providing appropriate special education services to preschool age children with disabilities and developmental delays).

Testimony of SEEK-CT  
Before Committee on Education on R.B. 7353  
March 18, 2019

Chairman McCrory, Chairman Sanchez and members of the Committee,

I am here today representing Special Education Equity for Kids in Connecticut (SEEK-CT), Connecticut's first organization of parents, providers, advocates and attorneys fighting for excellent education for the 70,000 Connecticut students with disabilities. We have found that teachers, administrators and academics have been invited to sit at the decision-making table when crucial questions of special education are decided; but parents and advocates for students with disabilities have been left without a seat. SEEK-CT seeks to remedy that oversight.

The Committee has in front of it Raised Bill 7353 which we enthusiastically support. Section 1 clarifies the definition of a local board of education to make clear that magnet schools, charter schools, and the Technical Education and Career System are all local education authorities, as the term is used in the Individuals with Disabilities Education Act (IDEA). As such, each of these entities have the legal obligation to offer a free appropriate public education to each student with a disability under their jurisdiction. Section 3, the amendment to C.G.S. § 10-76d, makes this obligation abundantly clear by stating that the local board of education needs to maintain the enrollment of the student and provide special education services. Most importantly, section 4 eliminates the section of the statute that permitted the Technical Education and Career System to eject students the technical schools found too hard to educate. This change is particularly important because technical, hands-on, practical education is just what some students with disabilities need the most. It has been tragic that Connecticut technical schools have slammed the door on some of the students who most need the type of education they provide. This bill will remedy that.

Section 5 is critical legislation guaranteeing school staff the right and the duty to speak freely and honestly about students with disabilities at Planning and Placement Team meetings (PPTs) or to parents about the special education needs of their children. Increasingly, in the last decade, school administrators have dictated what teachers, related service personnel and paras might say at PPT meetings or to parents, as SEEK-CT has demonstrated in survey results we previously submitted to this Committee. Section 5 clearly reinforces the duty of staff, contained in the IDEA, to speak up on behalf of the child. By clearly communicating this policy, SEEK-CT trusts that school districts will cease censoring or muzzling school staff.

Teachers and other school staff who support children with disabilities are routinely silenced by administrators—often in an attempt to avoid the cost of necessary special education services. For example, it is common practice for the school team to meet prior to PPTs, so the administrator can let staff know what they can and cannot say during the meeting. If a staff member breaks ranks and makes a recommendation that was not previously approved, it is not uncommon for there to be consequences—anything from receiving a verbal reprimand to being fired. Existing labor laws do not cover this situation. While a retaliatory firing may be actionable, school staff lacks protection from being forced to remain silent about a student's needs.

This undermines the underlying theory of the IDEA. The Act created the IEP Team (called the PPT in Connecticut), made up of those who know the child best, to work collaboratively to design an appropriate program for the child. Censorship of school staff at meetings results in PPTs making poor decisions and controversy with parents.

One amendment is needed to section 5. Clearly related services personnel -- occupational therapists, speech therapists, physical therapists, vocational therapists, behavior analysts and

therapists, school psychologists, social workers and guidance counselors -- need the same protection as teachers and paraprofessionals.

Section 6 creates a working group to study issues related to the gap in services between the time children age out of the Birth to Three program and the time they enter kindergarten. Parents of students with disabilities and their providers, advocates, and attorneys need to be represented on this working group. We ask the Committee to amend the bill in this way as well.

Section 7 through 11 mandate emergency communication systems for students who are deaf, hard of hearing, or deaf/blind, as well as providing supports for such students in acquiring language skills. This is, of course, sound policy.

SEEK-CT congratulates the committee for this excellent piece of legislation. We support it and ask the committee to consider the amendments we suggest.

Testimony of Thomas M. Fiorentino, West Hartford, in Support of  
Section 4 of  
H.B. 7353 An Act An Concerning Various Issues Relating to Special  
Educations

Senator McCrory, Representative Sanchez and other esteemed members of the Education Committee,

Thank you for the opportunity to submit testimony in support of Section 4, lines 113-120, of HB 7353 which will repeal section (c) of Conn. Gen. Stat. Sec. 10-76q, so that the Connecticut Technical and Career High Schools (CTECS) can no longer use it to justify discriminating against students with disabilities.

My name is Tom Fiorentino and I live in West Hartford. I am also the father of a 28 year old with a disability, who attended a local Connecticut school system where discrimination like that contained in Conn. Gen. Stat. Sec. 10-76q(c), was not permitted.

It is almost beyond comprehension that a state that prides itself on its progressive tradition, and that is justifiably proud of its many, many efforts to promote inclusion, still has a blatantly discriminatory and archaic law like Conn. Gen. Stat. Sec. 10-76q(c) on the books.

It appears that CTECS used the law to discourage the attendance of those children who have any one of a number of disabilities qualifying them for special education services. This complicates the already very difficult path that these students, and their families, must navigate as they attempt to obtain a meaningful education that leads to future employment.



It is, quite frankly, a miracle that the State has not been sued for its unvarnished discrimination..

It is also interesting that the State Department of Education, which for many years was the home of the CTECS system, is also the state agency that is ultimately responsible under federal law for ensuring that all local educational agencies (i.e., our local boards of education) comply with the Individuals with Disabilities Education Act (IDEA).

Needless to say, any local board of education that treated disabled students with anything approaching the discrimination inexplicably codified in CGS Sec. 10-76q(c), would receive the immediate attention- and a demand for immediate change- from SDE.

One therefore wonders: where was SDE, the watchdog charged with ensuring that IDEA is followed in every local school district, when the only schools it administered were apparently using Conn. Gen. Stat. Sec. 10-76q(c) to evade that federal law?

I would also point out that at a time when unemployment is rampant among people with disabilities (national estimates are that for people with intellectual and developmental disabilities (I/DD) fully 2/3's ***are not even in the workforce and only 7% are employed full time***), the last thing they need is yet another obstacle on their path forward.

I therefore urge your repeal of Conn. Gen. Stat. Sec. 10-76q(c) so that at least this obstacle is removed.

**Resource Assistance:**

In addition to providing direct support, preschool pathfinders will help families connect with other families, and locate resources in the community.

**Who Can Receive Services?**

Families who have a child who will be referred to their public school and may be eligible for special education services in preschool within the next six months.

Call CPAC prior to the six month window for more information.

**Families:**

If you are interested in receiving support from a Pathfinder, please contact CPAC at: 860-739-3089 or cpac@cpacinc.org.

**School and B23 Staff:**

Please share this information with families in your school district who may benefit from this support.

All of CPAC Services are **FREE** to families!

**Application**

Parent's Name: \_\_\_\_\_

Phone: \_\_\_\_\_

Address: \_\_\_\_\_

City: \_\_\_\_\_ Zip Code: \_\_\_\_\_

Email: \_\_\_\_\_

Primary Language: \_\_\_\_\_

Child's Name: \_\_\_\_\_

DOB: (month/Day/Year) \_\_\_\_\_

Did your child received Birth to Three services?  
Yes \_\_\_ No \_\_\_

If known, name of B23 Agency: \_\_\_\_\_

If known, date of transition conference meeting:  
\_\_\_\_\_

If he/she didn't received Birth to Three, has anyone made a formal referral to PreK Special Education?  
Yes \_\_\_ No \_\_\_ Not sure \_\_\_

Does your child have a diagnosis? Yes \_\_\_ No \_\_\_

What is your child's diagnosis? \_\_\_\_\_

Do you have any concerns about transition?(not sure if should keep this one for the pre-survey)  
\_\_\_\_\_

**CONTACT INFORMATION**

860.739.3089 • 203.776.3211 (Spanish) • cpac@cpacinc.org • www.cpacinc.org



Main Office: 338 Main Street, Niantic, CT, 06357

Satellite Office: Fair Haven Community Health Center, 374 Grand Avenue, New Haven, CT 06513

**CPAC**

Connecticut Parent Advocacy Center

**Building Relationships Early:  
Preschool Pathfinder Program**



At CPAC we know that transitioning from one program to another can be a confusing time for young children with developmental delays and their families.

For this reason, and with the assistance of the CT Department of Education, we have created the "Preschool Pathfinder Program."

The main goal of this program is to provide one to one support services to families who are facing challenges transitioning Birth to Three, into preschool. The program assists families to engage to collaborate with the public schools and will result in an increased understanding of the difference between early intervention and special education services in PreK, smoothing the path for transition from one program to the other.

Each family will be assigned an experienced Preschool Pathfinder. Pathfinders are located around the state and have expertise in transition from Birth to Three, special education, communication strategies, and conflict resolution.

#### **Pathfinders will be able to:**

- Attend Birth to Three conference meetings;
- Review records with families in order to create an action plan;
- Attend the initial transition PPT (Planning and Placement Team) meeting;
- Follow up after the transition to public school preschool program;
- Provide technical assistance regarding IDEA(Individuals with disabilities Educational Act);
- Help parents verbalize their child's unique needs and strengths to professionals that will work directly with their children
- Assist parents to develop effective practices to communicate with public school personnel.

#### **As a result parents will:**

- Increase participation in the decision-making process by Increasing their knowledge of transition procedures;
- Be more confident and engage in ongoing communication with the school personnel who work directly with their child;
- Be able to locate and understand evaluation reports, child's records, and IEP (Individualize Education Program);
- Increase their knowledge of the special education process;
- Feel empowered and supported as their child transitions from Birth to Three to public school.



To: The Connecticut General Assembly Education Committee

From: the Connecticut Parent Advocacy Center State Advisory Council for Special Education

Public Hearing February 22, 2019

The Testimony of John M. Flanders

Re: HRB 7353

Chairs Sanchez and McCrory, Ranking members McCarty and Berthel and members of the committee. My name is John Flanders and I am the Executive Director of the Connecticut Parent Advocacy Center (CPAC). I am also here as the authorized representative of the State Advisory Council for Special Education (SAC).

CPAC is the Parent Training and Information Center established under Section 1471 of the Individuals With Disabilities Education Act to support educate and empower families to be effective participants in the special education process.

The SAC is established under the IDEA and Section 10-76G9(g) of the Connecticut General Statutes to inform the State Board of Education and the General Assembly on issues and legislation covering students with disabilities.

Both CPAC and SAC enthusiastically support the passage of this bill. Our comments on the elements of the bill are as follows

Section 1. We are very pleased that the definition of local Educational Authority (LEA) clarifies that Magnet, Charter, and especially the Technical school systems have the same obligations to students with disabilities as those of local Boards of Education.

Section 4 Reinforces the definition in Section 1 and protects the rights of students enrolled in the Technical School system. We regularly work with families who face removal from these schools because the administrations find the provision of special education services challenging. This deprives students of the right of equal access to education, and as importantly limits the opportunity of those students who would greatly benefit from the opportunity to pursue careers in various mechanical trades. We enthusiastically support this improvement

Section 5, We strongly support the provision to help insure that all members of a student's PPT are able to freely and effectively participate and provide opinions on the students's needs and on suggestions for appropriate programs. We regularly hear from parents who tell us that they have been approached by their children's teachers who say that they are unwilling to support programs for fear or reprisal from their schools. Special Education cannot work for our children if it cannot have the free unfettered discussion of their strengths and weaknesses and the benefit of the expertise of all members of their teams.

We do wish that it would explicitly also include all education professionals who deal with the children. Occupational therapists, speech and language pathologists and other related service providers can and must play an important role in the development of a child's program and their voices should be protected as well.

Section 6. We do have a reservation on this section. We note that IDEA requires that parents be equal and integral members of the Team that makes decision about a student's education. Yet the Commission to look at the progress of very young students does not include any parents and/or their representatives. We note the CPAC has a Federal mandate to support the interests of children and youth from birth through age 26. We find this period to be particularly challenging for many families particularly given the significant change in service models between those for infants and toddlers and those in preschool. We offer our services to support this effort. We have also taken the liberty of attaching a copy of a flier describing the program that we have introduced in collaboration with the Bureau of Special Education to support this population.

Sections 7 through 11 provide for emergency notification for students with hearing loss and those who are deaf blind. As the father of a now adult student with a profound hearing loss this is particularly close to my heart personally and I add my voice as a parent as well as that of the representative for CPAC and the SAC.

Again we would like to thank the committee for raising such an effective and helpful piece of legislation.

June Freeman  
187 Garden St  
Farmington, Ct 06032

March 18, 2019

Dear Education Committee Members,

I like the statement #227 through #233 on the bill 7353, saying...The Department of Education and the Office Health and the Office of Early childhood shall develop a process for collection and sharing data to ensure that the students identified as deaf, hard of hearing, deaf/blind and plus + have the necessary language skills to acquire knowledge that will assist them to be SUCCESSFUL in school and after graduation. No later than January 1, 2020.

I have seen the deaf children those who are uneducated and lack of socialize on their late ages after failing in other schools. They entered at the American School for the Deaf as their last resorts.

Language deprivation is still happening and continuing as of nowadays! Language deprivation is PREVENTABLE!

California is the first state to pass the language development milestones for the deaf children in 2005.

"EDUCATING THE MINDMIST WITHOUT EDUCATING THE HEART IS NO EDUCATION AT ALL" written by Aristotle.

Please pass the bill 7353.

Sincerely,  
June Freeman



CHRISTINA D. GHIO, ESQ

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Testimony in Support of Raised Bill No. 7353  
 An Act Concerning Various Issues Relating to Special Education  
 Education Committee  
 March 18, 2019

Good morning Senator McCrory, Representative Sanchez, Senator Berthel, Representative McCarty, and members of the Committee. Thank you for the opportunity to testify. My name is Christina Ghio and I am an attorney in private practice in Cheshire, CT. I represent children, parents, and legal guardians in special education, disability discrimination, and child abuse and neglect matters. Prior to establishing my own practice, I was an Assistant Child Advocate for the Office of the Child Advocate and the Director of the Child Abuse Project at the Center for Children's Advocacy. I come to you with a commitment to representing children and a belief that all children deserve an opportunity to succeed.

I support Raised Bill No. 7353. In particular, I strongly support the amendment to Connecticut General Statutes Section 10-76a to define the term "local or regional board of education" to include the Technical Education and Career System. This change would ensure that children with disabilities can attend technical schools and receive the special education supports and services that they need within this environment. It would ensure that the Technical Education and Career System complies with Sections 10-76a to 10-76i, our statutes related specifically to the provision of special education services.

Children with disabilities have always had a legal right to attend our state's technical high schools and to receive special education and related services there. Unfortunately, existing state statute 10-76q includes language that has been used to repeatedly, frequently, and illegally exclude children with disabilities. This language needs to be repealed to ensure that it can no longer be used to contravene the right of students with disabilities to receive a technical education.

I would encourage the Committee to repeal 10-76q in its entirety. The bill currently deletes subparagraph (c) of 10-76q. I applaud this, as this sub-paragraph is directly used to discriminate against children with disabilities. However, paragraphs (a) and (b) continue to be problematic. To the extent that it is consistent with federal and state laws requiring locating, identifying, and providing services to children with disabilities, it is duplicative. The language "determine the appropriateness of the technical education and career school for the educational needs of such child" in subparagraph (a) and paragraph (b), however, leave the wrong impression that the technical schools need not comply with the Individuals with Disabilities Education Act; that somehow technical schools can decide whether a child with disabilities belongs in technical schools; that parents have a right to a hearing under 10-76h

but not to all of the other rights in Sections 10-76a to 10-76i. This is wrong and I suggest that it would be cleaner and clearer to repeal 10-76q in its entirety.

I also support Section 5 of the bill. Parents regularly tell me about teacher information that starts with "I can't say this in the PPT but." In PPT meetings, it is very common for teachers to sit silently while the director of special education does the talking. When teachers are asked questions directly, it isn't unusual for teachers look to the administrator in the room for visual permission before answering questions. Teachers should be free to provide full and honest information and make the recommendations they believe are appropriate for the child without fear of reprisal.

Lastly, I support Section 7 to ensure that children who are deaf or hard of hearing have a plan in place to ensure that they will be alerted to an emergency situation.

Thank you for this opportunity to testify.



Testimony in Support of Section 4 of  
H.B. 7353 An Act An Concerning Various Issues Relating to Special Educations

Senator McCrory, Representative Sanchez and other esteemed members of the Education Committee,

I have two sons that have different disabilities and this is very important.

Thank you for the opportunity to submit testimony in support of Section 4, lines 113-120, of HB 7353 which will repeal section C of Conn. Gen. Stat. §10-76q, so that Connecticut Technical and Career High Schools can no longer to use it to justify discriminating against students with disabilities.

For years Connecticut Technical and Career High Schools (CTECS) have used a loophole in a Connecticut statute (Conn. Gen. Stat. § 10-76q) to deny students with disabilities their rights under the Individuals with Disabilities Education Act (IDEA).

In the past 5 years, two separate complaints have been filed with the Office of Civil Rights on behalf of students with disabilities to address this. According to those official complaints and anecdotal information, CTECS have consistently violated the rights of students with disabilities in just some of the following ways:

- Imposing additional admissions criteria for students with disabilities;
- Refusing to make accommodations, including those that are well established and used effectively in other public schools;
- Discouraging parents from submitting applications for students with disabilities;
- Pushing special education students out once they are admitted.

By abusing this statute CTECS have not only evaded their legal responsibility to students with disabilities, they have also robbed them of the opportunity to receive vocational educational training in the trades, which according to the 2016/2017 US Talent Shortage Survey have been the hardest jobs to fill in the US for seven consecutive years.

Thank you for the opportunity to be heard on this important issue.

**Heather Graveline**

**Canterbury, CT**

### Education Committee Testimony

Trudy Haury  
51 Schooner Lane  
Meriden CT 06451

March 15, 2019

Dear Honorable Members of the Education Committee:

The Governor's Advisory Board for the deaf and hard of hearing and deaf-blind proposed three education bills. They rolled the bills into one large Special Ed HB7353 but left out the Language Communication Plan for students with 504 plans.

House Bill 7353 will address the creation of school safety plans for deaf, hard or hearing, and deaf blind students through their Language and Communication Plan (LCP). Section 7, Section 10-76jj of the general statutes is substituted with *"The individualized education program for any child identified as deaf or hard of hearing shall include a language and communication plan developed by the planning and placement team for such child. Such language and communication plan shall address: (1) The primary language or mode of communication chosen for the child, (2) opportunities for direct communication with peers and professional personnel in the primary language or mode of communication for the child, (3) educational options available to the child, (4) the qualifications of teachers and other professional personnel administering such plan for the child, including such teacher's or personnel's proficiency in the primary language or mode of communication for the child, (5) the accessibility of academic instruction, school services and extracurricular activities to the child, (6) assistive devices and services for the child, [and] (7) communication and physical environment accommodations for the child, and (8) an emergency communication plan that includes procedures for alerting the child of an emergency situation and ensuring that the specific needs of the child are met during the emergency situation."*

In reading this, I feel it leaves students who are deaf, hard or hearing, and deaf blind that are protected through the 504 process vulnerable to exclusion in the case of an emergency. It states *"The individualized education program for any child identified as deaf or hard of hearing"*. Nowhere does it mention students under 504 or include a Language and Communication Plan that could be life-saving in an emergency situation. Because there is no one at the 504 planning meeting with any specific knowledge of the Deaf and Hard of Hearing student's needs, the Language and Communication Plan is a vital tool for accommodation.

Section 504 of the 1973 Rehabilitation Act prohibits discrimination against people with disabilities in programs that receive federal financial assistance to protect children and adults with disabilities from exclusion, and unequal treatment in schools, jobs and the community. By only allowing students with IEP's to have a LCP this bill would be violation the Education Rehabilitation Act of 1973 by not allowing Deaf and Hard of Hearing Students the same access to education as students with IEP's.

Thank you for your time and efforts.

Trudy Haury

Testimony in Support of Section 4 of  
H.B. 7353 An Act An Concerning Various Issues Relating to Special Educations

Senator McCrory, Representative Sanchez and other esteemed members of the Education Committee,

Thank you for the opportunity to submit testimony in support of Section 4, lines 113-120, of HB 7353 which will repeal section C of Conn. Gen. Stat. §10-76q, so that Connecticut Technical and Career High Schools can no longer to use it to justify discriminating against students with disabilities.

Personally I had two student now 20 and 21 years old in the Groton School district. The oldest applied and got into Grasso with a 504. He was given minimal supports until senior year when they realized he was not going to graduate without some extra support. He graduated and went to the army in allied trades. Because of his training at Grasso, he scored high enough on the ASVAB and got a trade job in the Army. The second child had an IEP and was told he couldn't go to Grasso because they do not provide special education services there. He missing out on the specialized training that could have been a pathway to a successful career.

Please support HB 7353 in making training in essential careers accessible to everyone.

Thank you

Brynn Hickey

231 Old Colchester Rd

Montville



## Connecticut Association of the Deaf

Post Office Box 270539  
West Hartford, Connecticut 06127

**Sandra Inzinga**  
President

**Barbara Cassin**  
Vice President

**Luisa Gasco-Soboleski**  
Secretary

**Alexandra McGee**  
Treasurer

**Milmaglyn Morales**  
Law Chair

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**Richard Soboleski**  
South Central

**Sara Gerhold**  
North Central

**Newsletter Editor**  
**Cynthia Sawicki**

**State Conference**  
**Chairperson**  
**Robert Backofen**

Greetings to the member of the Joint Legislative Committee on Education.

My name is Sandra Inzinga and I am president of the Connecticut Association of the Deaf. I am writing in support of the Raised Bill #7353

Our Connecticut Association of the Deaf Education and Legislative committee has reviewed and supports the proposed legislation. This bill addresses the Language and Communication needs of children who have been identified as Deaf, Deaf-Blind or Hard of Hearing. Presently there is a gap in the ability to assess and monitor the milestones of language development and acquisition. Without timely intervention, and strategies to address communication competency, language deprivation occurs.

The proposed legislation would assure that children who are identified as Deaf Deaf-Blind or Hard of Hearing would receive appropriate Language and Communication planning, to achieve communication skills that would assure success in other areas of their academic learning.

It is important to note that the proposed language and Communication Assessment should be delivered by qualified personnel with education, training, communication skills and are familiar with the unique linguistic needs of children who are Deaf Deaf-Blind and Hard of hearing.

Thank you for considering the language and communication needs of our children. I strongly urge you to vote in favor of Raised Bill #7353



Testimony of Shannon Jacovino  
Director of Advocacy & Public Policy, The Arc of Connecticut  
In Support of HB 7353 An Act Concerning Various Issues Relating to Special Education  
March 18, 2019

Submitted to: [mailto: EDtestimony@cga.ct.gov](mailto:EDtestimony@cga.ct.gov)

Good Afternoon Senator McCrory, Representative Sanchez and other esteemed members of the Education Committee:

My name is Shannon Jacovino. I am the Director of Advocacy & Public Policy for The Arc Connecticut, the state's oldest and largest advocacy organization for people with intellectual and developmental disabilities (I/DD) and their families. The Arc was founded more than 65 years ago by parents who believed that their loved ones with I/DD should have the same rights and opportunities to live and work in the community as everyone else. We have remained a parent-led civil rights movement ever since. In Connecticut, our 14 Arc local chapters deliver over \$100 million in jobs and supports to thousands of people in 162 communities.

Thank you for the opportunity to testify in support of HB 7353, particularly the sections of the bill that we believe will not only stop discrimination, they will also create a better path towards meaningful, competitive employment for students with disabilities through the Connecticut Technical Education and Career System (CTECS).

We support the amendment to Connecticut General Statutes Section 10-76a to define the term "local or regional board of education" to include the Technical Education and Career System, which will codify that fact that the CTECS are bound by the same federal special education laws as any other local education authority. We are also strongly in favor of Section 4, lines 113-120, of HB 7353 which will repeal section "c" of Conn. Gen. Stat. §10-76q.

Our organization has spent the past year working in coalition with parents, special education attorneys, educators and legislators to end discrimination against students with disabilities at CTECS.

Through this work, we have learned that the CTECS, have used a loophole in section C of Conn. Gen. Stat. § 10-76q to deny students with disabilities their rights under the Individuals with Disabilities Education Act (IDEA) for years. In fact, two separate

complaints have been filed with the Office of Civil Rights on behalf of students with disabilities to address this in the past 5 years.

According to those official complaints and anecdotal information, CTECS have consistently violated the rights of students with disabilities in just some of the following ways:

- Imposing additional admissions criteria for students with disabilities;
- Refusing to make accommodations, including those that are well established and used effectively in other public schools;
- Discouraging parents from submitting applications for students with disabilities;
- Pushing special education students out once they are admitted

By abusing this statute, CTECS have not only evaded responsibility under the IDEA to educate students with disabilities, they have also robbed them of the opportunity to receive vocational educational training in the trades, which according to the 2016/2017 US Talent Shortage Survey have been the hardest jobs to fill in the US for seven consecutive years.

A historic lack of prioritization of employment outcomes for people with I/DD and other disabilities has resulted in some grim statistics: the percentage of people with I/DD nationwide who receive state agency support and work in community jobs is 20% and only 12-14% work in individual integrated employment. (2016-2017 National Core Indicators Project)

For many individuals with disabilities, employment is a viable, but rarely attainable gateway to meaningful friendships, happiness, and an identity based on ability rather than disability. Greater employment for individuals with disabilities also yields a positive return on taxpayer investment: studies show that every \$1 spent on training and supports resulting in a competitive wage job, yields \$1.46 in sales and income taxes generated by the individual working. Developing opportunities and resources to increase employment for persons with disabilities will result in a clearer path toward choice and independence, stronger economic growth, and more inclusive and cohesive communities.



**Testimony of NAMI Connecticut (National Alliance on Mental Illness) and the Alliance for Children's Mental Health (ACMH)**

**Before the Education Committee  
March 18, 2019**

**In Support of:**

**HB 7353, An Act Concerning Various Issues Relating to Special Education**

Good afternoon, Sen. McCrory, Rep. Sanchez, and members of the Education Committee. Thank you for the opportunity to submit testimony today. My name is Susan Kelley, and I am the Director of Advocacy and Policy for NAMI Connecticut. NAMI Connecticut is the state chapter of national NAMI, the largest grassroots mental health organization dedicated to building better lives for all those affected by mental health conditions. NAMI Connecticut provides mental health support, education, and advocacy for Connecticut children, youth, and adults impacted by mental health conditions. I also lead NAMI Connecticut's children's mental health policy program, the Alliance for Children's Mental Health (ACMH). ACMH is a collective advocacy group comprised of a broad spectrum of state stakeholders focusing on children's mental health issues, including the critical overlap of mental health with child-serving systems of education, child welfare, and juvenile justice.

*I am here today to testify on behalf of NAMI Connecticut and ACMH in support of HB 7353. This bill would, among other things, repeal CGS §10-76q. This section currently permits the Career and Technical Education and Career System (CTECS) in the state to decide unilaterally that they are unable to serve the needs of a student with disabilities, including children with behavioral health challenges, even if the sending school district has recommended the child for admission. Outside of CTECS, every other program or placement decision made for students with disabilities, under the Individuals with Disabilities Education Act (IDEA), must occur by the consensus of the members of the PPT (Planning and Placement Team).*

HB 7353 is necessary to make Connecticut law regarding CTECS schools in line the Individuals with Disabilities Education Act (IDEA) law, which requires *all public schools* to program for children with disabilities, and federal anti-discrimination laws which require children with disabilities to be afforded the same opportunities as their typical peers. Currently, CTECS schools, using the authority of Sec. 10-76q are able to use their unilateral authority to unfairly discourage students with disabilities from applying or enrolling by communicating they are not obligated to provide services for all kids with disabilities.

The unilateral decision making authority of Sec. 10-76q has led to fewer enrollments of students with disabilities in CTECS. The under-admission of students with disabilities in CTECS schools is demonstrated by Connecticut school data. 9.6 percent of children enrolled in CTECS are special



education students, while 14.8 percent of the state's total school population receives special education services.<sup>1</sup> This smaller percentage of students with disabilities in CTECS schools is striking when compared to national data which shows greater numbers of students with disabilities in career/technical education. For example, nationally, one in five students who participate in career and technical education has a disability as compared to one in ten in traditional schools.<sup>2</sup>

Career and technical education, has been and continues to be, a vital part of secondary education for students with disabilities, including children with behavioral health challenges. For all students and students with disabilities in particular, career/education programs offer an opportunity to learn a marketable trade, and just as importantly, make it more likely that students will graduate from high school. A Report from the Massachusetts Department of Elementary and Secondary Education found that students with disabilities who attend a regional career/technical program in school were nearly 70 percent more likely to graduate from high school in four years as compared to peers who enrolled in traditional high schools.<sup>3</sup>

Providing access and ability to enroll in CTECS schools is critical for school districts to support students with disabilities in high school. Estimates suggest that one out of every three students with disabilities do not earn a high school diploma. Moreover, 37 percent of students with a mental health condition age 14–21 and older who are served by special education drop out—the highest dropout rate of any disability group.<sup>4</sup>

HB 7353 will provide access to CTECS programs for students with disabilities—programs to which they are entitled under the IDEA--providing these students with skills for learning a trade or making it possible for their pursuit of post-secondary education. Students with disabilities not only face many challenges in school, but upon leaving school, they need opportunities to learn skills so they can live an independent and fulfilling adult life. CTECS programs provide an invaluable source of training for all students, for special education students and their peers, who may not be pursuing for whatever reason a four-year postsecondary degree.

Thank you for your attention to my testimony. I would be happy to answer any questions you may have.

Respectfully submitted,

Susan R. Kelley  
Director of Advocacy and Policy  
NAMI Connecticut

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<sup>1</sup> State Department of Education's recent report "Connecticut Technical and Education Career System Admissions Process: Review and Recommendations."

<sup>2</sup> "For Students with Disabilities, Career and Technical Education Programs Offer More Than Just a Trade," *Huffington Post*, 10/19/13, <https://www.huffingtonpost.com/todd-grindal/for-students-with-disabilities-3767522.html>

<sup>3</sup> Ibid.

<sup>4</sup> "Mental Health by the Numbers, NAMI (National Alliance on Mental Health), <https://www.nami.org/Learn-More/Mental-Health-By-the-Numbers>



### **ACMH Member Participants**

Updated February 5, 2019

List of Member Participants does not indicate that persons or organizations listed join in above referenced testimony.

Connecticut Juvenile Justice Alliance (CTJJA)  
 CT Legal Services  
 CT Community Non Profit Alliance  
 CT Voices for Children  
 Center for Children's Advocacy (CCA)  
 Family and Children's Aid, Danbury  
 Dr. Irving Jennings, child psychiatrist  
 Clifford Beers  
 Family Forward Advocacy CT  
 African Caribbean American Parents of Children with Disabilities (AFCAMP)  
 Connecticut Association of Foster and Adoptive Families (CAFAF)  
 National Alliance on Mental Illness, Connecticut (NAMI Connecticut)  
 National Association of Social Workers, Connecticut  
 Child Guidance Center of Southern CT  
 The Village of Children and Families  
 Scarlett Lewis, Jesse Lewis Choose Love Foundation  
 Susan Graham, Let's Build It Leadership Development  
 Christine Rowan, Parent (Newtown)  
 Lori Clemente, Parent (Killingworth)  
 Grace Grinnell, Parent (Canton)  
 David Marcus, Parent, Innovative Advocacy Solutions LLC  
 Kathleen Burchard, Parent, Grandparent, participant of CFAC  
 Katherine Downing-Ahmed, Parent, participant of CFAC  
 Connecticut Association of School Based Health Centers  
 Yale School of Public Health  
 Child Health and Development Institute (CHDI)  
 Child First  
 Office of the Child Advocate  
 Stamford Youth Services Bureau  
 Dr. Frank Fortunati, Yale  
 Early Childhood Alliance  
 Empowering Children and Families  
 Kids in Crisis  
 Academy of Child and Adolescent Psychiatry  
 CT Council of Child and Adolescent Psychiatry  
 Dr. Barbara Edelstein, retired  
 Aimee Cohen, Parent  
 Ellen Bronko, Parent  
 Elisabeth Stenger, LCSW

## FACT SHEET: Language Assessment for Deaf and Hard of Hearing Children

***Currently, the State of Connecticut does not have procedures/guidelines:***

**Identify**

**Assess**

**Monitor**

the progress of deaf, hard of hearing and deaf-blind children from the time of identification of hearing levels through secondary education.

### ***This Act will:***

- Ensure that the Department of Health, the Birth-To-Three Lead Agency and the Department of Education will collect and share data to assure that deaf, hard of hearing and deaf-blind students have the necessary language skills to acquire knowledge that will allow them to be successful in school and beyond.
- Establish a Working Group on Language Assessment within the CT State Department of Education to advise agencies on appropriate language assessments, practices and programs.
- Ensures that intervention happens immediately if the student does not demonstrate progress in age-appropriate expressive and receptive language skills.

HB 7353**Language Assessment for Deaf and Hard-of-Hearing Children**

## Introduction

Children who are deaf, hard-of-hearing, or deaf-blind have the same ability and capacity to learn language as their peers who are not deaf or hard-of-hearing. Language abilities are central to the human experience and are necessary prerequisites to cognitive, emotional, academic, and social growth, supporting children as they develop into healthy and productive members of society. Without language, formal education is not possible. At the present time, the State of Connecticut does not have performance data about the language learning and development of children who are deaf, hard-of-hearing or deaf-blind. Therefore, we are requesting that all children who are deaf or hard-of-hearing be assessed for language development and/or English literacy.

At the present time, the State of Connecticut does not have a way of identifying, assessing, or monitoring the progress of deaf or hard of hearing children from the time of identification of hearing levels through secondary education. The Department of Health, the Birth-to-Three Lead Agency, and the Department of Education need to collect and share data to improve services for children who are deaf, hard-of-hearing, or deaf-blind so that they have the necessary language skills to acquire knowledge that will allow them to be successful in school and life.

In Connecticut, responsibilities for these children are divided across agencies:

The Department of Health is responsible for early hearing detection and referral to intervention services through the Early Hearing Detection and Intervention program (EHDI).

The Birth to Three Lead Agency is responsible, under Part C of the Individuals with Disabilities Education Act (IDEA), for the provision of early intervention services as identified in the child's individualized family support plan to children from birth to age three years with special needs and their families;

The Connecticut Department of Education is responsible, under Part B of IDEA, for the provision of special education and related services as identified in the child's Individualized Education Program (IEP) to children age three to twenty-one years; and

The U.S. Department of Education's Office for Civil Rights is responsible for ensuring equal access to education.

Therefore the legislature recognizes that:

(A) Each responsible agency listed above shall participate in a shared data collection system to identify and track children who are deaf, hard-of-hearing, and deaf-blind including but not limited to, those students requiring specialized instruction under IDEA or 504 plans.

(B) A Working Group on Language Assessment for Deaf, Hard-of-Hearing and Deaf-Blind Children is hereby established drawing expertise from The Department of Health, the Birth-to-Three Lead Agency/Birth-To-Three, The CT Department of Education, and selected individuals under section (E). The Working Group shall provide advice to those agencies regarding appropriate assessments, practices and programs.

- (1) Ensure that appropriate language assessments are used on an annual basis for deaf and hard-of-hearing children/students for the purpose of monitoring and tracking developmental milestones in both expressive and receptive language acquisition for English and/or American Sign Language. For this section, English includes spoken English and written English.
- (2) Ensure that individuals administering assessments to students who are deaf or hard-of-hearing shall be proficient in the student's primary language and communication mode. All assessments shall be presented in the child's primary language and mode of communication **(as identified in the child's Language and Communication Plan)**.
- (3) Ensure that all results shall be shared with parents in an accessible language by a knowledgeable professional in deaf education as well as disseminated to the child's IFSP, IEP, or 504 team on an annual basis. The results will be used to set goals and objectives, as well as generate recommendations for strategies, services, and programs.

(C) If a deaf or hard-of-hearing child does not demonstrate progress in age-appropriate expressive and receptive language skills as determined by the assessment system described in section B1-3, members of the Working Group will provide specific guidance related to programs, practices and strategies to the child's EFSP, IEP or 504 team.

(D) The department, with the assistance of the working group as defined below, shall develop specific plans and regulations by July 1, 2019. On and after July 1, 2019, an annual language assessment shall be given to each child who is deaf or hard-of-hearing. Language assessments shall be provided either through Birth-To-Three early intervention services administered by the Birth-To-Three provider, or if the child is three years of age or older, through the school district in which the child is enrolled. Such language assessments shall be provided in accordance with the provisions of this section and any recommendations adopted pursuant to this section.

(E) There is hereby established within The CT State Department of Education a working group on the language assessment for deaf, hard-of-hearing and deaf-blind children. The working group shall consist of 16 members as follows:

- (1) one member shall be a credentialed teacher of the deaf who uses both ASL and written English during instruction;
- (2) one member shall be a credentialed teacher of the deaf who uses spoken English during instruction;

- (3) one member shall be a speech language pathologist who has experience working with deaf and hard-of-hearing children;
- (4) one member shall be a professional who conducts research on language and academic outcomes of children who are deaf or hard-of-hearing using ASL and written English;
- (5) one member shall be a professional who conducts research on language and academic outcomes of children who are deaf or hard-of-hearing using spoken English to communicate;
- (6) one member shall be a parent of a child who is deaf or hard-of-hearing and who uses both ASL and English;
- (7) one member shall be a parent of a child who is deaf or hard-of-hearing and who uses spoken English;
- (8) one member shall be a deaf individual knowledgeable about the development of deaf and hard-of-hearing children, representing the deaf community;
- (9) one member shall be a hard-of-hearing individual knowledgeable about the language development of deaf and hard-of-hearing children, representing deaf and hard-of-hearing individuals who use listening and spoken language;
- (10) one member shall be a deaf-blind individual knowledgeable about deaf-blind children, representing the deaf-blind community
- (11) one member shall be the executive director of American School for the Deaf, or designee;
- (12) one member shall be the executive director of SoundBridge, or designee;
- (13) one member shall be the director of the New England Center for Hearing Rehabilitation, or designee;
- (14) one member shall be a representative of the State of CT Department of Education, Bureau of Special Education;
- (15) one member shall be a representative of the State of CT Birth-To-Three system;
- (16) one member shall be a representative from CT Association of Public School Superintendents (CAPSS).

(F) The State of CT Department of Education designee shall call an organizational meeting of the working group on or before August 1, 2019. At such organizational meeting, the members shall elect a chairperson and vice-chairperson from the membership of the working group. The working group may meet at any time and at any place within the state on the call of the chairperson. A quorum of the working group shall be nine members. All actions of the working group shall be by motion adopted by a majority of those members present when there is a quorum.

(G) On or before January 31, 2020, the working group shall develop specific action plans and make recommendations necessary to fully implement the language assessment program. In carrying out its charge under this section, the committee shall:

- (1) solicit input from professionals trained in the language development and education of children who are deaf or hard of hearing on the selection of specific language developmental milestones;

- (2) review, recommend and monitor the use of existing and available language assessments for children who are deaf or hard of hearing;
- (3) identify and recommend qualifications of language professionals with knowledge of the use of evidence-based, best practices in English and American Sign Language who will participate at IFSP or IEP team meetings;
- (4) identify qualifications of language assessment evaluators with knowledge on the use of evidence-based, best practices with children who are deaf or hard of hearing and the resources for locating such evaluators; and
- (5) identify procedures and methods for communicating information on language acquisition, assessment results, milestones, assessment tools used and progress of the child to the parent or legal guardian of such child, teachers and other professionals involved in the early intervention and education of such child.

(H) The specific action plans and recommendations developed by the working group shall include, but are not limited to, the following:

- (1) appropriate language assessments that include systems for data collection and timely tracking of the child's development so as to provide information about the child's receptive and expressive language development;
- (2) guidelines for the administration of language assessments delivered in the child's primary mode of communication;
- (3) guidelines for determining assessors' proficiency in ASL for ASL assessments and English for English assessments;
- (4) use of language development assessment results, in addition to the data from assessments required by federal law, in IFSP and IEP team discussions regarding language development
- (5) the participation of professional(s) knowledgeable in deaf education in IFSP or IEP team meetings;
- (5) reporting of assessment results to the parents or legal guardian of the child and the applicable agency;
- (6) reporting of assessment results on an aggregated basis to the committees on education of the house of representatives and the senate; and
- (7) reporting of assessment results to the members of the child's IFSP or IEP team, which may be used, in addition to the assessments required by federal law, by the child's IFSP or IEP team, as applicable, to track the child's progress, and to establish or modify the IFSP or IEP.

(I) On or before January 31, 2020, and each January 31 thereafter, State of CT Department of Education shall publish a report that is specific to language and literacy development of children who are deaf, hard of hearing or deaf-blind for each age from birth through the age of eight, including those who have other disabilities. CSDE shall publish the report on its website.

(J) As used in this section:

- (1) “ASL” means American Sign language.
- (2) “English” means written and/or spoken English.
- (3) “IEP” means individualized education program.
- (4) “IFSP” means individualized family service plan.
- (5) “Language” means a complex and dynamic system of conventional symbols that is used in various modes for thought and communication.





Testimony of Ed Leavy  
President, State Vocational Federation of Teachers

**Raised Bill #7353: AN ACT CONCERNING VARIOUS ISSUES  
RELATING TO SPECIAL EDUCATION.**

Education Committee  
March 18, 2019

As president of the State Vocational Federation of Teachers, I am proud to represent the over 1200 educators in the technical high school system. In my 34 years in the system, including 24 as a teacher at Bullard-Havens in Bridgeport, I have seen our students build successful and productive lives by acquiring the job skills and trades that cannot be outsourced, cannot be replaced by automation, and are necessary for Connecticut's economy to grow. Some of these students entered our system with a special education background, and our support teachers worked with the classroom teachers to help the student be successful. In other cases, however, the specific needs of the students could not be met given the unique mission and requirements of the CT Technical Education and Career System. We have in those cases met with the families and discussed why our system cannot meet the specific needs of the student, and the student returns to the sending town. We have those meetings only after deliberate consideration of what is best for the student.

Raised Bill #7353 eliminates our ability to have that conversation. By removing section 4 (c) of the current bill, the educators in the CTECS no longer have the ability to assess the needs of the student and our ability as a system to meet those needs. Currently, the language states, "If a planning and placement team determines that a student requires special education services which preclude such student's participation in the vocational education program offered by a technical education and career school, the student shall be referred to the board of education in the town in which the student resides for the development of an individualized educational program and such board of education shall be responsible for the implementation and financing of such program." This language serves the best interest of the student. CTECS schools are designed to be different than traditional schools. Our students spend 91 days in their trades; during that time, they receive one period a day of math or language arts instruction during their first two years. For some students, the amount of that instruction does not meet their educational needs, and we cannot provide more without limiting necessary trade instruction. More importantly, the trades offered by CTECS schools can be dangerous. Some students have emotional or social needs that make it unsafe for themselves and their classmates to use nail guns, culinary knives, welding torches, table saws, or any number of other tools. We must make the safety of all students our top priority.

The educational and physical needs of the student should be assessed by the educators serving on the planning and placement team and not be decided legislatively. We understand that cities and towns may not want to deal with the financial responsibility of some special education students, but that concern cannot supersede the needs of the students and the possible safety of their classmates. Our teachers want to help their students be successful, but not every child can be successful in this environment. Unless Section 4 (c) is restored, we cannot support Raised Bill #7353.

Ed Leavy  
SVFT President

Testimony in Support of Section 4 of  
H.B. 7353 An Act An Concerning Various Issues Relating to Special Educations

Senator McCrory, Representative Sanchez and other esteemed members of the Education Committee,

Thank you for the opportunity to submit testimony in support of Section 4, lines 113-120, of HB 7353 which will repeal section C of Conn. Gen. Stat. §10-76q, so that Connecticut Technical and Career High Schools can no longer to use it to justify discriminating against students with disabilities.

For years Connecticut Technical and Career High Schools (CTECS) have used a loophole in a Connecticut statute (Conn. Gen. Stat. § 10-76q) to deny students with disabilities their rights under the Individuals with Disabilities Education Act (IDEA).

In the past 5 years, two separate complaints have been filed with the Office of Civil Rights on behalf of students with disabilities to address this. According to those official complaints and anecdotal information, CTECS have consistently violated the rights of students with disabilities in just some of the following ways:

- Imposing additional admissions criteria for students with disabilities;
- Refusing to make accommodations, including those that are well established and used effectively in other public schools;
- Discouraging parents from submitting applications for students with disabilities;
- Pushing special education students out once they are admitted.

By abusing this statute CTECS have not only evaded their legal responsibility to students with disabilities, they have also robbed them of the opportunity to receive vocational educational training in the trades, which according to the 2016/2017 US Talent Shortage Survey have been the hardest jobs to fill in the US for seven consecutive years.

Thank you for the opportunity to be heard on this important issue.

Joyce Lewis

South Windsor

Henry J Martocchio 813 graham rd South Windsor Ct 06074

860-432-4567 [hjmservices@yahoo.com](mailto:hjmservices@yahoo.com)

Monday, March 18, 2019 Legislative Office Building, Room 2B

**Support of PUBLIC HEARING SB 877**

too [EDtestimony@cga.ct.gov](mailto:EDtestimony@cga.ct.gov)

CC too [Eric.Connery@cga.ct.gov](mailto:Eric.Connery@cga.ct.gov); [GLtestimony@cga.ct.gov](mailto:GLtestimony@cga.ct.gov) ; [ETtestimony@cga.ct.gov](mailto:ETtestimony@cga.ct.gov) ;  
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[FINtestimony@cga.ct.gov](mailto:FINtestimony@cga.ct.gov).

**Thank you for the opportunity to testify. SUPPORT OF H.B. 7353**

**Not in support of with out Attach Nedeed ADA page 39-48**

**Substitute House Bill No. //// see attachment**

Special Act No. **/// see attachment**

## The Civil Rights of Students with Hidden Disabilities Under Section 504 of the Rehabilitation Act of 1973

U.S. Department of Education  
 Office for Civil Rights  
 Washington, D.C. 20202-1328

### INTRODUCTION

If you are a student with a hidden disability or would like to know more about how students with hidden disabilities are protected against discrimination by Federal law, this pamphlet is for you.

Section 504 of the Rehabilitation Act of 1973 protects the rights of persons with handicaps in programs and activities that receive Federal financial assistance. Section 504 protects the rights not only of individuals with visible disabilities but also those with disabilities that may not be apparent.

Section 504 provides that: **"No otherwise qualified individual with handicaps in the United States . . . shall, solely by reason of her or his handicap, be excluded from the participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving Federal financial assistance...."**

The U.S. Department of Education (ED) enforces Section 504 in programs and activities that receive financial assistance from ED. Recipients of this assistance include public school districts, institutions of higher education, and other state and local education agencies. ED maintains an Office for Civil Rights (OCR), with ten regional offices and a headquarters office in Washington, D.C., to enforce Section 504 and other civil rights laws that pertain to recipients of ED funds. (The addresses and telephone numbers of the OCR regional offices are included at the back of this pamphlet.)

This pamphlet answers the following questions about the civil rights of students with hidden disabilities and the responsibilities of ED recipients:

- What disabilities are covered under Section 504?
- What are hidden disabilities?
- What are the responsibilities of ED recipients in preschool, elementary, secondary, and adult education?
- What are the responsibilities of ED recipients in postsecondary education?
- How can the needs of students with hidden disabilities be addressed?

#### **DISABILITIES COVERED UNDER SECTION 504**

The ED Section 504 regulation defines an "individual with handicaps" as any person who (i) **has a physical or mental impairment which substantially limits one or more major life activities, (ii) has a record of such an impairment, or (iii) is regarded as having such an impairment.** The regulation further defines a physical or mental impairment as (A) any physiological disorder or condition, cosmetic disfigurement, or anatomical loss affecting one or more of the following body systems: neurological; musculoskeletal; special sense organs; respiratory, including speech organs; cardiovascular; reproductive; digestive; genitourinary; hemic and lymphatic; skin; and endocrine; or (B) any mental or psychological disorder, such as mental retardation, organic brain syndrome, emotional or mental illness, and specific learning disabilities. The definition does not set forth a list of specific diseases and conditions that constitute physical or mental impairments because of the difficulty of ensuring the comprehensiveness of any such list.

**The key factor in determining whether a person is considered an "individual with handicaps" covered by Section 504 is whether the physical or mental impairment results in a substantial limitation of one or more major life activities. Major life activities, as defined in the regulation, include functions such as caring for one's self, performing manual tasks, walking, seeing, hearing, speaking, breathing, learning, and working.**

The impairment must have a material effect on one's ability to perform a major life activity. For example, an individual who has a physical or mental impairment would not be considered a person with handicaps if the condition does not in any way limit the individual, or only results in some minor limitation. However, in some cases Section 504 also protects individuals who do not have a handicapping condition but are treated as though they do because they have a history of, or have been misclassified as having, a mental or physical impairment that substantially limits one or more major life activities. For example, if you have a history of a handicapping condition but no longer have the condition, or have been incorrectly classified as having such a condition, you too are protected from discrimination under Section 504. Frequently occurring examples of the first group

are persons with histories of mental or emotional illness, heart disease, or cancer; of the second group, persons who have been misclassified as mentally retarded. Persons who are not disabled may be covered by Section 504 also if they are treated as if they are handicapped, for example, if they are infected with the human immunodeficiency virus.

#### **WHAT ARE HIDDEN DISABILITIES?**

**Hidden disabilities are physical or mental impairments that are not readily apparent to others. They include such conditions and diseases as specific learning disabilities, diabetes, epilepsy, and allergy. A disability such as a limp, paralysis, total blindness or deafness is usually obvious to others. But hidden disabilities such as low vision, poor hearing, heart disease, or chronic illness may not be obvious. A chronic illness involves a recurring and long-term disability such as diabetes, heart disease, kidney and liver disease, high blood pressure, or ulcers.**

Approximately four million students with disabilities are enrolled in public elementary and secondary schools in the United States. Of these 43 percent are students classified as learning disabled, 8 percent as emotionally disturbed, and 1 percent as other health impaired. These hidden disabilities often cannot be readily known without the administration of appropriate diagnostic tests.

#### **THE RESPONSIBILITIES OF ED RECIPIENTS IN PRESCHOOL, ELEMENTARY, SECONDARY, AND ADULT EDUCATION**

For coverage under Section 504, an individual with **handicaps must be "qualified" for service by the school or institution receiving ED funds**. For example, the ED Section 504 regulation defines a "qualified handicapped person" with respect to public preschool, elementary, secondary, or adult education services, as a person with a handicap who is:

- of an age during which persons without handicaps are provided such services;
- of any age during which it is mandatory under state law to provide such services to persons with handicaps; or
- **a person for whom a state is required to provide a free appropriate public education under the Individuals with Disabilities Education Act.**

Under the Section 504 regulation, a recipient that operates a public elementary or secondary a education program has a number of responsibilities toward qualified handicapped persons in its jurisdiction. These recipients must:

- **Undertake annually to identify and locate all unserved handicapped children;**
- **Provide a "free appropriate public education" to each student with handicaps, regardless of the nature or severity of the handicap. This means providing regular or special education and related aids and services designed to meet the individual educational needs of handicapped persons as adequately as the needs of nonhandicapped persons are met;**
- **Ensure that each student with handicaps is educated with nonhandicapped students to the maximum extent appropriate to the needs of the handicapped person;**
- **Establish nondiscriminatory evaluation and placement procedures to avoid the inappropriate education that may result from the misclassification or misplacement of students;**
- **Establish procedural safeguards to enable parents and guardians to participate meaningfully in decisions regarding the evaluation and placement of their children; and**
- **Afford handicapped children an equal opportunity to participate in nonacademic and extracurricular services and activities.**

A recipient that operates a preschool education or day care program, or an adult education program may not exclude qualified handicapped persons and must take into account their needs of qualified handicapped persons in determining the aid, benefits, or services to be provided under those programs and activities.

**Students with hidden disabilities frequently are not properly diagnosed.** For example, a student with an undiagnosed hearing impairment may be unable to understand much of what a teacher says; a student with a learning disability may be unable to process oral or written information routinely; or a student with an emotional problem may be unable to concentrate in a regular classroom setting. As a result, these students, regardless of their intelligence, will be unable to fully demonstrate their ability or attain educational benefits equal to that of nonhandicapped students. **They may be perceived by teachers and fellow students as slow, lazy, or as discipline problems.**

Whether a child is already in school or not, if his/her parents feel the child needs special education or related services, they should get in touch with the local superintendent of schools. For example, a parent who believes his or her child has a hearing impairment or is having difficulty understanding a teacher, may request to have the child evaluated so that the child may receive appropriate education. **A child with behavior problems, or one who is doing poorly academically, may have an undiagnosed hidden disability. A parent has the right to request that the school determine whether the child is handicapped and whether special education or related services are needed to provide the child an appropriate education. Once it is determined that a child needs special education or related services, the recipient school system must arrange to provide appropriate services.**

#### THE RESPONSIBILITIES OF ED RECIPIENTS IN POSTSECONDARY EDUCATION

The ED Section 504 regulation defines a qualified individual with handicaps for postsecondary education programs **as a person with a handicap who meets the academic and technical standards requisite for admission to, or participation in,** the college's education program or activity.

A college has no obligation to identify students with handicaps. In fact, **Section 504 prohibits a postsecondary education recipient from making a preadmission inquiry as to whether an applicant for admission is a handicapped person.** However, a postsecondary institution is required to inform applicants and other interested parties of the availability of auxiliary aids, services, and academic adjustments, and the name of the person designated to coordinate the college's efforts to carry out the requirements of Section 504. **After admission (including the period between admission and enrollment), the college may make confidential inquiries as to whether a person has a handicap for the purpose of determining whether certain academic adjustments or auxiliary aids or services may be needed.**

Many students with hidden disabilities, seeking college degrees, **were provided with special education services during their elementary and secondary school years.** It is especially important for these students to understand that **postsecondary institutions also have responsibilities to protect the rights of students with disabilities.** In elementary and secondary school, their school district was responsible for identifying, evaluating, and providing individualized special education and related services to meet their needs. At the postsecondary level, however, **there are some important differences.** The key provisions of Section 504 at the postsecondary level are highlighted below.

**At the postsecondary level it is the student's responsibility to make his or her handicapping condition known and to request academic adjustments. This should be done in a timely manner. A student may choose to make his or her needs known to the Section 504 Coordinator, to an appropriate dean, to a faculty advisor, or to each professor on an individual basis.**

A student who requests academic adjustments or auxiliary aids because of a handicapping condition may be requested by the institution to provide documentation of the handicap and the need for the services requested. This may be especially important to an institution attempting to understand the nature and extent of a hidden disability.

**The requested documentation may include the results of medical, psychological, or emotional diagnostic tests, or other professional evaluations to verify the need for academic adjustments or auxiliary aids.**

#### **HOW CAN THE NEEDS OF STUDENTS WITH HIDDEN DISABILITIES BE ADDRESSED?**

The following examples illustrate how schools can address the needs of their students with hidden disabilities.

- A student with a long-term, debilitating medical problem such as cancer, kidney disease, or diabetes may be given special consideration to accommodate the student's needs. For example, a student with cancer may need a class schedule that allows for rest and recuperation following chemotherapy.
- A student with a learning disability that affects the ability to demonstrate knowledge on a **standardized test or in certain testing situations may** require modified test arrangements, such as oral testing or different testing formats.
- A student with a learning disability or impaired vision that affects the ability to take notes in class **may need a note taker** or tape recorder.
- A student with a chronic medical problem such as kidney or liver disease may have difficulty in walking distances or climbing stairs. Under Section 504, this student **may require special parking space**, sufficient time between classes, or other considerations, to conserve the student's energy for academic pursuits.
- A student with diabetes, which adversely affects the body's ability to manufacture insulin, may need a **class schedule that will accommodate the student's special needs**.
- An emotionally or mentally ill student may need an **adjusted class schedule to allow time for regular counseling or therapy**.
- A student with epilepsy who has no control over seizures, and whose **seizures are stimulated by stress or tension, may need accommodation for such stressful activities as lengthy academic testing or competitive endeavors in physical education**.
- A student with arthritis may have persistent pain, tenderness or swelling in one or more joints. A student experiencing **arthritic pain may require a modified physical education program**.

**These are just a few examples of how the needs of students with hidden disabilities may be addressed.** If you are a student (or a parent or guardian of a student) with a hidden disability, or represent an institution seeking to address the needs of such students, you may wish to seek further information from OCR.

U.S. DEPARTMENT OF EDUCATION OFFICE FOR CIVIL RIGHTS

Date of Document 01/01/1995 \*U.S. GOVERNMENT PRINTING OFFICE: 1995-0-396-916

**Stop Segregation of the Disabled from Federal Funded Program, Services, and Activities it called the Americans with Disabilities Act (ADA)**

The state actor and player has Fail to address the first needs of all disabled in Conn and gives the ongoing discriminatory practice and fails at "[t]he Rights for remedies, ADA Title II and III Procedural Safeguards and rights set forth in [the Rehabilitation Act] shall be the remedies, procedures and rights" applicable to Section 12132..

Implementation of ADA title II and III adoption of grievance procedures and Copy of state ADA Title II and III ADA Procedural Safeguards and administrative of procedures for any internal or external due process hearing for remedy

1. Where is Non-Discrimination Policy Statement for services (state actors)
2. Where is Non-Discrimination Policy Statement for your Vendors (state players)
3. Where is Appointment of 28 CFR 35.107 - Designation of responsible employee to end the discriminations? What powers are given to this department?

To comply with the ADA's integration requirement, a state and its subcontractor must reasonably modify its policies, procedures, or practices when necessary to avoid discrimination. **28 C.F.R. § 35.130(b)(7).**

There have been **(1)** no offers to modify any state proceedings or services, no recognition by state laws of ADA rights; **(2)** no notice placed in the files; **(3)** no insurance of meaningful effective communications; **(4)** All state actor and players in proceedings is aware of the disability at issue in this case and slides past ADA issues; **(5)** makes no offers to modify proceedings or exams, provide aides, refer to specialized services, **(6)** no provision of ADA coordinator; **(7)** no meaningful effective communications within the services and proceedings; **(8)** and no written grievance policy; **(9)** All the state actor and state players are denying the ADA Rights to their client

The ADA is not an option the ADA is the LAW. The disabled cannot settle these issues anywhere else, and as such the state has to identify, accommodate, offer accommodations, modifications, and did none to this date. To be protected by the ADA, one must have a disability or have a relationship or association with an individual with a disability. An individual with a disability is defined by the ADA as a person who has a physical or mental impairment that substantially limits one or more major life



activities, a person who has a history or record of such impairment, or a person who is perceived by others as having such an impairment.

**After 29 years after the ADA was Mandated on All states, Conn. still thinks it can Look the other way on there reasonability's of care and insuring Life, Liberty and with a pursuit for happiness for all.**

## **Introduction The Americans with Disabilities Act (ADA)**

(ADA) prohibits discrimination against persons with disabilities in the areas of employment, public accommodations, state and local government services, and telecommunications. Both public and private hospitals and health care facilities must provide their services to people with disabilities in a nondiscriminatory manner. To do so, they may have to modify their policies and procedures, provide auxiliary aids and services for effective communication, remove barriers from existing facilities,

See [https://www.ada.gov/newproposed\\_regs.htm#504](https://www.ada.gov/newproposed_regs.htm#504)

### **Regulations under Development**

#### **Current Unified Agenda of Regulatory and Deregulatory Actions**

The Unified Agenda provides information about the Department's regulatory priorities and identifies regulatory actions the Department expects to take in the coming year.

#### **Notices of Proposed Rulemaking**

Notice of Proposed Rulemaking (NPRM): Section 504 of the Rehabilitation Act of 1973 — Nondiscrimination Based on Disability in Federally Assisted Programs or Activities

The NPRM is also available on FederalRegister.gov (HTML) | (PDF). The comment period closes on March 20, 2017.

## **ADA OBJECTION; PROTEST ; COMPLAINT;**

### **Demands for REMEDIES/on/or**

**About ADA All ADA Program Manager's & State of Conn Judicial Branch and All State Departments of Conn that Services the Public.**

**PLEASE look to the 1991 Regs coupled with the TAM (DOJs Title II Technical Assistance Manual Covering State and Local Government Programs and Services) for their preamble as best explanation of "public entities" \*\*\*\*\*responsibilities\*\*\*\*\*!!! And Financing of!!!!**

**From that, you can best tell if the Conn" was, is, will be tomorrow", compliant to Title II of the ADA and for subcontractors of state they hold not only Title II but also Title III obligations.**

**Please understand and Request For debating me if you wish or need, but if Conn is non compliant similar too, than you Donna the Jane and John, Doe's citizens AND you JANE and JOHN "Donna" DOE's "professional, attorneys" have the 2 (two) separate equal and the same "complaint/testimonials".**

**"No administrative compliance" = "No ADA compliance" = all State Actors and Players and Conn. Bar Attorneys have been, are, and will continue to be excluded from participation, denied the benefits of services programs activities of Conn, and discriminated against by reason of disability by the public entity known as the Conn services to the Public.**

**Including but not limiting to the following:**

**Violation and non-compliance of Settlement Agreement between the United States Department of Justice and the Connecticut Judicial Branch, November 2003 and;**

**Violations and non-compliance of Settlement Agreement in Raymond v. Rowland Civil Action NO. 3:03CV0118 (MRK) May 31, 2007 ( Only 1 Conn. Administration)All of State Actors & Players and State Contractors whom with invidious animus intent, effect or both of**

1. Denial of 28 CFR 35.107 - Designation of responsible employee designation of responsible employee. A public entity that employs 50 or more persons shall designate at least one employee to coordinate its efforts to comply with and carry out its responsibilities under this part, including any investigation of any complaint communicated to it alleging its noncompliance with this part or alleging any actions that would be prohibited by this part. The public entity shall make available to all interested individuals the name, office address, and telephone number of the employee or employees designated pursuant to this paragraph.

Denial of an ADA title II and III adoption of grievance procedures. AS today the only thing you have is a Title I grievance procedures.. We the People use your services reject as we are not employee of the state of Conn. So stop Applying Title I to the public.

2. Denying qualified individuals the opportunity to participate in or benefit from federally funded programs, services, or other benefits.
3. Denying individuals with disabilities an equal opportunity to receive State program benefits and services.
4. Denying access to programs, services, benefits or opportunities to participate as a result of physical barriers.
5. Denying employment opportunities, including hiring, promotion, training, and fringe benefits, for which they are otherwise entitled or qualified....
6. Denying the disable State of Conn. ADA Administrative Procedures for the enforcement of ADA title II and title III.
7. Denying Path for internal or external ADA Administrative hearings.

8. Denying the disable State of Conn. Policies, Procedures, grievances' and Notice of Safe Guards for the ADA of title II and title III.
9. Denying of compliance reviews of public entities under title II and title III of the ADA.
10. Denying the Civil Rights of the disable to have Association Rights with Persons with Out an Disabilities
11. Over All Denying the disabled rights for and to have modification without Applying the Denial to that persons Disability requesting.
12. Failure to develop a list of modification for a disable to review and can "pick" what "best ensures" modification will work "Best" for their "Needs" to ensure effective communication with all.
13. Failure to put in place a path for the disabled to refuses your modifications and allowing the disabled to show or get a better medication that works Best for their Disability's.
14. Willingly Excluding disabled by the effect/No effect of not recognizing the disabled needs or because of their known relationship or association with other persons.
15. No promoting of the overall effectiveness of its Enforcement Program.
16. No Fourteenth Amendment Civil Rights in Case of the disable in Sate of Conn Courts.

17. Failure to comply with the nondiscrimination Requirements.
18. Failure to create a Non-Discrimination Policy Statement for services of the judicial branch (State Actors)
19. Failure to create a Non-Discrimination Policy Statement for your Vendors (state players)
20. Failure to provide clear, strong, consistent, enforceable standards addressing discrimination against individuals with disabilities; By state actor or Players
21. Failure to make the authority to conduct compliance reviews consistent with that available under section 504 and title VI. See, e.g., 28 CFR 42.107(a).
22. Failure of 28 CFR 42.107 “(b) The designated agency may conduct compliance reviews of public entities in order to ascertain whether there has been a failure to comply with the nondiscrimination requirements of this part.”
23. Failure to providing services to qualified individuals with disabilities in community-based settings, as long as such services are appropriate to the needs of those individuals. These agencies should provide technical guidance and work cooperatively with States to achieve the goals of Title II of the ADA [42 U.S.C. 12131 et seq.]
24. Failure to comply with the ADA’s integration requirement, a state must reasonably modify its policies, procedures, or practices when necessary to avoid discrimination. 28 C.F.R. § 35.130(b)(7).

#### **Title II ADA obligation**

Please refer your self to the ADA Regulations (<http://www.ada.gov> )and the ADA Technical Assistance Manual(<http://www.ada.gov/ta-pubs-pg2.htm> )

In particular to begin with, the TAM section (Title II Technical Assistance Manual)

The Americans with Disabilities Act

Title II Technical Assistance Manual

Covering State and Local Government Programs and Services

<http://www.ada.gov/taman2.html>

and "Administrative Responsibilities" and in the Reg's the same

## II-8.0000 ADMINISTRATIVE REQUIREMENTS

II-8.1000 General.

II-8.2000 Self-evaluation.

II-8.3000 Transition plan.

II-8.4000 Notice to the public.

II-8.5000 Designation of responsible employee and development of grievance procedures.

**Rooker-Feldman doctrine** and questions of sovereign immunity—**See Tennessee v. Lane, 541 U.S. 509 (2004)**,[ and proves you do not have Sovereign immunity Rights at all. On top of that I will be asking for your job and pensions and any Licenses you hold with the Conn. Bar. **See Lane**, the Supreme Court split 5-4. In an opinion written by Justice John Paul Stevens, the majority ruled that Congress did have enough evidence that the disabled were being denied those fundamental rights that are protected by the Due Process clause of the Fourteenth Amendment, among those rights being the right to access a court. Further, the remedy Congress enacted was congruent and proportional, because the "reasonable accommodations" mandated by the ADA were not unduly burdensome and disproportionate to the harm. **Garrett**, the Court said, applied only to **Equal Protection claims**, not to Due Process claims. Therefore the law was constitutional. Chief Justice William Rehnquist, and Associate Justices Clarence Thomas, and Antonin Scalia filed dissents.

**Congress** has the power under **Section 5 of the Fourteenth Amendment** to abrogate the States' sovereign immunity in cases implicating the fundamental right of access to the courts.

You and your friends (judges) of the ADA Committee also directly by statute, Must provide for remedies in **Equal Protection** of law and **liberties interest**.

**. Includes individuals with or with out disabilities.**

**And under title 42 U.S. Code Section 12133 of the American Disability Act of 1990 as amended provides.**

"[t]he remedies, procedures and rights set forth in [the Rehabilitation Act] shall be the remedies, procedures and rights" applicable to Section 12132 discrimination claim 42 U.S. Code Section 12133, **see Collings v. Longview Fibre Co. 63 F.3d 828, 832 n2 (9th Cir. 1995). See Popovich.**

**See from the 2nd Court, innovative system s v. City of White Plains Zoning.** The arguments and Decisions are our same ones, policies, practices, activities of the public entity.

**Congress** Found In its analysis, the district court also looked to the ADA's legislative history and the Department of Justice's regulations and Technical Assistance Manual, all of which support the court's With respect to interpretation of the plain language of the statute. **Title II of the ADA, the House Committee on Education and Labor stated:** The Committee has chosen not to list all the types of actions that are included within the term "discrimination", as was done in titles I and III, because this title essentially simply extends the anti-discrimination prohibition embodied in section 504 to all actions of state and local governments. **Title II of the bill makes all activities of State and local governments subject to the types of prohibitions against discrimination against a qualified individual with a disability included in section 504 (nondiscrimination).**H.R.Rep. No. 101-485(II), at 84, 151 (1990), reprinted in **As the preamble to the 1990 U.S.C.C.A.N. 303, 367, 434 (emphasis added).** Department of Justice regulations explains, "[T]itle II applies to anything a public entity does. All 28 C.F.R. pt. 35, governmental activities of public entities are covered." The Department of Justice's Technical Assistance A at 456 (1996). app. Manual, which interprets its regulations, specifically refers to zoning as an example of a public entity's obligation to modify its policies, practices, and procedures to avoid diThe Americans with Disabilities Act: Title discrimination.8

1 (1993) ("TA Manual"). - II-3.6100, illus. II Technical Assistance Manual § See more at:

<http://caselaw.findlaw.com/us-2ndcircuit/1057881.html#sthash.4j8EtILv.dpuf>

Under title 7 U.S. Code, Chapter 51, Section 2011. Congressional declaration of policy.

**Section 504**, protects qualified individuals like the Citizens with disabilities, under Section 504 persons with disabilities that affect major life activities are caring for one's self, walking, seeing, hearing, speaking working.

**Rehabilitation Services: title 29 U.S. Code, Chapter 16, General Provisions Section 701, Finding; Purpose; reads;**

"(a)(1) Millions of Americans have one or more physical disabilities with disabilities increasing."

"(2) Individuals with disabilities constitute one of the disadvantaged groups in society."

"(a)(6) The goals of the Nation properly include the goal of providing individuals with the tools necessary to-

(B) Achieve equality of opportunity, full inclusion and integration in society, employment, independency living, and economic and social self-sufficiency, for such individuals."

The United States Supreme Court interpretation of **504 Rehabilitation Act in Alexandra v. Choate, 469 U.S. 287 301-02 (1985)** the Court concluded that Congress intended to protect disabled persons from discrimination from thoughtlessness.

### **Rights under the Rehabilitation Act of 1973**

**Section 504 of the Rehabilitation Act provides that:**

No otherwise qualified individual with a disability in the United States . . . shall, solely by reason of her or his disability, be excluded from the



participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving Federal financial assistance or under any program or activity conducted by any Executive agency or by the United States Postal Service.

**29 U.S.C. § 794(a).** Section 504 is enforceable through private causes of action. **Constantine v. Rectors and Visitors of George Mason Univ., 411 F.3d 474, 491(4th Cir. 2005).** In order to succeed on such a claim, a plaintiff must demonstrate "that

(1) she has a disability,

(2) she is otherwise qualified to receive the benefits of a public service, program or activity, and

(3) she was excluded from participation in or denied the benefits of such service, program or activity, or otherwise discriminated against on the basis of her disability." **Id. at 498.**

#### **Equal and the same the State must have, and have Equal Protection Clauses**

A claimant in a social security case, however, is entitled to a full and fair hearing, and the failure to conduct such a hearing may constitute grounds for remand in some cases. **See Sims v. Harris, 631 F.2d 26, 27 (4th Cir. 1980)** (holding that remand was proper in case because hearing was not fair because the absence of counsel created "**clear prejudice and unfairness**" to the claimant). Moreover, procedural due process provides that a claimant has a right to fair hearing. **See Richardson v. Perales, 402 U.S. 389, 400-02, 91 S. Ct. 1420, 28 L. Ed. 2d 842 (1971); Martise v. Astrue, 641 F.3d 909, 921-22 (8th Cir. 2011); Ventura v. Shalala, 55 F.3d 900, 902 (3rd Cir. 1995).**

That decision cannot be reconciled with the Supreme Court's decision in **Olmstead v. L.C., 527 U.S. 581 (1999)**, the plain text of the Americans with Disabilities Act ("**ADA**"), **42 U.S.C. § 12132**, or the plain text of the **Rehabilitation Act, 29 U.S.C. § 794**, all of which require the non-discriminatory administration of services to individuals with disabilities.

**28 C.F.R. § 35.130(g); TA Manual § II-3.9000** ("A State . . . government may not discriminate against individuals . . . because of their known relationship or association with persons who have disabilities."). **In addition, 28 C.F.R. 35.104**

**U.S.C. § 12134(a); 28 C.F.R. § 35.190(a); Executive Order 12250, 45 Fed. Reg. 72995 (1980), reprinted in 42 U.S.C. § 2000d-1.** The title II regulations require public entities to "administer services, programs, and activities in the most integrated setting appropriate to the needs of qualified individuals with disabilities." **28 C.F.R. § 35.130(d).** The preamble discussion of the "integration regulation" explains that "the most integrated setting" is one that "enables

**individuals with disabilities to interact with nondisabled persons to the fullest extent possible....” 28 C.F.R. Pt. 35, App. B at 673 (2011) (addressing § 35.130).**

To comply with the ADA's integration requirement, a state must reasonably modify its policies, procedures, or practices when necessary to avoid discrimination. **28 C.F.R. § 35.130(b)(7).**

**See OLMSTEAD, COMMISSIONER, GEORGIA DEPARTMENT OF HUMAN RESOURCES, et al. v. L. C., by zimring, guardian ad litem and next friend, et al. No. 98-536. ("Nothing in this part shall be construed to require an individual with a disability to accept an accommodation . . . which such individual chooses not to accept."); 28 CFR pt. 35, App. A, p. 450 (1998) ("[P]ersons with disabilities must be provided the option of declining to accept a particular accommodation.").**

**Footnote 14** We do not in this opinion hold that the ADA imposes on the States a "standard of care" for whatever medical services they render, or that the ADA requires States to "provide a certain level of benefits to individuals with disabilities." Cf. *post*, at 9, 10 ( *Thomas*, J., dissenting). We do hold, however, that States must adhere to the ADA's non-discrimination requirement with regard to the services they in fact provide.

**. Congress enacted the ADA in 1990 “to provide a clear and comprehensive national mandate for the elimination of discrimination against individuals with disabilities.” 42 U.S.C. § 12101(b)(1). Congress found that “historically, society has tended to isolate and segregate individuals with disabilities, and, despite some improvements, such forms of discrimination against individuals with disabilities continue to be a serious and pervasive social problem.” 42 U.S.C. § 12101(a)(2). For those reasons, Congress prohibited discrimination against individuals with disabilities by public entities and their Families 28 C.F.R. § 35.130(g); TA Manual § II-3.9000.**

#### **Request for accommodation**

1. "[t]he Rights for remedies, ADA Title II and III Procedural Safeguards and rights set forth in [the Rehabilitation Act] shall be the remedies, procedures and rights" applicable to Section 12132.

2. administrative of procedures for any internal or external due process hearing for remedy

3. Full Contact Info with a Copy of their Appointment of 28 CFR 35.107 - Designation of responsible employee

4. Copy's and the dates implementation of ADA title II and III adoption of grievance procedures and Copy of your ADA Title II and III ADA Procedural Safeguards

5. I like for list of services and goods the fine reasonably modifiable for an Autistic with developmental impairments child in Conn services and by Association rights and recognitions for parents of that child.

6. Copy of Non-Discrimination Policy Statement for your Vendors (state players)

7. I would like an Independent internal administrative hearing or external administrative hearing Under 14 due process rights and Copy of our procedural safeguards Under the Section 504 of the Rehabilitation Act of 1973. For an Independent internal administrative hearing or external due process administrative hearing with the DOJ In regards to past present and future discriminations to this family and flat out denials of civil rights for the disabled

8. A reserve the right to add, Change or reject any offers for accommodations at the review of the new material and the identification of the designated responsible employee And administrative of procedures for any internal or external due process hearing.

9. Please prove all self-evaluation for Autistic People using your services and supports.

10. Please prove all given training material's use stop state actors and player from discriminating onto a Protected Class of people using your services.

11. When you do your Blanket denial. Please Add the reason why a disabled person cannot have what I just asked for and to provide written reason for denial of access, 28 C.F.R. § 35.150

**Ignorance's cannot be used as Defense when you have done nothing to comply with the ADA. By doing nothing for 27 years shows, I will never get a Fare Due Process Hearing with the Rights of Remedy in this State by the State Actor or Players that have discriminated.**

I would like a written expiations on how you Reader or the Email receiver have not broken these laws! and within this Complaint By Law 28 C.F.R. § 35.150 as applied to your State and Federal Job description and oath's of your office healed.

#### CONSTITUTIONAL PROVISIONS SUBJECT

Article First, Section 1 Equality of Rights

Article First, Section 3 Right of Religious Liberty

Article First, Section 20, as amended by Equal Protection under the law for all persons;

Article V and Article XXI of the Amendments nondiscrimination in exercise of civil and political

To the Connecticut Constitution rights on the basis of religion, race, color, ancestry, national

Origin and sex or physical and mental disability.

#### CONNECTICUT GENERAL STATUTES

C.G.S. Section 4-61u upward mobility, accommodation/training of persons with disabilities.

C.G.S. Section 4-61t Committee on Career Entry and Mobility established re: needs of persons with disabilities.

**C.G.S. Section 4-61nn Adaptation of administration of tests to needs of persons with disabilities**

**C.G.S. Section 4a-2c Diversity Training Program**

**C.G.S. Section 4a-60 Affirmative Action provisions in state contracts and nondiscrimination on the basis of race, color, religious creed, age, marital status, national origin, ancestry, sex, mental retardation and physical disabilities (including blindness)**

**C.G.S. Section 5-227 Prohibition of discrimination in state classified service because**

**Of discriminatory employment practices (as defined in CGS Section 46a-51) and discrimination due to political affiliation.**

**C.G.S. Section 5-228e Meeting affirmative action goals in state agencies**

**C.G.S. Section 5-267 Officers, appointing authorities and employees to comply with law**

**C.G.S. Section 17a-541, 17a-549 Prohibition against denying housing, employment, civil or legal rights on the basis of psychiatric disability or past or present history of mental disability.**

**C.G.S. Section 31-22p Non-discrimination in apprenticeship program training standards within state on the basis of race, color, religion, sex, age and national origin; provide training, employment and upgrading opportunities for disadvantaged workers.**

**C.G.S. Section 40a-60g Transferring enforcement of the Set-aside program from DECD to DAS and CHRO**

**C.G.S. Section 46a-10 Establishment of an Office of Protection and Advocacy for persons with disabilities**

**C.G.S. Section 46a-27 Establishment of a commission for the advocacy of deaf and hearing impaired persons; and providing of qualified interpreter services**

**C.G.S. Section 46a-52 Concerning the review and dismissal of discriminatory practice complaints by CHRO**

**C.G.S. Section 46a-54 Concerning Diversity Training for State Employees**

**C.G.S. Section 46a-54(16) Requirement that state agencies conduct diversity training for state employees**

**C.G.S. Section 46a-56 Broad grant of authority regarding discriminatory practices**

**C.G.S. Section 46a-57 (d) Chief Human Rights Referees**

**C.G.S. Section 46a-58 Deprivation of rights, desecration of property, or cross burning**

**C.G.S. Section 46a-58(a) Prohibition against deprivation of civil rights on the basis of religion, national origin, alienage, color, race, sex, blindness or physical disability**

**C.G.S. Section 46a-59(a) Prohibition against discrimination in professional and occupational associations on the basis of race, national origin, creed, sex or color**

**C.G.S. Section 46a-60 Discriminatory employment practices prohibited**

**C.G.S. Section 46a-60 (a)(2) Prohibition against employment agencies' failure or refusal to properly classify or refer one on the basis of race, color, religious creed, age, sex, marital status, national origin, ancestry, present or past history of mental disability, mental retardation, learning disability and physical disability (including blindness)**

**C.G.S. Section 46a-60 (a)(3) Prohibition against discrimination regarding membership and membership rights; discrimination against members or employers or to expel from membership by labor organizations on the basis of race, color, religious creed, age, sex, marital status, national origin, ancestry, present or past history of mental disorder, mental retardation, learning disability and physical disability (including blindness)**

**C.G.S. Section 46a-60 (a)(4) Prohibition against retaliation for exercising right to file or participate in the processing of a discrimination complaint; prohibition against retaliation on the basis of opposing discriminatory employment practices**

**C.G.S. Section 46a-60 (a)(5) Prohibition against aiding, abetting or inciting discriminatory employment practices**

**C.G.S. Section 46a-60 (a)(6) Prohibition against advertising of employment opportunities in a manner that discriminates on the basis of race, color, religious**

creed, age, sex, marital status, national origin, ancestry, present or past history of mental disability, mental retardation, learning disability and physical disability (including blindness)

**C.G.S. Section 46a-64 Prohibition against discrimination and segregation in places**

of public accommodations on the basis of race, creed, color, national origin, ancestry, sex, marital status, age, lawful source of income, mental retardation, mental disability, or physical disability; requirement of full and equal access to blind, deaf or mobility impaired persons with guide dog; prohibits limiting breastfeeding

**C.G.S. Section 46a-64a Discrimination against families with children prohibited**

**C.G.S. Section 46a-68 State affirmative action plans; filing; monitoring report;**

(as amended by Public affirmative action officers; regulations Acts 99-233 & 01-28)

**C.G.S. Section 46a-68(a) each state agency shall develop and implement, in cooperation with CHRO an affirmative action plan that commits the agency to a program of affirmative action in all aspects of personnel and administration.**

**C.G.S. Section 46a-68(b)(2) CHRO shall provide training and technical assistance to affirmative action officers in plan development and implementation.**

**C.G.S. Section 46a-68(b)(3) CHRO and the Permanent Commission on the Status of Women shall provide training concerning state and federal discrimination laws and techniques for conducting internal investigations of discrimination complaints to persons designated by state agencies as affirmative action officers and persons designated by the Attorney General or the Attorney General's designee to represent the agency. Such training shall be provided for a minimum of ten hours during the first year of service and a minimum of five hours per year**



thereafter

**C.G.S. Section 46a-68(b)(4) Each person designated by an agency or department board as an affirmative action officer shall (A) be responsible for mitigating any discriminatory conduct within the agency or department, (B) investigate all complaints of discrimination made against the state agency or department, (C) report all findings and recommendations upon the conclusion of an investigation to the commissioner or director of a state agency or department for proper action and (D) complete 10 hours of training by the CHRO and PCSW**

**C.G.S. Section 46a-68(b)(5) No person designated by an agency or department as an affirmative action officer shall represent the agency or department before CHRO or EEOC. If a complaint of discrimination is filed with CHRO or EEOC against a state agency or department, the Attorney General or designee, of the Attorney General, other than the affirmative action officer shall represent the agency or department before CHRO and EEOC**

**C.G.S. Section 46a-68(c) Requires state agencies to file affirmative action plans with CHRO. Agencies with fewer than 20 employees to file biennially**

**C.G.S Section 46a-69 Discriminatory practices by state agencies**

**C.G.S. Section 46a-71 Non-discrimination in services provided by state agencies on the basis of race, color, religious creed, sex, marital status, age, national origin, ancestry, mental retardation, mental disability, learning disability or physical disability (including blindness)**

**C.G.S. Section 46a-74 State agencies not to permit discriminatory practices in professional or occupational associations, public accommodations or housing**

**C.G.S. Section 46a-75(a) Non-discrimination in state educational, counseling apprenticeship and on the job training programs on the basis of race, color, religious creed, sex, marital status, age,**

**national origin, ancestry, mental retardation, mental disability, learning disability or physical disability (including blindness)**

**C.G.S. Section 46a-76(a) Non-discrimination in allocation of state benefits on the basis of basis of race, color, religious creed, sex, marital status, age, national origin, ancestry, mental retardation, mental disability, learning disability or physical disability (including blindness)**

**C.G.S. Section 46a-77 Cooperation with CHRO required of all state agencies.**

**Compliance with Americans with Disabilities Act**

**C.G.S. Section 46a-77(a) All state agencies shall cooperate with CHRO in their enforcement and educational programs**

**C.G.S. Section 46a-77(b) All state agency shall comply with CHRO's request for information concerning practices inconsistent with the state policy against discrimination and shall consider recommendations for effectuating and implementing that policy**

**C.G.S. Section 46a-77(c) Each state agency shall comply in all of its services, programs and activities with provisions of the Americans with Disabilities Act (42USC 12101) to the same extent that provides rights and protections for persons with physical or mental disabilities beyond those provided for by the laws of the state**

**C.G.S Section 46a-81d Prohibition against discrimination and segregation in places of public accommodation on the basis of sexual orientation**

**C.G.S. Section 46a-81i Non-discrimination in services provided by state agencies on the basis of sexual orientation.**

**C.G.S. Section 46a-81 l Prohibition against state agencies allowing discriminatory practices in professional or occupational associations, public accommodations, or housing in violation of state anti-discrimination laws regarding sexual orientation.**

**C.G.S. Section 46a-81n Non-discrimination in allocation of state benefits on the basis of sexual orientation.**

**C.G.S. Section 46a-82 Discrimination Complaint Filing Procedure**

**C.G.S. Section 46a-83 Complaint Procedure of CHRO**

**C.G.S. Section 46a-83a Right of appeal by complainant. Reconsideration requests by CHRO**

**C.G.S. Section 46-83b Alternative Dispute Resolution/ available to address discriminatory practice complains filed with CHRO; CHRO can promulgate procedural regulations for ADR.**

**C.G.S. Section 46a-94a (c) Concerning the reopening of matters by CHRO.**

**C.G.S. Section 51-279d Hate Crimes Advisory Committee**

**C.G.S. Section 53-37a Deprivation of a person's civil rights by a person wearing a mark or hood**

**C.G.S. Section 53-37b Deprivation of a person's equal rights and privileges by force or threat**

**C.G.S. Section 53-40a Persistent offenders of crimes involving bigotry and bias**

**C.G.S. Section 53a-181b Intimidation based on bigotry and bias**

**GUIDELINES SUBJECT**

**Guidelines prepared by the Committee Upward Mobility Guidelines established in 1978 on Upward Mobility**

**PUBLIC ACTS SUBJECT**

**Public Act 03-151 An Act Concerning Affirmative Action Officers**

**Public Act 07-142 An Act Concerning Procedures for the Hearing of Complaints Against State Contractors and Subcontractors by the Commission on Human Rights and Opportunities and Documentation of Nondiscrimination Policies Adopted by State Contractors**

**Public Act 07-181 an Act Concerning the Investigation of a Discrimination Complaint Against or By An Agency Head or State Commission or Board**

**Public Act 09-44 An Act Concerning Claims against the State of Connecticut**

**Public Act 09-55 An Act Concerning the Office of Protection and Advocacy for Persons with Disabilities**

**Public Act 09-70 An Act Concerning updates to the Family and Medical Leave Act**

**Public Act 09-145 An Act Concerning Technical Changes to the Statutes regarding Persons with Psychiatric Disabilities and Persons with Substance Use Disorders**

**Public Act 09-158 An Act Concerning certain state contracting nondiscrimination requirements**

**Public Act 11-55 An Act to prohibit discrimination in various contexts on the basis of gender identity and expression**

**Public Act 11-129 Changes references to “mental retardation” to “intellectual disability” in various places in the CT General Statutes.**

#### **REGULATIONS SUBJECT**

**Sections 27-1021(d)-72 to Discrimination and sexual harassment of veterans prohibited**

**27-1021(d)-74, inclusive**

**Sections 31-51d-1 to 31-51d-12, inclusive Work training standards for apprenticeship and training programs**

**Sections 46a-54-1 to Description of Organizations, Rules of Practices and Personal**

**46a-54-152 Data**

**Sections 46a-54-1a – 46a-54-103a Complaint processing and contested case proceedings**

**Regulations**

**Sections 46a-68-31 to 46a-74, inclusive Affirmative action by state government**

**Sections 46a-68j-21 to 46a-68j-43, inclusive, Sections 46a-68k-1 to 46a-68k-8, Section 46a-54d-1 to 46a-54(d) 7 Contract compliance regulations re nondiscrimination in state contracts**

**Sections 46a-68-32 – 46a-68-74 Agency Affirmative Action Plan Regulations**

**Sections 4-61dd-1 through 4-61dd-21 Rules of practice for contested case proceedings under the**

**Whistleblower Protection Act**

**EXECUTIVE ORDERS SUBJECT**

**Executive Order No. 3, Governor Thomas J. Meskill;**

**Requirement that State Contractors file compliance reports with the Commissioner of Labor on their equal employment opportunity practices**

**Executive Order No. 9, Governor William A. O'Neill; “Affirmative action”**

**Executive Order No. 11, Governor Ella T. Grasso; Equal employment opportunity and affirmative action**

**Executive Order No. 18, Governor Thomas J. Meskill ;                      Affirmative action**

On March 29, 1973, Governor Thomas J. Meskill issued Executive Order No. 18 establishing an affirmative action program to reaffirm the State of Connecticut's commitment to equal opportunity. As a result of this order, the State Personnel Department (Which was changed to the Department of Administrative Services in 1977) was designated the agency responsible for assuring equal employment opportunities existed within state service. The department was also responsible for the preparation, promulgation, and administration of a statewide affirmative action plan for equal employment opportunity within the state.

- Public Act 75-536 required the preparation of affirmative action plans for individual state agencies. Every state entity was required, in cooperation with the state Department of Personnel and Administration, to develop "an affirmative action plan for equal employment opportunity in all aspects of personnel and administration." Each plan had to be filed with CHRO twice a year.

CHRO was to review and approve the content of the plan. If a plan was in violation of state statutory requirements, or if an agency failed to submit a plan, CHRO was to issue a complaint and handle it in the same manner as a case of unfair employment practices. Additionally, CHRO was to monitor the activity of the affirmative action plans and report their results annually to the governor and the General Assembly.

- Public Act 79-255 removed DAS entirely from the process of plan development and required state agencies to work in cooperation with and pursuant to regulations proposed by CHRO. The law granted CHRO the right to grant annual filing status to agencies with approved affirmative action plans.
- Public Act 83-569 made major changes to the law as a result of the 1983 sunset review of CHRO. These included:
  - each agency was directed to *implement* as well as develop a plan;
  - agencies were required to designate a full or part time affirmative action officer, and CHRO was directed to provide training and technical assistance to those officers in the areas of plan development and

implementation;

- CHRO was required to schedule semiannual and annual filing dates in its regulations, to replace the universal filing dates of March 1 and September 1;
- CHRO was mandated to approve or disapprove individual plans and failure to do so in a timely manner would result in the plan being approved by default;
- the Commissioner of DAS and the Secretary of OPM were required to cooperate with CHRO to insure that the State Personnel Act and personnel regulations be administered and that the collective bargaining process be conducted in a manner consistent with the State's affirmative action responsibilities; and
- CHRO was given permission to issue a "certificate of noncompliance" to any agency whose affirmative action plan was twice consecutively disapproved. Such a certificate would bar the agency from filling a position by hire or promotion until CHRO determined the agency achieved compliance with the affirmative action plan requirements and withdrew the certificate; or unless CHRO could not show, at hearing, why the certificate should not be rescinded; or DAS or OPM certified to CHRO that the vacancy must be immediately filled because of an emergency situation. P.A. 88-317 removed the requirement for two consecutive disapprovals, allowing a certificate of noncompliance upon a single plan disapproval.
- Public Act 98-205 instructed state agencies, under the supervision of DAS, to establish a program of accommodation and entry level training for persons with disabilities, with such programs being a part of each agency's affirmative action plan. The plans are to include specific annual goals and timetables on the number of jobs to be filled through the accommodation of person with disabilities and on the entry level training for such persons.

#### UNITED STATES CONSTITUTION SUBJECT

First Amendment Freedom of speech



**Thirteenth Amendment Prohibits slavery and involuntary servitude**

**Fourteenth Amendment Equal protection**

**Fifteenth Amendment Prohibits denying voting rights on the basis of race and color**

**Nineteenth Amendment Abolishment of voting restrictions on the basis of sex**

#### **FEDERAL LAWS SUBJECT**

**42 U.S.C. Section 12101 et seq. Americans with Disabilities Act (ADA) of 1990, prohibiting**

**discrimination on the basis of disability in employment, public accommodations, public services and telecommunications.**

#### **PUBLIC LAWS SUBJECT**

**PL 101-336 Americans with Disabilities Act of 1990**

#### **FEDERAL REGULATIONS SUBJECT**

**28 CFR Part 36 Regulations on nondiscrimination towards persons with disabilities by public accommodations and commercial facilities.**

**28 CFR Part 35 Regulations on the basis of disability in state and local government**

**29 CFR Part 32 Handicap discrimination regulations**

**29 CFR Part 35 Nondiscrimination on basis of disability in state services**

**29 CFR Part 1627 ADEA records and reports**

**29 CFR Part 1630 Equal employment opportunity for individuals with disabilities**

**31 CFR Part 51 Nondiscrimination by revenue sharing recipients**

**41 CFR Part 60-1 OFCCP regulations**

**41 CFR Part 60-741 Affirmative action regulations for handicapped workers**

**29 CFR Part 1605 Religious discrimination guidelines**

**29 CFR Part 1608 Affirmative action guidelines**

**29 CFR Part 1625 ADEA interpretations**

**EXECUTIVE ORDERS SUBJECT**

**Executive Order 10590 President Dwight D. Eisenhower;**

**Establishment of the President's Committee on Government Employment Policy  
as amended by EO10722 and supersede by EO 11246**

**Executive Order 10652 Establishment of Equal Opportunity Commission,  
amended EO 10773, amended by EO 11051, Revoked by EO 12148.**

**Executive Order 11246 and 11375 President Lyndon B. Johnson Amended by  
Executive Orders 11375, 11478, 12086 and 12107;  
Nondiscrimination in Federal Contracts**

**Executive Order 12336, by Executive Order 1235 as amended; Task force on  
Legal Equity**

**Executive Order 12640 Re-establishment of the President's Committee on  
Employment of**

**People with Disabilities, See also EO10555.**

**Executive Order 13078 National Task force on Employment of Adults with  
Disabilities**

#### **104th Congress**

**Public Law 104-1 An Act applying and extending rights and protections (including those under Title VII of the Civil Rights Act of 1964, the Age Discrimination in Employment Act of 1967, the Rehabilitation Act of 1973, and Title 1 of the Americans with Disabilities Act of 1990) to the legislative branch of the federal government "Congressional Accountability Act of 1995".**

**Public Law 104-76 Act to amend the Fair Housing Act to modify the exemption from certain familial status discrimination prohibitions granted to housing for the older persons "Housing for Older Persons Act of 1995".**

**Public Act 104-331 (same as above) applied to Executive Office of the President "Presidential and Executive Office Accountability Act".**

**Under the ADA case law the "State Actors And Players" are still using outdate case that have been overturn by Access to the courts is a fundamental due process right. Lane, 541 U.S. at 533-34.**

**"It is incumbent on All judges and judicial staff to ensure that every person with a disability be provided with reasonable accommodation, if available, to ensure that she can be a full and equal participant in our system of justice." In re McDonough, 457 Mass. at 528, 930 N.E.2d at 1293. Notably, the court also stated that, "We anticipate in most cases, accommodation of a witness with a disability will be provided without controversy and without the need to resort to the procedures we discuss." Id. at 522, 930 N.E.2d at 1289.**

**"Today" the Conn. Judicial Staff and Judges and All State Players is using all "Outdated" or "Wrong Policy", "Programs" and "Complaint Policies" and "Procedures of Title 1" and it's a Clear Administered "Thinking" what works for employees' can work then for "All" "Public Individuals" using there Services and by "Refusing to Comply to title II of the ADA, 42 U.S.C. §§ 12132", and its implementing regulations, 28 C.F.R. Part 35, because State Players Conduct is willingly and has :**

**1. Excludes All individuals with disabilities from participation in and denies them the benefits of the services, programs, or activities of a public entity, in violation of 42 U.S.C. § 12132 and 28 CFR §35.130(a);**

**2. does not afford "Any" qualified individuals with disabilities an opportunity to participate in or benefit from the services, programs, or activities of a public entity that is "equal" to that afforded others, in violation of 42 U.S.C. § 12132 and 28 CFR §35.130(b)(1)(ii); and**

3. “Willingly Fails” to make reasonable modifications in policies, practices, and procedures when the modifications are necessary to avoid discrimination on the basis of disability, in violation of 42 U.S.C. § 12132 and 28 C.F.R. § 35.130(b)(7).

4. The ADA applies to the Conn. Courts because it is a “public entity” as defined by title II. 42 U.S.C. §12131(1).

5. “Willingly Fails” to “Establish” title II Procedures Specifically to Process Section 504 and 508 Complaints. Section 504 and 508 complaint process, agencies will consider augmenting the Section 504 complaint process, so as to include specific policies and procedures targeted to the processing of Section 504 and 508 complaints. The complaint policies and procedures should also include a method for tracking the complaints and ensure a timely response and resolution.

6. “Willingly Fails” Incorporate Alternative Dispute Resolution Into Section 504 and 508 Complaint Process. In providing Section 504 and 508 complainants a choice of using an Alternative Dispute Resolution (ADR) option to attempt resolution of their complaints.

7. “Willingly Fails” Establish Web Accessibility Policies and Procedures. Agencies “must” establish web accessibility policies and procedures to ensure that web developers follow the requirements of the Section 508 EIT Accessibility Standards so as to ensure that their web pages (both public and private) are accessible to people with disabilities.

8. The Following is Title II Requirements and a Request of : COPY`S GIVEN WITH IN 24 HRS OF GET THIS REQUEST sent to me or I can come to you. EVERY THING I AM ASKING FOR IS/SHOULD BE ACCESSABLE TO ALL STATE PLAYERS! See , e.g., *The Americans with Disabilities Act Title II Technical Assistance Manual Covering State and Local Government Programs and Services*, section II–7.1000, available at [www.ada.gov/taman2.html](http://www.ada.gov/taman2.html)

(A.) WHERE is Conn. All Department publishing any mandated reports based on the results of the a Conduct a Self-Evaluation of its Services, Policies, and Practices by 1992, and 2008 make modifications necessary to comply with the Department’s title II regulation, 28 C.F.R. §35.105;

**(B.)** Self-Evaluation Copies all administrative ADA Title II Complaints, how they were handled and title II civil actions since July 26, 1992, the effective date of the Section:

**(C.)** Self-Evaluation Copies on How has Conn. Judicial notify Any ADA applicants of there **Procedural Safeguard Notice**, ADA participants, ADA beneficiaries, and other interested persons of their rights and the Courts Obligations under title II and the Department's regulation, 28 C.F.R. §35.106;

**(D.)** Self-Evaluation Copies to designate a responsible employee to coordinate its efforts to comply with and carry out the Courts ADA responsibilities, 28 C.F.R. §35.107(a); and All Training to them.

**(E.)** Self-Evaluation Copies title II grievance procedure for resolving complaints of violations of title II, 28 C.F.R. §35.107(b); **“Procedural Safeguard Notice”**

**E1.** Self-Evaluation Copies of any reports operate each program, service, or activity so that, when viewed in its entirety, it is readily accessible to and usable by individuals with disabilities, 28 C.F.R. §§35.149 - 35.150, by:

**E2.** Self-evaluation Copies TO ensure that communications with applicants, participants, and members of the public with disabilities are as effective as communications with others, including furnishing auxiliary aids and services when necessary, 28 C.F.R. §35.160; to provide direct access via TTY (text telephone) or computer-to-telephone emergency services, including 9-1-1 services, for persons who use TTYs, 28 C.F.R. §35.162;

**E3.** Self-Evaluation Copies By providing information for interested persons with disabilities concerning the existence and location of the Courts accessible services, activities, services and facilities, 28 C.F.R. §35.163(a); and

**E4. Self-evaluation Copies** In order to avoid the burdens and expenses of an investigation and possible litigation, the all ADA Parties.

**E5. Self-Evaluation Copies Conn.** Conn have take steps to ensure that all appropriate employees and Subcontractor are trained and practiced testing in using the Conn. Disabilities Service.

**E6. Self-Evaluation Copies** that the courts have Enter into contracts or make other arrangements with Qualified Courts Accessible Services for the all disable, all activities, all services and all facilities, any sign language and any oral interpreters to ensure their availability when required for effective communication with persons who are deaf or hard of hearing and or can all developmental needs of the people. The type of aid that will be required for effective communication will depend on the individual's usual method of communication, and the nature, importance, and duration of the communication at issue. In many circumstances, oral communication supplemented by gestures and visual aids, an exchange of written notes, use of a computer, or use of an assistive listening device may be effective or for counseling, job training, to ensure that adequate arrangements are available for potential clients and family members with disabilities, including adults and children who have mobility impairments, who are blind or have low vision, and who are deaf or hard of hearing.

Implement written procedures to ensure that persons with disabilities who use service animals are not denied or discouraged from participating in Domestic Violence Programs are able to be housed and served in an integrated environment. Implement written procedures to ensure that reasonable modifications are made to the Courts Domestic Violence Programs when necessary for a client or family member with a disability to participate in such Programs, unless doing so would fundamentally alter the nature of the program.

**E7. Self-Evaluation Copies of the Conn** that can shows all 'TAKEN' necessary steps to 'Ensure' that its program is accessible to all persons with disabilities.

**E8. Self-Evaluation Copies** consistent with 28 C.F.R. §35.133(a), the Courts are willing to maintain the Accessibility of its Programs, Activities, Services, Facilities, and Equipment, and will take whatever actions are necessary (such as routine testing of accessibility equipment and routine accessibility audits of its programs and facilities) to do so. This provision does not prohibit isolated or temporary interruptions in service or access due to maintenance or repairs. 28 C.F.R. §35.133(b).

**E9.** Self-Evaluation Copies that the courts have development or procure a two-hour training program on the requirements of the ADA and appropriate ways of Serving Persons with Disabilities. The Courts will use the ADA Technical Assistance Materials of title II developed by the USDOJ and will consult with what Interested Persons, who were the including individuals with disabilities, in developing or procuring the ‘ADA All Training Programs’. Please submit a copy of its training curriculum and materials to the Disable people of Conn., along with a list of Employees Trained and the Name, Title, ALL CONTACT INFROMATION and Address of the Trainers.

**E10.** Self-Evaluation Copies addressing the Training of Title III of The Conn. Bar and all it Lawyer that belong to its “Services” and that uses the Courts as a Office and/or it a Place of Conducting Business.

The purposes of this Association shall be to promote the public interest through the advancement of **Justice** and the “**protection of liberty**”; to aid its Members in the development and maintenance of their respective practices; to facilitate the delivery of competent legal services to the public and particularly to those in greatest need; to support or oppose legislation and regulations consistent with the “interests of the public good” and its “Members”; to supply the “highest quality continuing legal education opportunities” and works of “legal scholarship”; to promote diversity within the Bar and the Bench; to develop collegial interaction among the members of the Bar; to safeguard the dignity of the legal profession; to coordinate the activities of the several bar associations within Connecticut; and to advance the interests of its Members within the American Bar Association, other organizations with which the Association is affiliated, and society as a whole.

**The Conn. Bar Association (CBA)** is an Inter-government, Tax-exempt Organization Designed to Test, Train and Advises “All State Players” and “lawyers” that then Serves’ Children and Adults with developmental, physical, neurological, emotional, and learning disabilities by providing Services within the Conn. Courts . CBA is a "Public Entity" within the meaning of the ADA, 42 U.S.C. § 12131(1), 28 C.F.R. § 35.104, and is therefore subject to Title II of the ADA, 42 U.S.C. §§ 12131, et seq., and its implementing regulation, 28 C.F.R. Part 35.. §35.103 Relationship to other laws.

XXXXXXXXXXXXXXXX

**Henry J. Martocchio Pro Se / AS general with All Disabled People of Conn.  
Asking for a path of remedy**



**State of Conn**

**Substitute House Bill No.**

**Special Act No.**

***AN ACT ESTABLISHING A TASK FORCE TO STUDY Federal Law of (ADAAA 2008) under Title II of the Americans with Disabilities Act (ADA), 42 U.S.C. §§ 12131-12134, and the United States Department of Justice implementing regulation, 28 C.F.R. Part 35.***

*Disability Discrimination is under the protection of Section 504 of the Rehabilitation Act of 1973, 29 U.S.C. §794, and the United States Department of Justice regulation, 28 C.F.R. Part 42, Subpart G and Individuals with Disabilities Act of 2004..*

**Be it enacted by the Senate and House of Representatives in General Assembly convened:**

**Section 1.** *(Effective from passage)* **(a)** There is established a task force to study (1) the Compliancy of the State of CT and Town, and services for/too the Disability with focus on

Ensuring a Compliancy ADA Title I title II and III and remembers funding from federal funds and "In light of recent USDOJ Settlement agreement such as the Quinnipiac College, DDS, DSS, and Judicial Branch, Verses town and State business and/or vendors of within. All needing General updated as to ADA Administrative Procedures for the enforcement of ADA Title I, title II and title III.

(2) The extent of noncompliance with the provisions of subdivision:

**Congress** Found In its analysis, the district court also looked to the ADA's legislative history and the Department of Justice's regulations and Technical Assistance Manual, all of which support the court's interpretation of the plain language With respect to of the statute. **Title II of the ADA, the House Committee on Education and Labor stated:** The Committee has chosen not to list all the types of actions that are included within the term "discrimination", as was done in titles I and III, because this title essentially simply extends the anti-discrimination prohibition embodied in section 504 to all actions of state and local governments. **Title II of the bill makes all activities of State and local governments subject to the types of prohibitions against discrimination against a qualified individual with a disability included in section 504 (nondiscrimination).**H.R.Rep. No. 101-485(II), at 84, 151 (1990), reprinted in 1990 U.S.C.C.A.N. 303, 367, 434 As the preamble to the Department of Justice regulations (emphasis added). explains, "[T]itle II applies to anything a public entity does. All governmental activities of The A at 456 (1996). 28 C.F.R. pt. 35, app. public entities are covered." Department of Justice's Technical Assistance Manual, which interprets its regulations, specifically refers to zoning as an example of a public entity's obligation to modify its policies, practices, and procedures to avoid The Americans with Disabilities Act: Title II Technical discrimination.8 1 (1993) ("TA Manual"). - See more at: II-3.6100, illus. Assistance Manual §

<http://caselaw.findlaw.com/us-2ndcircuit/1057881.html#sthash.4j8EtILv.dpuf>

**Under title 7 U.S. Code, Chapter 51, Section 2011. Congressional declaration of policy.**

Section 504, protects qualified individuals like the Appellant with his disabilities, under Section 504 persons with disabilities that affect major life activities are caring for one's self, walking, seeing, hearing, speaking working.

Rehabilitation Services: title 29 U.S. Code, Chapter 16, General Provisions Section 701, Finding; Purpose; reads;

"(a)(1) Millions of Americans have one or more physical disabilities with disabilities increasing."

"(2) Individuals with disabilities constitute one of the disadvantaged groups in society."

"(a)(6) The goals of the Nation properly include the goal of providing individuals with the tools necessary to-

(B) Achieve equality of opportunity, full inclusion and integration in society, employment, independency living, and economic and social self-sufficiency, for such individuals."

The United States Supreme Court interpretation of **504 Rehabilitation Act in Alexandra v. Choate, 469 U.S. 287 301-02 (1985)** the Court concluded that Congress intended to protect disabled persons from discrimination from thoughtlessness.

## **(2(a))**

Committee charges will ensure the Conn general statutes, state Policy and the role of the court in enforcing compliance with said subdivision, and (3) whether the state

Should adopt new laws and Regulations to ensure Compliancy of all.

## **Such study shall include,**

But not be limited to, an examination of state statutes applicable to an action involving the due process rights and Equal Protection of law and liberties interest of services to the disabled community using services of the ways congress intended on a protected Class of citizens of Conn. Such study may include recommendations for legislation on matters studied by the task force.

**(b)** The task force shall consist of the following members:

**(1)** One appointed by the speaker of the House of Representatives, who shall be a practicing attorney with significant experience in the Civil Rights of Disability Matters and Peoples with matters in state courts due process rights and Equal Protection of law and liberties interest;

**(c)** One appointed by the president pro tempore of the Senate, who shall be a practicing Attorney with not less than ten years' experience serving:

**(3)** One appointed by the majority leader of the House of Representatives, who shall be a licensed mental health professional with expertise in Disability with evaluations of or a licensed mental health professional with expertise working with Disabled Communities';

**(4)** One appointed by the majority leader of the Senate, who shall be an employee of the Advocated for the disabled or Within Support Services Disabled Communities' due process rights and Equal Protection of law and liberties interest

**(5)** One appointed by the minority leader of the House of Representatives, who shall be a mental health professional with expertise in working with Disabled family with in the system of services to;

**(6)** One appointed by the minority leader of the Senate, who shall have personal or Professional experience in matters involving allegations of Discrimination on to a disabled Communities, engaging in a persistent pattern of denigrating, negatively influence in the due process rights and Equal Protection of law and liberties interest of life for/or to the disabled community or by association of perception of been disabled.

(7) Two jointly appointed by the chairpersons of the joint standing committee of the General Assembly having cognizance of matters relating to the judiciary, one of whom shall be a member of said joint standing committee, and one of whom shall be a practicing attorney with significant experience in the ethical obligations involving ADA Title I, Title II and Title III with the due process rights and Equal Protection of law and liberties interest

(8) Two jointly appointed by the chairpersons of the joint standing committee of the General Assembly having cognizance of matters relating to Disabled children, one of whom shall be a member of said joint standing committee.

(c) Any member of the task force appointed under subdivisions (1) to (8), inclusive, of Subsection (b) of this section may be a member of the General Assembly.

(d) All appointments to the task force shall be made not later than thirty days after the Effective date of this section. Any vacancy shall be filled by the appointing authority.

(e) The speaker of the House of Representatives and the president pro tempore of the Senate shall select the chairpersons of the task force from among the members of the task force.

Such chairpersons shall schedule the first meeting of the task force, which shall be held not later than forty-five days after the effective date of this section.

(f) The administrative staff of the joint standing committee of the General Assembly having cognizance of matters relating to the judiciary shall serve as administrative staff of the task force.

(g) Not later than **February 1, 2020**, the task force shall submit a report on its findings and recommendations to the joint standing committee of the General Assembly having

Cognizance of matters relating to the judiciary, in accordance with the provisions of section **11-4a** of the general statutes. The task force shall terminate on the date that it submits such report or **JULY 1 , 2020**, whichever is later.

**Approved July 12, 2020**

### **Settlement Agreement and Laws to be review but not limit too:**

Air Carrier Access Act of 1986 49 U.S.C. § 41705

Implementing Regulation: 14 CFR Part 382

Americans with Disabilities Act of 1990 42 U.S.C. §§ 12101 et seq.

Implementing Regulations:

29 CFR Parts 1630, 1602 (Title I, EEOC)

28 CFR Part 35 (Title II, Department of Justice)

49 CFR Parts 27, 37, 38 (Title II, III, Department of Transportation)

28 CFR Part 36 (Title III, Department of Justice)

47 CFR §§ 64.601 et seq. (Title IV, FCC)

Architectural Barriers Act of 1968 42 U.S.C. §§ 4151 et seq.

Implementing Regulation: 41 CFR Subpart 101-19.6

Civil Rights of Institutionalized Persons Act 42 U.S.C. §§ 1997 et seq.

Fair Housing Amendments Act of 1988 42 U.S.C. §§ 3601 et seq.

Implementing Regulation: 24 CFR Parts 100 et seq.

Individuals with Disabilities Education Act 20 U.S.C. §§ 1400 et seq.

Implementing Regulation: 34 CFR Part 300

National Voter Registration Act of 1993 42 U.S.C. §§ 1973gg et seq.

Section 501 of the Rehabilitation Act of 1973, as amended 29 U.S.C. § 791

Implementing Regulation: 29 CFR § 1614.203

Section 503 of the Rehabilitation Act of 1973, as amended 29 U.S.C. § 793

Implementing Regulation: 41 CFR Part 60-741

Section 504 of the Rehabilitation Act of 1973, as amended 29 U.S.C. § 794

Over 20 Implementing Regulations for federally assisted programs, including:

34 CFR Part 104 (Department of Education)

45 CFR Part 84 (Department of Health and Human Services)

28 CFR §§ 42.501 et seq.

Over 95 Implementing Regulations for federally conducted programs, including: 28 CFR Part 39 (Department of Justice)

Section 508 of the Rehabilitation Act of 1973, as amended 29 U.S.C. § 794d

Telecommunications Act of 1996

47 U.S.C. §§ 255, 251(a)(2)

Voting Accessibility for the Elderly and Handicapped Act of 1984

42 U.S.C. §§ 1973ee et seq.

THE UNITED STATES OF AMERICA AND QUINNIPIAC UNIVERSITY UNDER THE AMERICANS WITH DISABILITIES ACT 12/29/14

United States Department of Justice and the Connecticut Judicial Branch, November 2003

Raymond v. Rowland Civil Action NO. 3:03CV0118 (MRK) May 31, 2007

THE UNITED STATES OF AMERICA AND HOSPITAL FOR SPECIAL CARE, NEW BRITAIN, CONNECTICUT UNDER THE AMERICANS WITH DISABILITIES ACT DJ # 202-14-147



THE UNITED STATES OF AMERICA AND THE CITY OF NEW HAVEN,  
CONNECTICUT Department of Justice Complaint Nos. 204-14-143/204-14-144

THE UNITED STATES AND THE LEARNING CLINIC DJ # 202-14-133

The United States of America and Silver Hill Hospital, for Complaint DJ# 202-14-44

Connecticut Early Learning Center to Ensure Equal Opportunity for Children with  
Autism June 28, 2011

Connecticut Office of Protection and Advocacy v. State of Connecticut – 3:06-CV-179 –  
(D. Conn. 2006)

THE UNITED STATES OF AMERICA AND THE CITY OF ANSONIA, CONNECTICUT

DEPARTMENT OF JUSTICE COMPLAINT NUMBER 204-14-150

THE UNITED STATES OF AMERICA AND TOWN OF ROCKY HILL, CONNECTICUT  
UNDER THE AMERICANS WITH DISABILITIES ACT DJ # 202-14-117

THE UNITED STATES OF AMERICA, MICHELLE DUPREY, THE CITY OF  
HARTFORD, CONNECTICUT INNOVATIONS, INC., AEG MANAGEMENT CT LLC,  
NORTHLAND TRUMBULL BLOCK LLC, NORTHLAND TOWER BLOCK LLC, AND  
THE UNIVERSITY OF CONNECTICUT UNDER THE AMERICANS WITH  
DISABILITIES ACT DJ# 202-14-105

THE UNITED STATES OF AMERICA AND CROWN THEATERS DEPARTMENT OF  
JUSTICE COMPLAINT NUMBER 202-14-34

THE UNITED STATES OF AMERICA AND HARTFORD, CONNECTICUT UNDER THE  
AMERICANS WITH DISABILITIES ACT DJ 204-14-130

THE UNITED STATES OF AMERICA AND THE TOWN OF WINDHAM,  
CONNECTICUT DEPARTMENT OF JUSTICE COMPLAINT NUMBER 204-14-108

THE UNITED STATES OF AMERICA AND THE TOWN OF POMFRET,  
CONNECTICUT, UNDER THE AMERICANS WITH DISABILITIES ACT DJ 204-14-135

UNITED STATES OF AMERICA, Plaintiff-Intervener, v. MIDDLESEX MEMORIAL  
HOSPITAL, et al., No. 395-CV-02408 (AHN)

1994 class action Messier v. Southbury Training School (STS).

U.S. District Court on July 12, 2010As a result of the Order approving the Messier  
Settlement Agreement, the DDS affirms the commitment that professional judgment will be  
rendered by each interdisciplinary team at STS for each class member, and will include  
recommendations for the “most integrated setting” appropriate to the individual’s needs.

For purposes of the Agreement, the “most integrated setting” is defined as “a setting that enables individuals with disabilities to interact with non-disabled persons to the fullest extent possible.” 28C.F.R. pt. 35 app. A at page 571 (2009); *Olmstead*, 527 U.S. at 592.

#### U.S. District Court Approves Settlement; Individuals With Mental Illness To Live In Community-Based Residences With Support

Hartford, CT, July 2, 2014 – Approximately 130 people with mental illnesses currently housed in two nursing homes in Connecticut will be able to live in community residences and receive appropriate support services under a settlement approved today by a federal judge. Approval of the agreement was obtained by the Connecticut Office of Protection and Advocacy for Persons with Disabilities (OPA), supported by the Judge David L. Bazelon Center for Mental Health Law, and the law firm Stroock & Stroock & Lavan LLP.

U.S. District Court Judge Alvin W. Thompson approved the agreement, which resolves a lawsuit OPA filed seeking to require the State of Connecticut to meet its obligation under the Americans with Disabilities Act and the U.S. Supreme Court’s *Olmstead* decision to provide housing for people with mental illness in the most integrated setting with appropriate supports, rather than in nursing homes.

Testimony of Shelagh McClure, Vice Chair  
Connecticut Council on Developmental Disabilities  
Before the Education Committee  
March 18, 2019

**Submitted to: [edtestimony@cga.ct.gov](mailto:edtestimony@cga.ct.gov)**

Senator McCrory, Representative Sanchez, members of the committee. Thank you for the opportunity to present testimony in support of **RAISED H.B. No. 7353 AN ACT CONCERNING VARIOUS ISSUES RELATING TO SPECIAL EDUCATION**

I am Vice Chair of the Connecticut Council on Developmental Disabilities, a public agency whose mission is to promote independence and full inclusion of individuals with developmental disabilities in their communities, and to foster capacity building and system change. I am also the parent of a 28-year old son with Down Syndrome who lives at home with my husband and me. My son works part-time at a job that pays minimum wage, and he is a valued member of the office where he has worked for over three years.

My son was fortunate to have two involved parents who pushed for his inclusion in high school programs. He was also fortunate, because he did not seek to attend the vocational/technical schools, that he was not victimized by a discriminatory statute that kept him from pursuing vocational opportunities. I urge this Committee to support section 4 of HB 7353, which would repeal subsection (c) of 10-76q. Students with disabilities face many learning obstacles—it is disgraceful that the state has added a statutory barrier as well.

In the past 5 years, the Office of Civil Rights (OCR) has filed two separate complaints on behalf of students with disabilities. OCR has alleged the CTECS have treated students with disabilities in a discriminatory fashion in admissions, by discouraging applications and by imposing additional admission requirements. For students with disabilities who have been admitted, the OCR complaints cites the refusal to make appropriate accommodations, including

those that are well-established and used effectively in other public high schools, and they have created an environment that discourages students with disabilities and encourages them to leave the CTECS.

The allegations of the OCR are, standing alone, outrageous and, speaking as a parent, truly disheartening. But speaking as an advocate for people with disabilities, I know it is extremely hard for people with disabilities to get jobs, and access to opportunity is what my son's peers are asking for. The CTECS system has shut out people with intellectual and developmental disabilities (I/DD), based on flawed and outdated assumptions that they cannot work or perform certain jobs. This discriminatory policy must end, and people with I/DD must be given fair opportunity to receive the education and training provided at CTECS.

Under the federal Individuals with Disabilities Education Act, every student requiring special education services receives an individualized education plan—only that plan only can determine whether the student may attend the CTECS.

Let's have high expectations for all of our students, and provide an environment where they can succeed—with appropriate accommodations if needed. It is in the best interest of our students with I/DD, our communities, and our state if we give our young people with I/DD fair access to the tools to prepare them for work. This will offer the best chance for greater independence and economic self-sufficiency—our hope for all of our young people.

Testimony in Support of Section 4 of  
H.B. 7353 An Act An Concerning Various Issues Relating to Special Educations

Senator McCrory, Representative Sanchez and other esteemed members of the Education Committee,

Thank you for the opportunity to submit testimony in support of Section 4, lines 113-120, of HB 7353 which will repeal section C of Conn. Gen. Stat. §10-76q, so that Connecticut Technical and Career High Schools can no longer to use it to justify discriminating against students with disabilities.

For years Connecticut Technical and Career High Schools (CTECS) have used a loophole in a Connecticut statute (Conn. Gen. Stat. § 10-76q) to deny students with disabilities their rights under the Individuals with Disabilities Education Act (IDEA).

In the past 5 years, two separate complaints have been filed with the Office of Civil Rights on behalf of students with disabilities to address this. According to those official complaints and anecdotal information, CTECS have consistently violated the rights of students with disabilities in just some of the following ways:

- Imposing additional admissions criteria for students with disabilities;
- Refusing to make accommodations, including those that are well established and used effectively in other public schools;
- Discouraging parents from submitting applications for students with disabilities;
- Pushing special education students out once they are admitted.

By abusing this statute CTECS have not only evaded their legal responsibility to students with disabilities, they have also robbed them of the opportunity to receive vocational educational training in the trades, which according to the 2016/2017 US Talent Shortage Survey have been the hardest jobs to fill in the US for seven consecutive years.

All individuals should have access to any educational opportunity available in order to be independent and functioning members of society. To continuing allowing this form of discrimination against individuals with disabilities is a disservice to them and to the communities which they are a part of.

Thank you for the opportunity to be heard on this important issue.

**Rachel & Ian Merritt**  
**Plainville, CT**



## TESTIMONY IN SUPPORT OF H.B. 7353

### AN ACT CONCERNING VARIOUS ISSUES RELATING TO SPECIAL EDUCATION

Good morning Chairman McCrory and Chairman Sanchez, Vice Chair Abrams, Vice Chair Barry, and members of the Education Committee. This testimony is submitted on behalf of the Center for Children's Advocacy (CCA), a non-profit legal organization, concerning HB 7353 An Act Concerning Various Issues Relating to Special Education.

CCA provides holistic legal services to Connecticut's poorest and most vulnerable children through both individual representation and systemic advocacy. Through all of our projects and geographical locations, CCA attorneys represent children with disabilities who have a host of educational needs.

In 2016, CCA and Greater Hartford Legal Aid filed a systemic complaint against Connecticut Technical Education and Career System (CTECS) to the Office of Civil Rights. We represented ten students, with a range of needs and disabilities; some students only required a few periods per week in a "resource room" setting. Yet all were rejected by CTECS due to its assertion that they could not—and *did not have to*—provide for the low-level needs of these students. This complaint is still under investigation.

Our advocacy around **Section 4 of H.B. 7353** is shared with a collaborative workgroup which includes advocates, attorneys, public school educators, legislators, and parents of children with disabilities who have been denied admission to CTECS.

**We urge you to support 7353 so that CTECS can no longer use Conn. Gen. Stat. §10-76q to justify discriminating against students with disabilities in the admissions process.**

This statute is in contravention of the Individuals with Disabilities Education Act (IDEA) which requires *all public schools* to program for children with disabilities. This statute also contravenes federal anti-discrimination laws which require children with disabilities to be afforded the same opportunities as their typical peers.

*No other public school can refuse to admit children with disabilities- why should CTECS be allowed to do so?*

### What is the problem with §10-76q?

Currently, Conn. Gen. Stat. §10-76q gives CTECS the ability to unilaterally decide that they are unable to serve the needs of an applicant, even if the sending school district, who ostensibly has years of experience with that child, has recommended the child for admission. Every other program or placement decision made for students with disabilities, pursuant to IDEA, must

occur by the consensus of the members of the PPT. This is the only such statute that allows the decision to be made outside of that legal convention. After making the decision to refuse admission, CTECS then sends the student back to his/her local public school district to determine the child's placement. This determination happens before the child is even allowed to enroll—so CTECS is making a placement decision without any firsthand knowledge of the child. They base their decision on the records alone, and adhere to the principle that they shouldn't have to make a "fundamental alteration" to their CTECS program to accommodate any child's needs. CTECS also uses this statute to push out kids with disabilities who they have decided they can no longer serve. For example, I have a client with severe Dyslexia, Abraham, who was a star student and made the honor role each quarter. His technical school decided that they could not provide the academic services he needed to meet his reading goals and tried to use this statute to push him out of the school at a PPT. Because of our advocacy, he was able to stay and will be graduating with honors this spring. Abraham felt so strongly about helping other kids who are in his same position that he decided to travel from Bridgeport to testify at the public hearing for this bill.

Unless Section 4 of this bill is passed, we will continue to see CTECS schools pushing out or coercing students with disabilities not to apply or enroll. Statistics from the State Department of Education's recent report "Connecticut Technical and Education Career System Admissions Process: Review and Recommendations" show that **while 14.8% of the state's total school population receives special education services, only 9.6% of children enrolled in CTECS do**. This disparity is a glaring one and needs to be addressed. Students with disabilities need to have a place in CTECS.

#### **How will this bill address this problem?**

By repealing 10-76q and removing this loophole for CTECS, the technical schools will be required to serve students with disabilities as does any other Local Educational Agency (LEA). They will not have the ability to unilaterally reject students with disabilities, or push them out when they decide they no longer want to serve their special needs. Instead, the default presumption will be that CTECS, like any LEA, is required to meet the needs of children in the least restrictive environment that is appropriate for that child.

Of course, not every Career or Technical Education program ("shop") is suitable for every type of child. Just as they do with regular education students, CTECS should help guide a student to choose a shop that is best suited to his/her needs. With a full complement of 11 shop offerings, there should be opportunities for a diverse set of learners to access the curriculum.

**Every other LEA is bound by state and federal law to program for *all* students, including those with disabilities—CTECS should be no exception.**

#### **We also support the other proposed changes to special education laws by this bill.**

We are strongly in favor of the addition of CTECS into the definition of a "local or regional board of education" (Section 1), as it reinforces the fact that CTECS must be bound by the same federal special education laws as any other LEA. We are also in favor of the provisions

that strengthen notice to parents and students regarding special education legal rights (Section 3), protect educators who share their professional opinions and recommendations for students with disabilities from retaliatory conduct (Section 5), and create a working group to study the gap in services for children ages 3-5 (Section 6).

Thank you for your time and consideration. Please do not hesitate to contact me with questions or concerns.

Respectfully submitted,

Kathryn Scheinberg Meyer, Esq.  
Center for Children's Advocacy  
[kmeyer@cca-ct.org](mailto:kmeyer@cca-ct.org)





Greater Hartford Legal Aid



Connecticut Legal Services

NEW HAVEN  
LEGAL  
ASSISTANCE  
ASSOCIATION, INC.

### **Testimony in Support of H.B. 7353**

This testimony in support of H.B. 7353 to repeal C.G.S. § 10-76q (c) is submitted on behalf of Greater Hartford Legal Aid, Connecticut Legal Services, and New Haven Legal Assistance. Collectively, our non-profit legal services organizations provide free legal assistance to the low-income persons throughout the state of Connecticut through individual representation and systemic advocacy. Each of our organizations represents families with children with disabilities with educational needs. We have long been concerned about the treatment of students with disabilities by the Connecticut Technical Education and Career Systems (CTECS).

In August 2016, Greater Hartford Legal Aid and the Center for Children's Advocacy jointly filed a systemic complaint with the Office of Civil Rights, U.S. Department of Education, against the CTECS (then the Connecticut Technical High School System) on behalf of all students with disabilities who were discriminated against during the admissions process. Our representative students came from different communities, applied to different CTECS schools, and had varied learning styles. In each case, the student was preliminarily accepted to CTECS but then denied admission following the PPT convened by CTECS, often without the student's sending district's involvement or input. CTECS denied admission, asserting it had no obligation to provide programming for these students or to alter its inflexible program model. The complaint is still under investigation.

More recently, legal services has joined with a greater coalition of advocacy groups, attorneys, public school educators, legislators, and parents of children with disabilities who have been denied admission to CTECS, a number of whom are providing separate testimony in support of H.B. 7353.

#### **The problem with C.G.S. § 10-76q (c)**

C.G.S. § 10-76q(c) as it currently stands allows CTECS to circumvent its obligations under federal special education law (IDEA) and further permits the discriminatory exclusion of students with disabilities from its program. The law allows the CTECS' PPT to deny admission to students based often on records alone and allows CTECS to push-out special education students rather than program for them. In essence, C.G.S. § 10-76q (c) statutorily turns the PPT process into a force of exclusion rather than a force for inclusion. In essence, it sanctions the wielding of the PPT process as a sword, rather than a shield.

As a result of CTECS' discriminatory practices, students with disabilities remain significantly underrepresented in the student population in the CTECS. For 2017-18, statewide 14.8% of the student population received special education services, while disproportionately only 9.6% of CTECS' student population is comprised of students with disabilities. Similar patterns exist over the past 6 years, with individual CTECS schools showing an even greater disparity. *See* State Department of Education, CTECS Admissions Process: Review and Recommendations, Attachment 5 (2018).

No other public school, including charter and magnet schools, can contravene the requirements of IDEA in this way. No other public school can deny admission to students with disabilities. No other public school can refuse to program for students with disabilities. As a public school, CTECS should not be permitted to continue with these practices.

H.B. 7353 eliminates C.G.S. § 10-76q (c)

Sections 1 and 4 of the bill together affirmatively identifies CTECS as a "Local Educational Agency" (LEA) which underpins its obligation to comply with IDEA and repeals subsection (c) of C.G.S. § 10-76q which misuses the PPT process. In doing so, HB 7353 mandates CTECS to behave as do all other public schools in Connecticut. It requires CTECS to provide a free and appropriate education to all students with disabilities in the least restrictive environment that is appropriate for that student.

**With H.B. 7353, all of a student's protections under federal and state law for students with disabilities remain.** All that is eliminated by H.B. 7353 is the CTECS' ability to exclude or cast off students with disabilities. We urge passage of the bill.

We further support passage of sections 3, 5 and 6 of H.B. 7353 requiring increased notice to parents, protection against retaliation for school staff who share professional opinions, and the creation of workgroup to explore the gap in services for children ages 3-5.

Thank you for your consideration of this testimony. If you have any questions or concerns, please feel free to contact Attorney Maria Morelli-Wolfe, GHLA, at 860-541-5042 or via email at [mmorelliwolfe@ghla.org](mailto:mmorelliwolfe@ghla.org).



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**Executive Director**  
 Donald E. Williams Jr.

## Testimony of

**Brendan Murphy**

Before the Education Committee

**Re: HB 7353 AAC Various Issues Relating to Special Education**

March 18, 2019

Good afternoon Senator McCrory, Representative Sanchez, and members of the Education Committee. My name is Brendan Murphy, and I have been on staff with the Connecticut Education Association (CEA) representing teachers in Fairfield County for the last three plus years.

I am here today to support HB 7353, which protects teachers from reprisal in any form for expressing their professional opinion in a PPT or pre-PPT meeting. As a former special education teacher, I can attest to the pressure that is put on teachers to conform or go along with whatever the administration is proposing at a PPT meeting. Teachers need to be able to speak up and express their professional opinion as to what they feel is best for a specific student. Teachers need to not fear any reprisal because they express their professional opinion, even if their opinion is not popular with administration. The ability to speak freely about what is best for a student with special needs is imperative.

In one district that I worked in as a CEA staff member, a teacher disagreed with administration around what was best for a particular student. The teacher was non-tenured and subsequently told that she was going to be non-renewed (in other words, released without cause). The teacher had to resign and has since left teaching entirely because she spoke up and advocated for the needs of her students. This bill would help prevent things like that from happening in the future. Teachers should not fear that they might lose their jobs if they speak up and advocate for the needs of a special education student.

Often times, the biggest problem area in advocating for students with special needs is the associated cost. Teachers are told to not recommend certain placements, accommodations, or services that come with a high cost, even if, in the teacher's professional opinion, it is what is best for the student. This should not be the case. Teachers should feel empowered to advocate for students' needs and know that their advocacy will not be held against them.

Thank you for your time and consideration.

March 18, 2019

Testimony in Support of Section 4 of  
H.B. 7353 An Act Concerning Various Issues Relating to Special Educations

Senator McCrory, Representative Sanchez and other esteemed members of the Education Committee,

Thank you for the opportunity to submit testimony in support of Section 4, lines 113-120, of HB 7353 which will repeal section C of Conn. Gen. Stat. §10-76q, so that Connecticut Technical and Career High Schools can no longer to use it to justify discriminating against students with disabilities.

I want to show you a picture, the guy on the left is my son, he is a senior at Daniel Hand High School in Madison, Connecticut, the guy on the right is a race car driver. The trophy in the middle, is for winning the Granite State series, late model pro stock competition. The youngest driver to ever do so. My son has been working with this race car driver on the pit crew for three-years.

These two have a lot in common, they both live in Madison, love cars, both are persons with autism, and both were discouraged from applying to a Technical High school because they had IEP's.

Without having certification that can be acquired by attending a Technical High School, neither of these young men can work in the auto industry. Last year, my son who was then a junior, was placed by BRS at Goodwill, sorting clothing. This year he will be stocking shelves, that is if the robot doesn't take his job first

4 years ago, when I was told that the Technical High Schools are not equipped to handle students with IEP's I folded like a bad hand in cards.

But no more, now I am educated, and I am angry and this discrimination against students with IEP's must stop.

One of the main arguments I was given for not accepting students with IEP's was the rigor of the academics. Recently, I looked up the math and reading proficiency scores for all of the Technical high schools, as based on the CT school day SAT results and I was shocked. What I discovered is that 13 of 16 schools had zero proficiency in math and of the three schools that did show proficiency in math the highest percentage was a 23% .

In reading, one school scored as low as 18 % proficiency, with the highest being 59% proficiency.

It is time that we stop living in fear of what students with disabilities might do to the performance of a Technical High School and begin to actively encourage the applications from students with IEP's. Not because it is the law, and not because the workforce is in desperate need for skilled labor, but because research shows time and again, that schools that practice inclusion and teach to the full range of students, raise the performance of **all** students in the school, as measured by test scores, attendance and social behaviors.

By not creating an inclusive environment in these Technical high schools we are doing a disservice to all students.

We have a real problem, with a real solution, remove the discrimination from admittance into Technical high schools and educate all students to attain a certificate that could fill one of the many job openings that are available today.

Albert Einstein said -

*"Everybody is a genius, but if you judge a fish by its ability to climb a tree it will live it's whole life believing it is stupid."*

Stop and ask yourself, who looks like the fish trying to climb the tree today?

Thank-you for your time, I am grateful to be here and to be heard.

Lisa Nee

Madison, CT

To Whom It May Concern:

My name is Lori O'Connell and I am writing to support HB 7353, An Act Concerning Various Issue Relating to Special Education. In particular, and to be very specific, I support line 113-120 in Section 4 of HB 7353 to repeal section c Conn. Gen. Stat. §10-76q so that CTECS can no longer to use it to justify discriminating against students with disabilities in the admissions process.

I am a Senior Global Human Resources, Workplace Solutions and Security professional for a global software company. In that role, I employee professionals as well as tradesmen to identify where we need talent and then design, build, manage and secure the global offices to support that talent. There is a serious labor shortage.

In my professional capacity, I work closely with electricians, carpenters, HVAC technicians, security specialists, audio visual technicians, computer help desks coordinators, etc. I am often called in to shadow HR Business Partners to help with employees (software engineers, IT techs, etc..) who are struggling with communication and/or social skills because of my professional and personal experience. MANY with IEPs can be highly productive in these fields and a 4-year degree is just not required. MANY with IEPs can be highly productive with 4-year degrees but can struggle navigating through that as well. In fact, as part of our STEM efforts, we are specifically targeting technical high schools for talent with the intention of having them work while obtaining their secondary education to help them navigate through that process.

I am also the mom of a son, Devin O'Connell, who attended Daniel Hand High School. They worked with us to support his IEP requirements. However, his high school education was not effective because it was trying to prepare him to attend a four year college, which made no sense at all. It was extremely stressful for him because he felt insufficient in his capabilities and felt that he was being pressured every day to try and achieve something he was never going to achieve, a 4 year college education. Since high school, after two years in minimum wage jobs, he is indeed attending a technical school that teaches him what he could have learned through a CT Technical Education, putting him behind his peers who were able to participate in a technical education program.

It is critical that students who have special education requirements be admitted into public technical education schools. These students can often learn a valuable technical skill that would enable them to obtain a good paying job and live a life similar to those of their peers. They would also be in a educational institution with those who have more in common with them and not feel like such outcasts. Not doing so punishes them for their disability which is unacceptable to the individual and to their communities. It reduces the possibility of them becoming a productive, respected member of their community. It increases the risk of feeling worthless and depression.

Discrimination in any capacity is not acceptable in this world. To have discrimination within Connecticut's public education system is simply wrong and sends such an ugly message to our special education students, at such a young age and to those who are often already bullied in general. So I am asking the State of CT to stop discriminating against special education

students.... they already have much more to deal with in their lives than most of us will every have to endure. Pass HB 7353!

Warmest Regards,

Lori O'Connell  
506 Boston Post Rd  
Madison, CT . 06443  
2039077690

Testimony in Support of Section 4 of  
H.B. 7353 An Act An Concerning Various Issues Relating to Special Educations

Senator McCrory, Representative Sanchez and other esteemed members of the Education Committee,

Thank you for the opportunity to submit testimony in support of Section 4, lines 113-120, of HB 7353 which will repeal section C of Conn. Gen. Stat. §10-76q, so that Connecticut Technical and Career High Schools can no longer to use it to justify discriminating against students with disabilities.

For years Connecticut Technical and Career High Schools (CTECS) have used a loophole in a Connecticut statute (Conn. Gen. Stat. § 10-76q) to deny students with disabilities their rights under the Individuals with Disabilities Education Act (IDEA).

I am writing from my own, personal experience with my son. He too was discriminated against for having a 504/IEP and was not accepted at Abbott Technical School, Danbury. To say that my son was devastated and incredibly wounded by this news is an understatement. We were informed by one of Ridgefield High School staff members, that Abbott Tech said they were not “equipped” for SPED students - my son had severe ADHD, all he ever wanted to be was a qualified mechanic - his hopes were completely dashed. Never given the chance to succeed”.

In the past 5 years, two separate complaints have been filed with the Office of Civil Rights on behalf of students with disabilities to address this. I am surprised that there arent more, quite honestly. According to those official complaints, and from our own experience, I can personally attest that CTECS have consistently violated the rights of students with disabilities in just some of the following ways:

- Imposing additional admissions criteria for students with disabilities;
- Refusing to make accommodations, including those that are well established and used effectively in other public schools;
- Discouraging parents from submitting applications for students with disabilities;
- Pushing special education students out once they are admitted.



By abusing this statute CTECS have not only evaded their legal responsibility to students with disabilities, they have also robbed them of the opportunity to receive vocational educational training in the trades, which according to the 2016/2017 US Talent Shortage Survey have been the hardest jobs to fill in the US for seven consecutive years.

Thank you for the opportunity to be heard on this important issue.

A handwritten signature in black ink, reading "Tracey O'Connor". The signature is fluid and cursive, with the first name "Tracey" and last name "O'Connor" clearly distinguishable.

TRACEY O'CONNOR,  
TOWN OF RIDGEFIELD

**SENATOR CATHY OSTEN**  
*Nineteenth District*

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**State of Connecticut**  
**SENATE**

*Chair*  
 Appropriations Committee

*Vice Chair*  
 Labor & Public Employees Committee  
 Public Safety & Security Committee

*Member*  
 Legislative Management Committee  
 Regulation Review Committee  
 Transportation Committee  
 Veterans' Affairs Committee

Education Committee  
 March 18, 2019  
 LOB 1E 12:00 PM

**In SUPPORT of House Bill 7353**  
*An Act Concerning Various Issues Relating to Special Education*

Chairman McCrory, Chairman Sanchez, and distinguished members of the Education Committee, I am here to testify in support of House Bill 7353, *An Act Concerning Various Issues Relating to Special Education*.

My name is Cathy Osten and I represent the 19<sup>th</sup> Senate District, which includes the towns of Columbia, Franklin, Hebron, Lebanon, Ledyard, Lisbon, Marlborough, Montville, Norwich, and Sprague. I'd like to begin my testimony by thanking this committee for raising this important legislation. As you know, parents, students, educators, and advocates of persons with intellectual disabilities have worked tirelessly over the years to break down barriers and expand equal access and opportunity. I believe the provisions outlined in this bill are yet another step on the road to achieving this goal.

Specifically, it is imperative that we include the technical and high school system in the definition of local or regional board of education in order to ensure that students with special education needs are not denied the opportunities to learn new technical skills or pursue their passion for a rewarding career in a trade. It is my understanding that, in the last five years, there have been two formal complaints filed with the Office of Civil Rights alleging that the Connecticut Technical High School System routinely denies students with disabilities their rights under the Individuals with Disabilities Education Act (IDEA), the Americans with Disabilities Act (ADA), and Section 504 of the federal Rehabilitation Act of 1973.

It is also essential that we clarify our statutes to require schools to provide special education to our children at their current school. Maintaining a child's enrollment at his or her current school and providing the needed instruction and services is not only appropriate to fully a child's Individual Education Plan (IEP) or 504 plan, but more importantly, is essential to developing and nurturing a student's intellectual, physical, and socio-emotional health.

Thank you again for the opportunity to testify in support of House Bill 7353. I look forward to working with the leadership and members of this committee on this bill's passage.

Testimony in Support of Section 4 of  
H.B. 7353 An Act An Concerning Various Issues Relating to Special Educations

Senator McCrory, Representative Sanchez and other esteemed members of the Education Committee,

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In the past 5 years, two separate complaints have been filed with the Office of Civil Rights on behalf of students with disabilities to address this. According to those official complaints and anecdotal information, CTECS have consistently violated the rights of students with disabilities in just some of the following ways:

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By abusing this statute CTECS have not only evaded their legal responsibility to students with disabilities, they have also robbed them of the opportunity to receive vocational educational training in the trades, which according to the 2016/2017 US Talent Shortage Survey have been the hardest jobs to fill in the US for seven consecutive years.

Thank you for the opportunity to be heard on this important issue.

Sincerely,

Al Piehl  
Avon, CT

Bill: HB 7353 Act concerning various issues  
Relating to Special Education

Name: Leslie Prior

Home: Tolland

Credentials: Career firefighter, past paramedic,  
Mom to 5, 4 of whom have some sort of  
developmental delay/LD, Partner's in  
Policy/Advocacy Grad.

I support line 113-120 in Section 4 of HB 7353  
to repeal section c Conn. Gen. Stat. §10-76q so  
that CTECS can no longer to use it to justify  
discriminating against students with disabilities  
in the admissions process.

My connection with this process is my son,  
Gavan Prior and his inability to access the CT  
Tech HS system due to his diagnosis.

My son, Gavan, came into this world a month early. While I appreciated the tax break (his BD is 12/31!) I would have been happier had he waited a bit. I assumed NICU was our hurdle with him.....little did I know.

By age 13 months he wasn't speaking anymore. By 15 months, Gavan had lost all words, gestures and didn't respond to his name. We got the dx of autism by age 2 and my quest to give Gavan the best chance to bloom began.

Gavan couldn't be here as he is busy taking advantage of every short moment of time he is granted during transition, so I'll be speaking for him.

Gavan loves media arts in its many forms....video editing is his specialty. Our State technical HS's offer this as a field of study so of course I decided to check into the program for my son due to his interest, drive and talent in this area.

As background.....

During the years 18 thru 21, kids with special needs are allowed to continue being educated in our schools and through our transition programs. This is the case because it is understood they are on a different timeline than most of our kiddos.

Unfortunately, our public, State owned Technical HS's do not see their facilities as a proper placement for kids, such as my son, Gavan. They do not see their facility as a place for a child with autism to pick up the knowledge that may propel them into a paying,

rewarding career. These decisions are often made without even taking a peek at an IEP... no dialogue between the tech school and my son's HS. In our case the decision was made with a simple, "We don't do that." No amount of "Whys" seemed to garner me any further knowledge in this matter and I was left wondering how my son could be denied a chance to learn career skills in the same environment other kids learn because of a disability?

I have been forced to find alternative strategies and internship positions that would, hopefully, afford him a similar experience and allow him to learn and progress into a job within his preferred field. Thankfully, with the help of his transition program, opportunities are appearing.

My experiences with our Tch HS's have made me question what we are really talking about

when we speak of diversity and inclusion? 'Entitlements' and welfare reform? If we have the means to educate a child in an area of strength, using a free, appropriate, public education, then why? Why wouldn't we grab that opportunity to keep someone out of the system and help give them the gift of independence? So I'm here hoping Gavan's story will cause you to consider these questions and think about what you really want for our kids, our State and what kind of example CT is setting within the world of special education and beyond.

Thank you for your time and consideration.






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Connecticut Association of Public School Superintendents

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**TESTIMONY ON RAISED BILL 7353**  
**AN ACT CONCERNING VARIOUS ISSUES RELATING TO SPECIAL EDUCATION**

To: Senator McCrory, Representative, Representative Sanchez, Senator Berthel, Representative McCarty and Members of the Education Committee:

The Connecticut Association of Public School Superintendents (CAPSS), which represents the Superintendents of Connecticut's public schools and over a hundred other executive district leaders, thanks you for the opportunity to testify on **Raised Bill 7353**. We wish to address two concerns with the bill.

First, we support the Technical Educational and Career System being included in the definition of a local or regional Board of Education. We support this proposal with the understanding that the technical schools will be subject to the same State statutes as are local or regional Boards of Education.

CAPSS is pleased to see this bill raised because of concerns that school districts have brought forward regarding the acceptance practices exhibited by some technical high schools in determining whether to accept certain students into their programs. Specifically, in many cases related to special education students, some technical high schools have initially accepted a student, and then after learning that the student is identified special education, they review the records and immediately decide they cannot service this student, and reject the application. There is no discussion with the sending school around the student in advance of the decision. There have been other instances in which a student has been accepted, and is attending, but because the student may need extra support, e.g., a paraeducator, the family is told that the school cannot meet his/her needs and is pressured to return their child to the home school district.

Both of these practices are discriminatory to the student and are the antithesis of what Connecticut stands for with respect to educational equity. To reiterate, we support this new language and wish to go on record that we expect the technical high schools to adhere to the same statutes governing all regional and local school districts with respect to all children having an equal opportunity to education.

Second, related to this same **Raised Bill 7353**, we wish to raise a concern about the new language in Section 3, D

... and III, maintain such child's enrollment at his or her current school and to require that such local or regional board of education provide special education to such child at such school...

We believe this language, specifically, “that a child be required to remain at his current school” and be provided services “at such school,” may put an undue financial burden on districts, and may be potentially detrimental to the optimal education/program needed for certain identified special education students. We know that this was not the intent of the language.

- Given that there are 14 identified disabilities under IDEA, and children, beginning at the age of three can be identified as needing special education services, the services are varied and diverse. For example, distinct programs may exist for children with autism; developmental delays; emotional disturbance; multiple handicapping conditions.
- Our concern is that the new language in the bill requires that services be provided in the school where the child was identified – “to require that such local or regional board of education provide special education to such child at such school....” While it would be ideal to be able to keep children in the school in which they are identified, doing so is not possible in most districts without incurring huge costs. For example, at the elementary level, having a program for children with autism is common. However, depending upon the number of identified children with autism and their age, the program(s) for these children may only be offered in a few of the schools in the district.
- We believe that this requirement is unintended. We recognize that parents have the right to advocate to remain in a school or to seek outplacement, but school districts need to be able to determine where service for children would be most effectively and efficiently be provided.

We request that the language in question requiring that children remain in the school in which they were identified be removed because of its unintended consequences, namely, potentially contributing to a shortage of expert staffing to work with particular children; increased costs to hire staff and purchase instructional materials and furniture to duplicate the program in multiple schools; and potential isolation of children with particular disabilities because in the school where they were identified they may have no like peers.

Respectfully submitted:  
 Fran Rabinowitz  
 Executive Director  
 Connecticut Association of Public School Superintendents

Testimony in Support of Section 4 of  
H.B. 7353 An Act Concerning Various Issues Relating to Special Educations

Senator McCrory, Representative Sanchez and other esteemed members of the Education Committee,

Thank you for the opportunity to submit testimony in support of Section 4, lines 113-120, of HB 7353 which will repeal section C of Conn. Gen. Stat. §10-76q, so that Connecticut Technical and Career High Schools can no longer to use it to justify discriminating against students with disabilities.

For years Connecticut Technical and Career High Schools (CTECS) have used a loophole in a Connecticut statute (Conn. Gen. Stat. § 10-76q) to deny students with disabilities their rights under the Individuals with Disabilities Education Act (IDEA).

In the past 5 years, two separate complaints have been filed with the Office of Civil Rights on behalf of students with disabilities to address this. According to those official complaints and anecdotal information, CTECS have consistently violated the rights of students with disabilities in just some of the following ways:

- Imposing additional admissions criteria for students with disabilities;
- Refusing to make accommodations, including those that are well established and used effectively in other public schools;
- Discouraging parents from submitting applications for students with disabilities;
- Pushing special education students out once they are admitted.

By abusing this statute CTECS have not only evaded their legal responsibility to students with disabilities, they have also robbed them of the opportunity to receive vocational educational training in the trades, which according to the 2016/2017 US Talent Shortage Survey have been the hardest jobs to fill in the US for seven consecutive years.

Thank you for the opportunity to be heard on this important issue.

**Imelda T. Reno**

**24 Meadowview Ct.**

**Canton, CT 06019**

Sheri Romblad  
637 Opening Hill Rd  
Madison, 06443

RE: HB 7353 – SUPPORT AN ACT CONCERNING VARIOUS ISSUES RELATING TO SPECIAL EDUCATION

Dear Members of the Education Committee,

Please support HB 7353. These important changes provide safety plans, safety procedures, identify, track, and assess children who are Deaf/Hard of Hearing/Deafblind. These changes allow for better support, accountability, and life outcomes.

According to the US Government Accountability Office; “Deaf and Hard of Hearing children face significant challenges developing the language and literacy skills needed to succeed in school and become self-sufficient adults.” (<https://www.gao.gov/products/GAO-11-357>). These words should act as a wake-up call to how we educate this population. Prior to my child’s late diagnosis of hearing loss at age 8, his access to literacy was non-existent. By 5<sup>th</sup> grade he struggled with just reciting the alphabet. If appropriate assessments, tracking, and data had been in place with regards to his hearing loss, and the effect it was having on his literacy learning, we might not be in 9<sup>th</sup> grade retraining his brain to fill those foundational gaps. Not all children are identified at birth. “Research from a 2005 National Health Survey conducted by the Centers for Disease Control (CDC) indicated five out of every 1000 children are impacted by hearing loss, with cases being diagnosed between ages three to 17” (<https://www.healthyhearing.com/help/hearing-loss/children>), (<https://www.cdc.gov/ncbddd/hearingloss/data.html>)

“Apart from evaluators who lack the experience or skills to communicate with the children, another major problem is that evaluators often do not understand the communication and language development that apply to deaf children; nor do they recognize or comprehend the relationship between communication and language competence on one hand, and opportunity for appropriate emotional and social growth on the other.” (pg. 63 <https://www.gao.gov/products/135760>). The proposed legislation regarding the assessment and task force would 1) Allow us to track these children and monitor progress 2) Develop standards and tools by professionals who understand the diagnosis and what is involved for more effective measured results.

As for the proposed safety language. There are many “what if’s” that keep parents awake at night whether your child has a diagnosis or not. Here are some “what if’s” from a mom of a child with hearing loss. “What if my son takes a hearing break to the water fountain and leaves his aides on his desk, will he hear the gun shots?” or “What if my child’s hearing aide batteries are low, will he have enough time to change them out and listen to directions without panic while he sees classmates scrambling around for cover while alarms are going off?” At least if we start having these conversations with our teams and create a documented plan to cover the “what if’s” maybe we can rest a bit easier.

The proposed language in HB 7353 makes sense. It is a step forward to maximizing meaningful and safe outcomes to a very underserved population of children. Please support HB 7353.

Sheri Romblad  
Madison, CT 06443



701 Hebron Avenue – Third Floor – Glastonbury, CT 06033  
 Phone: 860.548.1747 Fax: 860.541.6484  
[www.conncase.org](http://www.conncase.org)

The intent of this letter is provide testimony on Raised Bill No. 7353, An Act Concerning Various Issues Relating to Special Education.

First, we commend the Education Committee for addressing pressing concerns and issues highlighted in the bill.

We will try to address certain aspects of the bill that ConnCASE supports, does not support or seeks further clarification.

Some areas of concern and/or clarification in the language highlighted in lines 81 to line 88, posed some concerns, the bill called for advisors and the school paraprofessionals assigned to such child to be present for all portions of meetings related to such child. We question, who are advisors. If the premise is such that advisors are parent advisors and/ or parent advocates, such language is not necessary, since parents have the right to bring anyone to the PPT process as they so choose. The issue for the LEA, if the LEA is now required to request the parent advisor to be present, then the issue of reimbursement may be requested by the parent. This will have a significant impact on budgets and more significant in the requirements of IDEA.

Paraprofessionals attendance at PPT meetings is typically an acceptable process for districts. In fact, the input especially for said one to one para is a vital resource. To mandate such a request may not be feasible especially in larger district that may not have the personnel resources to cover the para for an inordinate and potentially volume/frequency of meeting time. Caution needs to be taken so as not to mandate an already taxed local education budgets.

We request clarification on the following, (and (III) maintain such child's enrollment at his or her current school and to require that such local or regional board of education provide special education to such child at such school. This language is not clear.

The section raised as New lines 123 to 134. We will address in the following manner.

Of practical concern, how will one monitor a bill that stipulates that school staff will not be reprimanded or censored for speaking their concerns and/or issues with programs or services for their students. Whom would enforce the bill and more importantly what criteria for compliance would be established?

We do acknowledge though that if any staff member cannot advocate for the needs of the special education child, this is an issue that should be addressed. No school staff member or parent should ever be admonished for advocating for their respective student or having an equal voice at a PPT.

We would suggest a creation of a task force that has equal representation from SDE, Parent Groups, CPAC, CAPSS, and ConnCASE be created to address the concerns brought forth by the advocates of the language in the bill.

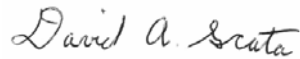
Finally, we do fully support the language the following:

The language in lines 98 to 108, the Technical Education and Career Systems need and most assume a greater role in education the special education child. Far too often, the special education child is either denied access to the Technical Schools or after the 1<sup>st</sup> year is asked to leave and return to the student's public school. This dual system of education the special needs child and the exemption of the Technical Schools of their responsibility must end. We commend the committee for inclusion of this language.

We support the language that calls for the creation of a working group to review the eligibility criteria for special education and related services that creates a gap and prevents children from experiencing a continuity of services. We ask the committee that in addition to members already suggested that a member of ConnCASE be part of the working group.

We appreciate the opportunity to provide testimony

Thank you

A handwritten signature in cursive script that reads "David A. Scata".

David Scata  
Executive Director  
ConnCASE

**Special Education Equity for Kids (SEEK-CT)<sup>1</sup>**  
**Censorship and Retaliation in Connecticut Public Schools**  
**February 24, 2019**

Overview

Connecticut parents, attorneys, and advocates have long heard from teachers and other school staff that they fear retaliation by administrators if they speak openly with parents about a child's special education needs. SEEK-CT conducted two surveys--one for parents and one for school staff--in order to quantify those concerns.

Links to the surveys were widely distributed through social media, website postings, and email lists affiliated with SEEK-CT, the Connecticut Parent Advocacy Center (CPAC), SpEd Connecticut, Connecticut Families for Effective Autism Treatment (CTFEAT), and Decoding Dyslexia. Responses were collected between 2/13/2019 and 2/19/2019.

Two hundred sixty Connecticut parents and 96 school staff members completed the anonymous, online surveys. Respondents were from all over the state—including urban, suburban, and rural districts.

Of the 96 Connecticut school staff participating, approximately 34% were regular education teachers, 24% were special education teachers, 18% were related services providers, 13% were paraprofessionals, and 11% identified themselves as "other."

Note that all respondents were given the choice to have their anonymous comments shared or to keep them completely private. Fifty-six percent of school staff and 38% of parents elected to keep comments private, many indicating that they feared retaliation. For some items, there were many more comments than we included in this report.

Results – school staff

1. ***30% of school staff say their district has policies/practices that limit parent/teacher communication.***

Comments (copied verbatim)

Unwritten practices that we cannot say a child needs services.

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<sup>1</sup> Special Education Equity for Kids (SEEK-CT) is Connecticut's first organization of parents, providers, advocates and attorneys, fighting for excellent education for the 70,000 Connecticut students with disabilities.

We are not supposed to tell parents to ask for a PPT<sup>2</sup> meeting.

Unwritten policies that school staff cannot make recommendations to parents, that they should not suggest parents ask for testing.

Teachers cannot freely recommend a child receive "services."

**2. 34% of school staff say they were given training regarding what to say/what not to say to parents.**

It is communicated verbally not to push for a PPT or to voice concerns.

It's all verbal. We are told not to use student names in emails for fear of FERPA.

Do not tell parents if services are not being given or inconsistent – do not tell parents that accommodations/modifications are ignored – NEVER recommend testing to a parent – do not tell parents if a child has been excluded from an activity. No training, just directives.

We are to instruct paras not to communicate directly, as they might "inadvertently say something incorrectly or misinterpret things"

As a paraprofessional, I am not allowed to talk to parents.

In CT teacher prep graduate program, the Special Education class instructs teachers to avoid saying that a student might need services. We are told that this is illegal and can cost us our license.

**3. 48% say that supervisors discourage them from speaking openly with parents regarding their child's needs related to special education.**

One must repeat the party line always.

Also, we are told that administrators and downtown decide what proper placement for a student should be, not the team in the PPT.

We are always to recommend SRBI<sup>3</sup> even if we have strong reasons to suspect a disability.

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<sup>2</sup> PPTs are Planning and Placement Team meetings, related to special education. PPTs are made up of school staff and parents. All decisions related to a child's special education program are supposed to be made by the PPT, not by the district unilaterally.

<sup>3</sup> SRBI is Scientific Research Based Intervention, also known as tiered intervention, a regular education initiative. The U.S. Department of Education has explicitly stated that SRBI should not be used to delay evaluation for special education.



I diagnosed a student with dyslexia & was told we were not bringing it up at the meeting; that his primary diagnosis of ED would remain b/c that is the real problem. At the meeting, I addressed the new diagnosis regardless & ask it be documented in the meeting minutes. I was later reprimanded for my actions.

I have been accused of conspiring with the family against the district. . . We have pre-meetings and my administrator tries to sway me/guide me/influence me before meetings directly with parents. . . We have been admonished not to recommend specific services.

(From a paraprofessional) The principal does not want us to talk to the parent. She only wants the teacher to talk to them even though I am the one who has more contact with the student than the teacher.

**4. 65% of school staff say they would be likely to be reprimanded or punished if they openly speak with parents about what their child needs related to special education.**

Yes, I have been put on warning that I could be written up if I spoke openly to a parent about concerns again.

I have heard of admins that have been let go or demoted based on making decisions that are "costing the district too much money."

If administration found out, yes.

I would likely lose my contract.

Big time repercussions!!! Sped supervisors and building principal would be all over me. NEVER.

Especially done on record at PPT. Director could find it insubordinate. If I do speak with parent openly, I would do 1:1.

**5. 72% say they are unable to make recommendations in a PPT that were not preauthorized by an administrator.**

Not without being reprimanded.

I need pre-approval to increase special ed hours, add/change tutor support, and transitional placement.

Strategies are held prior to PPTs. It's predetermination at its best.

We are required to get pre approval from admin for service increases, para support, and placement.

NEVER. Even as assistant principal, if a child needed serious resources, I couldn't say it. All recommendations are usually discussed prior to PPT.

Everything has to be OK'd by the director prior to the PPT. Services are decided and dictated prior to the PPT.

6. ***35% of school staff say administrators discourage them from referring students to special education.***

Referral to PPT is discouraged

Yes, they stay in SRBI process for years.

I considered making a referral for evaluation last year for a student at TIER 2 but backed down because I was afraid of retribution.

They want tons of data over long periods of time before a PPT is called.

We are not allowed to refer students until they are 7 years of age. It is dictated that the students should stay in RTI<sup>4</sup> support.

7. ***38% of school staff say there are pre-PPT meetings where they are coached regarding what they can/cannot say.*** (Note that many of the "no" respondents indicated that they were not invited to PPTs, as it was not their role.)

Roles are assigned and rehearsed. All information is shared, decisions are made, so by the time the PPT takes place, it's all a sham and done deal.

We go through what will be said and what the recommendations will be and to not suggest anything else.

At the PPT, recommendations are made, but these recommendations have already been discussed, without a family present.

There are always pre-PPT meetings and decisions are made there. Then the PPT sounds like all decisions were made at the table there and then.

Yes. Whomever is chairing the PPT directs everything. We are told not to raise new issues not previously discussed.

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<sup>4</sup> RTI is Response to Intervention, which is another name for SRBI. (See Footnote 3 on Page 2.)

The sped team members review everything and rehearse what will happen, parents totally out of the loop, ESPECIALLY non-English speaking and minority parents. By the real PPT meeting, it's all a done deal.

8. **33% of school staff say they are concerned that, if they make recommendations in a PPT that were not pre-authorized by an administrator, they could be fired.** (Of those who said no, many reported that they would be likely to be reprimanded, even if not fired.)

Fired, no, but there would be a price to pay even for building administrators to speak their mind.

Verbal warnings have been given to teachers.

No (not fired), but I could be reprimanded.

Not fired but certainly spoken to or even written up with something that goes in personnel file.

Not fired but reprimanded, especially if it's going to cost the district money.

I've seen it happen, although school administrators make other excuses or pressure the person to resign before they have to terminate.

#### Results – parent survey

9. **48% of parents say a school staff member has told them that their child was having difficulties but said that this had to be "off-the-record."**

The social worker told me that she wasn't allowed to suggest the placement we both thought was best for my son, due to the principal telling her to stay quiet.

She was afraid of being fired. Eventually she was.

They were worried about getting reprimanded.

It was the school principal actually and he simply told me "I think your son should be tested for learning disabilities and you should request it in writing, but I'm not supposed to tell you that or I could lose my job."

The teacher told me that they suspected that my daughter had dyslexia and ADHD but that they could not legally tell me this. But said that I should ask the school to have my

daughter tested. But I should not tell the school that the teacher told me of her suspicions.

The teacher specifically told me they would face retaliation if the school knew I was told this information.

10. **38% of parents said a school staff member had told them to request something from the school (e.g., assessment, service, para, etc.) but said s/he could be fired for telling them that.** (Note that many “no” respondents said that staff had expressed concern about being reprimanded, not being fired.)

They have told me what to request and said “I can’t request it.” The implication was that they would get in trouble. The word “fired” was never overtly used.

They said they are not allowed to share info. They are afraid they will lose their jobs and are silent at PPTs.

The school principal told me exactly that, I should request testing for possible learning disabilities but that he could be fired for telling me that. Fortunately, he was about to retire.

Teacher told me to request a 1:1 paraprofessional. But told me to keep secret as the School Administration and the new Director of Pupil Services have a policy that prohibits teachers from making recommendations for services.

The teacher called me at 10 p.m. and stated I should challenge the school and push for special education for my son. She asked that I not mention that she called me as she could lose her job.

11. **22% of parents said a school staff member said that they should hire an attorney or advocate and asked them not to tell anyone s/he said that.**

I was told outside of the schools setting that if I wanted anything done the right way that I needed an attorney or advocate.

Principal told us it would be in our best interest to get an advocate.

Staff pulled us aside after a PPT and quietly suggested we hire an advocate.

We were secretly given a couple names of attorneys by two teachers. I know they were scared to give us information but they know my child needed services but was denied by the new director.

Yes – the teacher even provided names of attorneys but begged me to keep quiet for fear of being fired.

**12. 64% of parents of children with paraprofessionals say the para is not permitted to speak with them directly.**

Paras at public schools are absolutely not allowed to speak to us. I have been told on many occasions by almost all of our paras that they were not allowed to say anything. They were very careful to preface their conversations with a warning to us not to say anything.

I think the paras should absolutely be able to talk to the parents. They are the one constant that is with your child the whole school day

We have been told that it is district policy that the paras have no conversations with parents about the student and communications be directed through the teacher.

They don't allow the paras to participate in meetings or otherwise communicate with us, which is frustrating. They have the most direct interaction with our son throughout the day, and we wish they did allow them to be a true part of our team.

It is very important to talk to the para. They are the person who spends the whole day with your child. Their input is very important. In my case, I was told it was the union rep that said not to talk to the parent.

It would be useful if I could since his paras are the ones who spend the most time with him. One of his paras left his school. . . we had a nice talk and he told me he could now speak to me freely since he was no longer at the school and raised his concerns with the way my son's program is set up.

The principal of our school prohibits paras from talking to parents, but some will discuss with you on the condition of anonymity.

**13. 48% of parents say school staff tell them one thing outside of the PPT but say something else in the PPT.**

Most of the time there is a service or something the teachers think should be implemented and they sometimes say the opposite at the PPT or don't share at all.

The teachers don't speak up at the PPT. I know they are afraid of the new director.

They are influenced by the director of student services. When you walk into a PPT AFTER everyone has already gathered. . . they have already come to the conclusion

before the meeting began. . . Their jobs are obviously at risk – whether it is an implicit or explicit threat – or we have unethical adults teaching our children, or both.

She just stays quiet in the PPT when she disagrees with school administration, tells us what to say before meetings.

Absolutely. Teachers and service providers do not share with PPT advice, concerns, or suggested supports that they share with me outside of PPT.

The school staff, both the classroom teacher and sped teacher, occasionally admitted to me outside of the PPT that my child was not making progress or was struggling with something, but they NEVER said it in the PPT.

A few tell me things then remain silent on the issue in the PPT. . . I will say I observed something, my daughter told me this happened, or I feel she needs this. I know they can be fired for what they tell me and I want to avoid that.

**14. 70% of parents say school staff do not speak with them openly and honestly about their child's needs.**

Not in a PPT.

The administrator is threatening/overbearing, they are first/second year new staff afraid of losing their jobs.

Very guarded and worried about jeopardizing their own job.

No, I think for years admin has told the school team to not speak to me or give me any info.

No, we often feel like they are more protective of potential liabilities or putting them/the school at risk in how they communicate with us.

They often “fluff” progress and like to say how much of a joy our child is in class and how he is eager to please, without addressing inadequate. . . progress. If we question test results, they back peddle (sic) and stumble and try to change the conversation.

**15. 78% of parents say they feel like school staff misrepresent their child's progress.**

He is being pushed through the curriculum as if he is making significant progress. He struggles with what is considered “mastered skills” quite significantly.

They totally lie about progress.

Because they know we're requesting outplacement and they try to insist he's doing great.

They pass him, make excuses, don't push him academically. . . it is terrible.

They make it seem like he is doing well, can't provide the proof and don't want to say that he truly has a problem.

They say she's making progress but they can't provide evidence of the progress, goals, and objectives she "mastered" repeat year to year, and they pretend she has skills she does not have.

I feel like they do a lot of work for him.

ALL THE TIME. Data, scoring, and measurements have always been very subjective and the only response to my questions has been, "she's making great progress."

They report great progress, but we're unable to replicate at home.

He struggles every night with homework, lots of redoing his work, but somehow miraculously comes home with 100%, not even one eraser mark on tests, and all 4s on his report card. At his annual review, they said he mastered every goal on his IEP, which he absolutely has not.

Tells me my child is reading grade level, when it's obvious my child isn't.

The reports are twisted and biased and things are said in such a way that it makes my child look like he is able to succeed but it is because the standards are set so low.

### Conclusion

Survey respondents indicate there is widespread censorship of--and retaliation against--school staff who openly communicate to parents at PPTs and elsewhere staff's perceptions of the needs of children with disabilities. We don't assume every board of education or every administrator does this; there are parents and school staff who say that they do not see these problems. But there are many who do.

It is important to note that the survey responses in this report describe numerous violations of the *Connecticut Code of Professional Responsibility for Teachers* and the *Connecticut Code of Professional Responsibility for School Administrators* (found in Sections 10-145d-400a and 10-145d-400b of the state regulations). The regulations require administrators to "foster open communication among the family, school staff, and administrators" and state that teachers "shall not knowingly misrepresent facts or make false statements." Both Codes require

educators to “encourage parental participation in the educational process.” In addition, Section 504 of the Rehabilitation Act prohibits retaliation against individuals who advocate on behalf of students with disabilities.

It is impossible to know with 100% certainty why any one administrator attempts to hide information regarding the needs of a child with disabilities, but this often appears to be a misguided attempt to control special education costs. Apart from the fact that doing so is unethical and illegal, it is also ineffective. Research shows earlier intervention is much less costly and more successful. And when a school district fails to meet the educational needs of a student with disabilities, the lifetime cost to society is exorbitant, as that student is more likely to drop out of school, become unemployed or underemployed, become incarcerated, or become more dependent on public assistance.

To address the problems identified in this survey, SEEK-CT worked with Representative Jeff Currey to develop [HB-6822](#), *An Act Concerning the Protection of School Personnel in Communications Related to Special Education*. We hope legislators will support this bill and require districts to foster open communication, collaboration, and trust between school staff and families.





**Kevin Smith, Ph.D.**  
Superintendent  
of Schools

**WILTON PUBLIC SCHOOLS**  
395 DANBURY ROAD  
WILTON, CT 06897



**Charles Smith, Ed.D.**  
Assistant Superintendent  
Curriculum and  
Instruction

**Andrea Leonardi**  
Assistant Superintendent  
Special Services

**Maria Coleman**  
Director  
Human Resources and  
General Administration

**Anne Kelly-Lenz**  
Chief Financial Officer

**Testimony of Kevin J. Smith, Ph.D.**  
**Superintendent of Schools / Wilton Public Schools**  
***In opposition to***  
**Raised Bill 7353 An Act Concerning Various Issues Related to Special Education**  
**Committee on Education – Public Hearing, March 18, 2019**

Chairman McCrory, Chairman Sanchez and members of the Education Committee:

Please accept this testimony in opposition to Raised Bill 7353 – An Act Concerning Various Issues Related to Special Education.

The provision in this proposed legislation to require public school districts to deliver special education services at schools of choice reaches beyond IDEA, takes decision making away from the PPT, and could result in significant and unnecessary additional costs for local school districts.

In a time when the state government and local municipalities are diligently seeking opportunities to control costs and maximize efficient operations, this provision runs contrary to that effort. In Wilton, one way we have sought to maximize instructional efficiency is through the way we deliver preschool services. Two years ago we launched a redesigned preschool program designed to serve our special needs children in a least restrictive environment. Locating the preschool inside our elementary school enabled us to provide a robust continuum of services to children in a maximally efficient manner. Staff are shared between the preschool and traditional K-12 program and the transition experience from one program to the other is seamless. We conduct outreach to other local preschools and provide comprehensive information about our services for students with and without disabilities.

One of the benefits of this model is the strength of the relationships developed between teachers and families. Some of our service providers work with our children from the time they transition into preschool and then through the transition out and during their experience in our traditional elementary school. Students benefit tremendously from a comprehensive PK-2 early childhood curriculum and the opportunity for the district to develop relationships and provide continuity of service is priceless.

We humbly request that the legislature commit to full implementation of IDEA and the accompanying federal regulations but not exceed the IDEA mandate. This current proposal is a prime example of an over-reach which will likely result in districts having to hire additional staff in order to deliver a wide range of IEP services in schools of choice.

Please oppose HB 7353. This bill has the potential to create another costly and unnecessary unfunded mandate.

Sincerely,

Kevin J. Smith, Ph.D.  
Superintendent of Schools  
Wilton Public Schools  
395 Danbury Road  
Wilton, CT 06897

Testimony in Support of Section 4 of  
H.B. 7353 An Act An Concerning Various Issues Relating to Special Educations

Senator McCrory, Representative Sanchez and other esteemed members of the Education Committee,

Thank you for the opportunity to submit testimony in support of Section 4, lines 113-120, of HB 7353 which will repeal section C of Conn. Gen. Stat. §10-76q, so that Connecticut Technical and Career High Schools can no longer to use it to justify discriminating against students with disabilities.

For years Connecticut Technical and Career High Schools (CTECS) have used a loophole in a Connecticut statute (Conn. Gen. Stat. § 10-76q) to deny students with disabilities their rights under the Individuals with Disabilities Education Act (IDEA).

In the past 5 years, two separate complaints have been filed with the Office of Civil Rights on behalf of students with disabilities to address this. According to those official complaints and anecdotal information, CTECS have consistently violated the rights of students with disabilities in just some of the following ways:

- Imposing additional admissions criteria for students with disabilities;
- Refusing to make accommodations, including those that are well established and used effectively in other public schools;
- Discouraging parents from submitting applications for students with disabilities;
- Pushing special education students out once they are admitted.

By abusing this statute CTECS have not only evaded their legal responsibility to students with disabilities, they have also robbed them of the opportunity to receive vocational educational training in the trades, which according to the 2016/2017 US Talent Shortage Survey have been the hardest jobs to fill in the US for seven consecutive years.

Thank you for the opportunity to be heard on this important issue.

Jennifer Starkey

Guilford, CT

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Thank you for the opportunity to be heard on this important issue.

**Shannon Stikeleather**  
**Westbrook, Connecticut**

Education Committee Members

I'm emailing in support of **HB 7353- An Act Concerning Various Issues Relating to Special Education** and asking that you support the bill as well.

Early language assessments for Deaf and Hard of Hearing children allow for appropriate educational planning and support. Such early intervention can help direct the educational future of the child and in the long run reduce any language and personal isolation the child may face in his/her development. A well educated and well rounded child will flourish in the real world and assimilate seamlessly.

Having served as the State of Connecticut Job Development and Placement Specialist for the State Commission on the Deaf and Hearing Impaired in the '70s, '80s, and '90s I can testify that the earlier that appropriate language exposure is presented and programmed for the young Deaf student, the better vocational outcome in the community in his/her adult life will be. A productive and contributing member of society can be the successful outcome

Please support HB 7353.

Keith Vinci

Job Development and Placement Specialist-Retired

Interpreter Coordinator-Retired

Connecticut State Commission on the Deaf and Hearing Impaired [1977-2008]

Free-lance Interpreter

Community Associate

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Sincerely,

Barbara Wehrly

Diane Willcutts  
 195 Auburn Road  
 West Hartford, CT 06119  
[Diane.willcutts@gmail.com](mailto:Diane.willcutts@gmail.com)  
 (860) 992-5874

**Testimony in support of RB 7353**

I am an education advocate and have worked with hundreds of families of children with disabilities, helping them to navigate the special education process.

Most teachers get into teaching because they want to help children. But sometimes their supervisors discourage them from doing that.

Connecticut parents, attorneys, and advocates have long heard from teachers and other school staff that they fear retaliation by administrators if they speak openly with parents about a child's special education needs. RB 7353 offers protections to school staff who do the right thing by speaking honestly about the needs of children. (See Lines 123-134.)

Some critics of RB 7353 claim that teachers are never silenced, so SEEK-CT<sup>1</sup> conducted a survey to quantify these concerns.

Two hundred sixty Connecticut parents and 96 school staff members completed the anonymous, online surveys, which uncovered serious concerns. A few of the findings are as follows:

- ***48% of school staff say that supervisors discourage them from speaking openly with parents regarding their child's needs related to special education.*** Comments were along the lines of, "One must repeat the party line always."
- ***65% of school staff say they would be likely to be reprimanded or punished if they openly speak with parents about what their child needs related to special education.*** Comments included, "Yes, I have been put on warning that I could be written up if I spoke openly to a parent about concerns again." "I would likely lose my contract." And "Big time repercussions!!! Sped supervisors and building principal would be all over me. NEVER."
- ***72% say they are unable to make recommendations in a Planning and Placement Team meeting (PPT) that were not preauthorized by an administrator.*** Several staff clarified that they could not do this without being reprimanded.

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<sup>1</sup> Special Education Equity for Kids (SEEK-CT) is Connecticut's first organization of parents, providers, advocates and attorneys, fighting for excellent education for the 70,000 Connecticut students with disabilities.

- **48% of parents say a school staff member has told them that their child was having difficulties but said that this had to be "off-the-record." Comments included:** "She was afraid of being fired. Eventually she was." "They were worried about getting reprimanded." "It was the school principal actually and he simply told me 'I think your son should be tested for learning disabilities and you should request it in writing, but I'm not supposed to tell you that or I could lose my job.'" "The teacher specifically told me they would face retaliation if the school knew I was told this information."
- **70% of parents say school staff do not speak with them openly and honestly about their child's needs. Comments included,** "The administrator is threatening/overbearing, they are first/second year new staff afraid of losing their jobs." "Very guarded and worried about jeopardizing their own job."

Survey respondents indicated there is widespread censorship of--and retaliation against--school staff who openly communicate to parents at PPTs and elsewhere staff's perceptions of the needs of children with disabilities. I don't assume every board of education or every administrator does this; there are parents and school staff who say that they do not see these problems. But there are many who do. And to help, we need to pass [RB 7353](#).

If you have any questions or would like the full survey results, please email me at [diane.willcutts@gmail.com](mailto:diane.willcutts@gmail.com)



Alex B. Witkowski  
PO Box 732  
Naugatuck, CT 06770

RE: SUPPORT HB 7353 - AN ACT CONCERNING VARIOUS ISSUES RELATION TO  
SPECIAL EDUCATION

Dear Education Committee Members:

Please support HB 7353. The children who are DHOH (Deaf/Hard of Hearing) and receive appropriate language assessments have better outcomes.

At schools, they need to create a working group to develop guidelines for language assessments and interventions for children who are DHOH.

They need to identify the language skills and report on them for children who are DHOH.

I am a Deaf person, feel that I was not enough in language skills when I was in school. I wish I can learn better in early stage if they noticed my weak area. My former English teacher told me that children with normal hearing have more advanced in language than children with DHOH because they hear thousand words everyday. For example I entered school without a word at age of five (5).

Thank you for your time and consideration for support on HB 7353, please contact me personally if you would like to discuss this further or to answer any questions you may have.

Best regards,  
Alex B. Witkowski  
[Abwitkows@gmail.com](mailto:Abwitkows@gmail.com)

Susan Yankee  
33 Cornish Woods Rd.  
Madison, CT 06443

RE: SUPPORT HB 7353 – AN ACT CONCERNING VARIOUS ISSUES RELATING TO  
SPECIAL EDUCATION

Dear Education Committee Members:

I support the Identifying, assessment and monitoring of deaf and hard of hearing students through secondary education. My child was not diagnosed with hearing loss until elementary school. Hearing words correctly and spelling is a common challenge for deaf and hard of hearing students. My son was told in middle school that if he can't spell now he never will. This bill would ensure that he would get the necessary help to be successful.

I support technical education and career school students receive special education services.

"Students with learning disabilities typically find coursework to be more conducive to their learning styles, leading to completion rates 23 percent higher than peers at four-year institutions."

The Governor's Advisory Board for the Deaf and Hard of Hearing put forth 3 proposals' which this committee then put forth as bills. Two of these bills were rolled into HB7353, but not HB 6195, An Act to Amend the Language and Communication Plan to include 504 students. I urge this committee to either include HB 6195 into HB7353 or have a hearing to move HB6195 forward.

How do you give the tools to succeed only to a selected portion of deaf and hard of hearing students?

Sincerely,

Susan Yankee

yankeedillner@gmail.com