

**STATE OF CONNECTICUT,
OFFICE OF THE CHILD ADVOCATE
165 CAPITOL AVENUE, HARTFORD, CONNECTICUT 06106**



**Sarah Healy Eagan, J.D.
Child Advocate**

April 20, 2022

VIA E-MAIL DELIVERY

Dr. Leslie Torros-Rodriguez., Superintendent
Hartford Public Schools
330 Wethersfield Ave., 4th Floor
Hartford CT 06114

RE: Program Concern Letter: Hartford Public Schools

Dear Superintendent Torres-Rodriguez:

The Office of the Child Advocate appreciates the long-term collaborative working relationship between our office and the Hartford Public Schools. The purpose of this letter is to alert you to concerns the OCA has developed as a result of a complaint made to our office and a recent investigation conducted by the Department of Children and Families (DCF) into allegations of abuse and neglect of a student. The OCA is requesting that you review the individual and systems concerns outlined below, conduct additional fact-finding as you deem necessary, and develop applicable corrective action.

Between September of 2020 and February of 2022, the OCA received multiple complaints about the educational programming being provided to a young child, [REDACTED] attending Hartford Public Schools. [REDACTED] is diagnosed with Autism and receives special education and related supports and services in accordance with his IEP. The student exhibited significant support needs and the family had been called on multiple occasions to come and remove him from school prior to dismissal. There were also safety concerns about the student eloping and on at least one occasion leaving the school grounds unattended.

In October of 2020, the OCA worked with the PPT to adjust [REDACTED] IEP to better reflect his academic and social/emotional needs and provide the related services he needed to access his education. However, in February of 2022, the OCA became concerned about possible policy and practice issues in the District, including that the District may not be providing parent counseling and training as a related service for students with complex disabilities when requested and may not be providing necessary training, including child-specific training to staff assigned to work with such students.

PARENT COUNSELING AND TRAINING

The Individuals with Disabilities Education Act (IDEA) provides that parent counseling and training is a related service (like speech and language therapy, or occupational/physical therapy, assistive

technology, and transportation) that can (and often should) be part of a child's IEP. Parent counseling and training is defined in IDEA Reg. Section 300.34(c)(8), which states that: "(i) Parent counseling and training means assisting parents in understanding the special needs of their child; (ii) Providing parents with information about child development; and (iii) Helping parents to acquire the necessary skills that will allow them to support the implementation of their child's IEP or IFSP." As with all related services, parent counseling and training should be provided "as are required to assist a child with a disability to benefit from special education." 300.34(a).

STAFF ASSIGNED TO CHILDREN WITH COMPLEX DISABILITIES

Should a student be assigned a 1:1 staff member to aid that child in accessing his/her educational programming, that staff member is critically important to that child's learning process – both academically and emotionally and considered a provider of that service. A school district must implement the student's IEP in its entirety; 34 C.F.R. § 300.323(c)(2); and ensure that "as soon as possible following the development of the IEP, special education and related services are made available to a child in accordance with the child's IEP." 34 C.F.R. § 300.323(c)(2). Knowledge of and access to the student's IEP is a critical requirement of implementation of that IEP. School districts must ensure that all teachers, related service providers and any other service provider responsible for the implementation of the IEP have access to the student's IEP and are informed of "(i) His or her specific responsibilities related to implementing the child's IEP; and (ii) The specific accommodations, modifications, and supports that must be provided for the child in accordance with the IEP." 34 C.F.R. § 300.323(d).

In addition to access and knowledge of the IEP that is required under the IDEA, staff assigned to work individually with children who have complex disabilities should receive the proper pre-service and in-service training as well as close supervision and accountability regarding work with vulnerable students.

IDEA – INDIVIDUAL STUDENT CONCERNS

As stated above, the OCA received a complaint in September of 2020 concerning [REDACTED] educational programming, including inadequate supports and services and the inappropriate use of exclusionary discipline to manage behavioral issues. In October of 2020, the OCA worked with the PPT to improve [REDACTED] Individualized Education Program, and [REDACTED] showed some improvement during the 2020-2021 school year with the additional services.

The 2021-2022 school year got off to a rough start with [REDACTED] again having significant support needs. The OCA participated in PPTs for [REDACTED] in September and November of 2021. OCA made additional recommendations to [REDACTED] educational programming, including increased parent counseling and training, increased BCBA direct and consultation services, increased special education pullouts (services provided in classroom were not productive). The District agreed to the recommendations.

In December of 2021, the OCA was notified that there had been a DCF Careline report made against the paraprofessional assigned to work with [REDACTED] as a 1:1 for allegations of abuse. Allegations included that the paraprofessional assigned to [REDACTED] did not "engage with [REDACTED]" and would "scream" at [REDACTED]; was "dragging [REDACTED] by his foot across the floor," that she "push[ed] [REDACTED] on his forehead to have him get away from her," she "yells and gets frustrated a lot," doesn't adequately address his elopement and inappropriately restrains him.

During one of the DCF interviews, a staff member who provides services to [REDACTED] opined that “[REDACTED] academic needs are not being met at the school.” The paraprofessional was interviewed by DCF. She stated that she began working with [REDACTED] in September of 2021 as his assigned 1:1. Despite that designation, she was not familiar with his IEP or his Behavior Intervention Plan. She acknowledged that she was not trained in restraints. She also stated that she did not receive “any feedback from special education teacher on ways to work with [REDACTED].” During [REDACTED] interview by DCF, he was only able to answer yes or no to questions. He answered “yes” when asked if the paraprofessional yelled at him and touched his wrist.

Although DCF did not substantiate the allegations as constituting abuse, DCF did make finding of Program Concerns with the District. Specifically, DCF concluded:

[The paraprofessional] was assigned to work with a special education student and was not provided adequate information, such as his IEP or Behavior plan to be able to best assist him. The Special Education team noted that [the paraprofessional] was ‘not a good fit’ to be working with [REDACTED], however, continued to allow this to occur without additional support/trainings being provided . . . The Department also notes concerns in the classroom that the classroom teacher did not intervene on the day in question nor call for support/security to assist.

During this same period, the OCA learned that the District was not providing parental counseling and training to the family as was indicated during PPTs in 2020 and 2021. Such counseling and training may have alerted the family to the paraprofessional’s lack of training and knowledge of [REDACTED] IEP and BIP and provided some much-needed consistency to [REDACTED] routine at school. Notably, when OCA initially made the recommendation for parent counseling and training, the principal indicated no knowledge of such a related service generally, generating OCA’s concern that staff and administrators are not trained on the availability and applicability of this service and causing concern that parents were not being provided parent counseling and training.

FACT-FINDING AND CORRECTIVE ACTION

The OCA is requesting that the District conduct additional fact-finding where applicable to ensure its implementation of this child’s IEP, develop corrective response to DCF’s program concerns identified herein, ensure that special education staff and administrators are knowledgeable about the rights of students and parents to be provided parent counseling and training, and ensure that paraprofessionals assigned to work with children who have complex disabilities are properly trained and supervised to support the students who they are assigned to in the classroom. We respectfully request that that OCA receive the results of District’s fact-finding and corrective action by June 1, 2022. We welcome an opportunity to meet with you at any time to review the concerns outlined in this Letter and any proposed responsive actions. The OCA appreciates your review.

Sincerely,

Sarah H. Eagan

Sarah H. Eagan, JD
Child Advocate