

**CONNECTICUT STATE BOARD OF EDUCATION**  
**Hartford**

**Minutes**  
**State Board of Education Meeting**  
**February 1, 2017**  
(Approved March 1, 2017)

Pursuant to notice filed with the Secretary of the State, the State Board of Education (hereinafter "Board") met on Wednesday, February 1, 2017, in Plaza North Room C and D of the State Office Building, 450 Columbus Boulevard, Hartford, Connecticut.

**I. Call to Order**

Chairperson Allan Taylor called the meeting to order at 9:41 a.m.

Present: Allan B. Taylor, Chairperson  
Erik M. Clemons\*  
William P. Davenport  
Theresa Hopkins-Staten, Vice Chairperson  
Terry H. Jones  
Amina S. Lampkin, Student Member  
Estela López  
Coral Ortiz, Student Member  
Malia K. Sieve  
Robert J. Trefry, Ex Officio  
Joseph J. Vrabely, Jr.  
Stephen P. Wright

Absent: Erin D. Benham  
Maria I. Mojica  
Mark Ojakian, Ex Officio

**II. Public Participation**

1. Patrice McCarthy, Deputy Director and General Counsel, Connecticut Association of Boards of Education (CABE), expressed CABE's and the Connecticut Association of Public School Superintendents' (CAPSS) opposition to the Petition to Amend the Regulations of Connecticut State Agencies (agenda item V.B.), noting that the special education regulations have already undergone a comprehensive review and amendment. A copy of Ms. McCarthy's written statement is enclosed in the official file of this meeting.
2. Attorney Andrew Feinstein, who submitted the Petition to Amend Regulation on behalf of seventy-one petitioners, spoke in support of agenda item V.B., stating that it is necessary for there to be consistently applied, clear parameters on what school districts can and cannot do in restricting independent educational evaluations and observations. A copy of Attorney Feinstein's written statement is enclosed in the official file of this meeting.
3. Susan Freedman, partner at Shipman and Goodwin, spoke on behalf of the Connecticut Association of School Attorneys and CABE. She noted that she is a former teacher, and

expressed concerns about the possibility of public funds supporting uncertified personnel in classrooms.

4. Milly Arciniegas, executive director of Hartford Parent University and resident of Hartford, expressed her disappointment that Theresa Hopkins-Staten has not been reappointed by the Governor to the State Board of Education. She noted that Mrs. Hopkins-Staten had a great understanding of equity and racism, and commented on the need to end institutional racism.
5. Kristin Berry, special education advocate and parent of a child with special needs, stated that parents should have the right to an independent educational evaluation at the public's expense as well as the right to observe their child in the classroom in a reasonable and non-disruptive way, as well as the right to have their child observed by a professional expert. She found the entire IEE process to have been met with resistance. A copy of Ms. Berry's written statement is enclosed in the official file of this meeting.
6. Laurie Markus, special education advocate and parent, spoke in support of the Petition to Amend the Regulations (agenda item V.B.), stating that local school districts have created roadblocks to IEEs and observations. She noted that the process is arbitrary, and the policies are random, and clarity is warranted. A copy of Ms. Markus' written statement is enclosed in the official file of this meeting.

[\*Erik Clemons arrived at 10:00 a.m.]

7. Althena Wagner, education advocate and community activist, expressed her concerns regarding the Governor not reappointing Theresa Hopkins-Staten, noting that Ms. Hopkins-Staten is a needed voice on the Board, and the diversity on the Board ought to reflect the community it serves. Ms. Wagner questioned remarks made by the Chairman during a recent discussion of Fairfield's plan to correct racial imbalance.
8. Christina Calabro, parent of two children with individual education plans, expressed her support for the Petition to Amend Regulations (agenda item V.B.), noting that it would result in allowance for independent educational evaluations and the removal of barriers to classroom observations. A copy of Ms. Calabro's written statement is enclosed in the official file of this meeting.
9. Julie Swanson, parent of a child with autism and a special education advocate, described discrepancies across districts regarding the extent to which classroom observations are allowed, or disallowed. She noted that the independent evaluators are licensed or well qualified, but that there are certification restrictions imposed by districts that limit parents' choices. The Board needs to address barriers that are in place.
10. Jeremiah Grace, New England Charter School Network, urged the Board to renew the charter for Booker T. Washington Charter School in New Haven for a three-year period. He noted that the school is committed to being held accountable and looks forward to improvements on SBAC and school climate.
11. Jillian Griswold, a provider of legal representation to parents of children receiving special education services, spoke in support of the Petition to Amend the Regulations (agenda item V.B.). She spoke about the need to address criteria in place that result in abrogating parental

rights, especially the rights of parents who have limited or no resources. A copy of Ms. Griswold's written statement is enclosed in the official file of this meeting.

12. Elizabeth Moyse, attorney representing families of special needs children throughout Connecticut, asked the Board to act on the Petition to Amend Regulation (agenda item V.B.) to explicitly reject barriers to independent education evaluations and observations, or direct the State Department of Education to review the issues outlined in the Petition. A copy of Ms. Moyse's written statement is enclosed in the official file of this meeting.
13. Terry Bedard, special education attorney and parent of a profoundly deaf son, described her experiences and the value of being able to observe her son in the classroom. She stated that this has allowed her to develop strategies to address his learning needs. Ms. Bedard stated that she has witnessed districts that take a very restrictive view regarding allowing for independent evaluators to observe students in classrooms, and urged the Board to accept the Petition. A copy of Ms. Bedard's written statement is enclosed in the official file of this meeting.
14. Geraldine Fleming, special education advocate and parent of a child with a disability, spoke in support of independent education evaluations. She shared her experiences with cases where services have been stalled by districts and whereby districts have failed to identify a disability. A copy of Ms. Fleming's written statement is enclosed in the official file of this meeting.
15. Sonali Sarma, parent of two children with disabilities, and a special education advocate, informed the Board that she has seen multiple versions of criteria for IEE evaluators, and an instance where the school system incorrectly informed her that FERPA precludes independent evaluators from being in a classroom. Written information regarding Ms. Sarma's business is enclosed in the official file of this meeting.
16. Valerie Smith, parent of a child on the autism spectrum and a licensed clinical social worker, stated that she has witnessed all of the concerns shared with the Board today. Ms. Smith spoke about how she has personally and professionally experienced the benefit of independent evaluations to better meet the unique needs of students.
17. John Flanders, executive director of Connecticut Parents Advocacy, Inc., stated that his agency receives between 3,000 and 4,000 calls per year from parents who encounter difficulty in navigating the planning and placement team (PPT) process and accessing information. He stated that IEEs provide valuable information to the process of developing the best education plan for students, and encouraged the Board to either (1) amend the regulations, or (2) request that the Department develop standardized guidance.
18. Melissa Sullivan, parent of a child on the autism spectrum, supported Mr. Flanders' remarks, and express the need for districts to partner with parents, and allow parents and independent evaluators to observe what is happening in the classroom. Ms. Sullivan noted that she had free access to one of her children's "regular" classroom, but was restricted from the classroom of her child with special needs. She urged the Board to uphold the Petition (agenda item V.B.).
19. Susan Davis, parent of a child with special needs, spoke in support of the Board's approval of agenda item V.B. She told the Board that only through observation of her son in the classroom, did she learn that her son was disciplined by being placed in a box. In that her son cannot

communicate what happens to him at school, Ms. Davis stated that safeguards must be put in place to prevent such incidents from occurring.

20. Jonathan Metcalf, educator and parent of a child receiving special education services, stated that it is the obligation of parents to be fully informed while participating in a Planning and Placement Team meeting, and classroom observations are an important component of becoming better informed. He expressed his opposition to restrictions placed on the amount of observation time (30 minutes every other month) his school district has imposed. Mr. Metcalf stated that parents should be able to learn from teachers and work together for the interests of children with special needs.
21. Terra Martin-Volpe, one of the lead coordinators for a Connecticut grassroots organization called Action Together Connecticut, expressed her support for the petition, noting that IEEs are a powerful tool for parents to understand the scope of their child's needs and the most appropriate educational services for their child. Without this mechanism, families with limited resources may lose the ability to advocate for their child. A copy of Ms. Martin-Volpe's written statement is enclosed in the official file of this meeting.
22. Michael Gilbert, special education attorney, spoke about his personal experiences as a student on the autism spectrum and not receiving appropriate educational services. He noted that parental involvement in the process is critical and parents should be able to select an evaluator of their choosing. This is particularly important to parents with language barriers or who lack resources, Mr. Gilbert noted.
23. Jennifer Laviano, attorney in Sherman, Connecticut, stated that her practice is dedicated exclusively to special education. She stated there is a need to build trust between districts and parents, and that excluding parents from observations escalates the erosion of trust. Ms. Laviano affirmed that there are different standards for observing children in regular education and those receiving special education. The complaint process is flawed and is not an adequate remedy, Ms. Laviano stated.
24. Theda Lambert, parent of two children in New Fairfield and a member of Action Together Connecticut, spoke against Bill No. 5787, which proposes shifting the burden of proof to parents.

### **III. Executive Session**

The Board did not meet in executive session.

### **IV. Consideration of Minutes**

Dr. López moved, Mr. Vrabely seconded, that the Board adopt the Minutes of the January 4, 2017, State Board of Education Meeting.



The Board reconvened the meeting at 1:12 p.m.

Present: Allan Taylor, Chairperson  
Erik M. Clemons  
William P. Davenport  
Theresa Hopkins-Staten, Vice Chairperson\*  
Terry Jones  
Amina S. Lampkin, Student Member  
Estela López  
Coral L. Ortiz, Student Member  
Malia K. Sieve  
Robert Trefry, Ex Officio  
Joseph Vrabely  
Stephen Wright

Absent: Erin D. Benham  
Maria I. Mojica  
Mark E. Ojakian, Ex Officio

## **VI. Report of the Chair**

Chairperson Taylor referred Board members to the "Report of the Chair" in the Board's supplemental materials folder. Mr. Taylor reported that on January 27, 2017, he and Mrs. Hopkins-Staten attended the Hartford Foundation for Public Giving Winter Colloquium at the Chrysalis Center, in Hartford. The featured discussion was the consequences of immigration law.

[\*Theresa Hopkins-Staten returned at 1:16 p.m.]

## **VII. Report of the Commissioner**

Commissioner Wentzell referenced her written report. The Commissioner highlighted and recognized Chief Financial Officer Kathy Demsey, Chief of Fiscal and Administrative Services Gary Pescosolido, Bureau Chief for Information Technology James Mindek, and Supervisor of Operational Services Unit Mark Noon for all of their help and support during the recent move from 165 Capitol Avenue to 450 Columbus Boulevard. Commissioner Wentzell provided a financial update indicating that the Department was successfully functioning within its current fiscal year budget by reassignment and redeployment of duties. She complimented those who have provided mentorship to workers in new positions.

## **VIII. Financial Matters**

In the absence of Chief Financial Officer Kathy Demsey, Commissioner Wentzell provided a financial update to the Board under Report of the Commissioner.

**B. Consideration of Petition to Amend Section 10-76d-9 of the Regulations of Connecticut State Agencies** (continued)

Mr. Vrabely moved, Mr. Davenport seconded, that upon the withdrawal of the Request for Amendment of Regulation Section 10-76d-9, dated November 30, 2016 (Petition), the State Board of Education directs the Department to:

(a) Establish a task force to be known as the *Connecticut State Board of Education Task Force on the Implementation of IEEs, Observation and Related Matters* ("Task Force"), which shall be composed of stakeholders representing the various constituencies affected by the subject matter of the petition and other appropriate parties, as determined by the Commissioner;

(b) Through such Task Force, to undertake a review of the issues raised by the Petition to include, without limitation, public meetings, at which interested parties would be able to express their views on the issues raised in the Petition and in public comment at the State Board of Education meeting of this date concerning Independent Educational Evaluations (IEEs), Observations, and related matters, and formulation of appropriate actions to be taken, if necessary, to address any issues identified in the Task Force's review;

(c) Provide a report back to the State Board of Education concerning the findings and recommendations of the Task Force, within 180 days , provided that nothing in this resolution shall be construed to preclude the Department from conducting its customary regulatory and guidance activities; and

(d) Before the end of this school year, issue a guidance memorandum from the Commissioner to all Connecticut Superintendents and Boards of Education summarizing existing obligations of school districts in respect to IEEs under the Individuals with Disabilities Education Act (IDEA) and providing notice of the establishment of the Task Force and its charge.

And directs the Commissioner to take the necessary action.

VOTE ON

MOTION:	In favor:	Clemons, Davenport, Hopkins-Staten, Jones, López, Sieve, Taylor, Vrabely, Wright
	Opposed:	0
	Abstained:	0
	Absent:	Benham, Mojica

Motion carried unanimously.

## **IX. Consent Agenda**

### **A. Receipt of Report on Designated Subject Area Certification Shortage Areas, 2017-18**

Mr. Vrabely moved, Dr. López seconded, that the State Board of Education, pursuant to Section 10-8b of the Connecticut General Statutes, receives the "Designation of Certification Shortage Areas, 2017-18," and directs the Commissioner to take the necessary action.

#### VOTE ON

MOTION:	In favor:	Clemons, Davenport, Hopkins-Staton, Jones, López, Sieve, Taylor, Vrabely, Wright
	Opposed:	0
	Abstained:	0
	Absent:	Benham, Mojica

Motion carried unanimously.

## **X. Items for Discussion**

### **A. Presentation of the preliminary Draft of Connecticut's ESSA State Plan**

Deputy Commissioner Ellen E. Cohn and Chief Performance Officer Ajit Gopalakrishnan presented a review of the preliminary draft of Connecticut's ESSA State Plan to the Board. Deputy Commissioner Cohn provided a summary based on the six sections of the Plan:

- I. Long Term Goals
- II. Consultation and Performance Management
- III. Academic Assessments
- IV. Accountability, Support, and Improvement for Schools
- V. Supporting Excellent Educators
- VI. Supporting All Students.

[Erik Clemons left the meeting at 2:20 p.m.]

[Stephen Wright left the meeting at 2:25 p.m.]

## **XI. Committee Reports**

### **A. Academic Standards and Assessment**

In Mr. Wright's absence, no report was given.

## **B. Accountability and Support**

Dr. López reported that at the January 9, 2017, meeting, the committee received a progress report on and engaged in discussion with representatives of John B. Stanton Elementary School, Norwich, and Frank J. DiLoreto School, New Britain. The next committee meeting is scheduled for February 6, 2017.

## **C. Finance, Audit, and Budget**

No report was given.

## **D. Legislation and Policy Development**

Mrs. Hopkins-Staten reported that the committee met this morning and held a discussion on data privacy. Chief Performance Officer Ajit Gopalakrishnan and Plainfield Superintendent of Schools Mr. Kenneth R. Di Pietro provided a presentation on the safeguards to the collection of data.

## **E. Connecticut Technical High School System Board**

Mr. Trefry reported that on February 8, 2017, the Association of Career and Technical Education will visit CTHSS to review strategic planning. CTHSS will host a community dinner on February 18, 2017, to engage the public regarding CTHSS. A decision was made to keep the tuition for the aviation program constant. In January 2017, Mr. Trefry attended the NSBA (National School Boards Association) meeting held in Washington, D.C.

## **F. NASBE**

No report was given.

## **Resolution in Honor of Vice Chairperson Theresa Hopkins-Staten**

By unanimous consent, the Board voted unanimously to add to the agenda the following resolution:

*Whereas*, Theresa Hopkins-Staten has served on the Connecticut State Board of Education since 2005, and has served as the Vice Chairperson of the Board and Chairperson of the Legislation and Policy Development Committee; and

*Whereas*, through her leadership role on the State Board of Education and on numerous other state and national boards, commissions, and committees, Mrs. Hopkins-Staten has been a fierce advocate for educational equity and excellence for all children; and

*Whereas*, she has been an influential voice for those who otherwise might not be heard, and a guide for parents in their efforts to be engaged in their children's education and to be integral, contributing members of the school community; and

*Whereas*, Mrs. Hopkins-Staten has initiated and led courageous conversations around race and equity as a vital component of policies and practices that support equity in our public schools and educator workforce; now, therefore, be it

*Resolved*, That the Connecticut State Board of Education honors Theresa Hopkins-Staten for her selfless dedication to Connecticut's children, expresses appreciation for her years of service to the State of Connecticut, and wishes her well in her future endeavors.

Motion carried unanimously.

Board members thanked Mrs. Hopkins-Staten for her years of service and lasting contributions to the work of the Board and on behalf of Connecticut's students.

Chairperson Taylor adjourned the meeting at 2:49 p.m.

Prepared by: \_\_\_\_\_  
Dr. Dianna R. Wentzell, Secretary  
State Board of Education