

CONNECTICUT STATE BOARD OF EDUCATION  
Hartford

Legislation and Policy Development Committee Meeting  
January 6, 2016

Draft Minutes

Pursuant to notice filed with the Secretary of the State, the Board of Education Legislation and Policy Development Committee met in Room 2600, Legislation Office Building, Hartford, Connecticut on January 6, 2016.

I. Call to Order

Committee Chair Theresa Hopkins-Staten called the meeting to order at 8:35 a.m. Also present were committee members Robert Trefry, Joseph Vrabely, Maria Mojica, Erin Benham, Stephen Wright and Terry Jones.

Also present for all or part of the meeting were the following Department of Education staff members: Assistant to the Commissioner for Board Matters Pamela Charland; Chief of Staff Kelly Donnelly; Chief Operating Officer Charlene Russell-Tucker; Chief Financial Officer Kathy Demsey; Bureau Chief of Special Education Isabelina Rodriguez; Chief Performance Officer Ajit Gopalakrishnan; Communications Director Abbe Smith; Legal Director Peter Haberlandt; Attorney Robin Cecere; Legislative Liaison Laura Stefon; and Paralegal Michael Wallace.

II. Approval of Meeting Minutes

On a motion made by Mr. Vrabely, seconded by Ms. Benham, the Committee unanimously approved the December 2, 2015, Legislation and Policy Development Committee meeting minutes.

III. Legislative Proposals

Committee Chair Hopkins-Staten recognized Legislative Liaison Laura Stefon who summarized the legislative proposal, as follows:

An Act Concerning Revisions to the Minimum Budget Requirement (MBR):

This proposal makes three changes to legislation that was passed in the 2015 session:

1) It removes an incorrect statutory reference, and bases the calculations for districts falling within the top 10 percent on the accountability index, a more holistic measure of district performance.

2) It requires SDE to utilize school classification criteria for category one schools, as outlined in the statewide management and support plan, and apply them on a district level when considering which districts will receive MBR relief. This ensures that districts that may be high

Legislation and Policy Development Committee Meeting  
January 6, 2016

Draft Minutes

performers but have achievement or graduation gaps or low participation in state assessments will not be eligible for MBR relief.

3) Requires both the elementary or elementary-middle school district and the regional middle-high or high school district to meet the criteria outlined in numbers 1 and 2 in order to be considered for MBR relief, if a district is a member of a middle-high school or high school region.

This proposal will 1) provide a more holistic framework to identify districts eligible for MBR relief and 2) will institute safeguards to ensure that this fiscal relief is not at the expense of our most vulnerable students.

On a motion made by Mr. Vrabely, seconded by Ms. Benham, the Committee recommended that this be submitted to the State Board of Education for its consideration.

#### IV. Overview Regarding Requests for Anonymity in Complaints and Discussion Regarding Special Education Complaint Process

Committee Chair Theresa Hopkins-Staten recognized Legal Director Peter Haberlandt. Mr. Haberlandt noted that complaints or concerns are brought to SDE in a number of ways, including via telephone calls, e-mails or letters.

Complaints/concerns are then routed to the appropriate office or division. In general, SDE strives to work with all relevant parties to resolve complaints or concerns brought to its attention informally and quickly where it is possible to do so. Mr. Haberlandt explained that, in most legal contexts, in order to file a formal complaint that would give the receiving government agency the legal authority to investigate and take formal action, the complainant is normally required to give his/her name. Mr. Haberlandt explained that this is required in the context of formal Special Education complaints by the regulations pursuant to the Individual with Disabilities Education Act (IDEA), and it is also true with respect to complaints to the Connecticut Commission on Human Rights and Opportunities and the Office of Civil Rights of the U.S. Department of Education. In all three contexts, written complaints identifying the complainant is generally required.

Mr. Haberlandt noted that the IDEA regulations were recently updated and specifically require the complaining party to forward the written complaint to the local district in order to facilitate prompt resolution. He further noted that the U.S. Department of Education rejected the objection of some commenters that this requirement could expose complainants to acts of retaliation. Mr. Haberlandt noted that the retaliation concern is addressed in the law principally by various civil liability statutes aimed at deterrence. Mr. Haberlandt provided an overview of legal protections against retaliation and noted that, in order for these protections to be effective, employees of districts and districts themselves need to be aware of these protections. School districts could be responsible for reinstatement, damages and attorney fees in a civil action for retaliation.

Legislation and Policy Development Committee Meeting  
January 6, 2016

Draft Minutes

Committee Chair Theresa Hopkins-Staten recognized Bureau Chief of Special Education Isabelina Rodriguez. Dr. Rodriguez then discussed the Special Education complaint process. She noted that most of the inquiries/complaints the Bureau receives come from parents, advocacy groups or teachers.

Bureau staff members accept inquiries/complaints and try to assist the individual through problem solving, and providing support and guidance. Their goal is to enable the individual to return to the district prepared to resolve the concern informally without direct intervention of the State. If this is not possible, staff members will request permission to contact the district directly to reach a resolution. If this is not acceptable or if the individual prefers to file a more formal complaint, the Bureau shares with them the Dispute Resolution Process of filing complaints, which will require them to file a written and signed complaint, as required by IDEA regulations. This complaint is a complaint as defined under IDEA regulations and implies a violation of IDEA regulations and will result in an investigation by the Bureau of Special Education staff. If the district is found to be in violation, it will be required to complete corrective action, the results of which will need to be submitted to the Bureau. The Bureau is staffed by 15 Educational Consultants; however, it is short three staff members due to retirements and transfers who provide the support in this area as well.

Questions were raised by members as to whether the Bureau tracks the types of complaints to see if there are common complaints or to identify districts that seem to have an increased number of complaints. Dr. Rodriguez explained that staff members are assigned to certain districts to ensure that staff members develop relationships with particular districts. In this manner, if there is an increase number of complaints in a particular district, it will be noted. Additionally, the Bureau meets monthly to discuss the complaints, overall state and district issues to see if there are any common patterns of concerns within districts or across regions that need to be addressed or whether further action needs to be taken within a particular district. Dr. Rodriguez added that the Bureau works with districts to ensure compliance and to assist them in program and service delivery as the main goal is to meet the needs of students with disabilities.

V. Other Matters

None

VI. Adjourn

The meeting was adjourned at 9:30 a.m.

Prepared by:

---

Michael Wallace, Paralegal