



## **FOR IMMEDIATE RELEASE**

*June 25, 2024*

### **Complaint Filed with U.S. Department of Justice Alleging Disability Discrimination by School Districts in Hartford, Bridgeport, Waterbury and Stratford**

#### ***Investigation by Office of the Child Advocate & Disability Rights Connecticut Reveals Substandard Education Provided by High Road Schools and Lack of Oversight by Districts***

The Connecticut Office of the Child Advocate (OCA) and Disability Rights Connecticut (DRCT) today filed a complaint with the Civil Rights Division of the U.S. Department of Justice (DOJ) alleging disability discrimination and violations of special education law by public school districts in Hartford, Bridgeport, Waterbury, and Stratford.

The action stems from a two-year joint investigation into the education being provided to children of those districts who are enrolled in privately-owned segregated schools for students with disabilities. The schools are operated by High Road Schools, a private equity owned, state-approved, and publicly funded private special education program that receives millions of dollars of public funds from Connecticut school districts each year. High Road accepts students with a range of disabilities including autism, intellectual disability, and behavioral health disabilities.

The complaint alleges actions by the districts in violation of Title II of the Americans with Disabilities Act, which prohibits discrimination on the basis of disability by public entities, Section 504 of the Rehabilitation Act, and the Individuals with Disabilities Education Act, and urges an investigation followed by remediation requirements by DOJ.

OCA and DRCT found that students with disabilities eligible for special education, particularly low-income children from Black and Brown communities, are routinely placed by the districts at the segregated High Road Schools where they receive “substandard and unequal education from often unqualified staff, are regularly subject to seclusion and restraint, and often have no pathway to returning to their home schools and districts.”

The investigation also revealed that the districts do not exercise the requisite monitoring and oversight in regards to the education provided to their students at the High Road Schools. Likewise, the investigation faulted the Connecticut State Department of Education for failing to adequately oversee these state approved programs and failing to ensure that students with disabilities receive a safe and appropriate education.

The OCA/DRCT investigation, outlined in the complaint, included multiple information requests of High Road Schools, the State Department of Education, and school districts, as well as site visits, and extensive records reviews. Six High Road Schools were the focus of the investigation, one of which, in New London, has since been closed by High Road Schools. High Road Schools is among the state’s largest providers of special education services, with more than 300 students from 42 local school districts across Connecticut. A copy of the 57-page investigative report and related materials were included along with the complaint filed with DOJ.

The OCA/DRCT investigation found that many of the children placed at High Road Schools by the school districts were “grossly underserved” in both educational planning and service delivery.

The investigation revealed a persistent and widespread problem of student disengagement and absenteeism, inappropriate reliance on seclusion and restraint, lack of adequate assessments and evaluations to determine students’ needs, lack of an individualized approach to student education, and significant deficiencies in the number of certified special education teachers and other credentialed educational staff, along with widespread failures to document legally required background checking for staff working with children.

The complaint urges DOJ to “investigate and remediate the deficiencies identified” and “any other deficiencies identified by DOJ through its investigation,” urging actions including requiring the districts to:

- provide special education and related services to ensure that each student receives education in the least restrictive environment and in the most integrated setting to meet the students’ needs;
- ensure sufficient resources for special education services;
- include in their contracts with High Road Schools services required for children attending public schools, including physical education, the arts, and health and safety;

The OCA/DRCT investigation revealed that High Road Schools “relied extensively on seclusion, and particularly restraints, to manage students’ behavioral problems.” There were more than 1,200 reported incidents of restraint and seclusion of students during the 2021-22 school year.

The complaint filed with the U.S. Department of Justice also includes a number of examples of students at the schools who were subjected to alleged discriminatory practices. In one example cited, five students from Waterbury schools placed at High Road Schools were subjected to 83 total incidents of restraint and 44 total incidents of seclusion. In another, a Bridgeport student was subjected to 60 incidents of restraint, and more than one-third of Bridgeport students enrolled in High Road Schools were subjected to restraint and/or seclusion during the 2021-22 school year. High Road of Hartford Primary/Middle School had 65 students enrolled across kindergarten to 8th grade. Nineteen (19) of these students, or 29%, were subjected to restraint and/or seclusion during the 2021-22 school year with eight students subjected to more than 10 instances and two of them subjected to 27 instances of restraint or seclusion.

The investigation also revealed significant deficiencies with respect to staffing throughout the High Road Schools locations throughout Connecticut. Almost half of the teachers employed for the period OCA/DRCT sought staff data, for example, lacked teacher certification from the state of Connecticut. Inadequacies also included failure to conduct legally required background checks of staff and failure to file the requisite annual statements of assurance regarding compliance with staffing requirements.

The complaint notes that Connecticut currently leads all states in the placement of children with disabilities in separate schools, and the majority of these students are children of color. Connecticut also ranks second among all states for the percentage of children identified as having Emotional Disturbance who were educated in separate schools, with almost a third of these students statewide educated in separate settings.

Actions or inactions by the districts during and in response to the OCA/DRCT investigative findings have been “insufficient to address the chronic and systemic violations of state and federal special education and disability antidiscrimination laws” identified by the investigation, the complaint points out.

The OCA/DRCT investigative report was released in March 2024, and called for a series of reforms by state officials, including state legislation and policy upgrades by the State Department of Education.

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### ***About Disability Rights Connecticut***

Disability Rights Connecticut’s mission is to advocate, educate, investigate, and pursue legal, administrative, and other appropriate remedies to advance and protect the civil rights of individuals with disabilities to participate equally and fully in all facets of community life in Connecticut. Disability Rights Connecticut provides legal advocacy and rights protection to people of all ages with disabilities. DRCT focuses its legal and other advocacy on a wide range of disability justice issues for Connecticut residents with disabilities. DRCT’s services include advocating the rights of individuals with disabilities on issues including abuse, neglect, discrimination, community integration, forensic mental health, voting, and other rights protection issues. DRCT replaced the Office of Protection & Advocacy for Persons with Disabilities, which was abolished by Connecticut Law as of June 30, 2017, and is now Connecticut’s federally mandated “Protection and Advocacy System”.

### ***About the Connecticut Office of the Child Advocate***

The mission of the Office of the Child Advocate (OCA) is to oversee the protection and care of children and to advocate for their well-being. OCA is not an administrator of programs. Rather, the OCA monitors and evaluates public and private agencies that are charged with the protection of children, and reviews state agency policies and procedures to ensure they protect children's rights and promote their best interest. OCA helps to: advocate for children at risk; address public policy issues concerning juvenile justice, child care, foster care, and treatment; review individual cases and investigate complaints; educate and inform the public of laws and services affecting families and children who are placed under state supervision; coach families, concerned citizens, and agencies to "navigate" public service and information systems and advocate for children effectively; review facilities and procedures of public or private institutions or residences where juveniles are placed; and facilitate change by bringing different agencies together to find creative solutions to difficult problems.

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