



FOR IMMEDIATE RELEASE

September 19, 2024

Complaint Filed with U.S. Department of Education Alleging Significant Deficiencies in Oversight of Education Provided to Connecticut Students with Disabilities

The Connecticut Office of the Child Advocate (OCA) and Disability Rights Connecticut (DRCT) on September 18, 2024 filed a Complaint with the U.S. Office of Special Education Programs (OSEP) alleging that despite having “monitoring and regulatory oversight obligations” for “all special education schools and programs” the Connecticut State Department of Education (CSDE) has “not exercised the requisite monitoring and regulatory oversight” of High Road schools in Connecticut, private equity owned segregated schools where multiple school districts place students with disabilities.

“Based on the findings of our systemic investigation and CSDE’s continued noncompliance with IDEA (Individuals with Disabilities Education Act) oversight and monitoring, OCA and DRCT request that OSEP conduct its own investigation ... and issue an appropriate corrective action plan for CSDE based on its findings.”

The Complaint comes six months after an investigative report, issued in March 2024, in which OCA and DRCT pointed out that there existed “widespread noncompliance by High Road with state statutory and regulatory requirements for state-approved private special education programs, including use of non-credentialed staff, failure to conduct/document background checks for staff working directly with children, and failure to inform school districts and the state of staffing deficiencies and irregularities.”

The OCA/DRCT investigation examined the time period 2019-2022, also noting that when High Roads schools failed to provide CSDE required annual assurances attesting to use of credentialed staff, “there was no inquiry or audit conducted by CSDE.”

In the Complaint, OCA/DRCT allege violations of the Individuals with Disabilities Education Act, Title II of the Americans with Disabilities Act, and Section 504 of the Rehabilitation Act of 1973, and their respective implementing regulations.

OCA/DRCT point out in detail that during their investigation and throughout follow-up activities, there were “significant deficiencies in CSDE’s supervision, including:

- Inadequate follow-up by CSDE to identified deficiencies and concerns.
- CSDE did not follow-up on High Roads’ failure to comply with state standards.
- CSDE did not properly monitor and ensure compliance with IDEA and relevant state special education law.

OCA and DRCT indicate concern about the “lack of timely and comprehensive follow-up by CSDE to the concerns raised” during the course of their joint investigation and subsequent report, as well as concerns that had been raised even prior to the investigation and report.

After issuance of the OCA/DRCT investigative report earlier this year, CSDE indicated that it had “engaged in vigorous, targeted, follow-up supervisory and monitoring activities with High Road Schools, including both scheduled and off-cycle reviews.” The investigation had faulted CSDE for failing to adequately oversee the state approved programs and failing to ensure that students with disabilities receive a safe and appropriate education.

As OCA/DRCT point out in the Complaint, CSDE did produce reports created in July 2024 describing recent oversight activity relevant to High Road Schools. However, when requested, “CSDE was unable to produce a number of relevant records to support its statement or findings, including interview or record review notes, or any other underlying documents related to its conclusions.” In fact, “CSDE informed DRCT that they had no such record.” In addition, despite CSDE having confirmed High Road Schools’ use of non-credentialed/non-approved staff during the course of the OCA/DRCT investigation, CSDE produced no documentation that it conducted a prompt audit of these staffing irregularities.

High Road Schools is 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. Over 18 Connecticut school districts place children at High Road schools including Bridgeport, Hartford, Waterbury and Stratford.

OCA and DRCT found in their investigation 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.”

OCA/DRCT has previously noted 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 Disabilities who were educated in separate schools, with almost a third of these students statewide educated in separate settings.

The 57-page OCA/DRCT investigative report indicated that many of the children placed at High Road schools by 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 OCA/DRCT investigation also 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 mission of the Office of Special Education Programs (OSEP) within the U.S. Department of Education “is to lead the nation's efforts to improve outcomes for children with disabilities ... ensuring access to fair, equitable, and high-quality education and services.”

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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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