

**Special Education Cost Model Task Force  
Minutes of Meeting  
April 11, 2018**

**Call to Order**

Pursuant to notice filed with the Secretary of the State, the Special Education Cost Model Task Force met on Wednesday, April 11, 2018 in North Meeting Room C of the State Office Building, 450 Columbus Boulevard, Hartford, Connecticut.

Ms. Liz Donohue, Deputy Chief of Staff, Office of the Governor, called the meeting to order at 9:33AM, in the absence of Matthew Galligan, chair of the Special Education Cost Model Task Force.

**Task force members in attendance:**

- Kathy Demsey, Chief Financial Officer, State Department of Education
- Liz Donohue, Deputy Chief of Staff, Office of the Governor
- John Flanders, Executive Director, Connecticut Parent Advocacy Center
- Marie Salazar Glowski, Assistant Executive Director, Connecticut Association of Schools
- Michael Grove, Assistant Superintendent for Technology and Operations, Meriden Public Schools
- Jeffrey Kitching, Executive Director, EdAdvance
- Patrice McCarthy, Deputy Director and General Counsel, Connecticut Association of Boards of Education
- Jan Peruccio, Superintendent, Old Saybrook Public Schools
- David Scata, Executive Director, Connecticut Council of Administrators of Special Education
- Jeyaraj Vadiveloo, Director, Goldenson Center for Actuarial Research, University of Connecticut

**Task force members absent:**

- Matthew Galligan, Town Manager, East Windsor (Chair)
- Stephen DiCenso, Consulting Actuary, Milliman, Inc.

**Others in attendance:**

- Kyle Abercrombie, Connecticut School Finance Project
- Martha Deeds, Connecticut School Finance Project
- Leah Grenier, Office of Policy and Management
- Michael Griffith, Education Commission of the States (Presenter)
- David Lenihan, Connecticut Association of Boards of Education
- Mandi Lewis, Office of the Governor
- Emily Parker, Education Commission of the States (Presenter)
- Fran Rabinowitz, Connecticut Association of Public Schools Superintendents

- Orlando Rodriguez, Connecticut Education Association
- Katie Roy, Connecticut School Finance Project

### **1. Review and Acceptance of Minutes**

Task force members reviewed the draft meeting minutes from the March 16<sup>th</sup>, 2018 meeting. Ms. Demsey moved, and Mr. Grove seconded a motion to accept the minutes of the March 16<sup>th</sup>, 2018 task force meeting.

#### **VOTE ON MOTION**

In favor: Demsey, Donohue, Flanders, Glowski, Grove, Kitching, McCarthy, Perrucio, Vadiveloo, Scata

Opposed: 0

Abstained: 0

Absent: Galligan, DiCenso

### **2. Presentation from Education Commission of the States (ECS) on Special Education Funding Models in Other States**

Michael Griffith and Emily Parker from the Education Commission of the States (ECS) provided a presentation about special education funding models across the country. (The presentation made by ECS to the task force is attached to these meeting minutes.) Mr. Griffith and Ms. Parker paid for their own travel and expenses to Connecticut, as Connecticut is a dues-paying member of ECS, which is a national organization that provides non-partisan information to policymakers about education issues. The presentation covered requirements regarding the provision of special education services under the Individuals with Disabilities in Education Act (IDEA), an overview of Connecticut current special education funding practices, an overview of the types of special education funding models seen in other states across the country, a discussion of the special education funding models in other states where burden of proof falls on the district in due process complaints, and case studies of special education models in Massachusetts, New Hampshire, and Maine.

The following topics were discussed after the presentation:

- Mr. Griffith stated that Wyoming is the only state where state funds support 100 percent of districts' special education costs. Mr. Scata asked what the relative cost of special education was between Connecticut and Wyoming, per special education student. Mr. Griffith stated that Wyoming is an anomaly among states because it has only 80,000 students, but there is not a good data set to compare per-pupil special education expenditures, but Wyoming has relatively high overall per-pupil expenditures, comparable to New York or New Jersey.
- Mr. Griffith and Ms. Parker indicated that there is no state where burden of proof is assigned to the district that uses a similar funding model as Connecticut and that there is also no pattern in funding models in states where the burden of proof is assigned to the district. Dr. Kitching asked if Connecticut's high-cost, partial-reimbursement model interacts with burden of proof to increase special education costs in Connecticut. Mr. Griffith responded that when more funding is

provided for special education, it tends also help general education students, but that there is currently no research that would answer this question.

- Ms. Roy asked if there are higher costs associated with burden of proof being assigned to the district. Mr. Griffith stated there is no correlation among states where this is the case.
- Mr. Scata stated that because the Excess Cost grant is not fully-funded it puts additional stress on districts. Mr. Griffith stated that there is a trend in states with high-cost reimbursement programs to not fully fund the reimbursement grant.
- Mr. Flanders clarified that in states where the burden of proof is not assigned to the district, the burden of proof is on the party that brings suit, not automatically on parents (this is the default civil procedure rule). Mr. Flanders stated that many parents don't have the financial resources to bring due process hearings.
- Dr. Kitching asked what the high-cost threshold is in Arkansas, a state with a similar partial reimbursement program to Connecticut. Mr. Griffith stated that he did not know the exact threshold, but that high-cost thresholds range from approximately \$25,000 - \$75,000 among states with these funding models. Ms. Parker stated that Arkansas only provides funding for "catastrophic occurrences."
- Ms. Roy asked if most special education funding is based on need or is it based on availability of funds. Mr. Griffith responded that most often special education funding decisions are based on the availability of funds and future obligations. Many legislatures don't want to be locked into a high level of support, as IDEA requires that states not reduce their level of support for special education from the prior year. Mr. Griffith stated that this trend also applies to general education funding formulas.
- Mr. Griffith stated that the Special Education Predictable Cost Cooperative Model is a unique and interesting program, and that if it gets implemented, many other states would be interested in learning more about it. Mr. Griffith stated the Co-op model provides predictability that is not included in other special education finance models.
- Ms. McCarthy asked where ECS acquired the information that 22 percent of the Education Cost Sharing Grant is attributable to special education. Ms. Demsey stated that her office provided the number, and that the calculation is based on aggregate special education expenditures across districts.
- Dr. Vadiveloo asked if other states want to adopt the Co-op model, how would that work? Mr. Griffith stated that ECS might write a briefing to assist other states.
- Ms. Perruccio stated that no state appears to have implemented a perfect model for special education funding, but what makes a more successful model? Mr. Griffith stated that there are 50 different states and 50 different special education finance systems. Ms. Parker noted that Texas funds special education based on the costs associated with where the student is educated (mainstream, resource room, outplaced, etc.), and that formulas that include multiple student weights tend to be more modern formulas, while block grants are the oldest type of special education funding system. Mr. Griffith stated that states are still

grappling with how to fund special education and changing policies and attempting to implement more sophisticated approaches. He explained that some states believe that IDEA prohibits them from changing their distribution model for special education funding, but this is not accurate—states are allowed to change their special education funding formula without a waiver from the federal government. He also noted that policymakers tend to be nervous about increasing overall state funding for special education funding of the maintenance of support requirement under IDEA, which requires that states continue to maintain their level of special education spending, regardless of financial circumstances.

- Ms. Demsey asked if ECS had seen any indication of states with more efficient service-delivery models. Mr. Griffith stated that research shows when small districts work together, you can provide better services at a lower rate, however it requires buy-in from districts. Mr. Griffith provided the example of supervisory districts in Vermont and Maine. Ms. Perruccio asked if participation was required through legislation. Mr. Griffith stated that yes, the state mandated participation but gave districts the option of consolidating or the participating in supervisory unions. Ms. McCarthy asked if there was pushback about educating students in the least restrictive environment. Mr. Griffith stated that these states began by focusing on students with severe/moderate disabilities who were already spending time in segregated classrooms. Mr. Griffith provided personnel sharing as another example of inter-district collaboration which works for lower-need students.
- Mr. Rodriguez asked to what extent the growth in special education identification rates could be attributable to growth in English Learners being identified as needing special education services. Mr. Griffith responded that there are studies that show over identification of special education students in minority racial groups and among low-income students. Sometimes district officials can over-identify special education students to access increased resources. Mr. Griffith said he has tended to see this behavior in smaller districts where staff are not trained in the difference between at-risk students and students with documented disabilities.
- Mr. Lenihan asked if Mr. Griffith and Ms. Parker believed that the maintenance of support requirement under IDEA should be changed to be more similar to the ESSA, Title 1 support requirement of 90 percent of last year's spending. Mr. Griffith stated that no federal administration has taken up this issue, each administration has historically supported and protected IDEA.
- Mr. Griffith discussed maintenance of support waivers under IDEA. He stated that the U.S. DOE is very reluctant to give them, and that, to the best of his knowledge, only two states have ever been granted one-year waivers, and they were only from one year.
- Mr. Rodriguez asked if states can reduce special education funding under IDEA if their enrollment decreases. Mr. Griffith stated that states cannot decrease support under IDEA. Mr. Griffith mentioned that Texas is currently being sued because they put an 8.5% cap identification rates.

### **3. Other Business**

Mr. Scata asked for an update on the RFP subcommittee's progress. A brief update on the RFP subcommittee meeting was provided, which included a discussion of the state contracting procedures with representatives from the Office of Legislative Management and the Connecticut Insurance Department. The next RFP subcommittee meeting is in the process of being scheduled.

### **4. Schedule and Agenda for the Next Meeting**

The next meeting will be scheduled after the legislative session ends on May 9<sup>th</sup>. Ms. Donohue will send out a poll to members to assist in finding a time that works for the most participants. Ms. Deeds will ask for Mary Glassman of Capitol Region Education Council to present on the process she led to create CT Prime. Ms. Perruccio asked that time be held for additional conversation on funding models from other states. Ms. Donohue stated that additional RFP subcommittee meetings will be held in the interim.

### **5. Adjournment**

At 10:45 AM, Dr. Kitching moved, and Mr. Flanders seconded a motion to adjourn the meeting.

#### **VOTE ON MOTION**

In favor: Demsey, Donohue, Flanders, Glowski, Grove, Kitching, McCarthy, Perruccio, Vadiveloo, Scata

Opposed: 0

Abstained: 0

Absent: Galligan, DiCenso