

Common Questions Parents Ask about the P.J. ET AL vs. State of Connecticut, Board of Education, ET AL Settlement Agreement

1. How do I know if my child is a class member in the Settlement Agreement?

The class is defined as all school-age children labeled mentally retarded/intellectually disabled who are not in regular class placement, which is defined by the United States Department of Education as 80% or more time with non-disabled peers. This decision is made at the Planning and Placement Team (PPT) and is noted on the front page of the student's Individualized Education Program (IEP). The CT State Department of Education (SDE) maintains a list of class members and updates it periodically with information they receive from each local school district. Parents may contact their local school district or the SDE to find out if their child is on this list.

2. Does the Settlement Agreement apply to students who do not have an intellectual disability? If my child has multiple disabilities, including an intellectual disability, is she/he a class member?

The Settlement Agreement only addresses students who have an intellectual disability, but the federal and state special education laws are the same for all students with disabilities. The requirements to place all students with disabilities, in the least restrictive environment, where she/he can receive an appropriate education, are the same for all students. Placement in the regular education classroom, with the appropriate supports and services, must be the first consideration for all students. A child who is identified as having a multiple disabilities, as their primary disability, is not a class member.

3. Does the Settlement Agreement apply to pre-k or preschool students?

The Settlement Agreement specifically defines class members as school-aged children. The SDE has agreed to include preschoolers with an intellectual disability in the data analysis and goal setting, which in effect makes them members of the Class. The law requires that preschool-age children be educated in the least restrictive environment. The SDE collects data on preschool-age students, the amount of time a pre-school student spends with non-disabled students, and the location where pre-school age students receive their services.

4. Does the State Department of Education require districts to bring all students from out of district placements back to the district?

No. One of the five goals of the Settlement Agreement is to increase the percent of students with an intellectual disability who attend the school they would attend if not disabled (home school.) It is not a requirement that all students return to a district school.

5. Is the State Department of Education trying to close down the private special education or RESC programs?

No. School districts are required to maintain a continuum of options for placement for students with disabilities. This includes, when appropriate, private special education schools or RESC programs.

6. How does the state know how much time my child spends with non-disabled peers?

The SDE collects data on an annual basis from every school district, and for every student with a disability. This includes data on how much time a child spends with non-disabled peers. This information does not personally identify the student. Most of the data reported to the SDE is collected from the student's IEP form. A summary of each school district's data is available at the State Department of Education's website, <http://www.state.ct.us/sde>, under the heading "District Data."

7. How does the state monitor each district on the goals of the Settlement Agreement?

The State monitors each district in a variety of ways including:

- Reviewing data submitted by each school district on an annual basis;
- Reviewing data for targeted school districts on a quarterly basis;
- Conducting desk audits or on-site visits to monitor a district's improvement plan in the area of least restrictive environment (LRE);
- Conducting on-site visits, observations, record reviews and data verification visits; and
- Responding to parent complaints.

The SDE has directed local Boards of Education to identify and eliminate the barriers that prevent students with an intellectual disability from being educated with non-disabled peers in regular classes, to the maximum extent appropriate.

8. How does a local district deal with a regular education teacher who does not want a child with an intellectual disability in his/her class?

Sometimes, teachers do not want a child in their classroom because they feel they are not equipped to meet the child's individual needs. Training and technical assistance is offered in districts and throughout the state on the requirement for all students with disabilities to be appropriately educated in the least restrictive environment. The IEP can identify training of staff as a requirement for students to be educated in the regular classroom. The IEP also identifies which modifications are needed for a student based on his/her individual needs. The Principal of the school is essential in

his/her leadership role supporting students in the regular education classroom, as well as ensuring staff are appropriately trained and supported.

9. What training is provided for regular education teachers? Special education teachers?

Professional development opportunities are offered for all teachers through local and state wide training. Local districts are required to provide professional development activities throughout the year. Many districts have chosen to use this time to address training for all staff on including students with disabilities in regular education classrooms. The Special Education Resource Center (SERC) also provides extensive training state wide, including training by national experts on the topic of LRE. All districts have been offered a self-assessment tool called the *School Based Practices Profile*. This tool allows districts to identify their areas of strength and need in the area of LRE in order to determine what training and supports are required for staff and students. Districts may also choose to bring in private consultants to assist with district needs and with meeting the needs of individual students.

10. How do you determine what supports and services are needed in the regular education class?

Supports and services should be discussed at the PPT meeting. It is a decision that should be determined individually for each child on the basis of the following:

- Evaluations;
- Input from parents and whomever they choose to have attend the PPT;
- Input from staff;
- Past and present performance;
- Past and present supports;
- Review of what has worked for children with particular needs;
- Requirements of the general education curriculum; and
- Information from professionals, both regular education and special education, who have experience placing children with intellectual disabilities in regular classes.

11. If a child with an intellectual disability is in a regular education class, do they need a one-on-one paraprofessional?

As with other decisions regarding supports and services, this is determined by the Planning and Placement Team (PPT). In some cases, relying on a paraprofessional may result in the student relying on one adult instead of engaging and learning with his/her classmates and the regular education teacher. Paraprofessional support can be an option; however, this support may be needed only for specific activities or times of the day, rather than all day. There are many other supports that can be utilized instead of a paraprofessional. Some examples of these supports are: co-taught classrooms (regular education and special education teachers), therapist support in the

classroom, peer support, small group instruction, providing staff training, and creating regularly scheduled collaboration time for team members.

12. Should high school students with an intellectual disability be included in academic classes such as algebra, chemistry and regular education English?

The law requires that education in regular classes including algebra, chemistry, English, and all other high school courses of study, with the use of supplementary aids and services, must be considered for all students. Considerations must be made as to what supports, accommodations and modifications would be needed for meaningful participation in regular academic classes, while ensuring receipt of a free, appropriate public education (FAPE.) The decision as to which classes a student should attend is made at the PPT. This decision is based on the student's strengths, needs, preferences and long term goals.

13. If a student is placed in a regular education classroom, does that mean they must take the standard form of the CMT or CAPT test?

Students have two options with respect to the CMT or CAPT assessment. The PPT may choose the Alternate Assessment (Skills Checklist), or the regular test. The United States Department of Education anticipates that only those students with the most significant cognitive disabilities will be assessed using the alternate assessment. There is a list of approved accommodations that the team can consider for students taking the regular test. This decision should be based on the student's individual needs and abilities, and the guidelines provided by the CT State Department of Education.

14. What types of supports are available for students participating in extracurricular activities? Is it part of the IEP?

The federal law, IDEA, states that "each public agency shall take steps to provide nonacademic and extracurricular services and activities in the manner necessary to afford children with disabilities an equal opportunity for participation in those services and activities." A student's participation in school sponsored extracurricular activities should be discussed at a PPT meeting. Districts must ensure that the student has access to the activities. The PPT should carefully consider supports needed for the student to participate. These supports should be listed on page 8 of the IEP: Program Modifications/Adaptations – Including Nonacademic and Extracurricular Activities/Collaboration/Support for School Personnel. Given the different environment and demands of these activities, these supports may or may not mirror those required during the school day.

When participation in an extra curricular activity is necessary to address goals and objectives, it should be identified on the IEP. In such instances, supports must be provided in order for the child to participate, including transportation and staffing.

15. Should a district return a student to their home school if they have attended a different school in the district for multiple years?

The law states that “unless the IEP requires some other arrangement, children are educated in the school she or he would attend if they did not have a disability.” This applies to students with an intellectual disability. This is a decision that is made on an individual student basis, by the PPT. A PPT may decide that certain students should stay in out of district programs if they are close to finishing their educational career, and have been educated in that setting for a long time. Though it remains the goal for all students, including students with an intellectual disability, to attend their home school, there are times when it may be appropriate for a student to be educated in another setting. For example, some teams, based on the need for continuity for an individual student, have determined that a student should spend one more year in a non-home school, and transition the following year, due to the timing of a natural transition (i.e. transition to middle or high school.) Sometimes it may be appropriate for the transition to take place over a period of time, such as an entire school year. In some instances, based on the student’s individualized needs, the PPT may determine that it is not appropriate for the student to attend his/her home school, although this should be periodically reassessed.

16. Does the Settlement Agreement change the law for students who require special education services?

No, the settlement agreement does not change either state or federal special education laws. The settlement agreement supports and strengthens the intent of the laws that all children, regardless of their disability label, be educated to the maximum extent appropriate with their nondisabled peers in the least restrictive environment. The settlement agreement requires the state to make meaningful annual progress in increasing the placement of students with intellectual disabilities in regular classes in their home schools, and in their participation in extracurricular activities.