

P.J., ET AL.  
*Plaintiffs*

V

STATE OF CONNECTICUT, BOARD OF EDUCATION, ET AL.  
*Defendants*

### **Synopsis of the Settlement Agreement**

This case was filed in 1991 by five school-age children with mental retardation and their families and was certified as a class action lawsuit on December 13, 1993. The court approved the settlement on May 22, 2002.

#### **Class Membership**

The class includes all school-age children with the label mental retardation/intellectual disability on or after February 20, 1991, who are not educated in regular classrooms.

#### **Goals and Outcomes**

1. An increase in the percentage of students with mental retardation or intellectual disability who are placed in regular classes, as measured by the federal definition (i.e., 80 percent or more of the school day with nondisabled students).
2. A reduction in the disparate identification of students with mental retardation or intellectual disability by local education agency (LEA), by racial group, by ethnic group or by gender group.
3. An increase in the mean and median percentage of the school day that students with mental retardation or intellectual disability spend with nondisabled students.
4. An increase in the percentage of students with mental retardation or intellectual disability who attend the school they would attend if not disabled (i.e., "home school").
5. An increase in the percent of students with mental retardation or intellectual disability who participate in school-sponsored extracurricular activities with nondisabled students.

#### **Continuing Jurisdiction**

- The jurisdiction of the court for enforcement of this agreement will end five years from the impaneling of the expert advisory panel (EAP), except that the court, for a period of eight years from impaneling of the EAP, shall have jurisdiction to entertain plaintiffs' motions for substantial noncompliance with this agreement.
- An annual June report will be prepared, which:
  - a. Identifies Connecticut State Department of Education (Department) activities related to the five stated goals and implementation of this agreement for the prior school year
  - b. Reports on all statewide and district-by-district data related to class members

*This synopsis is not intended to be an official representation of the agreement's content, but done in an effort to inform persons of the major aspects of the agreement. There is no intention to misrepresent or not to inform persons of the agreement's content. 2/14/07*

- c. Reports on the documented progress on each stated goal
- d. Sets forth the Department's proposed activities for the next school year

### **Responsibility**

- The Commissioner of Education will issue a policy letter within 90 days of the court's approval of the agreement that reiterates the Board's position and that affirms the right of each child with mental retardation or another disability to be educated with nondisabled children to the maximum extent appropriate.
- Chief of the Bureau of Special Education and Pupil Services will issue a policy memorandum that:
  - a. Reiterates the individual student decision-making process that must be followed by the Planning and Placement Team (PPT) with regard to identification of the least restrictive educational environment for each child who has mental retardation and other disabilities, including the requirement that the PPT consider the placement of the student in regular classes with supplementary aids and services.
  - b. Informs LEAs that the Department shall conduct oversight activities to ensure that class members, whenever appropriate, are placed in regular classes, in home schools, and in extracurricular activities with appropriate supplemental aids and services, that promising practices are used with regard to instruction in regular classes, and that, whenever appropriate, class members who are placed out of district will be returned to their home districts
  - c. Inform LEAs of the joint state and local obligation to work towards the greater successful inclusion of students with mental retardation in all aspects of the school program through actions such as placement in home schools and regular classes, participation in extracurricular activities with appropriate supplementary aids and services, and use of promising practices with regard to instruction in regular classes
- The Commissioner's and bureau chief's policy memorandums will be forwarded with a copy of the agreement to each superintendent of schools, each member of the school board of each LEA, each special education due process hearing officer, and each teacher preparation program in Connecticut.

### **Program Compliance Review (Monitoring)**

- Targeted, databased monitoring system to facilitate improvement in each of the goals, with consistent feedback to all LEAs on their performance in achieving the goals.
- Monitoring will include participation and progress of class members in the general curriculum, use of out-of-district placements, and use of promising practices with respect to education of class members with nondisabled students.
- Monitoring will include the availability of supplementary aides and services to support the regular class placements of students and hearing officers' final decisions related to least restrictive environment for such students.

*This synopsis is not intended to be an official representation of the agreement's content, but done in an effort to inform persons of the major aspects of the agreement. There is no intention to misrepresent or not to inform persons of the agreement's content. 2/14/07*

- Focused monitoring to identify and provide solutions will occur for districts not making satisfactory progress toward the goals or are found deficit as a result of monitoring activities.
- Activities for the identified districts will include the following:
  - a. Review of relevant data reflecting identification and placement of students with mental retardation or intellectual disability
  - b. On-site visits
  - c. Annual development by each district of an improvement plan related to the stated goals of this agreement
  - d. Customized training of district staff in principles and strategies of effective and promising instruction in regular classes
  - e. Monitoring of districts' efforts toward achieving continuous improvement on the five goals stated in this agreement

### **Technical Assistance**

- Technical assistance system available to all LEAs to enable them to extend and improve education in regular classes for class members
- Sufficient number of qualified specialists to assist LEAs in carrying out their responsibilities

### **Parent Involvement**

Training programs to enable parents of class members to effectively advocate for the education of the children in least restrictive environments, including individualized education program (IEP) development, management and teaching activities and routine, and the development of active parent groups.

### **Complaint Resolution Process**

The Department will establish and maintain a complaint resolution process.

### **Expert Advisory Panel (EAP)**

- Establish a four-member expert advisory panel (EAP) to advise the parties and the court regarding the implementation of the agreement
- The EAP shall have the following responsibilities:
  1. Advise and serve as a resource to the Department
  2. Facilitate the defendants' compliance with this agreement
  3. Review annual report and make recommendations relating to progress toward the goals, development of statewide technical assistance, targeted monitoring, complaint resolution, parent training, and next steps.
  4. Collect and analyze data it deems necessary relating to class members and the implementation of this agreement.
  5. Convene the EAP within 90 days of the effective date of this agreement and meet three times per year, thereafter, and more often as necessary.