

The Connecticut State Advisory Council  
for Special Education  
2018 Annual Report



## **CONTENTS**

Message from the Chair.....	3
Executive Summary.....	4
Council Leadership.....	4
Membership Update.....	5
Council Highlights.....	6
Functions of the Council .....	8
Determining “Unmet Need”.....	9
Council Priorities .....	10
Council Recommendations.....	11

### Appendix

#### A. SAC Membership Composition and Vacancies

## Message from the Chair

My name is Tom Cosker and I am the proud parent of a child with a disability. I am also the Chair of the State Advisory Council (SAC) for Special Education. It is in this role that I deliver this message about the state of the SAC over the past 18 months. I was appointed to the SAC in November 2016. Over the course of my first 12 months on the Council, there was a transition in leadership taking place in the Bureau of Special Education and also in the SAC. When I was appointed in 2016, our membership and attendance was at a low level. Beginning in the summer of 2017 a concerted effort was made to focus on increasing the membership of the SAC and filling the many legislated vacancies that existed. Bryan Klimkiewicz, the new Special Education Bureau Chief, has been instrumental in this process as well as in the renewed energy on the Council.

Between June 2017 and November 2018 membership and participation on the SAC has increased substantially. In the spring of 2018, we were proud to appoint our first student member. There is a saying in the disability advocacy community, “Nothing about us, without us.” Over half of our SAC members are parents of students with disabilities but having student membership on the SAC truly brings this saying to life for us. The amazing group of parents, students, and professionals that make up the membership of the SAC is as knowledgeable, passionate, and committed a group as I have had the pleasure of working with in my time advocating for children with disabilities.

In February 2018, I was voted by the full Council to serve as the Chair of the SAC and along with the new Executive Committee members, have been working to focus the work of the SAC on specific priority areas. One of the primary functions of the Council is to “advise the State Department of Education of the unmet needs in educating children with disabilities”. To help accomplish this goal, in the summer of 2018 we spent time brainstorming and collaborating to develop priorities to focus on in the coming year. As the year moves along we continue to focus our efforts on our priority areas, gather data from stakeholders, and work to develop a set of recommendations for the Bureau of Special Education to consider.

There has been other work that has been ongoing this past year from updating our by-laws to creating a membership recruitment and appointment process as well as continuing to provide input on pending legislation around special education. The SAC has been very busy and productive this past year and I look forward to being part of the work the group accomplishes in the coming year. In closing, I would like to extend an invitation to you to join us at our next SAC meeting on January 30, 2019 at the SDE. You can find our meetings time and locations on our newly updated webpage on the SDE website under Special Education.

Thank you,

Tom Cosker, Chair of the State Advisory Council for Special Education

## **EXECUTIVE SUMMARY**

The Connecticut State Advisory Council for Special Education ("SAC" or "Council") has established authority under Section 10-76i of the Connecticut General Statutes and the Individuals with Disabilities Education Improvement Act (2004), Code of Federal Regulations (CFR), 34 CFR Section 300.169. The Council's purpose is to advise the Connecticut State Department of Education (CSDE) of unmet needs in educating students with disabilities and to recommend to the General Assembly any changes to the law, regulations, standards and guidelines pertaining to Special Education in the state.

The Council is to report to the General Assembly by February 15 in even-numbered years and January 15 in odd-numbered years.

This annual report reflects Council activity from July 1, 2017 through January 2019. The Council has worked collaboratively with the Bureau of Special Education to address membership vacancies, improve attendance and participation, provide training/orientation, and establish special education priorities.

## **COUNCIL LEADERSHIP**

Charlyne Olko, previous Council Chair, announced her resignation in July, 2017, due to the fact that she would be moving out of state. The Council is grateful for Charlyne's leadership and dedication to the work of the Council.

On February 27, 2018 during the full Council meeting, the Standing Chair of the Nominating Committee, John Flanders, presented the Slate of Officers. Current SAC members voted on the slate of nominees. By unanimous vote Tom Cosker was nominated as Council Chairperson and Kelly Neyra was nominated as Council Vice Chairperson. Both Tom and Kelly accepted the nomination.

As Chair, Tom Cosker appointed the following members to the SAC Standing Committees:

**Executive Committee:** Chair, Tom Cosker, Vice-Chair, Kelly Neyra, SDE Liaison, Bryan Klimkiewicz, Immediate Past Chair, Siobhan Peng, Margaret Walsh and John Flanders.

**Legislative Committee,** Chair, Kelly Neyra, John Flanders, Jennifer Lussier, Jeffrey Spahr, and Siobhan Peng.

**Membership/Nominating Committee,** Chair, Shelia Crocker, Catherine Summ, Louis Tallarita, Audra Mae Talbot.

## **MEMBERSHIP UPDATE**

The Council, with the support of the Membership Committee, has made tremendous progress with regard to filling Council vacancies.

On July 1, 2017, the Council had the following vacancies:

- Parents: 7
- Representative of Higher Education: 1
- Office of Protection and Advocacy: 1
- Director of Parent Leadership Training Institute within the Commission on Children: 1
- Bureau of Rehabilitation Services: 1
- Public School Teacher: 1
- Member of the CT Council of Special Education Administrators/LEA: 1
- Representative of the CT Approved Private Special Education Programs: 1
- Non-voting members of the General Assembly: 4

As of January 15, 2019, the Council has the following vacancies: (Current Membership Status is included as an appendix).

- Parents 2, (3 parent members are At-Large status, awaiting appointment letters from the Legislature).
- Public School Teacher 1
- Non-voting members of the General Assembly: 4

The Membership Committee has completed the following activities:

- Revised/updated the Council member recruitment process.
- Revised/updated the Council Survey for interested and current members to ensure that the Council is representative of the State of Connecticut.
- Revised/updated attendance documentation and monitoring process.
- The Council currently has Ad Hoc members to assist with the Council Work.
- For the first time in the history of the SAC, the Council has student members (process grounded in the SAC by-laws and youth initiative structure).

## **COUNCIL HIGHLIGHTS**

### **Full Council Meetings were held on:**

- October 18, 2017 (orientation/training)
- November 15, 2017
- February 27, 2018
- March 27, 2018
- May 23, 2018
- July 25, 2018 (orientation/training)
- September 26, 2018
- December 5, 2018

### **Executive Committee Meetings were held on:**

- September 8, 2017
- April 24, 2018
- June 7, 2018
- August 16, 2018
- November 1, 2018
- January 2, 2019

### **Nominating Committee Meetings were held on:**

- August 24, 2017

### **Membership Committee Meetings were held on:**

- November 15, 2017
- March 7, 2018
- August 29, 2018

### **Legislative Committee Meetings were held on:**

- September 19, 2018
- December 17, 2018

Meeting agendas and minutes are posted on the SDE website on the following link:  
<https://portal.ct.gov/SDE/Special-Education/CT-State-Advisory-Council-on-Special-Education/Meeting-Agendas>

- The Council was provided with two formal full-day trainings from Technical Assistance for Excellence in Special Education (TAESE) organization. The training was provided to all new and experienced members as well as parents and professionals who are potentially interested in becoming a member. The training focused on a history of

special education legislation, the functions of an Advisory Council, public meeting procedures, and Council activities. The first training/orientation was held on October 18, 2017. The second training was held on July 25, 2018.

- Fourteen new members of the Council were appointed between July 2017 and January 2018 and four At-Large Members are awaiting official appointment letters from Legislators.
- The Council revised its' by-laws on May 23, 2018.
- Establishment of a Youth Initiative, which resulted in two current Student members seated on the Council.
- The Membership Committee has updated/revised the process for membership recommendations, including a SAC Survey for interested members.
- The Council established a Round Table protocol for each full SAC meeting. Each member of the Council provides an update to the Council which informs the priority areas as well as the annual report.
- Establishment of Parent Forum structure to illicit feedback from parents regarding the unmet needs of students with disabilities. Fifteen sessions were held in the six regions of the state, including three forums for Spanish speaking families. The Bureau Chief attended each of the sessions. This initiative was supported by CPAC and the RESC Alliance.
- The SAC webpage within the SDE website was updated and reorganized.
- SDE presentations to the SAC included:
  - Disproportionality
  - State Systemic Improvement Plan
  - IDEA Grant
  - State Performance Plan and Annual Performance Reports
  - CT Alternative Assessment System
  - Special Education Dispute Resolution Numbers and Themes
  - General Monitoring and Supervision
  - Freedom of Information Act

- The Council established priorities for the 2018-2019 session which include:
  - Meaningful Inclusion in the Least Restrictive Environment
  - Mental Health issues as they relate to Special Education
  - Parent/School Partnerships
  - Special Education Transition

*Other Priorities:*

- Continued focus on the SPP/APR (17 Indicators)
- Revision of the Individualized Education Program document

## **FUNCTIONS OF THE COUNCIL**

The Council has been authorized by the *Individuals with Disabilities Education Improvement Act (IDEA)* since the Act's inception in 1975. The Council is one of 50 “state advisory panels” authorized by the IDEA of 2004 [see regulations in *Code of Federal Regulations (CFR)*, 34 CFR Section 300.167]. The SAC is also authorized under Section 10-76i of the *Connecticut General Statutes (C.G.S.)* with the express purpose to "advise the General Assembly, the State Board of Education (SBE) and the Commissioner of Education" on special education matters. The Council is specifically mandated by the IDEA and state statute to accomplish the following duties:

**SAC Functional Advisory Areas** – per Amendments to *C.G.S. Section 10-76i* (e.g., *P.A. 10-175*) and IDEA State Advisory Panel Duties (34 CFR Section 300.169)

- Advise the CSDE of unmet needs in educating children with disabilities and on the administration of the provisions of sections 10-94f to 10-94k, inclusive;
- Review periodically the laws, regulations, standards, and guidelines pertaining to special education and recommend to the General Assembly, and the State Board of Education any changes which it finds necessary;
- Comment publicly on any new or revised regulations, standards and guidelines proposed for issuance;
- Advise the CSDE in developing corrective action plans to address findings identified in Federal monitoring reports under Part B of the Act;
- Advise the CSDE in developing and implementing policies relating to the coordination of services for children with disabilities;



- Participate with the State Board of Education in the development of any state plan for provision of special education;
- Comment publicly on any procedures necessary for distributing federal funds received pursuant to the Education of the Handicapped Act, 89 Statute 774, 1975, 20 U.S.C. Code § 1400 et seq., as from time to time amended;
- Assist the CSDE in developing and reporting such data and evaluations as may be conducted pursuant to the provisions of said act;
- Report to the General Assembly not later than January fifteenth in the odd-numbered years and not later than February fifteenth in the even-numbered years, concerning recommendation for effecting changes in the special education laws;
- Review Due Process Hearing data and discuss findings and decisions. (34 CFR Section 300.513(d)) and (34 CFR Section 300.514(c));
- Receive information regarding the provisions of a Free and Appropriate Public Education. Waiver of non-supplant requirement. (34 CFR Section 300.164(c)(4)); and
- Advise the CSDE with regard to the determination of risk ratio thresholds above which disproportionality is significant. (34 CFR Section 600.647(b)(iii)(A)).

## **PROCESS for DETERMINING the “UNMET NEEDS” of STUDENTS with DISABILITIES:**

According to *34 CFR Section 300.169*, the SAC’s duties include defining “unmet needs” within the state in the education of children with disabilities.

The Council engaged in the following activities in order to obtain data and information from a variety of stakeholders to assist the Council in determining the “unmet needs”.

- Training/Orientation process.
- Council member input/report from their representative stakeholder group.
  - A new structure of information sharing (Round Table)
- Reports from the Parent Training Information center, CPAC (CT Parent Advocacy Center).
- Reports from the ConnCASE Representative.
- Reports from the Adult Agency Representatives.
- Reports from the Department of Children and Families.
- Reports from the Juvenile Justice System.
- Reports from the Parent Leadership Training Institute within the Commission on Children.
- Reports from the McKinney-Vento representative.

- Reports from students through:
  - Student membership and the Student/Youth Forums (Leadership Training and Symposium).
- Special Education Director surveys.
- Public comment during meetings.
- Parent Forum Initiative.
- State Department of Education Presentations and Reports. (Data Review)
  - Bureau Chief Presentations, Dispute Resolution, State Systemic Improvement Plan, IDEA Grant, Disproportionality/ Data Disproportionate Representation (Special Education Identification and Special Education Disability Category), CT Alternative Assessment System data

## **2018 PRIORITIES**

The Council has engaged in a series of activities to review existing data, input, and information related to special education. During the orientation/training process, the Council engaged in structured activities with the goal of establishing priorities. Although all topics and issues within special education are important, the Council will focus its' advisory work on the following established priorities:

1. **Meaningful Inclusion in the Least Restrictive Environment**
2. **Mental Health issues as they relate to Special Education**
3. **Parent/School Partnerships**
4. **Special Education Transition**

*Other priorities include:*

- **Continued focus on the SPP/APR (17 Indicators)**
- **Advising the Bureau of Special Education on the revision of the Individualized Education Program document**

## **2018 RECOMMENDATIONS**

### **PA 18-51: An Act Implementing the Recommendations of the Department of Education**

#### **Section 4: Restraint/Seclusion**

SAC has concerns about this Act as the Act does not provide guidance on which staff determines when it is appropriate to use an “exclusionary time-out” and does not define the criteria for use of an “exclusionary time-out.” The Act is also inconsistent. In one provision, it provides that “exclusionary time-outs” are not to be used as a form of discipline but in a different provision seems to suggest that “exclusionary time-outs” can be used to address “problematic behaviors” by a student. Further, there is no limitation on the use of “exclusionary time-outs” or mandate requiring data collection or reporting of the use of “exclusionary time-outs” to the State Board of Education to ensure that districts are complying with the mandates of the Individuals with Disabilities Education Act (“IDEA”) and our Connecticut laws concerning restraint and seclusion.

### **PA 18-182: An Act Concerning Minor Revisions and Additions to the Education Statutes**

#### **Section 4: effective truancy intervention models that address the needs of students with disabilities.**

SAC supports this legislation and efforts by the Department to provide guidance to districts on effective truancy intervention models to address the needs of students with disabilities.

### **PA 18-183: An Act Implementing the Recommendations of the Auditors of Public Accounts Concerning Private Providers of Special Education**

#### **Section 4: Standards for documentation of services and Section 5: Operating Budgets and Contracts**

The SAC requests that it be kept informed of discussions between the Department, the Connecticut Council of Administrators of Special Education (ConnCASE), the Connecticut Association of School Business Officials (“CASBO”) and the Connecticut Association of Private Special Education Facilities (“CAPSEF”) regarding implementation of this provision. The SAC is interested in providing further comment upon review of this work, especially as it relates to the establishment of consistent practices in the documentation of special education services.

### **PA 18-89: An Act Concerning Enhancing Classroom Safety and School Climate**

SAC strongly opposes this Act as written and joins the positions of Connecticut Parent Advocacy Center (CPAC), and ConnCASE) on this legislation. As written, this legislation violates the Individuals with Disabilities Education Act (“IDEA”), which provides a process for students who exhibit behaviors that interfere with their education. IDEA provides for a review of the

information available about the student by a Planning and Placement Team (PPT). The PPT must appropriately identify the causes of the behavior exhibited by the student and develop mechanisms to place the student in an alternate setting if needed, and requires a plan be developed to address the student's particular needs. This Act gives an unfettered ability to remove a student from education regardless of his or her challenges or particular needs. It interferes with the student's rights pursuant to IDEA and takes decisions away from the appropriate team and places them in the hands of an individual teacher or an ill-defined group that may not have the information or expertise to make decisions in the interest of the students or the others in the class. Moreover, implementation of the Act will result in immediate legal action by parents diverting resources out of the classroom to cover the costs of those actions and the delayed provision of services to the child while the legal issues are resolved. Thus, SAC strongly opposes PA 18-89 as it is not consistent with IDEA and will most certainly result in a lack of educational opportunity from some of our most vulnerable children.

### **Burden of Proof**

The SAC strongly opposes any legislation offered during the next legislative session that seeks to change and/or modify the current "**Burden of Proof**" regulations and recommends the burden of proof in education due process hearings continue to rest with the districts.

This regulation identifies the school district as the responsible party for Burden of Proof during due process hearings even when the parent requests the due process hearing. This requires school districts to prove that its placement or program are appropriate. Evidence may include attendance records, assessment and evaluation results, report cards and other individualized education program (IEP) driven documents. Even though parents may obtain copies of documents from schools, the district has a built-in team of professionals to help present and interpret the findings.

Districts typically retain law firms that serve them on an ongoing basis as well as represent them during hearings whereas parents may have limited experience in searching for and acquiring legal representation.

Our position is that "**Burden of Proof**" should remain on the districts and this viewpoint is shared by an overwhelming number of organizations within Connecticut that advocate for students with disabilities. While other organizations that represent Boards of Education have argued for this change, the cost of altering responsibility on "**Burden of Proof**" from a district's perspective is unclear. From a family perspective, there would be an increased financial burden for outside evaluations and legal representation, making it even harder for parents to advocate for an appropriate education for their children.

The SAC recommends that regardless of who has the “**Burden of Proof,**” independent evaluations be used in decision-making and be conducted by experienced and objective professionals mutually chosen by the district and family.

Respectfully Submitted,

Thomas Cosker  
Chair, CT State Advisory Council on Special Education

**Contact Information**

Connecticut State Advisory Council on Special Education (SAC)  
Connecticut State Department of Education

c/o Bryan Klimkiewicz  
Bureau of Special Education, Chief  
Connecticut State Department of Education  
450 Columbus Blvd.  
Hartford, Connecticut 06103  
860.713.6910

## APPENDIX A:

### State Advisory Council for Special Education Membership

	SAC Member	Role	Term 1	Term 2	Appointment
1	Siobhan Peng	Parent	2017-2018	2018-2019	Commissioner of Education
2	Sheila Crocker	Parent	2017-2018	2018-2019	Commissioner of Education
3	Audra Mae Talbot	Parent	2017-2018	2018-2019	Commissioner of Education
4	Thomas Cosker	Parent	2017-2018	2018-2019	Commissioner of Education
5	Kelly Neyra	Parent	2017-2018	2018-2019	Governor
6	Melvette Hill	Parent	2017-2018	2018-2019	Parent Leadership Training Institute within the Commission on Children
7	Nachi Bhatt	DCF	2017-2018	2018-2019	DCF Commissioner
8	Brian Smith	DDS	2018-2019	2018-2019	DDS Commissioner
9	Louis Tallarita	CSDE	2017-2018	2018-2019	Commissioner of Education
10	Mike Nunes	Corrections	2017-2018	2018-2019	Commissioner of Corrections
11	John Flanders	CPAC	2017-2018	2018-2019	Parent Training Institute
12	Hilda Santiago	Gen Assembly	2017-2018	2018-2019	Majority Leader of the House of Representatives
13	Allison Kopie	DORS	2017-2018	2018-2019	DORS Commissioner
14	Catherine Summ	DORS	2017-2018	2018-2019	DORS Commissioner
15	Joan Nicoll-Senft	CCSU	2017-2018	2018-2019	Commissioner
16	Kasey Considine	Dis Rights CT	2017-2018	2018-2019	Statute/ OPA
17	Margaret Walsh	ConnCASE	2017-2018	2018-2019	Speaker House of Representatives
18	Patricia Nunez	Judicial Dept.	2017-2018	2018-2019	Judicial Branch
19	Bryan Klimkiewicz	CSDE	2017-2018	2018-2019	Commissioner of Education
*	Elizabeth Rivera	CSDE	2019-2020		CSDE Support for SAC

20	Jeffrey Spahr	Parent	2018-2019		Governor
21	Jennifer Lussier	Parent	2018-2019		Governor
22	Jonathan Metcalf	Parent	2018-2019		Governor
23	Alex Steinbrick	Student	2018-2019		SAC Appointment
24	Jake Shumbo	Student	2019-2020		SAC Appointment
<b>At-Large Members</b>					
25	Gladys Hogan	Parent			Governor, letter pending
26	Craig D. Drezek	Charter			Majority Leader of the House of Representatives, letter pending
27	Cate Tower	Wheeler Clinic			Minority Leader of the House of Representatives, letter pending
28	Kim Williamson	CT SLHA			President Pro-Tempore of the Senate
29	Sonia Taylor-Smith	Parent			Commissioner of Education letter pending
30	Doris Maldonado	Parent			Commissioner of Education letter pending
<b>Ad-Hoc</b>					
	Marisa Mascolo Halm				Center for Children's Advocacy
	Yvonne Muniz				DDS
<b>Vacancies</b>					
31		Parent			Governor
32		Parent			Governor
33		Public School Teacher			Majority Leader of the Senate
34		General Assembly			President Pro Tempore of the Senate
35		General Assembly			Minority Leader of the Senate
36		General Assembly			Speaker of the House of Representatives
37		General Assembly			Minority Leader of the House of Representatives