



STATE OF CONNECTICUT
STATE DEPARTMENT OF EDUCATION



June 30, 2016

Ms. Giovanna Denitto
Director of Specialized Instruction
Bridgeport Public Schools
45 Lyon Terrace
Bridgeport, CT 06604

Attorney Kathryn Meyer
Attorney Edwin Colon
Center for Children's Advocacy, Inc.
University of Connecticut School of Law
65 Elizabeth Street
Hartford, CT 06105

Re: Systemic Complaint
Complaint # 16-0087

Dear Ms. Denitto, Attorney Meyer and Attorney Colon:

The Center for Children's Advocacy (CCA, Complainant) filed an individual and systemic complaint against the Bridgeport Public Schools (BPS, District) with the Bureau of Special Education (BSE) on August 10, 2015. The complaint was submitted on behalf of eight named students, (i.e., A.M.G., J.M., W.S., M.B., F.M., D.D., J.C., C.M.). Regarding A.M.G., J.M., W.S., M.B., H.M., D.D., J.C., all issues of the complaint have been settled through mediation or withdrawn and, therefore, will not be further addressed in the findings of this complaint. Regarding C.M., the complainants have indicated that they are not seeking individual remedies for this student, but rather that any remedies that address the systemic issues would be adequate to address the issues for this student.

Regarding the systemic portion of the complaint, the CCA claims that the District failed to provide a free and appropriate public education (FAPE) to Bridgeport students as a result of: (a) violating its Child Find obligations under the Individuals with Disabilities Education Act (IDEA), (b) failing to implement student individualized education programs (IEPs) in a timely manner, (c) failing to conduct annual IEP reviews and (d) failing to provide appropriate special education and related services. Findings of fact and conclusions are set forth in this report, and, where appropriate, required corrective actions for the district.

In addition to the experiences of the eight named students, the CCA bases some of the complaint's systemic claims on the findings of a District-commissioned review of its special education program conducted by the Capitol Region Education Council (CREC) and published in a report in and around August of 2014. To the extent the complainants request that the BSE address any findings of noncompliance by requiring the District to adopt the recommendations of the CREC review, the BSE has determined that such a request is beyond the scope of the complaint resolution process (CRP).

The issues of the complaint are as follows:

Issue 1: As related to *Child Find*: 34 CFR Section 300.323 requires that at the beginning of each school year, school districts must have an IEP in effect for each child with a disability within its jurisdiction.

Issue 2: As related to *FAPE*: 34 CFR Section 300.17(d) requires that special education and related services are provided in conformity with an IEP. 20 U.S.C. Section 1400(c)(5)(A)(i) states that to provide FAPE to a child with a disability, schools must provide students with an education, including specialized instruction and related services, that prepares the student for further education, employment and independent living.

IDEA includes requirements that schools provide each student an education that:

- is designed to meet the unique educational needs of that one student;
- addresses both academic needs and functional needs;
- provides access to the general curriculum to meet the challenging expectations established for all students;
- is provided in accordance with an IEP; and
- is reasonably calculated to enable the child to receive educational benefits.

In order to determine educational benefit and that FAPE is being provided, the standard is whether or not the child is making educational progress.

The following process was used in investigating the systemic portion of the complaint:

The BSE conducted a simultaneous complaint inquiry and focused monitoring review to determine the accuracy of the systemic complaint allegations, the causes of any findings of noncompliance, determine required corrective actions, if any, in remedy to the complaint issues and to identify strategies to support the district in making corrections and improvements in implementing IDEA.

Findings of Fact:

The complaint investigation was embedded within in-district Focused Monitoring activities that took place over a period of eight sessions facilitated by the BSE with BPS. Please see the attached Focused Monitoring report for recommendations related to the outcome of those activities exclusive of those addressed through this complaint report. The BSE has found that there exists deficits in both the district's procedures related to Child Find as well as the provision of FAPE which, in some instances, have led to noncompliance associated with the issues of the complaint.

Conclusion:

It is concluded that the district is found to have been out of compliance with 34 CFR Section 300.323 (Child Find) and 34 CFR Section 300.17(d) and 20 U.S.C. Section 1400(c)(5)(A)(i). Required corrective actions will follow.

Required Corrective Actions:

As a result of this comprehensive process, the BSE has reviewed BPS's newly developed Special Education Action Plan (March 2016) and shall address each corrective action by accepting/enhancing, requiring and monitoring specific items of that plan as follows:

1. The BSE accepts and requires the completion of Identified Need/Strategy and Action Step 1.5a of the Bridgeport Public Schools Special Education Action Plan (March 2016) which states: Establish a districtwide referral process and explore inclusion of designated staff person known as the "Referral Process facilitator" who will be devoted to this role 20%-25%.

No later than September 1, 2016, establish a districtwide referral process which is specific to BPS, and includes a person or persons whose duties include those of a "Referral Process Facilitator." District compliance with this corrective action shall be determined through the required corrective action number 2 below. Submit, to the BSE, documentation of the hiring of any Referral Process Facilitator no later than 15 days after hire.

2. The BSE accepts and requires the completion of Identified Need/Strategy and Action Step 1.5b of the BPS Special Education Action Plan (March 2016) which states: Create a referral tree diagram and accompanying narrative to be included in the BPS Special Education Policy and Procedures Manual.

No later than September 1, 2016, create a BPS Referral Process document which includes a description of the duties of the Referral Process Facilitator, a referral tree diagram and an accompanying referral process narrative. Such document or its contents is to be included in the BPS Special Education Policy and Procedures Manual approved by the BPS Board of Education. Submit a final copy of this section of BPS's Special Education Policy and Procedures Manual to the BSE for review no later than September 1, 2016.

3. The BSE accepts and requires the completion of Identified Need/Strategy and Action Step 1.5c of the Bridgeport Public Schools Special Education Action Plan (March 2016) which states: Hold an initial and then quarterly trainings for "Referral Process Facilitators."

Beginning no later than October 1, 2016, conduct an initial and then quarterly trainings for the purpose of informing, updating, and developing the capacity of "Referral Process Facilitators." The district will submit copies of training materials, agendas, and staff sign in sheets to the BSE no later than June 30, 2017.

4. BPS has developed a Child Find Procedures document.

- a. The district shall include this document or its contents in the BPS Special Education Policy and Procedures Manual approved by the BPS Board of Education and submit a final copy of this section of the manual to the BSE for review no later than September 1, 2016.
 - b. The BSE requires Child Find Procedures training to be provided by the district for appropriate personnel for the purpose of informing, updating, and developing capacity no later than September 15th (2016, 2017 and 2018). The district will submit copies of training materials, agendas, and staff sign in sheets to the BSE no later than September 30th (2016, 2017 and 2018). The BSE shall determine the need for further monitoring of this training after reviewing the documents associated with the September 15, 2018, training.
5. The BSE accepts and requires the completion of Identified Need/Strategy and Action Step 1.4b of the Bridgeport Public Schools Special Education Action Plan (March 2016) which is related to the updating of the BPS Special Education Policies and Procedures Manual to standardize implementation of special education mandates across district.

Beginning no later than September 1, 2016, BPS will have in place a fully updated Special Education Policies and Procedures Manual approved by the BPS Board of Education and will update this manual as needed, but at least annually. BPS will submit a final copy of this manual to the state no later than September 1, 2016 for the record.

Beginning for the 2016-2017 school year, BPS will provide appropriate staff, including but not limited to school-based administrators and planning and placement team (PPT) chairpersons, professional learning based on the contents of the manual. The district will submit copies of all training materials, agendas and staff sign-in sheets for these professional learning trainings to the BSE no later than June 30, 2017.

6. The BSE accepts and requires the completion of Identified Need/Strategy and Action Steps 1.4d, 1.4e, 2.1d, 2.2a, and 2.12b of the Bridgeport Public Schools Special Education Action Plan (March 2016) which state: Conduct primary audits of IEPs for patterns of non-compliance. Establish patterns by individuals, schools and networks. Provide supervisory response to non-compliance as determined by audit to individuals, schools and administrators. Conduct ongoing secondary review of IEPs for educational benefit. Establish a process for special education supervisors, with principals, to conduct regular reviews of files and practices and document/share findings. Conduct secondary reviews of IEPs based on expanded criteria to determine appropriateness in: goals and objectives, present levels of performance, transition, testing accommodations and delivery of hours. Establish patterns of need and support by individuals, schools and networks.

Beginning for the 2016-2017 school year, BPS will begin a process of reviewing the files of up to five special education students per month randomly selected by the BSE to determine if the student's IEPs are reasonably calculated to provide educational benefit. Such determination shall be based on the progression of IEP written goals and objectives over a period of at least three years and the student's demonstrated progress over the same period of time. The district will

submit this information to the BSE for review to be received no later than the last day of each month during the regular school year.

No later than September 1, 2016, BPS will submit to the BSE a signed attestation from the Director of Special Education and the Superintendent of Schools outlining the process by which IEPs will be audited on an ongoing basis and the process by which the results of those audits will be reported out and acted upon.

No later than July 1, 2017, a team of BPS staff will have participated in educational benefit training provided to the district at no cost.

No later than July 1, 2017, BPS will submit to the BSE a signed attestation from the Director of Special Education attesting to district staff participation and outlining the process by which participating staff will share the knowledge gained during the training. The district will submit copies of any training materials, memoranda, agendas or staff sign-in sheets for these sharing sessions to the BSE no later than January 1, 2018.

7. The BSE accepts and requires the completion of Identified Need/Strategy and Action Step 2.2b of the Bridgeport Public Schools Special Education Action Plan (March 2016) which states: Create a process that will support the delivery of services established in the IEP.

No later than January 1, 2017, BPS will submit to the BSE a signed attestation from the Director of Special Education outlining the process that BPS will implement to support the delivery of services established in students' IEPs.

No later than January 1, 2017, BPS will establish a process to ensure that a full copy of the IEP is sent to parents within five days after the PPT meeting to develop, review or revise the IEP.

Beginning for the 2016-2017 school year, the BSE will conduct up to four service verification sessions of special education student files randomly selected by the BSE. In addition to conducting the service verifications, each file will also be reviewed for documentation that the IEP was sent to the parents within five days of the PPT meeting.

Beginning January 1, 2017, BPS will conduct service verifications internally each month for a minimum of five special education students. In addition to conducting the service verifications, each of those files will also be reviewed for documentation that the IEP was sent to the parents within five days of the PPT meeting. A report of findings will be submitted to the BSE no later than the last day of each month during the regular school year. The BSE will continue to have the option of conducting service verifications as deemed necessary.

8. No later than September 1, 2016, BPS will develop a Parent Survey with a minimum of three questions designed to capture: (a) parental satisfaction with their experience with the BPS special education process, (b) parental satisfaction with their child's academic and functional progress and (c) an open ended question allowing for feedback, input, or concerns that the parent might like to share. Such survey will be made available in, at minimum, the top two languages spoken