

State rules against city in special education case

By Linda Conner Lambeck, Connecticut Post
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BRIDGEPORT – The city school district systematically failed to identify a number of students determined to be eligible for special education and must take corrective action, the state Department of Education has determined. In response to an October 2013 complaint filed by the Center for Children’s Advocacy against the district, the state conducted an investigation and determined that the district violated its obligations to students under the Individuals with Disabilities Education Act and state law.

Most of the examples cited in the complaint were from the 2012-13 school year, when under outgoing Schools Superintendent Paul Vallas there was a concerted effort to bring down special education costs.

“We are pleased and find it promising that the district is taking steps to remedy the situation,” said Edwin Colon, an attorney for the advocacy group. “There is recognition and some initial steps have been taken to improve services.”

Under federal law every school district must identify, locate and evaluate all students who need – or are suspected to need – special education or related services.

Students who are chronically failing, experiencing behavioral difficulties or absent are signs that an evaluation should be done, said Colon.

One of the students cited in the complaint had struggled academically since first grade, failed and repeated sixth grade. Because of his age was advanced to high school last year, where he failed every subject. Even so, the district never held a meeting to discuss the student’s suspected educational or emotional disabilities or potential support services that might help him academically, Colon said.

Another student was placed on homebound instruction for most of the 2012-13 school year due to mental health issues, but a placement meeting was not convened until July 2013.

The advocacy center, which has offices in Bridgeport, has been working with Bridgeport for some time to address the issues but Colon said that things were not getting better forcing the group to file a complaint.

“Every year we saw the failures getting worse rather than better, despite our repeated legal actions on behalf of individual clients,” Colon said.

A shrinking number of school staff, social workers, guidance counselors and psychologist made the problem worse, he added.

Mary Jean Schierberl, an education consultant to the state Department of Education’s Bureau of Special Education found that specific students at Harding, Bassick, Marin went without receiving a Planning and Placement Team assessment as is required under a federal Child Find mandate. In essence, the onus is on the district to identify and evaluate children in need whether or not a parent asks for an evaluation. Since the complaint was filed, the district commissioned Cooperative Education Services to conduct an audit of the district’s special education program. It also has a team of central office staff working to improve accountability at the school building level.

“We had some schools doing what they were supposed to and others not. The state wants to know how we are going to monitor it from central office,” said Robert Arnold, director of special education for the district. “We have developed a plan of action to prevent this from happening going forward.”

Arnold called it a massive undertaking to find all students who qualify for special services in a district where the vast majority of youngsters are deemed to be at risk.

A formal response is due to the state by January 30.

The district is also required to develop a corrective action plan that includes a policy and procedures to ensure all students in need are identified and evaluated.

The evaluation cannot be delayed while general education interventions are trialed, the state told the district. It also has to prepare for more PPT meetings.

The state will review the district’s corrective action plan and expects district staff to get “significant training and guidance” to implement the plan.

The state also wants a list of all students on homebound instruction along with information on whether or not those student have been determined to be disabled and eligible for special education and related services.