

NPS Accused of Violating State and Federal SpEd Laws

By Nancy Chapman

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NORWALK, Conn. – Attorneys working pro bono on behalf of 17 Norwalk school children filed a complaint Wednesday with the Connecticut State Department of Education (SDE) alleging that Norwalk Public Schools “systemically and pervasively violates federal and state laws that guarantee all children the right to a free and appropriate public education (FAPE),” according to a press release.

“The complaint requests that SDE perform an independent program audit of special education practices at NPS to develop a corrective action plan to include three years of independent monitoring to ensure compliance with state and federal law. The complaint also seeks individual relief for each of the 17 children named, and systemic relief for all Norwalk children,” the release said.

Norwalk Public Schools administrators and Board of Education leaders were not immediately available for comment on the evening press release but released a statement Friday morning.

“We are shocked and disappointed by the allegations made by Attorney {Robin} Keller, given the significant investment that Norwalk has made in special education in the past two years,” the statement from Norwalk Public Schools Communications Director Brenda Wilcox Williams said.

“Our strong preference would have been for advocates and attorneys to encourage parents to resolve concerns in a collaborative manner, before filing a complaint which will redirect untold hours away from the supervision of quality services for students and in-school coaching for our staff. Over the past year, we have successfully resolved concerns when they have been brought to us.”

“The Center for Children’s Advocacy, Attorney Robin P. Keller, Educational Advocate Jill Chuckas, and other attorneys and advocates who are members of Special Education Equity for Kids of CT (SEEK), joined in the pro bono representation of the 17 children named in the complaint,” the release said. “...Norwalk students represented by the complaint represent a diverse cross-section of age, disability, socio-economic class, race, and ethnicity.”

The complaint emailed by Keller to Mary Jean Schierberl of the SDE Bureau of Special Education Due Process Unit alleges that four 4-year-olds who attend Room to Grow Preschool were referred for Special Education but were not provided with timely reviews to determine their eligibility:

This is a systematic violation of the childrens’ rights, the complaint states.

The complaint also describes the history of a 17-year-old Brien McMahon High School student, alleging that she has been in 10 different schools/programs over the past three years during which time NPS failed to check on her progress and failed to conduct Planning and Placement Team (PPT) meetings. The girl was diagnosed as ADD/ADHD (attention deficit disorder/attention deficit hyperactivity disorder) when she was six, and in seventh grade hit a peer and was suspended, with no year-end PPT to review her “unsatisfactory performance and behavior;” in eighth grade the child was suspended multiple times, failed six classes and was arrested on assault charges, the complaint states. A subsequent PPT “recommended continued placement without any change in services despite multiple red flags,” according to the complaint.

The complaint describes continued issues; in January an attorney representing the child’s parents requested that the student be sent to a residential setting for evaluation. “An NPS district administrator ‘overruled and denied’ the request despite the school-based team’s agreement on the residential placement,” and the child remained in a detention center,” until a February PPT again recommended a residential setting, the complaint alleges, explaining that the child was then placed in the Children’s Center in Hamden for six months. She was placed in ACES Whitney North, a therapeutic day placement, for 2018-19 but has been chronically absent.

“It was not until February 2018 when the PPT reviewed evaluations (requested by the parent in November 2017) that the true extent of {the student’s} disabilities became apparent, the complaint states.

Keller’s complaint alleges:

- A fifth grade Wolfpit Elementary School student diagnosed with autism as place in the Learners Excelling and Progressing (LEAP) in the 2016-2017 school year, but high levels of staff turnover has resulted in inconsistent and undocumented delivery of services.
- NPS did not provide an autistic preschooler at the Norwalk Early Childhood Center (NECC) the recommended treatments and kept inadequate records.
- A 5-year-old autistic child who attended NECC last year also did not receive agreed upon services and “NPS continues to be noncompliant in its subsequent failure to provide compensatory education without impacting the time the student spends with non-disabled peers and make progress in the general education curriculum,” Keller’s complaint states.
- A 4-year-old who attended NECC from October 2016 to August did not receive the agreed upon services, spending the day with 14 students with disabilities and only four students who weren’t disabled, in violation of federal law requiring a 50-50 mix.

“My clients are preschool children from Norwalk’s poorest communities,” CCA attorney Kathryn Meyer is quoted as saying in the release. “The district repeatedly ignores the families’ requests for help. These children all come from Spanish-speaking homes, and an investment in their speech and language services now will make a lasting impact on their education for years to come.”

The release said:

“Jill Chuckas, a Norwalk educational advocate, agrees that the district has been specifically non-responsive to the needs of low-income children and those who would benefit from language services.

“Regardless of socio-economic status, all children deserve a Free and Appropriate Public Education,’ says Ms. Chuckas. ‘There are strong professionals in this city, but the district does not devote the time or resources needed, and the level of frustration is extreme.”

NancyOnNorwalk first heard in July that a lawsuit was brewing, from a parent who said the SpEd community had gone quiet because the majority of parents were fed up and felt that speaking out was futile.

The release notes that the Board of Education commissioned the Capitol Region Education Council (CREC) to conduct special education program reviews in 2009, 2012, and 2015.

“Despite recent assurances by Yvette Goorevitch, Chief of Norwalk Specialized Services, NPS continues to violate students’ rights. Many of the children named in the complaint suffer from the same violations identified in 2015,” the release said.

Norwalk is in year three of a three-year plan to address the CREC report’s recommendations to fix special education. The plan includes \$3.3 million in spending to create in-house services and improve systematic oversight.

Keller is a special education attorney from Norwalk, representing “parents of special needs children across a broad spectrum of age and disabilities who do not receive the support they need to make meaningful educational progress,” the release said. Clients included in the complaint “are representative of all Norwalk students who meet criteria to receive special education instruction.”

“It is heartbreaking to witness the ‘school to prison pipeline’ mentality at the high school level,” Keller is quoted as saying. “Students with behavioral issues are repeatedly suspended, for years, until expulsion or arrest occurs. Many of these students were not appropriately evaluated or did not receive services necessary for them to achieve meaningful educational progress. The result is chronic absenteeism, few if any credits earned after multiple years in high school, and the inability of these students to become productive members of our community.”

Keller continued, “Younger children who need behavioral services do not receive consistent support. We have excellent behavioral therapists in Norwalk, but they are overburdened. Children in need of speech and language services often do not get services at all, resulting in regression of language acquisition. Even when NPS acknowledges that a child is ‘due’ services, in many instances those services are not provided.”

The complaint requests a review of Norwalk’s special education policies, interviews of district and school staff responsible for implementation of special education programming, and audit of existing education plans to determine compliance with state regulations and federal law, the release said. “The corrective plan should include recommendations for compensatory education, procedures to ensure timely referral for a student suspected of having a disability, changes to records protocol to ensure compliance with federal and state law, and an order for Norwalk Public Schools to identify and initiate meetings for each child within 30 days.”