

## Norwalk Attorneys Score State Dept. of Education Ruling for Students With Disabilities

By Michael Marciano | July 19, 2019

Attorneys representing children and families in the city of Norwalk have secured an order from the Connecticut State Department of Education ordering local schools to correct deficits in access to special education services.

In an October 2018 complaint, Norwalk attorney Robin Keller sought action from SDE's Bureau of Special Education on behalf of 17 students, alleging numerous violations including failure to meet student needs for services due to an assortment of systemic faults. Fourteen students ended up in the final combined complaint.

**Among the students were four preschool students represented by attorney Kathryn Meyer of the Center for Children's Advocacy.** Special education advocate Jill Chuckas also joined Keller and Meyer in filing the complaint, which alleged violations of state and federal laws.

In individual summaries for each of the students, complainants outlined numerous delays and failures to provide assessments for Norwalk students seeking special education services. Staff members at local schools conveyed confusion to parents about the application process—in particular through unclear residency requirements—and frequently denied services to children following evaluations.

"CCA and SEEK file this complaint as organizational complainants against Norwalk Public Schools on behalf of students with suspected disabilities who NPS has failed to evaluate and/or identify for special education eligibility and related services through an Individualized Education Plan, and students with IEPs who are denied a free and appropriate public education," the complaint stated.

**Attorney Meyer said Thursday that parents of children with disabilities have been waiting as long as two years for a resolution to problems with school services.** "Obviously this took a long time, and we've had some pretty eager clients wanting to see what the result was going to be, so we're happy to share with them some pretty encouraging news," she said.



*Attorney Kathryn Meyer of the Center for Children's Advocacy.*



*Attorney Robin Keller*

Meyer was contacted by parents who were seeing a pattern of referrals not being accepted for individual services, she said. "There are very strict federal and state guidelines about these things and they were not moving forward," she said. "I interviewed all the parents and decided to represent them. We were able to put together something that showed this was a systematic pattern of disorganization and conflicting messages as to how the referral process should go."

Specific cases in the complaint, with student names redacted, indicated assessment meetings were being delayed, rescheduled and canceled. When the meetings did take place, parents were not getting their children's problems resolved, the suit said. "At the end of the day, responsibility lies with the school district to follow the timelines and determine if special education is needed or not," Meyer said.

The State Department of Education agreed, ordering Norwalk Public Schools to review all preschool referrals received during the 2017-2018 school year and to provide the department with documentation of the dates of receipt and processing.

“Further corrective action may be ordered,” the ruling added.

Meyer noted that three of the four preschool students she represented were Spanish-speaking, which was a complication for families seeking special education services. “No one who’s tried to navigate the special education system will say it’s simple or uncomplicated. Then you add a language barrier, and that further complicates the problem,” she said. The school system, meanwhile, was facing inadequate resources, “and a lot of ineptitude and a lot of miscommunication,” Meyer added.

The Department of Education reported that it conducted interviews with district staff, who “described different and inconsistent procedures for the referral process.” The state also concluded the district failed to keep accurate records for children receiving special education.

The department ordered Norwalk schools to provide speech and language services and compensatory hours of education to students who did not receive needed support. The department also directed the school system to review its system for providing disabled students adequate time with nondisabled peers and ordered staff training on the educational needs of preschool-age children with autism-spectrum disorders.

Recommendations included training for student placement meetings and progress reports, as well as staff monitoring to ensure proper delivery of special education services.

The state’s report is final and not subject to appeal pursuant to the complaint resolution process.

In a statement emailed to the Connecticut Law Tribune, Norwalk Public Schools Chief Communications Officer Brenda Wilcox Williams said the district took independent steps prior to release of the state’s findings, including revising preschool referral procedures and related services, particularly special education, and has implemented a strategic supervision plan for special education. “The district is in full agreement with the procedural recommendations made, which are consistent with our ongoing work to improve delivery of special education services,” she said. “We look forward to working collaboratively with our families.”

*[law.com/ctlawtribune/2019/07/19/norwalk-attorneys-score-state-dept-of-education-ruling-for-17-students-with-disabilities/](http://law.com/ctlawtribune/2019/07/19/norwalk-attorneys-score-state-dept-of-education-ruling-for-17-students-with-disabilities/)*