



State finds Norwalk Public Schools has violated SpEd laws; NPS says violations ‘not substantive’

By Nancy Chapman
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NORWALK, Conn. —Norwalk Public Schools has been violating federal Special Education laws, the state said last week.

The State’s letter was sent to Attorney Robin Keller (and Attorney Kathryn Meyer of the Center for Children’s Advocacy) last week, in response to the systematic complaint she filed in October. Keller released a redacted version of the state’s decision Thursday afternoon.

“State Orders Norwalk Public Schools to Correct Deficits in Support for Children with Disabilities,” Keller’s press release announced. “... The State Department of Education ordered individual and systemic corrective action, which will benefit many Norwalk public school children.”

“We have not yet received the report directly from the State and have therefore not had the opportunity to review it in detail,” a statement from NPS Communications Director Brenda Wilcox Williams said. “However, we do not believe that summary issued late today via press release from Attorneys Keller and Meyer to be an accurate, complete or credible representation of the State’s findings. While there are corrective actions to be put in place for individual students, systemic issues were not substantive.”

The complaint was filed on behalf of 17 children; Keller explained that the complaint was like a federal class action lawsuit, in that each of the 17 children included was representative of a wide spectrum of children. Two of the children were subsequently dropped from the state investigation.

The state’s decision letter says half of the issues it investigated require corrective action due to violations of the law, and half were not violations.

Keller filed the complaint along with the Center for Children’s Advocacy, Educational Advocate Jill Chuckas, and other attorneys and advocates who are members of Special Education Equity for Kids of CT (SEEK). All the attorneys were working pro bono, Keller said.

The complaint alleged 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, and listed autistic children who were said not to be receiving their recommended services.

NPS claimed shock and disappointment about the complaint, given the \$3.3 million that’s been invested in improving Norwalk Special Education services over three years. Keller laughed and said no one involved hid the complaint.

Thursday’s press release summed up the complaint as outlining these issues:

- Failure of Norwalk Public Schools (NPS) to accept and process referrals for the initial evaluation of a child with a disability
- Failure of NPS to provide free appropriate public education (FAPE) for each child with a disability, consistent with federal law (IDEA)
- Failure of NPS to provide timely special education and related services in accordance with a student’s Individualized Education Plan (IEP)”

It also sums up the state's findings of NPS to be in violation of federal laws, and orders for corrective action:

Timely Referral for Special Education Evaluation: In addition to remedies for individual students, NPS has been ordered to review all preschool referrals received during the 2017-2018 school year and provide the state with documentation of the dates that the referrals had been received and processed. Further corrective action may be ordered.

Provision of Speech and Language Services: In addition to individual remedies, NPS has been ordered to provide a list of all 2017-2018 Columbus Magnet School students who should have received speech and language therapy services but did not. NPS must provide the state with a calculation of hours owed and steps taken to make up missed services. Individual compensatory hours will be awarded to students who did not receive IEP-directed support services, including occupational therapy and consultative hours.

Education with Non-Disabled Peers: The state found that a student is not considered to be educated with non-disabled peers if he/she receives special education in a classroom where more than half the students receive special education in accordance with an IEP. The district was ordered to review the IEPs of students at the Norwalk Early Childhood Center (NECC) to determine if time with non-disabled peers is accurately recorded, and train staff to ensure miscalculation does not occur again. "This aspect of the SDE decision has far-reaching implications for special education throughout Connecticut."

Board-Certified Behavior Analyst (BCBA) hours: "The SDE decision found Norwalk did not provide appropriate behavioral consultation hours and ordered the district to train all NECC special education teachers, administrators, para professionals, and related service providers about the educational needs of preschool age children with autism spectrum disorders who have significant developmental or communication delays."

Corrective actions for individual children include providing additional instruction time and/or therapy services.

The press release also summed up three recommendations made by the State:

- Provide training for all staff who chair PPT (Planning and Placement Team) meeting
SDE also recommended that NPS make a practice of reviewing evaluations with parents prior to the PPT so the meeting can focus on development of the student's IEP
- Monitor staff compliance with Special Education policies
SDE recognized Norwalk's new procedures to identify schools that need support to ensure that special education and related services are delivered in accordance with IEPs, and to improve timely communication with parents. SDE recommended that NPS continue to monitor staff compliance with these policies to ensure fidelity throughout the district.
- Train staff to correctly complete students' progress reports
SDE found inaccurate or incomplete IEP progress reports, and recommended that the district train staff to assure that future reports are accurate and complete."

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," Wilcox Williams wrote.