



## TESTIMONY IN SUPPORT OF H.B. 5214

### AN ACT CONCERNING THE PROVISION OF SPECIAL EDUCATION AT TECHNICAL EDUCATION AND CAREER SCHOOLS

Good morning Chairman McCrory and Chairman Sanchez, Vice Chair Abrams, Vice Chair Barry, and members of the Education Committee. This testimony is submitted on behalf of the Center for Children's Advocacy (CCA), a non-profit legal organization<sup>1</sup>, concerning HB 5214 *An Act Concerning the Provision of Special Education at Technical Education and Career Schools*.

In 2016, CCA and Greater Hartford Legal Aid filed a systemic complaint against Connecticut Technical Education and Career System (CTECS) to the Office of Civil Rights. We represented ten students, with a range of needs and disabilities, **none of whom presented significant behavioral concerns**. Yet CTECS rejected all of these students due to its assertion that they could not—and *did not have to*—provide for their low-level needs of these students. This complaint is still under investigation by the Department of Justice.

**We urge you to support 5214 to repeal Conn. Gen. Stat. §10-76q(c) so that CTECS can no longer use it to justify discriminating against students with disabilities in the admissions process.** This statute is in contravention of the Individuals with Disabilities Education Act (IDEA), which requires *all public schools* to program for children with disabilities. This statute also contravenes federal anti-discrimination laws, which require children with disabilities to be afforded the same opportunities as their typical peers.

**This continues to be a problem. You have written testimony from families whose children were rejected for the 2019-2020 school year.**

*No other public school can refuse to admit children with disabilities- why should CTECS be allowed to do so? How can Connecticut maintain a law on its books that is in violation of federal law?*

#### **What is the problem with §10-76q(c)?**

Currently, Conn. Gen. Stat. §10-76q(c) gives CTECS the ability to unilaterally decide that they are unable to serve the needs of an applicant, even if the sending school district, who

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<sup>1</sup> CCA provides holistic legal services to Connecticut's poorest and most vulnerable children through both individual representation and systemic advocacy. Through all of our projects and geographical locations, CCA attorneys represent children with disabilities and a host of educational needs.

ostensibly has years of experience with that child, has recommended the child for admission. Every other program or placement decision made for students with disabilities, pursuant to IDEA, must occur by the **consensus** of the members of the PPT. This is the only such statute that allows the decision to be made outside of that legal convention.

CTECS makes this placement decision—to refuse admission and send a child back to his/her local district—*without any firsthand knowledge of the child*. They base their decision on the records alone, adhering to the principle that they should not have to make a “fundamental alteration” to their CTECS program to accommodate any child’s needs.

Unless this bill is passed, we will continue to see CTECS schools pushing out or coercing students with disabilities not to apply or enroll. Statistics from the State Department of Education’s 2018 report “Connecticut Technical and Education Career System Admissions Process: Review and Recommendations” show that **while 14.8% of the state’s total school population receives special education services, only 9.6% of children enrolled in CTECS do**. Keep in mind, many students with disabilities are discouraged from even applying, and this data does not capture those students.

Students with disabilities need to have a place in CTECS.

### **How will this bill address this problem?**

By repealing 10-76q and removing this loophole for CTECS, the technical schools will be required to serve students with disabilities as does any other Local Educational Agency (LEA). They will not have the ability to unilaterally reject students with disabilities. Instead, the default presumption will be that CTECS, like any LEA, is required to meet the needs of children in the least restrictive environment that is appropriate for that child.

PPTs make placement decisions. If a student would not be appropriately served by a CTECS school, the student’s 8<sup>th</sup> grade PPT should not recommend that placement. We understand not every student is a fit for CTECS, but every student should have an equal chance of a CTECS education.

**Every other LEA is bound by state and federal law to program for *all* students, including those with disabilities—CTECS should be no exception.**

### **Amendment**

We have also drafted an amendment to this language to address concerns around two additional CTECS admissions considerations: 1. To allow CTECS to reimplement in-person student interviews prior to admission, and 2. To request that SDE draft guidance that will encourage PPTs to consider whether a middle school student is interested in pursuing a CTECS high school education, and if so, offer suggestions for preparatory activities for such student.

Thank you for your time and consideration. Please do not hesitate to contact me with questions or concerns.

Respectfully submitted,

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