



Testimony in Support of **Raised S.B. 945**

Committee on Education
March 3, 2021

Chairman McCrory, Chairman Sanchez, Ranking Members Berthel and McCarty, and Members of the Committee:

This testimony is submitted on behalf of the Center for Children's Advocacy (CCA), a non-profit organization affiliated with University of Connecticut School of Law and the largest children's legal rights organization in New England. CCA's mission is to promote and protect the legal rights of our state's most vulnerable children and young adults who are dependent upon the judicial, child welfare, health and mental health, education, and juvenile justice systems for their care.

Raised S.B. No. 945: AN ACT IMPLEMENTING THE RECOMMENDATIONS OF THE DEPARTMENT OF EDUCATION.

We urge you to pass this bill, which will finally allow the legislature to address the blatant discrimination of the Connecticut Technical Education and Career System (CTECS) against children with disabilities. This bill has been in the works for over five years, starting with the filing of two Office of Civil Rights complaints in 2015 (by CCA) and 2016 (CCA and Greater Hartford Legal Aid). **In 2017, the Department of Justice opened an investigation into this discriminatory practice and has encouraged this legislation to help settle the matter.**

For the past three sessions, we have sought legislative intervention into the illegal practice of dissuading, discouraging, or outright refusing to allow students with disabilities into CTECS. This committee has heard many stories—written and in person—from both parents and students who have been rejected from CTECS due to a disability that could easily have been provided for through a technical school education. These students could have thrived at CTECS, and were never afforded the opportunity because their needs were inconvenient. Representative McCarty has been an integral member of our advocacy effort, and we thank her for her dedication to this important issue.

The current statutory language encourages discrimination.

The current statutory language of 10-76q(c) specifically allows CTECS to determine that a student might “require special education services which preclude such student's participation in the vocational education program offered by a technical education and career school.” CTECS traditionally has interpreted this to embolden its staff to unilaterally determine if a child with an IEP would be offered a placement in CTECS. This circumvents—and violates—IDEA and state law, which specifically empower the entire PPT membership to make placement decisions together. PPTs determine the placement of every child with an IEP, and CTECS cannot supersede this federal right.

This bill will ensure students with disabilities get an equal chance to access a CTECS education.

The new language proposed for 10-76q(c) instead specifically tasks the sending school district to administer the placement PPT. CTECS will be invited to this PPT as a single member of the decision-making body determining the student’s placement. The team will include: the sending school district, who knows the child’s needs and potential best; CTECS, who only knows the child on paper; and the parent whose rights to “meaningful participation” in the PPT process are paramount in IDEA. As in any other PPT, the team could decide that CTECS is appropriate, or potentially not appropriate, to meet the student’s special education needs. This is the proper mechanism through which decisions should be made for students with disabilities, and it aligns with the way we decide placement for every other type of educational setting in Connecticut. CTECS should be no different.

While we appreciate the overall tenor of CTECS’ new admissions policies promulgated during school closure last spring, they still do not get to the heart of the issue—the fact that PPT teams need to make placement decisions, not an individual CTECS school, and not even a centralized CTECS decision-maker. The policies simply do not go far enough. This bill revises the statutory language so that no matter what CTECS decides to implement as admissions policy, they will no longer have the option to subject students with disabilities to discrimination.

In regards to 10-76q(a) and (b), I am confused about the construction and legislative intent of these provisions. I would suggest the Committee redrafts or eliminates them completely, as I believe they are potentially detrimental to the overall goal we are trying to achieve through the revision of 10-76q(c) if misconstrued.

Thank you for your time and attention to this important bill.

Sincerely,

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