

Investigation Report

Left Behind: Students with Emotional and Behavioral Disabilities in the Hartford Public Schools



State of Connecticut

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Introduction

This report presents findings of an investigation conducted by the Office of Protection and Advocacy for Persons with Disabilities (OPA) into complaints it received from parents and guardians of students who are enrolled in the Hartford Public Schools. The students involved receive special education and related services due to identified Emotional and Behavioral Disorders (ED). The complaints involved a range of issues including inadequate evaluations and failures to develop appropriate educational programs for individual students; overuse of punitive disciplinary measures, including frequent calls for police involvement and arrest of students; inadequate classroom facilities and resources; lack of program coordination with community mental health providers, inadequately trained administrative and teaching staff; and faulty preparation and planning for repeated, abrupt changes in program locations, content and staffing. Based on those complaints and descriptions of similar problems offered by several parent advocacy groups, OPA determined that there was probable cause to believe that students with disabilities were experiencing abuse or neglect as defined in the federal Protection and Advocacy for Individuals with Mental Illness Act (PAIMI; 42 U.S.C. Sec. 10801). Accordingly, it initiated an investigation.

During the course of the investigation OPA conducted site visits; interviewed students, parents and school administrators; and reviewed student records and various policy documents. The investigation confirmed the validity of many of the complaints raised by parents and guardians, and identified several underlying systemic dynamics that are contributing to the problems students are experiencing. Specific findings elaborated on in this report are:

- 1) In the midst of much publicized efforts to improve general student achievement, the Hartford Public School system is marginalizing, illegally segregating, failing to educate, and impermissibly discriminating against students with serious emotional and behavioral disabilities.**
- 2) As currently designed and implemented, the system for Student Based Budgeting – a major cornerstone in Hartford’s reform efforts – encourages discriminatory segregation of students with emotional and behavioral disabilities, creates barriers to supporting such students in general education settings, and obscures the ways funds allocated for special education students are being used.**
- 3) Individual education plans reflect a lack of expertise in assessing individual needs and developing appropriate educational programming for students identified as having emotional and behavioral disorders.**

As discussed in the body of this report, some of the specific deficiencies identified are not new. However, they are especially notable at this time because their persistence stands in such stark contrast to highly visible efforts by the Hartford school system to improve student achievement and utterly reinvent itself. As laudable as those efforts may otherwise be, from the perspective of students with disabilities, especially those with significant emotional and behavioral disabilities,

they have produced no discernable improvement. In fact, OPA’s investigation found that some of the proudest strategies of Hartford’s reform – School Choice and Student Based Budgeting – operate so as to discriminate against students with mental health disabilities and to deny them the Free Appropriate Public Education that is their fundamental right. In the name of School Choice, neighborhood schools have adopted “themes” or recast themselves as magnet schools. However, they do not have the budgetary resources or access to expertise they would need to successfully include and educate students with significant behavioral support needs. Nor are Hartford’s much touted, newly built career-oriented magnet schools seeking to enroll such students. To further complicate things, the Student Based Budgeting process now being used to allocate funds to individual schools is actually creating incentives for unnecessarily removing children with ED labels from typical class rooms and sending them to segregated programs. And those same segregated programs reflect such haphazard planning and on-going administrative neglect that they are proving to be dramatic failures. For students with ED, the net effect of Hartford’s general education reform strategies has been to further institutionalize the system’s historical tendency to reject and abandon them.

The report concludes by making the following recommendations:

1. The Hartford Public Schools should formally and publicly commit to ensuring that Hartford students who are identified with emotional and behavioral disorders will have an equal opportunity to achieve educational success. From the highest levels of leadership, a clear, unambiguous message must be communicated to instructional staff, administrators, parents, students and members of the public that expectations for the success of these students are as high and as important to the District as they are for any other students.
2. A facilitated dialogue should be initiated with stakeholder representatives, including members of parent advocacy groups, school administrators, principals, teachers and related services personnel, community mental health providers and juvenile justice system staff to identify systemic problems that are resulting in the rejection and marginalization of students with emotional and behavioral disorders. Individuals with recognized expertise in educating students with ED should be included in the dialogue. Any resulting recommendations for policy change should be considered by the Board of Education.
3. The Hartford Public Schools should re-conceptualize the “continuum” of placements it makes available to educate special education students with emotional and behavioral disabilities. Given its long history of rejecting students with emotional and behavioral disabilities, and its failure to adequately support various “academies” and other segregated school environments, continuing to operate such programs perpetuates further cycles of rejection and “dumping”. In essence, the existence of such programs reinforces the view that certain students do not belong with others and, further, that they are unworthy of substantial investment. Rather than again relocating or reformulating its own segregated, self-contained programs, the Hartford Public Schools should systematically identify ways that its new magnet schools and more traditionally structured neighborhood schools can include and successfully educate students with

emotional and behavioral disabilities. Those few individuals who genuinely need therapeutic treatment programs could be served through placements with private providers.

4. The Hartford Public Schools should develop contracts with, or directly employ experts in fields related to: a) identifying and remediating learning disabilities, and b) conducting sophisticated functional behavioral analyses and developing individually appropriate behavioral intervention strategies. Opportunities for ongoing consultation with these experts should be readily available to teachers and other staff, such as school psychologists and guidance counselors, and to parents and guardians of students who are experiencing emotional and behavioral difficulties.

Based on concerns about specific rights violations that surfaced during the course of this investigation, OPA is initiating requests for further investigations by the U.S. Department of Education's Office of Civil Rights (OCR) and the State Department of Education's (SDE) Bureau of Special Education

Background:

In July and August 2008, the Office of Protection and Advocacy for Persons with Disabilities (OPA) received a number of complaints from parents of Hartford students who had been identified as eligible for special education based on emotional and behavioral disorders (ED). The complaints arose in connection with an administrative decision to terminate a self-contained, “therapeutic treatment program” for elementary and middle school students which the school district had been operating at its Tower Avenue School. During that summer, parents had been informed that Tower Avenue students would either be placed into regular education classes at the Naylor School, or in one of three self-contained programs that were going to be developed. There had been no Planning and Placement Team (PPT) meetings for any of the students, even those slated for regular classroom placements, and program descriptions offered to families provided little useful information. All of the affected students had been identified as having emotional or behavioral disabilities, and some had previously been subjected to physical restraint and seclusion. OPA determined that given the apparently inadequate planning, the District’s disregard of legal requirements and the general confusion surrounding the transition, there was probable cause to suspect students with disabilities were being subjected to neglect.

On August 11, 2008, OPA notified Hartford School Superintendent Stephen Adamowski, that it was initiating a preliminary investigation. Several subsequent meetings were held with administrators within the Hartford Public Schools and, once school started, visits by two OPA staff members, one with expertise in educational advocacy and the other with experience conducting investigations, were planned to each of the new program locations.

During those visits, OPA found that Tower Avenue students who had been placed at the Naylor School in Hartford’s South End were being included in typical classrooms and generally seemed to be doing well. However, relatively few of the affected students were placed at Naylor, and those that had been were considered to be the least behaviorally challenged. The other Tower Avenue students were not faring as well. They had been placed into self-contained, segregated programs located at Hartford Magnet Middle School (HMMS), Mary M. Hooker School and Quirk Middle School. Site visits revealed that there was a general scarcity of resources available in those programs – things like functioning computers, stationery supplies, resource materials and appropriate space for students to work in different academic groupings. There were other problems as well: The HMMS site was too small and not appropriate for use as an educational program location.¹ It had no drinking fountain or water cooler, recreational space was limited, and the only exercise available to students was to sweep the sidewalk. Even this was stopped after it was pointed out that busy traffic on the adjacent street presented possible dangers. Initially, the Tower Avenue students who were sent to HMMS were not allowed to use the pool or gym facilities, or to walk over to the school building (which was down the street and around the corner from their parking garage classroom) to eat lunch in the cafeteria until after the last wave of regular education students had finished their lunches.

¹ The program had been described to parents as being on the grounds of Hartford’s prestigious Learning Corridor, but turned out to be located in a building that housed a parking garage which was across the street from the main school buildings.

Observations in the other program locations revealed similar themes: academic instruction was substantially impeded by the unsuitable and essentially makeshift layout of the allocated space. Staffing was also a problem. While the programs were described as “therapeutic”, there was a marked absence of counselors, psychologists or clinical staff, and most locations had no private space for student counseling or even for confidential phone calls or meeting with parents. Perhaps more alarming, however, was the level of administrative hostility the host schools evinced toward the students identified with the programs. With the exception of those placed at Naylor, students from Tower Avenue were completely separated from others in their new host schools, even to the point of being denied access to specific activity areas when other students were present.

After OPA raised awareness of these issues to senior administrators, some of these conditions improved. However, conflicts between the self-contained programs and their host schools continued: OPA’s first scheduled observation at Mary M. Hooker School had to be called off when a behavioral incident occurred just prior to the arrival of the OPA team, prompting the school’s principal to call the police to have one of the program’s students arrested.

Based on its preliminary findings from site visits and staff interviews, and on continuing complaints from parents, OPA confirmed that there was, indeed, probable cause to believe that students with disabilities were being subjected to abuse and/or neglect. By letter dated December 18, 2008, Superintendent Stephen J. Adamowski was informed that OPA intended to intensify its investigative effort. This letter prompted a December 29, 2008, meeting with Assistant Superintendent Miriam Taylor. At that meeting the school district’s plans for further program changes and improvements were discussed, as were the inherently unsuitable space assigned to the program at HMMS and the detrimental effects of disciplinary practices that involved suspending students and having them arrested by police. Assistant Superintendent Taylor acknowledged those problems and requested time to address them. OPA determined that it would monitor conditions in the programs.

Evidently the Hartford Public Schools agreed that the HMMS program space was inherently unsuitable, as the site was abandoned at the end of the 2008-2009 school year. For school year 2009-2010, its students were again relocated, this time to one of four newly named “2550 Programs” – segregated, “center-based” programs into which other students with ED labels were also being placed. “2550 Programs” derive their name from the address of the leased building which houses the District’s largest therapeutic educational program. Located at 2550 Main Street, that program originally served a relatively small number of high school students with ED labels, many of whom were in fact substantially older than typical high school students. With the arrival of increasing numbers of middle and high school students, it formally became known as the 2550 Main Academy. It currently serves students with Emotional Disturbance labels in grades 6 through 12.

The 2550 Main Academy is a direct descendant of the Hartford Transitional Learning Academy (HTLA) originally located on Washington Street.² During the 2009-2010 school year, the

² In 2005, OPA conducted an investigation into complaints at HTLA, publishing a report that recommended closing the program. At the time OPA initiated that investigation HTLA made extensive use of “hands on” disciplinary programming, frequently resulting in the use of restraint and seclusion.

program became the subject of a “class” complaint to the State Department of Education (SDE) initiated by legally-based children’s advocacy groups. The SDE’s Bureau of Special Education investigated the complaint, and recently issued a report substantiating many of the allegations in the complaint. SDE is requiring various remedial actions, including relocation of the program to a more suitable site, hiring qualified staff and contracting with an expert consultant to redesign the program and oversee corrective action. It is important to note that the SDE’s complaint investigation addressed specific allegations about one program location: the 2550 Main Academy. Although this investigation report by OPA confirms many of those findings, OPA’s investigation addresses a wider array of systems issues, and calls into question system-wide dynamics that fail students with ED in different settings.

Despite the complaints and problems associated with the 2550 Main Academy, other self-contained programs serving students in lower grades were re-named as “2550 Programs” in 2009. Those other programs are located at Naylor School (grades 1-8), Mary M. Hooker School (grades 1-4) and Martin Luther King School (grades 4-6).

As schools reopened in the fall of 2009, OPA received a number of new complaints from parents of children identified as having emotional or behavioral disabilities – students who had never attended the Tower Avenue program. For the most part those students had been identified as eligible for special education and most had been sent to one of the self-contained 2550 programs. However, they were still being subjected to suspension and, in some cases, arrest, and their parents were experiencing considerable difficulty obtaining thorough evaluations and adequate behavioral supports through the Planning and Placement Team (PPT) process. Some reported they had been told that under the school district’s new “Student Based Budgeting” formula, their neighborhood schools did not have sufficient budgetary resources to provide the supports their children needed. They had been assured, however, that the 2550 programs to which their children were being sent did have that funding.

Methodology:

To pursue these new complaints, and to further its on-going monitoring activities, OPA assigned a two-person team to conduct a structured inquiry into those complaints. One member of the team has extensive experience advocating for special education students, the other has considerable experience conducting investigations. The team visited with students who had been referred to OPA, interviewed them and their parents or guardians, and reviewed their educational records for the preceding two years. The team also interviewed administrators and classroom staff, made observations during various site visits, and reviewed policy documents and statements that have been issued by the Hartford Public Schools and the State Department of Education.

Site visits were made to the following schools:

Fred D. Wish School	A.E. Burr School
Martin Luther King Middle School	Quirk Middle School
Rawson Middle School	2550 Main Academy
Naylor School	Mary M. Hooker School

Interviews were conducted with the following individuals:

- Dr. Wayne Alexander, Director, 2550 Main Academy
- Mr. Robert Travaglini, Principal, Naylor School
- Dr. Ellen Stoltz, Senior Director of Special Education, Hartford Public Schools
- Mr. Baxter Atkinson, Principal, Martin Luther King School
- Mr. Richard Montanez, Principal of Mary M. Hooker School
- Parents or guardians of 21 students.
- Staff attorneys from Greater Hartford Legal Services
- Staff advocates from three parent education and support organizations:
 - African and Caribbean-American Parents of Children with Special Needs (AFCAMP);
 - The Connecticut Family Support Network;
 - Padres Abriendo Puertas (PAP)/ Parents Opening Doors.

The following records and other documents were reviewed:

- Individualized Education Plans
- Functional Behavior Assessments and Recommendations
- Behavior Intervention Plans
- Minutes of Planning and Placement Team Meetings
- Social Work Summaries and Recommendations
- Projective Testing and Recommendations
- Academic Testing and Recommendations
- Behavior Checklists
- Incident Reports due to Misconduct
- Suspension Letters to Parents
- Occupational Therapy Evaluations
- Physical Therapy Evaluations
- Speech Language Evaluations
- Student Psychiatric and Mental Health Documents
- CT State Department of Education: Guidelines for Identifying and Educating Students with Serious Emotional Disturbance (1997)
- CT State Department of Education: Guidelines for the Practice of School Psychology (2004)
- Connecticut's Framework for RTI - Using Scientific Research-Based Interventions (SRBI): Improving Education for All Students (*State DOE Executive Summary*) (February 2008)
- Report on Attention-Deficit Hyperactivity Disorder (ADHD) (2005)

During the course of its investigation, OPA found evidence of serious problems in way Hartford is delivering educational services to students with emotional and behavioral disabilities. The investigation also surfaced considerable evidence of violations of both the federal Individuals with Disabilities Education Act (IDEA)³ and the non-discrimination provisions of Section 504 of the Rehabilitation Act (Section 504)⁴. However, identifying systems problems and possible violations of law was not the initial focus of the investigation. Initially, OPA investigators concentrated on understanding the experiences of individual students. The following stories are about real students and their real experiences in school. Only their names have been changed.

Who are the students and what has happened to them?

Joseph's Story

Joseph is a 14 year-old eighth grader who was placed at the 2550 Main Academy⁵ during the 2009-2010 school year. Previously, Joseph attended the Fred D. Wish School which is located in his neighborhood. While at Wish School, he had been identified as eligible for special education due to Specific Learning Disabilities (SLD). His Individual Educational Plan (IEP) focused on academic goals, although there is little evidence in his records that those goals were being achieved. The IEP also incorporated a Behavioral Intervention Plan (BIP) to assist Joseph with impulse control and address acting out behaviors that were clearly tied to the frustration he experienced over repeated experiences of academic failure.

During the fall of 2007, Joseph's acting out behaviors began to escalate. In December 2007, an incident occurred where Joseph ran through the hallways, yelling. He was taken to a hospital emergency room and subsequently admitted to a psychiatric unit. Following a brief stay in the hospital, he was discharged with diagnoses of Attention Deficit Hyperactivity Disorder (ADHD) and Oppositional Defiant Disorder (ODD), and was placed on psychiatric medication.

Following that incident, a Planning and Placement Team (PPT) meeting was convened. Despite the hospitalization and new diagnoses, the PPT concluded that the offending behaviors were NOT manifestations of his disabilities.⁶ However, the PPT did change Joseph's primary special

³ Individuals with Disabilities Education Act (IDEA); 20 U.S.C. Sec. 1400 – 1415

⁴ Section 504 of the Rehabilitation Act of 1973, as amended (Section 504); 29 U.S.C. Sec. 794

⁵ 2550 Main Street Academy, formerly the Hartford Transitional Learning Academy, is Hartford's public school for middle and high school students with special education needs, including behavioral health issues and learning disabilities. 2550 programs are also housed within various schools.

⁶ Note: since 2004, federal special education law has permitted disciplinary suspension of special education students for up to ten days without need for a determination as to whether the student's behavior was a "manifestation" of his or her disability or requiring the development of alternative education plans. Joseph was suspended for exactly ten days, so the somewhat questionable "manifestation" determination by the PPT was not strictly necessary. See 34 CFR 300.530 (a-f)

education “exceptionality” from Specific Learning Disability to “Emotionally Disturbed”. The PPT recommended that Joseph’s behaviors be further assessed and that school staff try different intervention strategies.

Not surprisingly, subsequent efforts at Wish School proved inadequate to address Joseph’s needs. Although termed a “Functional Behavioral Analysis”, the assessment that school staff completed fell far short of professionally recognized standards for such an evaluation, and the new Behavioral Intervention Plan merely reflected generic strategies, not individually relevant interventions. If the school personnel had had access to expert help from an experienced behavioral consultant – someone who had extensive training in observing and identifying environmental variables and “antecedent behaviors” - they might have better understood the “functions” being served by Joseph’s avoidant and acting out behaviors. A consultant with such expertise could then have helped his teachers and the school psychologist to develop a truly relevant intervention plan for Joseph, one that could have helped him learn more acceptable alternative behaviors and, at the same time, could be woven in with a plan to address the real underlying problem – his unaddressed learning disabilities and the repeated sense of failure he was experiencing in school. The consultant could have also worked with teachers and others to train them and help adjust the plan based on their feedback and any changes that occurred as a result of its implementation.

In the absence of expert help and an effective plan, however, Joseph continued to experience frustration over his lack of academic progress, and to act out. His Grandmother, who is his guardian, also grew increasingly frustrated with the ineffectiveness of the school’s efforts. Notes from Planning and Placement Team (PPT) meetings reflect increasing tension between her and other PPT members. The following fall (2008), the school administered a Woodcock-Johnson III evaluation - a commonly used instrument that measures academic achievement. The results confirmed that Joseph was performing a number of grade levels below the other students in his class, but contributed no useful information regarding appropriate behavioral programming or how best to address his underlying learning disabilities. Upon reviewing the results of that evaluation, the PPT recommended that he “be placed in a full time, structured program with a smaller class ratio that encompasses a therapeutic component and strong behavior management as integral parts of the program”. In reaching this recommendation, the Team apparently relied solely on the results of the Woodcock-Johnson testing. It did not identify steps that could have been taken at Wish School to more precisely identify and more appropriately meet Joseph’s individual needs in the regular education setting.⁷

⁷ To the extent other avenues of evaluation and individually relevant interventions were not explored, this decision violated Federal law, which requires that special education students be educated in the “least restrictive environment” (LRE). This means that:

... to the maximum extent appropriate, children with disabilities, including children in public or private institutions or other care facilities, are educated with children who are not disabled, and special classes, separate schooling or other removal of children with disabilities from the regular educational environment occurs only when the nature or severity of the disability of a child is such that education in regular classes with the use of supplementary aids and services cannot be achieved satisfactorily. [34 Code of Federal Regulations (C.F.R.) Sec. 300.550(b)(1)]

Joseph needed auxiliary services in the form of expert behavioral consultation from someone who could complete a thorough, professional Functional Behavioral Assessment and develop and oversee implementation of an individually relevant Behavioral Intervention Plan. He also very much needed a complete educational evaluation to diagnose and prescribe appropriate remediation for his specific learning disabilities. What he needed most of all was to experience academic success – some reason to believe that he could achieve, that he wasn't just doomed to endless failure and disappointment. Instead, he was allowed to founder until his frustration level and acting out created enough of a problem for those around him that he was sent elsewhere.

Joseph's grandmother was told that the 2550 Main Academy had the resources needed to implement the type of program he needed. Indeed, Hartford's recently adopted "Student Based Budgeting" system funds slots at its 2550 programs at significantly higher rates than it allocates to be spent on special education students who are included in regular school environments.⁸ Angry over Wish School's consistent failure to address Joseph's needs, and feeling that by remaining there he risked further exposure to suspension and possible arrest, she agreed to the 2550 Main Academy placement that had been discussed with her at the meeting.⁹

However, that placement has produced little benefit. Joseph's new IEP looks substantially the same as the one he had at the Fred D. Wish School. There is still no thorough diagnostic educational evaluation that prescribes particular strategies for addressing his learning disabilities, and his Behavioral Intervention Plan looks very similar to those of other 2550 students.¹⁰ Additionally, there have been problems with both the competency and the consistency of the program's staff. When interviewed¹¹, the school's principal admitted that he had had great difficulty attracting and retaining qualified, motivated teachers. Students placed at the 2550 Main Academy are among Hartford's neediest. Yet, according to the principal, it is a place that good teachers – those best equipped to meet those students' needs - tend to avoid. Even the

⁸ Hartford: A System of School: 2008-2009 Guide to Student Based Budgeting, Chapter 3, page 23

⁹ Notes in Joseph's educational records indicate that at a PPT held February 6, 2009, "[Joseph's grandmother] became increasingly agitated. At some point in the meeting [his grandmother] stated that she did not want to hear anymore and was not open to discussing or addressing the interventions any longer. It appeared that Joseph was not successful in his present setting, that Joseph's educational/emotional needs would be best met in a therapeutic setting."

¹⁰ The State Department of Education's Complaint Investigation found that, "The middle school program [at 2550 Main Academy] is not implementing a program-wide behavior management system. ... The program relies on disciplinary exclusions (suspensions) and crisis intervention, including deployment of security guards and police, in order to manage students' behavior." May 28, 2010 letter to Drs. Ellen J. Stoltz and Wayne Alexander regarding Complaint No. 10-0306.

¹¹ Dr. Wayne Alexander said in a November 17, 2009 interview with P & A investigators, "Considering we have poor facilities, no gym, no job coach, we try to normalize as much as we can. The program at 2550 is seriously under-funded; without a proper facility, and largely reliant on community based services that are usually funded through DCF. There is no gymnasium or weight room (despite the fact that almost 90% of the students are male), no transportation and no collaboration with other programs that share the facility. A single half-time social worker is only able to provide minimal support. Instruction in family skills and in good parenting is left to outside agencies. Kids may at various times be connected with Probation officers, social workers, school readiness programs and clinical services. There is no coordination between the agencies and as a consequence they duplicate services and fail to be consistent with efforts made by the school".

building where the program is located presents significant limitations. Whereas regular, vigorous exercise could help Joseph dissipate some of the hyperactivity that renders him so easily distracted in classes, with the exception of the single basketball hoop that has been set up next to the dumpster, there are no gym or recess facilities.

Harder to measure, but, perhaps more telling is the impact that being placed at 2550 has had on Joseph's sense of who he is and what his future holds. For an adolescent who is struggling with all the difficult adjustments inherent in being a teenager, who has long felt intensely frustrated over repeated experiences of failure in school, becoming a 2550 student offers little reason to hope that anything in his life will ever get better.

Kevin's Story

Kevin was a student in a self-contained 2550 Program located within the Martin Luther King Middle School. His mother reported to OPA that he had recently been arrested by the police for throwing a chair at a teacher. The incident occurred when he had been left unsupervised in the hallway outside his self-contained program area. In addition to being arrested, Kevin had also been suspended by the school's principal.

Kevin is identified as having Specific Learning Disabilities and Attention Deficit Hyperactive Disorder. His learning disabilities affect his acquisition of both reading and math skills. He has a well documented history of avoidant and acting out behaviors that are clearly tied to academic frustrations – frustrations that are particularly acute when Kevin is required to complete reading and math assignments. On the day of the incident, Kevin left his classroom because he was having difficulty managing his anxiety about an academic assignment.

Reviews of Kevin's educational records indicated that while he had a Behavioral Intervention Plan (BIP), it contained no positive approaches to help him learn more adaptive strategies. It was not based on an individualized, Functional Behavioral Assessment, nor was it structured to integrate with and support a larger strategy for academic success. And, as the school's response to the incident illustrates, outside of his immediate 2550 Program area, there had been no effort to train or involve school staff in positive ways to approach Kevin when he was experiencing difficulties. Ironically, Kevin had been placed into the 2550 Program at King School because his behaviors were so problematic it was determined that he could not be educated in regular classrooms. Yet the school's punitive responses to the chair-throwing incident (e.g. arrest, suspension), the absence of teaching strategies to address underlying learning disabilities, and the notable deficiencies in his Behavior Intervention Plan illustrate how poorly prepared even the segregated 2550 program was to address his needs. After the incident, rather than engaging in discussions about how to improve things – by revising the BIP or seeking expert consultations or other supplemental aids and services – a February 25, 2010, PPT decided to place Kevin in an out-of-district school.¹² Wary of the possibility of further trouble if he remained at the King School program, in May 2010 Kevin's mother consented to an out-of-district placement at an educational program at Wheeler Clinic, a day-treatment facility.

¹² Kevin's mother, in a January 4, 2010 interview with OPA investigators reported she did not "want Kevin to fail again by returning to MLK's 2550 program only to be arrested or suspended for his disability".

Robert's Story

Robert has been diagnosed with Post Traumatic Stress Disorder, which, for him, translates into symptoms of depression and oppositional behavior in school. Evaluations recommended “smaller structured class with clinical and behavioral support”. In the spring of 2009, Robert was placed in the small, self-contained “2550 Program” at Rawson Middle School. His educational records contain no indication that the possibility of providing Robert with emotional or academic supports in his original class room was considered, and reflect no effort to coordinate educational and clinical supports. The evaluations did not include a Functional Behavioral Assessment, and no related services had been provided. The decision to change Robert's placement seems to have been based exclusively on reactions to his behaviors. Again, this appears to be a clear violation of federal law.¹³

Notwithstanding the absence of formal assessments and transition planning, however, things went reasonably well in the 2550 Program. That is until the program's teacher quit and the program was simply dissolved. As the 2009 – 2010 academic year began, Robert and eight other students were abruptly placed back in regular classroom settings. There is no evidence that plans were developed to provide the behavioral supports they needed. Predictably, this abrupt change in placement led to a re-emergence of Robert's challenging behavior, resulting in the school principal calling the police and having him arrested.

Two further facts are particularly noteworthy about Robert's story: First, no evidence can be found in Robert's records that a PPT had convened to consider, much less recommend, placing him back into a regular classroom. This is another clear violation of federal special education law: “placements” can only be changed as a result of PPT recommendations.¹⁴ Second, because Robert had initially been placed into the fully segregated 2550 Program, a relatively high level of funding had been budgeted to meet his needs. However, after the 2550 Program dissolved, those funds did not follow Robert back into his regular classroom placement. Instead, like so many other children with mental health-related disabilities in Hartford, Robert's needs went unmet. Perhaps the most disturbing aspect of his story is that he wound up bearing the blame and paying the price for the results of administrative failures – failures that clearly violated his rights. Nobody thought to hold the system accountable. It was simpler just to blame it all on him, and introduce him, at a young age, to the criminal justice system and the identity of “criminal”.

¹³ 34 CFR 300.324 (a) regarding considerations for students with behavioral challenges; 34 CFR 300.530 (d), regarding provision of functional behavioral assessments and plans).

¹⁴ 34 CFR 300.114 (a) regarding placement in Least Restrictive Environment; 34 CFR 300.116 (a-e) regarding placement by child's PPT).

Meagan's Story

Meagan is a seventh grade student with an anxiety disorder that manifests itself when she is exposed to noisy, confusing, and contentious environments. Although she is otherwise a capable student, her anxiety can become so intense that she is unable to concentrate on academic tasks or participate in school activities. Labeled as “Emotionally Disturbed” (ED), she was placed in the 2550 Program at Quirk Middle School. However, belatedly recognizing that that program is characterized by precisely the type of chaotic environment that triggers Meagan's anxiety, her Planning and Placement Team (PPT) recommended that she be transitioned to a regular classroom with the supports necessary for her success.

That decision was made early in the fall of 2009. Meagan has waited for the entire school year for an appropriate placement. Her family has been told that there is no room at Naylor School; no room at Batchelder School; no room at Hartford Middle Magnet School. The concerns appear to be both programmatic and budgetary: Meagan is currently identified as having “Level 4 needs”, meaning that a PPT has determined that she needs a fairly intensive level of supports. In the Hartford Student Based Budgeting (SBB) schema, students with Level 4 needs can only spend between 60% to 40% of their time being educated in the “mainstream”. If their schools are to continue to receive level 4 funding for them, such students must spend the balance of their time either grouped with other special education students or otherwise actively receiving special education and related services in non-integrated settings.

Because the SBB guidelines allow special education services for students with lower levels of need to be delivered in the “mainstream” classroom environment, schools view the additional funding attached to those students as a contribution. In other words, by including special education students identified with “Level 1” or Level 2” needs, schools can actually supplement and enhance the resources available to class room teachers and, in effect, bring benefit to all their students.¹⁵ But having to pull students like Meagan out of class to provide supports and services is not only disruptive and possibly counterproductive; it also potentially adds costs to the individual school's operating budget – costs that are not offset by the amount of additional funds such students would bring in under the SBB formula. Furthermore, in Meagan's case, as with many other special education students, the type and amount of support needed can fluctuate enough over the course of a school year to put a serious strain on the school's budget. So, seen through the lens of the SBB system, Meagan looks like a potentially costly student to take on.¹⁶ The problem for her is that while she does need extra support in order to succeed in school, the only places being funded to supply higher levels of support offer a totally inappropriate learning environment for her.

¹⁵ *Hartford: A System of Schools: 2008-2009 Guide to Student Based Budgeting*, Chapter 2, p. 23.

¹⁶ In an interview on October 22, 2009, Senior Director for Special Education Dr. Ellen Stoltz said, “The problem with Student Based Budgeting is the amount of budget for a student with special education needs is calculated based on time spent *not* with non-disabled students. With student based budgeting the burden of accountability has shifted to the principals. They are expected to know their students and their needs, as this knowledge translates into dollars. However, when kids' needs change, principals are expected to find the money somewhere within their existing budgets to address those needs.” (Emphasis added.)

Albert's Story

Albert is a second grade student in the Burr School. He began this school year in a self-contained special education classroom, but, because his mother advocated for him to be included in a regular classroom and to receive the appropriate modifications, supports and services he needed, his PPT agreed that he should move into a regular second grade class.

Albert's IEP seems to appropriately describe the supports he needed to succeed. However, following his transition to the regular classroom, those supports were not provided. Part of the problem was that other special education students educated in regular classes do not typically receive the types of educational support that Albert needs. So, for Albert, school staff had to look beyond the typical a-la-carte menu of services they use for other special education students. But there is also an underlying structural problem: special education students who are included in typical classrooms are usually budgeted for either "Level 1" or "Level 2" supports, which are not adequate for Albert. And, although this year Albert is budgeted at "Level 3" supports based on the expectation that he would spend most of his time in a segregated class room, because he is now spending almost all of his time with non-disabled students, next year the school may only receive Level 1, or possibly Level 2 funding for him.

After a PPT meeting called to discuss the current year's problem, the school's Assistant Principal informed the team that Albert can receive the special education supports he needs in the regular class this year because he is already budgeted for "Level 3" funding. But that guarantee is only good for this year. She made it clear that she cannot commit to spend more money out of her district budget next year than the district allocates to meet Albert's needs.¹⁷

What do these students' stories reveal about the system?

At the outset, it should be noted that the Hartford Public Schools are involved in a monumental and tumultuous struggle to transform themselves. After years of dismal overall performance and a number of previous efforts at reform, including a period of receivership when the elected Board of Education was dissolved and a State appointed board oversaw operations, the Hartford Board of Education hired the current Superintendent, Stephen J. Adamowski, and adopted a number of principles and policies intended to improve student achievement and increase accountability. Individual school principals are now given significant operating autonomy, but are also being held accountable for achieving expected results. New magnet schools have opened, community stakeholder groups have formed, and the identities of a number of existing schools have been recast with distinct identities or "themes". Offering families "School Choice" and more equitably distributing resources through "Student Based Budgeting" are considered to be key features of this reform. Since this initiative began, many complicating factors have arisen, not the least of which are significant budgetary restrictions resulting from shortfalls in State and City revenues. Nonetheless, Hartford's leaders remain committed to the tenets of this reform effort.

¹⁷ At a PPT held November 18, 2009, Donna Kildare, assistant principal of A.E. Burr School said, "We have the resources this year to support him in regular classes. I do not know what the budget will look like for next year."

And, for general education students, there are some hopeful signs beginning to emerge: scores on various standardized tests have improved, and some schools are beginning to attract community support and pursue innovative initiatives.

However, from the perspective of students with disabilities, especially those with significant emotional and behavioral disabilities, there has been no discernable improvement. In fact, the proudest strategies of this reform – School Choice and Student Based Budgeting – operate so as to discriminate against students with mental health disabilities and to deny them the Free Appropriate Public Education that is their fundamental right. Hartford’s much touted career-oriented magnet schools are not looking to attract students with significant behavioral support needs. Neighborhood schools may have adopted “themes”, but do not have the budgetary resources or access to expertise they would need to successfully include and educate those students.¹⁸ In fact, as currently implemented, the Student Based Budgeting process is actually creating incentives for unnecessarily removing children with ED labels from typical class rooms and sending them to segregated programs. And those same segregated programs reflect such haphazard planning and on-going administrative neglect that they are proving to be dramatic failures. For students with ED, the net effect of Hartford’s general education reform strategies has been to further institutionalize the system’s historical tendency to reject and abandon them.

OPA’s specific findings are as follows:

1) In the midst of much publicized efforts to improve general student achievement, the Hartford Public School system is marginalizing, illegally segregating, failing to educate, and impermissibly discriminating against students with serious emotional and behavioral disabilities.

In its 2005 report on the Hartford Transitional Learning Academy (HTLA), OPA found that that program was being used as a “dumping ground” for students that other schools no longer wanted.¹⁹ Like the 2550 Main Academy which ultimately replaced it, HTLA lacked both instructional resources and positive expectations that its students could achieve success. Then as now, OPA’s sampling of student records, parent interviews, and site observations revealed that individualized assessments and program plans often fail to identify and address key factors influencing particular students’ learning and behavioral support needs. It is also clear that placement decisions are being made without adequate consideration of what might be possible

¹⁸ Interviewed on November 16, 2009, Principal Robert Travaglini of Naylor School said, “Many of the schools cannot serve their students because they do not offer the structure and design created at Naylor. In addition, there is the issue of ELL students (ELL students are in the process of acquiring and learning English Language skills.) Parkville School has 45% ELL students, while Naylor has only 20%. Segregation is a consequence, since Magnet Schools will attract the “better” students and programs like Naylor’s will attract more enrollment because it is fully funded, leaving under enrollment in the North-end schools. Schools whose enrollment falls below 400 students cannot sustain themselves.”

¹⁹ Investigative Report *Hartford Transitional Learning Academy: A School in Need of Transition*, Office of Protection and Advocacy for Persons with Disabilities, November, 2005

for a particular student in a typical classroom. On the systems level, program development has also been deeply flawed: The hasty, ad-hoc arrangements that characterized the transfers of students from the Tower Avenue School; the subsequent relocation, and even the rather thoughtless naming of the “2550 Programs”; and the ill-advised dumping of previously segregated students at the Rawson School back into regular class rooms following a teacher’s resignation reflect the same lack of care and deliberation at the administrative level as is evidenced in assessing and planning for individual students.

Part of the problem is that the “model” on which the 2550 Programs are constructed is incoherent and inherently discriminatory. That is to say that the student groupings, staffing, facilities, and methodologies of those programs do not reflect the identities, needs and goals of individual students. Seen in the most positive light, the underlying design assumption seems to be that self-contained, “center-based” programs are somehow able to offer a level of expertise, case coordination, and “therapeutic structure” that cannot be implemented in a typical classroom environment. But, the realities of 2550 Programs stand in stark contrast to those assumptions. At the original 2550 Academy, the primary therapeutic resources students and their families rely on are not provided through or even integrated within the school’s structure. Rather, they are delivered outside of the school environment through providers funded by the Department of Children and Families, and, according to the Principal, there is virtually no coordination between those providers and the school. The facility housing the program is inarguably unsuitable for use as a school, and the Principal reports significant difficulty attracting and retaining qualified teachers and other staff.²⁰ Although the students there should be receiving encouragement to consider post-secondary education or exposure to vocational options as part of legally required transition plans, the school has no resources with which to pursue such activities. In short, the reality of what is available in the “special” program falls far short of what is legally required and presumed to be present. Indeed, the very existence of 2550 Programs, which anchor the extreme end of an otherwise inadequately conceptualized “continuum of placements”, perpetuates the myth that special education can be equated to a “place” rather than an individually designed set of teaching strategies and learning supports that most often can be successfully implemented in inclusive environments.

This is not to say that all students with significant emotional disabilities must always be educated in typical regular education school settings. There may be individuals for whom small, alternative learning environments are appropriate, and others who will benefit from educational programs that reflect a truly therapeutic structure. However, based on the students whose situations OPA reviewed, it is quite likely that a significant number of 2550 Academy students (and other 2550 students as well) could succeed in typical classrooms if they and their teachers could be assured of competent, relevant support, and if school leaders were to commit to their successful inclusion. The benefits of such inclusion are numerous: Students who are exposed to

²⁰ In an interview with P & A staff on November 17, 2009 Dr. Wayne Alexander, principal of the 2550 Main Academy said, “These are the kids nobody wants, taught by many of the staff who for one reason or another end up at 2550 because of poor job performance. We have few staff and even fewer people who know what to do. The most difficult kids get the lowest level of teaching due to the limitations of our contractual agreements. We need Special Education teachers who are competent and who want to be here. We need a separate building, a separate identity. These kids need a future and a curriculum that is hands-on training. They need internships and externships, proper work exploration, a taste of real work.”

academic expectations and social interactions with typical age peers are more likely to be viewed in positive terms and to internalize positive images of themselves. They are less likely to see themselves as “bad” or somehow inherently flawed, or to feel rejected or that they have failed. Especially for adolescents, the norms and values of one’s peer group often influence self-perception, attitudes and behavior to a far greater extent than instruction or direction from adults.²¹ If one looks beyond the superficial bromides about “therapeutic structure” and “clinical coordination”, it is difficult to see what benefit accrues to a student with emotional or behavioral issues by surrounding him with others who also manifest similar issues. To justify placement in a congregate, segregated program as somehow beneficial for a student, the school system must overcome a strong presumption that less restrictive alternatives cannot be made to work.

2) As currently designed and implemented, the system for Student Based Budgeting – a major cornerstone in Hartford’s reform efforts – encourages discriminatory segregation of students with emotional and behavioral disabilities, creates barriers to supporting such students in general education settings, and obscures the ways funds allocated for special education students are being used.

It does this in four distinct ways:

- a) The weighted formula used to calculate the amount of special education funding allotted to individual students is tied to a continuum of placements that links higher levels of resources to the amount of time a student does not spend with non-disabled peers. In other words, the more time a student with ED spends in a regular classroom, the less his or her school will receive by way of resources and supports. As a result, students with moderate-to-high levels of support needs, who could otherwise be successful learners in typical classroom environments, cannot access sufficient resources to be successfully included.
- b) The inability to readily adjust the budgeting process on an on-going basis significantly limits schools’ capabilities to respond to rapidly evolving changes in student needs.
- c) Funding reserved for the most restrictive settings – 2550 Programs – is not portable. In conjunction with the inflexibility referred to above, this operates to keep students who are placed into fully segregated programs “locked in” to those programs, even if changes in their levels of need might otherwise allow for their re-integration.

²¹ A useful summary of the considerable academic literature supporting this conclusion may be found at; <http://education.stateuniversity.com/pages/1738/Adolescent-Peer-Culture.html> . The summary concludes by stating:

It is clear that convergent evidence from many different areas of research suggest that peer culture has a very strong influence on students' adjustment to school during adolescence. Given the sensitivity of adolescents to peers, the effects of this informal social organization of the school community in crowds and cliques can surpass and counteract the effects of any formal school norms (such as regular attendance, the importance of academic achievement, and proper conduct). The issue of adolescents belonging to "positive" peer communities that encourage academic engagement and pro-social behavior should therefore become a central point of concern for parents and educators during the period of adolescence.

- d) Special Education funding for students identified with all but the highest levels of need is blended with other funding streams in each school's operating budget. This increases the difficulty of determining whether funds intended to benefit students with disabilities are actually being spent for that purpose. Ironically, however, it also creates a fiscal barrier to supporting students with higher-level needs within typical class room settings, as the additional resources provided for those students' must be more clearly shown to be expended solely on their behalves.

Represented as a methodology for equitably allocating funds to individual schools based on the educational needs of their students, Student Based Budgeting (SBB) utilizes a formula that assigns specific values, or "weights", to factors such as the student's grade level, status as an English learner, and Connecticut Mastery Test scores. The higher the weight assigned to a particular student, the more funding included in his or her school's budget. Individual schools' budgets, which must cover administrative, personnel and operating costs, are essentially determined by totaling up the weighted budget allocations for each of their students. Being identified as eligible for special education is a factor that adds weight to a student's individual budget allocation. However, the amount of that additional funding depends on the amount of time the student *does not* spend with non-disabled peers. Indeed, it is clear from interviewing administrators²² that while Hartford's published "Guide to Student Based Budgeting" expresses the hope that SBB will lead to greater inclusion, the weighting formula for special education actually encourages the opposite, at least for students with significant support needs. The SBB Guide presents a hierarchy consisting of five distinct levels of need, and ala carte menus of related services. The formula specifies that the greater the special education weight attached to a student – the more special instruction and supplementary aids and services he or she needs - the more time that student must spend outside of the "mainstream" environment. The heaviest weighted student allocation (Level 5; \$26,901 per year) can only be delivered in a fully segregated 2550 Program, while the next highest weighting (Level 4; \$14,820 – \$15, 846 per year) requires that students spend no more than 40% to 60% of their time in "mainstream" environments.²³

Interviews with school principals and special education administrators confirmed that SBB affects both the ability of schools to respond to emerging student needs, and, conversely, their willingness to re-integrate students who are placed into 2550 programs back into regular classrooms. Here is why:

Individual school budgets are calculated prior to the beginning of the school year, based on the cumulative weighted budget factors the SBB formula applies to their students. While there is some opportunity for subsequent adjustment, that process is slow and cumbersome. Principals must live within the budgets allocated at the start of the school year until "contingency amounts" are released in January. Yet, student needs can change rapidly. This means that either a student's needs may go unmet until funding catches up, or that the school must find "room" to meet the emerging need elsewhere in its overall budget. Knowing this, and faced with other, unmet

²² See footnote 16, quoting Dr. Ellen Stoltz, Senior Director for Special Education.

²³ See: *Hartford: A System of Schools: Guide to Student Based Budgeting 2008-2009*, Chapter 3, page 22.

resource needs, it appears that principals are showing a marked reluctance to take on students who might become more expensive to their budgets, or to fund changes called for in ongoing IEP adjustments.²⁴

On the other side of the equation, the SBB also operates to lock students into 2550 programs once they have been placed into them. “Level 5” budgets can only be used in 2550 programs. Even for the 2550 programs located within other, regular school buildings, the 2550 budget is administered separately from the overall budget of the host school. No part of it can be transferred to that school’s general budget even if a student is recommended for placement back into a regular classroom. This barrier discourages the movement of students who are placed in a 2550 program (all of whom have Level 5 funding), into less restrictive placements within the host school, or even a different school, because no part of the funding applied to 2550 placement can be used to support delivery of lower levels of special education supports. In this sense, then, SBB actually serves to lock-in the segregated 2550 placements, effectively preventing the re-integration of their students.²⁵

One other factor further complicates the way SSB impacts special education. Because the budget weights associated with special education needs are combined with other weighted factors in the SBB process, and are then used to develop an overall operating budget for each school, it is quite difficult to trace the special education funding stream to determine whether and how much of the resource intended to benefit children with identified exceptionalities is being concentrated for their support. This would be less of a concern if schools in Hartford were competently functioning to include and embrace all their students. If the system manifested the necessary expertise and commitment, and if the budget for other, general education needs was adequate, then accountability for special education funding would be a simple matter of looking

²⁴ Interviewed on November 16, 2009, Naylor principal Robert Travaglini said, “A special education student’s budget in combination with the budgets of all students who enrolled is pooled into a general budget for the school whose allocations are chosen by the principal. Dollars for the student compete with building wide expenses, which forces you to be “entrepreneurial”. Since enrollment and student needs are so unpredictable, a “contingency” amount is set aside that can only get released based on an initial review of changes in the budget with central office in October and finally authorized to be spent in January. Individualized Education Plan (IEP) needs can change and strain the budget resources unless it is carefully managed. As special education needs change and funds are shifted, the school could be running at a deficit until January”

Interviewed on November 9, 2009, Baxter Atkinson, principal of Martin Luther King school said, “The budget tends not to work as fast as needs change for students throughout the year. No additional funds are provided for extraordinary needs, principals are expected to work within their existing budgets. There were a few exceptions, in that the Assistant Superintendent for Learning Support Services was able to get “extra pennies” for a literacy program. We need personnel resources such as language arts and math coaches, additional social workers, an inside suspension person, and a technology teacher.” When asked about the formula for creating the student-based budget, Mr. Atkinson said “I couldn’t tell you how the figure is arrived at”.

²⁵ Richard Montanez, Principal of Mary M. Hooker School, said in a November 18, 2009, interview that the SBB system “puts the school in a bad spot when additional dollars are not allocated until January. If a student needs adult support but I have no money in my budget then I have to pull resources from other classes. But if I don’t do this the law requires the IEP to be implemented. If you want to blame me for being out of compliance then take me to court! The budget for the 2550 program in my school is separate, and I oversee it. The kids in the 2550 program can transition back to be mainstreamed, but then they get no extra money.”

at student outcomes. But the realities of Hartford schools fall far short of that hypothetical ideal: The reality is that staff completing evaluations is stretched thin, and in some cases lacks the depth of experience needed to develop sophisticated functional analyses of students' behaviors. The reality is that coordination with mental health agencies that serve students with emotional disabilities and their families is haphazard. The reality is that while many students with even significant emotional and behavioral issues can benefit tremendously from being educated in regular classes, doing it well requires consistent support in those classrooms to help manage group dynamics and implement strategies in students' individual Behavioral Intervention Plans. The reality is that the level of need for any student with ED can change on short notice as he or she experiences various stressors, including developmental changes, relationship discontinuities and problems at home. And the overarching reality is that school principals, who are now responsible for managing very tight budgets, are being expected to produce improvements in student test scores, graduation rates and college admissions.

And, so, there is a competition for very scarce resources, and a juggling act that individual principals must perform to keep their schools afloat and headed in the direction of overall improvement. They are being judged not on how much progress special education students make toward their IEP goals, but rather on how well their students, as a whole, do on Mastery and other standardized achievement tests. Under these circumstances, the blending of special education funding with other funds seems to invite diversion of those special education funds, and raises questions about whether resources intended to benefit students with disabilities are, in fact, being used for that purpose.²⁶

3) Individual education plans reflect a lack of expertise in assessing individual needs and developing appropriate educational programming for students identified as having emotional and behavioral disorders.

To be eligible for special education means that it has been determined that a student cannot, on his or her own, learn adequately from the ordinary presentation of the general educational curriculum, and that there is a need for an individualized approach with such modifications, specialized instruction and supplemental services as that particular student requires in order to progress. The entire enterprise is premised on three basic concepts: 1) that students with the kinds of disabilities that impede their learning from the regular curriculum have an equal right to a public education; 2) that if those students are to have equal opportunity, they must be provided with instruction and supports that are relevant to their individual needs; and, 3) that such instruction and those supports must be provided in the Least Restrictive Environment (LRE) possible. Embedded in the statutes and regulations governing special education are procedures for translating those basic concepts into something real for each student with special education needs.²⁷ Sound professional practice requires that three fundamental questions be asked for each individual student: What does this student need? How should his or her needs be met? Where should those needs be met?

²⁶ See footnotes 20 and 21 above.

²⁷ 34 CFR 300.304(a-c) regarding identifying child's needs; 34 CFR 300.320(a) regarding how to meet child's needs; 34 CFR 300.43; 300.114; 300.116 regarding where to meet child's needs.

Competent, thorough educational evaluations are necessary to help answer these questions, especially the first one: What does this student need? Equipped with useful information from those assessments, the Planning and Placement Team (PPT) then meets to develop an Individual Education Plan (IEP). Through discussion of the evaluations, contributions from teachers, parents and others involved with the student, and, in the case of older children, from the students themselves, the process of developing the IEP yields answers for the second question: How should the special education and related services needs of this student be met? The last step in the IEP process also addresses the third question about placement: Where is the Least Restrictive Environment that can meet the student's special education and related needs. Answering these questions in sequence is important. There should be no jumping to conclusions, no hasty application of pre-packaged solutions, and no pre-selected placement outcomes. And, to a large extent, the relevance of the entire individual planning process hinges on the sophistication and expertise of those entrusted to conduct the student's educational evaluations.

Expertise is also critically important to ensure that individual plans are appropriately implemented. Successful implementation of an IEP requires many things: resources, staff that is knowledgeable about good practices; school cultures that support collaboration and which hold positive expectations for, and commitment to, student achievement. The ready availability of expert consultants who can support classroom teachers, track evolving issues, help assess progress and revise goals, share new strategies and lead collaborative problem-solving efforts can spell the difference between success and failure. This is particularly so for those students who are emotionally wounded and whose behaviors can prove challenging to manage in classroom environments.

After reviewing students' educational records and conducting this inquiry, it is clear that for the students profiled, expertise is lacking in the areas of student evaluation and program implementation. Educational records revealed that program and placement planning were often based on incomplete or superficial assessments, and did not follow the planning sequence envisioned in special education regulations. Moreover, in several cases it appeared that decisions about discipline, arrest and removal to self-contained programs were more a function of unwritten rules and traditional practice than an understanding of what a particular student needed. However, if those schools had ready access to expert behavioral consultants who could work with classroom teachers and others in the school environment, the underlying "functions" of a student's behaviors could be understood and more positive learning alternatives developed. Indeed, the incidents that precipitated discipline or removal might never have occurred.

Records reviewed by OPA staff also indicate that several of the students identified as behaviorally and emotionally disturbed (ED) have underlying learning disabilities that have not been successfully addressed. In most cases, they have not even been adequately diagnosed. It has long been known that the experience of attending school and not "getting it", while others students around you are succeeding, leads to frustration and negatively impacts self-esteem. Some students with unaddressed learning disabilities become withdrawn and simply seek to avoid school altogether. Others act out their frustrations, becoming increasingly reliant on disruptive patterns to avoid further experiences of academic trial and failure. In the long run,

neither response is adaptive. The longer learning disabilities and resulting avoidant behaviors remain unaddressed, however, the more likely the student will come to generally rely on them, and the more likely he or she will be seen as a “behavior problem”.

Careful diagnosis is critical to ensuring appropriate intervention. Various identifiable neurological phenomena may be contributing to information processing difficulties. And some students with learning disabilities are also dealing with other conditions that impair their ability to attend to tasks and may produce hyperactivity. However, for the students identified with LD whose records were reviewed as part of this investigation, three phenomena stand out: 1) assessments were not diagnostically comprehensive; 2) intervention strategies did not reflect state-of-the-art professional standards; and, 3) much more attention was being paid to containing students’ behaviors than to addressing the learning difficulties that may underlie and contribute to those behaviors.

Recommendations:

1. The Hartford Public Schools should formally and publicly commit to ensuring that Hartford students who are identified with emotional and behavioral disorders will have an equal opportunity to achieve educational success. From the highest levels of leadership, a clear, unambiguous message must be communicated to instructional staff, administrators, parents, students and members of the public that expectations for the success of these students are as high and as important to the District as they are for any other students.
2. A facilitated dialogue should be initiated with stakeholder representatives, including members of parent advocacy groups, school administrators, principals, teachers and related services personnel, community mental health providers and juvenile justice system staff to identify systemic problems that are resulting in the rejection and marginalization of students with emotional and behavioral disorders. Individuals with recognized expertise in educating students with ED should be included in the dialogue. Any resulting recommendations for policy change should be considered by the Board of Education.
3. The Hartford Public Schools should re-conceptualize the “continuum” of placements it makes available to educate special education students with emotional and behavioral disabilities. Given its long history of rejecting students with emotional and behavioral disabilities, and its failure to adequately support various “academies” and other segregated school environments, continuing to operate such programs perpetuates further cycles of rejection and “dumping”. In essence, the existence of such programs reinforces the view that certain students do not belong with others and, further, that they are unworthy of substantial investment. Rather than again relocating or reformulating its own segregated, self-contained programs, the Hartford Public Schools should systematically identify ways that its new magnet schools and more traditionally structured neighborhood schools can include and successfully educate students with emotional and behavioral disabilities. Those few individuals who genuinely need

therapeutic treatment programs could be served through placements with private providers.

4. The Hartford Public Schools should develop contracts with, or directly employ experts in fields related to: a) identifying and remediating learning disabilities, and b) conducting sophisticated functional behavioral analyses and developing individually appropriate behavioral intervention strategies. Opportunities for ongoing consultation with these experts should be readily available to teachers and other staff, such as school psychologists and guidance counselors, and to parents and guardians of students who are experiencing emotional and behavioral difficulties.

Based on concerns about violations of law and student civil rights that surfaced during the course of this investigation, OPA is initiating requests for investigations by the U.S. Department of Education's Office of Civil Rights (OCR) and the State Department of Education's (SDE) Bureau of Special Education. More specifically, OPA is requesting that:

1. The U. S. Department of Education's Office of Civil Rights (OCR) investigate the impact of Hartford's system for Student Based Budgeting, as well as the District's disciplinary practices and its patterns of making segregated placements of students with emotional and behavioral disorders in order to determine whether the Hartford Public Schools are in violation of Section 504 of the Rehabilitation Act.
2. The Connecticut Department of Education's Bureau of Special Education conduct a systemic complaint investigation into: a) the Hartford Public Schools' placement practices for students with Emotional and Behavioral Disturbance (ED) to determine whether Least Restrictive Environment requirements in State and Federal Law have been violated; and b) whether the Hartford Public Schools' formulation and application of Student Based Budgeting complies with requirements for using funds provided under the Individuals with Disabilities Education Act (IDEA) that are intended for special education and related services. Based on its findings, appropriate remedial and oversight measures should be initiated if warranted.

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