

Cost-Effective Special Education Strategies:



Successful Management by Connecticut School Districts



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Successful Management by Connecticut School Districts**

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CONNECTICUT SCHOOL DISTRICTS**

I. INTRODUCTION AND EXECUTIVE SUMMARY

Connecticut Appleseed initiated a 2019 project to research how school districts deal with rising special education costs – how they balance the services they provide in house versus paying tuition to providers out of district. This project does not address issues related to identification or evaluation of children who may need special education; rather, this report focuses on school district management of students for whom services are required because of their identified needs.

School district requirements under the 2004 federal Individuals with Disabilities Education Improvement Act (IDEA) are quite prescriptive with respect to meeting the needs of students receiving special education and related services. For example, under IDEA, Individualized Education Programs (“IEPs”) have to serve the identified needs of the students, cannot be cost-related and must be administered in the “least restrictive” possible environment.

An IEP is a document that is developed for each public school child who needs special education. An IEP defines the individualized objectives of a child who has been determined to have a disability or who requires specialized accommodation, as defined by federal regulations. Each student’s strengths and concerns/needs drive their specific IEP goals, the services needed to meet those goals and the decision where those services can best be delivered.

Pursuant both to IDEA and their own budgetary constraints, districts are motivated to service students in-district to the greatest extent possible and to avoid outplacement to public regional service providers or private schools where costs are higher and much more difficult to control. Such incentive fortunately allows as many special education students as possible to remain in their own community and enables them to learn in their “least restrictive” environment.

Nevertheless, some discretion exists in how districts fulfill their responsibilities under the Act. Broadly speaking, decisions on whether to place students out-of-district depend primarily on:

- A student’s progress made toward meeting IEP goals;
- The significance of a student’s needs;
- The resources the student requires; and
- The degree of specialization and “capacity” within the district’s staff

While districts are financially motivated to try to provide special education services in house, they can approach doing so in different ways - including the types of locations where they provide those in-house services, whether to do so in conjunction with neighboring towns and

the degree of their commitments to re-integrate identified students by allowing them to audit mainstream classes and participate conditionally in sports.

For illustration, Hamden’s Alice Peck School serves as a dedicated center for providing its own special education services, while the district also sends students to “ACES” (a public regional service provider) and to two private providers. The size of a district’s school population is a particularly important factor, as it affects the marginal economics of adding each individual special education specialist to their staff. Larger districts may also be able to afford in-district provision of both less-restrictive and more-restrictive programs that distinguish degrees of social, behavioral and emotional need among their identified students.

Since districts have virtually no control over tuitions charged by out-of-district providers – whether by regional public school partnerships (“RESCs,” or Regional Education Service Centers like “CREC,” “ACES” and “EASTCONN”) or by private schools – concerns about costs, the quality of services received and cost-effectiveness abound. Since districts cannot meaningfully influence out-of-district tuition, we sought to find and highlight any possible tactics and means of leverage that may help to minimize such out-of-district expenses.

This report aspires to both showcase strategies to make in-district services more cost-effective and to minimize out-of-district placement costs. In short, by interviewing districts about how they determine where to place their special education students among the several available options within and beyond their respective districts, this report aims to both illuminate common issues and share best practices among many Connecticut districts.

Our intent is to publicize success and innovation – not to compare districts. In particular, our research sought to find successful cooperative models and funding mechanisms for the provision of special education services. Of particular interest were possible cost efficiencies through enhanced cooperation between boards of education and RESCs.

Connecticut Appleseed is a statewide, non-partisan 501(c)(3) organization that mobilizes the skills and resources of pro bono lawyers and other professionals to enhance social and economic justice by improving access to education, health care, financial and other services in our state. Our organization benefited tremendously from the enthusiastic and capable pro bono involvement by volunteers from Robinson & Cole LLP to conduct the school district interviews from which this report is derived.

Connecticut Appleseed respectfully submits this report to help promote a safe and productive learning environment for all students.

II. ACKNOWLEDGEMENTS

This report could not have been undertaken without the cooperation of nine public school district superintendents who agreed to open their districts up as laboratories and allow their staff to be interviewed. We similarly thank the interviewees who generously gave of their time. Since our

intent is to publicize successful strategies rather than evaluate or compare, we list participating districts below and only provide generalized attributions to either “smaller” or “larger” districts.

Bloomfield
Coventry
East Hartford

Hamden
Meriden
Middletown

Simsbury
Southington
Wallingford

Embrace of this project by Robinson & Cole LLP Pro Bono Coordinator Peter Knight was absolutely critical to the success of this project. The team of Robinson & Cole volunteers that Peter recruited interviewed one or two professionals in participating districts, using sets of questions drafted with invaluable help from Kim Pearce, Hamden’s Director of Pupil Personnel Services and Sue Homrok-Lemke, Simsbury’s Assistant Superintendent for Pupil Services.

Connecticut Appleseed plans to distribute copies of this report to the Connecticut Association of Boards of Education (“CABE”), the Connecticut Association of Public School Superintendents (“CAPSS”), the Connecticut Department of Education and state legislators.

III. BACKGROUND

The purpose of the federal IDEA statute is to provide children with disabilities an equal opportunity to receive a free appropriate public education and ensure that it meets their unique needs. In this state, local Boards of Education are required to create and oversee services for children found to need special education. Those services include curriculum, instruction, physical plant, class composition and special services.

Once a child has been identified as possibly needing special education, a school’s Planning and Placement Team (“PPT”) recommends an evaluation of the child. After the evaluation, the PPT will decide if the child is eligible for special education. If the child is eligible, the PPT has to develop an IEP for the child.

Student-specific IEPs largely dictate whether the student will remain full-time within the district, provided in part with supplemental services from beyond the district, placed out of the district with public regional providers like ACES (Area Cooperative Educational Services) and CREC (Capitol Region Education Council), or educated in a private school. Private school placements must follow full exploration of all public placements.

Written parental consent is required prior to a child’s initial public or private placement. Schools must give parents written notice if they want to change a child’s placement, but written parental consent to such a change is not required except when the child was placed initially into a private school. Unless parents initiate due process, all placement changes will otherwise go forward. Parents filing for due process are advised by the respective Board of Education that they have options to go through the mediation or advisory opinion process.

Outplacement is needed for only a very small minority of the total special education student population and is often provided for students who compromise safety by demonstrating

significant behavioral issues. Students with significant emotional disturbance and coincident mental health problems (e.g., significant autism plus unusual aggression) are difficult to support appropriately in-district. Students who express their needs through aggression (e.g., hitting, biting) or who exhibit schizophrenia, very significant disabilities or violent tendencies are very commonly candidates for outplacement.

Districts nevertheless always try to provide the least restrictive environment and hesitate to apply hard and fast rules. While many low-functioning and non-communicative students who pose a safety issue and/or require restraints are referred out-of-district, many are not. Hesitation can be defended because once students have been out-placed, they can be very difficult to re-assimilate even after being cleared to return.

When choosing outplacements, some districts exclusively go to special education facilities approved by the state. Districts have very little control when RESCs or private schools establish a tuition rate: observations included “Once students are placed, the price is what it is” and “Price is their price.” However, some districts find room for negotiation with outplacement providers about the program and service details afforded by the tuition they are being charged.

IV. FINDINGS

School districts have minimal ability to control tuition costs at public regional providers of special education services; “CREC and ACES don’t negotiate on cost.” Districts expressed some frustration because after developing IEPs for their special education students, they are not always able to ensure that the IEP is implemented well during outplacement. Districts have achieved substantial success, however, in mitigating costs by coordinating transportation with their neighboring districts to public regional providers.

Since coordinating transportation is the single most commonly cited strategy to reduce costs among our participating districts, one noteworthy suggestion from a participating district is that the State of Connecticut create a widely-accessible tool to illustrate clearly where transportation is currently operating so that other students might be able to take advantage. With such a tool, parents could see which (and when) other districts are sending students to the same out-of-district provider.

Other cost-saving strategies common to two or more participating districts include the following:

1) Build internal staff capacity through professional development

Internal district resource capacity is often increased by hiring Board Certified Behavior Analysts (“BCBAs”) who are board-certified individuals trained to provide and supervise behavior analysis. Whether alone or in partnership with school psychologists, BCBAs conduct behavioral evaluations of students and design behavior and individual

support plans for them. But often districts can contract for BCBA services to consult with their own staff and provide internal training.

More broadly, districts frequently add staff capacity without adding a full-time employee (FTE) by contracting, embedding or retaining consultants on a part-time basis to expand the skills and knowledge of their own professionals. Notably, CREC both contracts out services of its BCBA's to Hartford-area districts and offers tech assistance, professional development and coaching to train staff members of districts in its region. Districts also cited partnerships with community organizations whose own professional staff and/or volunteers are made available for shared use.

2) Cultivate trusting relationships with parents to fully understand and appreciate the full scope and quality of services that are provided within the district

Smaller districts in particular are prone to insistence by parents that their child would be served better by professionals in regional public school partnerships like CREC or ACES. Fully educating parents about the skills and resources available in-district can pay off by reducing both challenges to IEPs and demands for outplacement.

3) Collaborate with one or more other districts to add staff capacity without hiring an incremental full-time employee (FTE)

It's not uncommon among smaller districts to share the services of specialists such as psychologists. Despite the challenges of coordination and ensuring accountability, sharing special education professionals on a part-time basis is a shortcut to providing resources without adding full-time staff.

4) Create a specialized program or even a discrete school that can serve regional students on a tuition basis

Several participating districts accept students from other districts on a tuition basis at their own schools or programs. Accepting out-of-district students can improve economies of scale for the host district and perhaps alleviate expense for the contributing district.

5) Invest in boosting behavioral/mental health service capability to address early-years behavioral problems that could eventually require regional or private school placement

One district is trying to design models that could intervene early with students by using a "screener" to identify students starting in pre-K with possible social/emotional disabilities. Another large district found that its preschool program benefited from a "sensory program" that employs different sensory rooms with different needs in mind. Having noted that kindergarten students increasingly arrive without the emotional skills

or maturity to handle a structured school setting, this same district draws on mental health support (e.g., counseling, psychiatrists) from their Community Health Center in the belief that behavioral needs in younger years requires clinical support in elementary schools.

Families including a child identified to require special education services or serious behavioral problems are acutely stressed. As a result, another participating district is planning a K-3 program that it hopes to launch in a few years to address the need for social and emotional support for families whose children have been so identified.

Screening and identification efforts are of course not limited to young students clearly or potentially needing special education services. But a participating district happens to be one of three in the state (sharing \$1.7 million) awarded a Project AWARE grant from the federal Substance Abuse and Mental Health Services Administration that is intended to: 1) increase awareness of mental health issues among school-aged youth; 2) provide training for school personnel and other adults who interact with school-age youth to detect and respond to mental health issues; and 3) connect school children who may have behavioral health issues or serious mental illness and their families to needed services. This grant will encourage partnerships between local districts and state agencies like the Connecticut departments of Children and Families and Health to promote the mental health of school children.

V. INNOVATIVE PLACEMENT PRACTICES: INSIDE & OUT OF THE DISTRICT

Districts determine where to place students on the basis of what the students need and after evaluating their own capability to meet those needs. The vast majority of the time, the PPTs determine that the child's needs can be met within their own district's programs.

Creating internal professional staff capacity is the most cost-effective means to avoid outplacement. One large district which has reduced their number of outplaced students over a 10-year period offered that out-of-district services cost roughly 3x as much as their own internal programming. Another larger district went so far as to express extreme reluctance to outplace a student unless they "inherit" a student from another district which had outplaced them and conclude from their annual PPT that the student would in fact do better by remaining at the private facility.

Another large district reported success in reducing their outplaced student total from 90 to between 58-64. Accomplishing this relied initially on bringing back students from out of district in a small way, starting with "partial day" return and building from there. Similar success by another larger district was attained by contracting with private schools to run specialized classrooms within the district that rely on professionals from the private schools.

One means of building internal capacity is development of "intensive case management "models" for autism, cognitive disabilities or other social emotional behavioral issues. Such models save money by meeting at one time the needs of a cluster of several students who

previously would have had to be placed out of district. Professional development that substitutes capability with intensive case management models for outplacements is more cost-effective.

Three of the larger districts have developed schools that accept in-tuition students from beyond their district boundaries. One of these is a pre-K thru 12 program that provides a continuum of services that meets the needs of children who are significantly challenged, either emotionally or behaviorally. Given their inability to control the cost of out-of-district placements and their own investments to develop and run special education programs, districts have considerable incentive to accept students on a tuition basis from beyond their boundaries. A fourth district is petitioning the state to provide services for young adults aged 22-25, bring them in on tuition basis and help them develop their life skills.

Efforts to help restrain the cost of out-of-district placements are common to most of the participating districts. A larger district conducts face-to-face financial reviews with the regional public services provider and relies on close and trusting personal relationships. While this district may not be able to dispute tuition, it reports some contractual outplacement success in pushing for professional development at the RESC in order to increase its resource capacity. A smaller district works out very specific plans for each child with both regional public or private schools so that only the services that truly need to be provided are actually included.

Another larger district dedicates a supervisor to oversee outplaced students in order to maintain consistency in the expectations set and the practices employed to realize them. If that district concludes that their child's needs require broader services or a wider team of professionals than available at the out-of-district school, they dispatch members of their own leadership team to assist. While not all out-of-district schools are comfortable with such assistance, this district found some acceptance of their professional's help in reviewing plans and training staff at the out-of-district provider if there is agreement that such help will be gradually phased out.

VI. INCREASING STAFF CAPACITY THROUGH STAFF DEVELOPMENT

Virtually all of the participating districts use targeted professional development to improve their internal staff's capacity to provide support for identified special education students. The sources of consulting services that offer such professional development range from regional public school partnerships like CREC to private schools, community organizations, local hospitals and community health centers.

For example, a larger district contracts with CREC for BCBA services throughout the year as well as for work with the district's teachers and special education programs. CREC's BCBA services include helping staff to develop Functional Behavior Assessments (FBAs) and Behavior Improvement Plans (BIPs) as well as help with children with significant needs. The same district also contracts with InterCommunity, a local mental health provider, for staff training.

Another large district pays Benhaven, which specializes in students with significant autism needs, to train its internal staff. Benhaven is located in Wallingford and provides educational

services and support to approximately 40 children and adolescents with autism, intellectual disabilities and/or related disabilities, ages 5-21. This district also offers a course of study so its own staff members can become registered behavior technicians.

A third large district found that planning forward to illuminate potential savings helped it justify additional staff members such as a psychiatrist in its elementary behavioral program and a speech related pathologist in its autism program. After contracting out for behavior analysts for several years, the district found it demonstrably more cost-effective to hire internal staff. While aggressively adding staff, this district also collaborates with universities for interns and social workers to work with students whose social and emotional needs are modest, while devoting their certified staff to work with the children whose needs are the highest. Lastly, this district encourages its current district-wide staff members to expand their own capabilities by gaining additional certifications, such as a psychologist who became certified to do school-based neuropsychology and another who obtained certification in both special education and reading.

A fourth larger district employs a full suite of strategies for professional development. Not only does this district retain consultants on a part-time basis to train its staff, they also embed a consultant full-time to expand skills of their current staff as well as partner with a community organization whose practitioners have more skills than the district's own social workers. In addition, this district draws on professionals in the behavioral arm of a local hospital, on counselors from the community-based health center and even on volunteers from community organizations like AARP. Finally, since the district has increasingly identified dyslexia among its students, they have added a "structural literacy program" to expand the toolbox of their existing staff.

VII. COOPERATIVE AND COLLABORATIVE PRACTICES THAT HELP TO MINIMIZE COSTS

Understandably, larger districts can more typically justify adding capacity, hiring their own staff and even establishing discrete academies within the district that also accept out-of-district students on a tuition basis. Larger districts seem to be less likely to share professional staff with another district. Despite potential cost savings, difficulties in coordination, control and accountability outweigh any advantages and presumably explain this disinclination. Nevertheless, one common basis for multi-district cooperation is a transportation consortium for the towns served by ACES that demonstrably achieves cost savings on transportation. As stated previously, transportation is the one most common basis for inter-district cooperation.

As a rule of thumb, smaller districts are more likely to explore collaboration like one participating district's program with a neighboring town for students ages 18-21 or share services like another has done with its nursing staff and teacher of the deaf. A second smaller participating district shares the services of its psychologist with another district. Just the same, sharing the services of specialists or circuit-riding professionals to add capacity without hiring an FTE appears to be the exception rather than the rule – even among smaller districts.

But one outstanding example of cooperation among districts to develop a regional facility is the Farmington Valley Transition Academy. A collaboration managed through Simsbury and Farmington public schools that serves students aged 18-21 with development disabilities, the Academy enrolls students on a tuition basis from more than 10 districts. The participating districts bargain collectively to obtain servicing deals with professionals and to get group rates from practitioners.

VIII. BEST PRACTICES IN CAPACITY-BUILDING FOR DISTRICTS JUST GETTING STARTED

Quite a few of our participating districts were willing to offer advice to districts that are just beginning to establish in-district capacity for students needing special education services. One smaller district suggested that such districts look for the themes and patterns in their data that could justify starting to provide in-district services. A larger district which had successfully competed for a piece of Connecticut's \$1.7 million SAMSA grant also cited the value of its own planning efforts and benefits from "SEL" (social and emotional learning) programs and related interventions that helped to identify students with SEL disabilities. Another larger district recommends that top-to-bottom buy-in from school staff about the need to initiate in-district services is essential for success.

A larger district stresses the importance of communicating with families to assure them that the district cares deeply for their children and intends to earn their trust by providing a high level of expertise within the district. By starting small with a single "sensory space" and pacing development of in-district services slowly so that the program is truly ready in advance to receive additional student, parental buy-in is more likely. This district recommends that "accessibility" - inviting parents to come in, visit and observe the program - is key to building confidence among parents and defusing anxiety about their child's need for out-of-district services.

Small districts expanding their services can build on parental trust to establish additional services while giving credit to the parents for their input. A larger district cautions against "asking parents if it's OK to do this" and instead recommends articulating the financial and need-based justification for program expansion with confidence. In other words, just because parents are understandably apprehensive about in-district capabilities, districts shouldn't defer to parents on decisions concerning expansion of their special education program.

Districts also suggested looking beyond their own boundaries to the larger community for volunteer help and potential partnerships with community organizations. For example, a smaller district's K-2 program providing in-school services involves partnering with the "Village for Children and Families." That same district also partners with "Community Health Resources" to provide services in the school that the district can bill back through insurance. Similarly, a larger district teams social workers from the local Guidance Center with their own social workers to work directly with families, having found that the Guidance Center's practitioners are comparatively more skilled than those employed by the district.

IX. RELATIONSHIP-BUILDING WITH PARENTS TO MINIMIZE INDEPENDENT EDUCATION EVALUATIONS (“IEEs”), AVOID DUE PROCESS AND ENSURE SUCCESSFUL MEDIATION

All participating districts found that efforts to build and maintain relationships with parents’ pays dividends by helping to reach consensus on placements, take advantage of constructive mediation and avoid due process.

While districts are financially motivated to provide special education services in-district, some parents believe that their child can be served better through outplacement to a regional public district like ACES or CREC. Parents who disagree with the school’s evaluation of their child are entitled under IDEA to request an Independent Education Evaluation (“IEE”) at no cost to them. One larger district reported that it outplaced less than 5% of its students eligible for an IEE, while parents of perhaps twice that percentage requested out of district placement.

Assuring parents that in-district services will successfully meet their children’s needs requires frequent and effective communication about the district’s resources and ability to support their child. Without an adequate support staff to communicate frequently with parents (not just by newsletter), failure and frustration are likely. When a family is upset with an evaluation, one larger district has found that it helps tremendously to bring in an “expert panel” from among its staff to thoroughly explain and defend the district’s capabilities; as a result, their mediations “have gone very well.”

Building a trusting relationship with that segment of parents who are predisposed to believe that an out-of-district placement would better serve their child requires time to educate them and plenty of opportunity for the parents to meet and interact with the district’s staff members. Engaging experts or consultants to review and evaluate programs offered by the school district can help assure parents with either their stamp of approval or their additional sets of recommendations. Recognizing that a foundational relationship with family is key, districts are careful to maintain credibility even when it means admitting to families when they cannot provide services.

While the school may initiate a due process hearing to show that its evaluation is appropriate, it typically agrees to pay for the IEE rather than incur legal fees associated with due process. With IEEs costing the district \$8-10,000 each, a district is also financially motivated to minimize the number of IEEs. Even though due process first calls for mediation, some districts are reluctant to even take that step. Some districts enter into mediation without legal representation to simply conserve funds. Others recognize that often parents just really want to be heard and that mediation can successfully break a log jam. One district reports that its two mediations during the past school year both resulted in an agreement. Two other districts reporting that they had no more than 2-3 mediations a year. Most districts reported that they have avoided litigation altogether.

Some districts feel that the process is tilted against them. While cases that go to mediation are the exception, mediation unfortunately results all too often in “negotiating completely

unreasonable (parental) requests down to unreasonable requests.” Districts often capitulate because of the cost of the time-consuming process and stress on staff.

Reaching an agreement between districts and parents without mediation or due process is the preferred “relational” strategy toward satisfaction of both parties. Bringing in the parents to discuss their concerns with their child’s evaluation is particularly productive, with the desired result that the final placement decision rests with the parents. Direct, candid and off-the-record conversations between parents and schools can be helpful to avoid an unproductive and adversarial stand-off and reach consensus before returning to the PPT.

X. SUGGESTIONS FOR CONSIDERATION

Despite universal recognition for Connecticut’s financial constraints and limited ability to fund special education, many districts faulted the state’s calculation of its special education cost grant. This grant reimburses school districts for costs that exceed 4.5 times the district’s average per pupil expenditures for the preceding year. In other words, only costs that exceed 4.5 times a district’s average per pupil expenditures can potentially be reimbursed. Unavoidably, this calculation can become a distorting factor in district decisions to build internal capacity or consider outplacement.

Unfortunately, since the General Assembly has not appropriated enough money to fully fund the excess cost reimbursement, the state’s grants regularly fall short and must be prorated. Worse yet, recent state budgets have cut the total funds available for reimbursement to the districts. It’s noteworthy that Connecticut is one of only four states in the country that does not have a separate special education funding stream.

That fact aside, the magnitude of the “4.5” threshold effectively discourages and deters districts from claiming excess cost reimbursement for resident special education students being educated within their district. Rather than incenting districts to provide progressive special education programs, districts feel that the state is penalizing “good” districts with cost-effective in-district programs.

Our participating districts urged the state to devise an excess cost reimbursement system that motivates them to create development programs without fear of having to pay for the shortfall. Whether that means reducing the basis contribution formula from 4.5 times average pupil costs or creating a multi-tiered formula that acknowledges the more difficult challenges facing small districts, Connecticut’s special education cost grant formula needs review.

Other suggestions to the State of Connecticut include:

- 1) The State should offer grants to the districts to collaborate on programs;
- 2) Since transportation is the most commonly shared regional service, Connecticut could create a widely-accessible tool to illustrate clearly where transportation is currently operating so that other students might be able to take advantage. With such a tool,

parents could see which (and when) other districts are sending students to the same out-of-district provider;

- 3) Citing an insufficient supply of special education professionals, the State could encourage more cooperation among districts and shared professional services by subsidizing their college education or training of these professionals to increase the supply. In particular, even districts trying to build their program and funded to do so may not currently be able to compete for bilingual professionals or others similarly in short supply. At present, “one district takes from another” to fulfill their staffing needs.
- 4) The State could improve coordination with medical providers/family doctors who tell parents what services their kids require. This would improve their understanding of the process and the quality of the services available from the schools. At least one large district believes that parents often request out-of-district placement on the basis of poor information from pediatricians or clinicians about the quality of in-district services. Parents who may have been mis-directed by medical providers or advocates can be very difficult to dissuade.