



STATE OF CONNECTICUT  
STATE BOARD OF EDUCATION



September 30, 2011

Dr. Christina Kishimoto, Superintendent  
Hartford Public Schools  
960 Main Street  
Hartford, CT 06103

Dear Dr. Kishimoto:

In 2005, the Connecticut State Department of Education (CSDE) found Hartford Public Schools (HPS) in noncompliance with federal and state special education requirements as evidence demonstrated HPS was not implementing students' individualized education programs (IEPs) consistently, and lacked a district system of general supervision to identify and correct areas of noncompliance. While improvement has occurred since 2005, to date, HPS has not corrected this noncompliance, and therefore, remains in longstanding noncompliance with federal and state special education requirements. The CSDE has worked with HPS since its initial finding of noncompliance using a variety of enforcement actions to help bring the district into compliance. Enforcement actions have included several redirections of HPS' Part B, Section 611 Individuals with Disabilities Education Improvement Act (IDEA) entitlement funds and regular collaboration with a liaison and monitoring from the Bureau of Special Education (BSE).

In December 2010, through the CSDE's General Supervision System (GSS), the CSDE conducted a monitoring visit in the HPS. The purpose of the monitoring visit was to evaluate the district's special education service delivery for students with emotional disturbance (ED), including the impact of student-based budgeting (SBB) on service delivery and its system of general supervision to identify trends that contribute to the district's continued noncompliance. The visit entailed the collaboration of several bureaus within the CSDE, including the BSE; the Bureau of Health/Nutrition, Family Services and Adult Education; the Bureau of Accountability and Improvement (BAI); and the Office of Internal Audit (OIA).

Attached please find a copy of the CSDE's monitoring report for your review that reflects trends noted by the monitoring team that are attributed to HPS' continued noncompliance with federal and state special education requirements. In accordance with the CSDE's responsibility to monitor districts' implementation of federal and state special education requirements under 34 Code of Federal Regulations (C.F.R.) Section 300.600 and its authority to enforce districts' compliance with these requirements under 34 C.F.R. Sections 300.608(b), 300.600(a)(3), the CSDE orders HPS to draft an action plan in response to the trends noted in the monitoring report. The monitoring report includes the parameters under which HPS shall draft an action plan. The action plan shall include specific actions the district will take to address the trends noted in this report, detailed timelines for the completion of these actions, the personnel/staff responsible for the completion of these actions, the mechanism/system to ensure compliance and outcomes the district anticipates from the completion of these actions.

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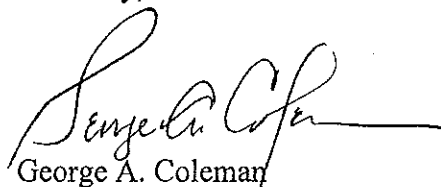
HPS shall submit its proposed action plan to the CSDE by November 15, 2011. Upon receipt, the CSDE shall review the plan to ensure that it promotes timely and effective provision of special education services for students with ED. The CSDE reserves the right to accept the proposed action plan in part or in whole. In the event the CSDE accepts the proposed action plan in part, the CSDE shall incorporate items into the action plan deemed necessary by the CSDE to ensure the timely and effective provision of special education services for students with ED. It is anticipated that the CSDE shall finalize the action plan and submit the action plan to HPS for its implementation by December 15, 2011.

Additionally, the report details special conditions the CSDE has currently placed on HPS' IDEA FY 12 funds, the reasons for imposing these special conditions, and the actions HPS must take before these special conditions are removed. By November 15, 2011, HPS must notify the CSDE in writing of any special conditions with which HPS does not concur. The CSDE will reconsider those conditions for which the district has submitted supporting documentation for its position. Any revisions to the special conditions placed on HPS' IDEA FY 12 funds cannot be considered without documentation in support of the district's position. Upon receipt of any written notification and supporting documentation regarding the special conditions, it is anticipated that the CSDE will review this information and respond to HPS by December 15, 2011.

Finally, the CSDE will hold a meeting with HPS staff to discuss implementation of the final plan and special conditions on funding in January 2012. Representation of HPS' administration at this meeting shall include Paula Altieri, Chief Financial Officer; Alex Nardone, Chief of Staff; Miriam Morales-Taylor, Assistant Superintendent for Learning Support Services; the Senior Director for Special Education; and yourself. You may choose to invite any additional personnel to this meeting as well.

At no time throughout the review of the report or its implementation shall HPS cease to uphold its responsibilities under federal and state law in providing children with disabilities a free and appropriate public education in the least restrictive environment. If you have any questions, please feel free to contact Anne Louise Thompson, Chief, Bureau of Special Education, at 860-713-6912 or [annelouise.thompson@ct.gov](mailto:annelouise.thompson@ct.gov).

Sincerely,



George A. Coleman  
Acting Commissioner of Education

CRT:shh

cc: Charlene Russell-Tucker, Associate Commissioner  
Brian Mahoney, Chief Financial Officer  
Daniel Murphy, Agency Legal Director

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David MacDonald, Chair, Hartford Board of Education  
Miriam Morales-Taylor, Assistant Superintendent of Learning Support Services, HPS

Attachment



Connecticut State Department of Education  
Bureau of Special Education

# Hartford Public Schools

Monitoring Visit Report



September 30, 2011

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**Connecticut State Department of Education  
Bureau of Special Education  
Monitoring Visit Report**

**Hartford Public Schools**

**OVERVIEW**

**Purpose of Visit:** Evaluate Hartford Public Schools (HPS) special education service delivery for students with emotional disturbance (ED), including the impact of student-based budgeting on service delivery, and evaluate HPS' system of general supervision to identify trends in the district that have led to its continued noncompliance.

**Dates of Review:** December 6 – 17, 2010

**Date of Report:** September 30, 2011

**Monitoring Visit Team:** Jay Brown, Bureau of Special Education (BSE)  
Brian Cunnane, BSE  
Sarah E. Harvey, BSE, Lead Consultant  
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**Collaborators:** Dana Corriveau, BSE  
Patty Foley, Bureau of Accountability and Improvement (BAI)  
Raymond Inzero, Chief, Office of Internal Audit (OIA)  
Kathleen Wedge, BAI

**Monitoring Visit Activities:**

- review of student files;
- consultation with central office special education administrators;
- interviews with principals and schools; and
- classroom observations.

**Sites Visited:** Bulkeley – Lower School, Grades 9 – 10  
Bulkeley – Upper School, Grades 11 – 12  
High School, Inc., Grades 9 – 12  
Hartford Public High School (HPHS) Freshman Academy, Grade 9



HPHS Law and Government Academy, Grades 10 – 12  
OPPortunity High School, Grades 9 – 12  
Pathways to Technology, Grades 9 – 12  
Weaver Journalism & Media Academy, Grades 9 – 11  
Culinary Arts Academy, Grades 9 – 12  
Joseph J. Bellizzi School, Grades PK – 8  
Breakthrough Magnet School, Grades PK – 8  
Ramon E. Betances School, Grades PK – 3  
Martin L. King, Jr. School, Grades K – 8  
James H. Naylor School, Grades PK – 8  
Parkville Community School, Grades PK – 6

## Section 1: Reason for Monitoring Visit

Since 2005, the Connecticut State Department of Education (CSDE) has required HPS to redirect a portion of its entitlement funds under the Individuals with Disabilities Education Improvement Act (IDEA) to improve special education services for students with disabilities. The CSDE required HPS to use these funds to collaborate with an external consultant and to build a system of general supervision to ensure compliance with federal and state special education statutes and regulations. The CSDE ordered HPS to redirect a portion of its IDEA entitlement funds because the evidence demonstrated HPS was not implementing students' individualized education programs (IEPs) consistently and lacked a district system of general supervision to identify and correct areas of noncompliance. Most recently, the Bureau of Special Education (BSE) has been monitoring HPS on two criteria set forth by the CSDE, indicated in a letter to HPS dated March 13, 2007. One of the two criteria states:

HPs shall implement a system of general supervision to find and correct noncompliance issues in a timely manner as evidenced by: (a) a substantial reduction in the number of formal complaints that are investigated by the Connecticut State Department of Education (CSDE) and whose findings indicate systemic noncompliance; and (b) the district and building accountability plan that recognizes noncompliance and makes corrections in a timely manner.

In spring 2010, HPS provided the BSE its procedures for the implementation of its system of general supervision. The system aligns with HPS' larger framework for school improvement in which data are collected on all students through a number of the same indicators contained in the system of general supervision. HPS originally designed its system of general supervision with 18 indicators and targets of performance, some of which are State Performance Plan (SPP) indicators/targets and with other indicators/targets HPS believes are critical to measuring student outcomes. First year data on some indicators demonstrated success with meeting or exceeding the initial expected target and therefore HPS revised these targets. Some data demonstrated progress being made toward targets, while other data indicated that progress had not been made or had not yet been collected. HPS continues to implement components of its system of general supervision and completed a number of reviews of the data being collected, refining its procedures with each review.

Between 2008 and 2010, however, the BSE received several formal complaints related to the services provided for students identified as having emotional disturbance (ED). Of the complaints filed between 2008 and 2010, 36 percent involved students identified as having ED. Upon investigation, the BSE identified individual cases of child-specific noncompliance as well as systemic noncompliance. For example, several instances of child-specific noncompliance indicated HPS' failure to implement students' IEPs. In another example, the BSE concluded that one of HPS' programs for students with ED did not provide a structured, therapeutic setting conducive to learning and ordered HPS to discontinue the program as it was currently configured. In addition, in July 2010, the BSE received a complaint from the Office of Protection and Advocacy (P&A) that questioned whether HPS' placement practices for students with ED violate least restrictive environment (LRE) requirements in state and federal law and whether HPS' Student-Based Budgeting (SBB) system complies with federal requirements for using funds provided under the IDEA.

In the summer of 2010, the CSDE consulted with the Office of Special Education Programs (OSEP) regarding its *Federal Fiscal Year (FFY) 2008 SPP/Annual Performance Report (APR) Response Table* for Connecticut. In relation to the longstanding noncompliance under SPP Indicator 15, the OSEP stated the need for the CSDE to conduct additional enforcement action(s) to ensure prompt correction of HPS' longstanding noncompliance. Under the CSDE's General Supervision System (GSS), the CSDE has the authority to conduct enforcement actions (e.g., redirection of IDEA funds and site visit) with a district that has neither timely corrected nor subsequently corrected noncompliance to bring the district into compliance promptly. In addition, upon completion of an enforcement action, the CSDE has the authority to order sanctions of which the district must comply in order to correct the district's longstanding noncompliance and facilitate change in the district's performance.

Since 2005, as noted above, the BSE has utilized the redirection of a portion of HPS' IDEA entitlement funds as an enforcement action against HPS to address its longstanding noncompliance. Additionally, the BSE assigned a BSE liaison to HPS as an additional enforcement action to assist HPS in correcting its longstanding noncompliance. In fall 2010, the CSDE ordered HPS to redirect a portion of its IDEA Fiscal Year (FY) 11 funds and required HPS to continue its relationship with the BSE liaison. However, the concerns noted above regarding HPS' special education services for students with ED strongly suggest HPS is not making the required progress toward fully implementing a system of general supervision that identifies and corrects areas of noncompliance. Therefore, in December 2010, through the CSDE's GSS, the CSDE conducted a monitoring visit as an enforcement action against HPS to evaluate HPS' special education service delivery for students with ED, including the impact of SBB on service delivery and its system of general supervision to identify trends in the district that have led to its continued noncompliance. The visit entailed the collaboration of several bureaus within the CSDE, including the BSE; the Bureau of Health/Nutrition, Family Services and Adult Education; the Bureau of Accountability and Improvement; and the Office of Internal Audit.

## Section 2: Trends Leading to Continued Noncompliance

### 2.1. Hartford Public Schools' Operating Procedures

Team members reviewed student files, met with central office special education administrators and interviewed principals and staff to gather information regarding HPS provision of special education services for students with ED. Through the information obtained, several trends emerged regarding HPS' operating procedures of which certain aspects negatively affect HPS' ability to meet its fiscal and programmatic responsibilities under federal and state special education requirements. Overall, special education administrators, principals and staff reported limited staff resources and "siloeed" departments within the district impede the provision of special education services. Specific trends are noted below.

#### 2.1.1. District Administration

Special education administrators reported that HPS categorizes special education with health services rather than with academics. This categorization, therefore, hinders the special education department's opportunity to collaborate with the elementary education or the secondary education departments. Special education administrators reported that, currently, the special education department does not "sit at the table" with other academic departments to discuss decisions regarding curriculum, instruction and school design. Rather, the special education department receives information about these decisions after the fact. Decisions that affect special education are therefore made absent the input from the special education department. The lack of special education administrator input during these discussions may lead to the district developing procedures that are noncompliant with federal and/or state special education legal requirements or special education best practices.

Furthermore, the current categorization of the special education department with health services does not afford special education administrators a voice in principal performance evaluations. HPS' Managed Performance Empowerment (MPE) Theory of Action defines central office's relationship with each school, based on the school's performance.<sup>1</sup> The MPE Theory of Action operates on the belief that schools must have both autonomy and accountability to promote higher student and school performance.<sup>2</sup> HPS MPE Theory of Action affirms that building principals should have direct involvement in special education programming and spend special education funds accordingly to ensure higher student and school performance. The level at which the principals participate in their building's planning and placement team (PPT) process and special education programming varies however. Team members noted that principals should be actively involved in their building's PPT process and special education programming to better inform special education programmatic and fiscal decisions at the building level. In addition, special education administrators reported that HPS' current principal performance evaluation does not address the principal's responsibilities and performance regarding special education nor do special education administrators currently play a role in the principal performance evaluation. Therefore, HPS does not have a formal means by which to hold principals accountable for their performance in relation to special education programming and fund expenditures.

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<sup>1</sup> Hartford Public Schools' 3-Year Strategic Operating Plan (p. 3) at <http://www.hartfordschools.org/learn-about-hps/documents/HartfordPlan021709FINAL.pdf>

<sup>2</sup> Hartford Public Schools' 3-Year Strategic Operating Plan (p. 3) at <http://www.hartfordschools.org/learn-about-hps/documents/HartfordPlan021709FINAL.pdf>

### 2.1.2. Intra-District Communication

Special education administrators, principals and staff reported a breakdown in school to school communication with regard to transfer students. Special education administrators and staff reported that HPS' Choice Program affords students the opportunity to change schools during the school year. This option increases the number of transfer students among HPS schools. Special education administrators, principals and staff reported a high frequency of transfer students and significant difficulty in the receiving school obtaining students' files in a timely manner. The high frequency of transfer students requires an expedient transmission of students' files via an efficient record sharing system to ensure timely provision of special education services mandated by students' IEPs.

Special education administrators reported that currently HPS employs one staff member to transport the entire district's U.S. Postal Service mail and intra-district mail to 50 schools, as well as the central office, including students' files. Special education administrators, principals and staff reported receipt of students' files is incredibly delayed. Students' files arrive to the receiving schools two to three months after students began attending those schools. As a result, students experience gaps in the provision of their IEP services because the receiving schools do not have information on students' needs. HPS, therefore, cannot meet its programmatic responsibilities to students with disabilities as required by federal and state special education requirements. The prolonged receipt of student files also negatively affects the receiving schools' SBB as well, because the schools cannot plan for the funds needed to implement students' IEPs in a timely manner. In learning of the fiscal implications of students' needs several months later, receiving schools can find themselves in a position of subtracting funds from other budget line items to provide special education services. In this situation, principals at receiving schools lose the opportunity to thoughtfully plan changes to their schools' budgets.

HPS' Choice Program affords students and families an opportunity to apply to a variety of theme-based or neighborhood Hartford schools.<sup>3</sup> Hartford students in the last grade in their school are required to participate and submit applications for their preferred district schools.<sup>4</sup> There are additional opportunities for students and parents to participate in HPS' Choice Program such as when a new school is opened and/or when new grades are added to a school.<sup>5</sup> In addition, Project Choice allows suburban students to attend public schools in a nearby urban district such as Hartford.<sup>6</sup> Special education administrators, principals and staff reported that currently there is no formal system of communication between HPS's Choice Program and the central office or receiving schools. There is no notification prior to a student's transfer that

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<sup>3</sup> Hartford Public Schools School Year 2011-2012 Choice Parent Brochure (p. 2) at <http://www.hartfordschools.org/schools/documents/ChoiceBrochure2011-2012-ParentBrochure12-8-10.pdf>

<sup>4</sup> SmartChoices: A Digital Guide to Public School Choice in the Greater Hartford Region at <http://smartchoices.trincoll.edu/about.html#choiceterms>

<sup>5</sup> SmartChoices: A Digital Guide to Public School Choice in the Greater Hartford Region at <http://smartchoices.trincoll.edu/about.html#choiceterms>

<sup>6</sup> SmartChoices: A Digital Guide to Public School Choice in the Greater Hartford Region <http://smartchoices.trincoll.edu/about.html#choiceterms>

alerts the sending school and receiving school of the need to transfer/request the student's file. As stated above, the receiving school does not receive the student's file in a timely manner, which leads to delays in special education service delivery and hasty fiscal adjustments.

Formal complaints filed against HPS with the BSE through the BSE's Complaint Resolution Process often include allegations of HPS' failure to comply with parental requests for records per Regulations of Connecticut State Agencies (R.C.S.A.) Section 10-76d-18(b)(2). The significant delay in the receipt of student files at receiving schools can contribute to HPS' noncompliance with this regulatory requirement.

### 2.1.3. Student Files

34 Code of Federal Regulations (C.F.R.) Section 300.616 requires each district to provide parents, on request, a list of the types and locations of education records collected, maintained or used by the district. In addition, 34 C.F.R. Section 300.623 states each district must protect the confidentiality of personally identifiable information at the collection, storage, disclosure and destruction stages. 34 C.F.R. Section 300.623 also requires each district to have one official (i.e., the "custodian" of records) assume responsibility for ensuring the confidentiality of any personally identifiable information. Upon review, team members found central office's student files very disorganized. Examples of disorganization include missing paperwork, misfiled paperwork, incomplete IEPs (not all pages present), no evidence of functional behavior assessments (FBAs) or functional behavior intervention plans (BIPs) and no chronological order to paperwork filed. These issues were especially apparent in the files of students currently attending an out-of-district placement. The disorganization noted in these files is especially alarming as central office's student files for these students are the only files in the district regarding these students (i.e., there is no corresponding file at an in-district school). Yet, HPS is programmatically and fiscally responsible for the students' special education service delivery. The lack of current, organized student information can impede HPS' ability to meet its programmatic responsibilities to these students as required by federal and state special education requirements. Team members found schools' student files better organized as compared to central office's student files.

Special education administrators reported that presently the district's zone directors (i.e., personnel who work in central office's special education department and oversee a certain group of schools/programs) must file paperwork into student files because the central office no longer has office staff to address file management. Presently, central office maintains 10,000 total files with 3,300 of these files active; zone directors are out of the office at least 40 percent of the workweek. Special education administrators reported that the zone directors do file paperwork but it is very difficult to keep up with the central office's file management demands given the number of files, the amount of paperwork to be filed and the limited amount of time that zone directors have to devote to file management. Special education administrators reported that HPS is in the final stages of its transition to an electronic IEP and electronic student files. This transition should be complete by the 2011-12 school year. Schools are now equipped with printers and scanners to transfer hard copy student file documentation to an electronic format from 2009-10 school year onward. Formal complaints filed against HPS with the BSE through the BSE's Complaint Resolution Process often include allegations of HPS' failure to comply with parental requests for records per R.C.S.A. 10-76d-18(b)(2). The disorganization of student files at central office can contribute to HPS' noncompliance with this regulatory requirement.

## 2.2. Quality of IEPs

Team members reviewed student files and met with special education administrators to gather information regarding HPS' development of students' IEPs. HPS created a special education Web page that houses HPS' special education criteria, procedures and protocols for district personnel and public use. Resources on the Web page include PowerPoint presentations, the district's system of general supervision manual and a list of "Services and Center-Based Programs." The Web page promotes the use of procedures aligned with federal and state special education requirements and special education best practices across the district. Upon review of student file documentation, team members noted several examples where PPTs used the various protocols to inform special education programming decisions. Team members also noted an overall improvement in the quality of the IEPs reviewed during this monitoring visit as compared to examples previously reviewed as a result of earlier CSDE enforcement actions. Information obtained via student file reviews, however, revealed several trends regarding the present quality of Hartford students' IEPs of which certain aspects negatively affect HPS' ability to meet its programmatic responsibilities under federal and state special education requirements. Specific trends are noted below.

### 2.2.1. Use of Data in IEP Documentation

Team members noted several instances of missing information, incomplete information and/or decreased quality of IEP documentation. For example, a pattern emerged during the student file review that, oftentimes, there is no information noted under the Parent and Student Input and Concerns on page 4 of the IEP. In addition, team members noted minimal use of data documented under Present Levels of Academic Achievement and Functional Performance (IEP pages 4, 5). Furthermore, team members noted generic statements documented under Impact of Student's Disability (IEP pages 4, 5). Data that comprehensively describe the student's current performance, strengths, concerns/needs and the impact of the student's disability on his/her education is vital to the development of an IEP.

In another example, the student file review revealed inconsistent transition planning (IEP page 6). Team members also noted a pattern of incomplete, incorrect or very subjective evaluation procedures and performance criteria for the IEP goals and related objectives (IEP page 7). Team members commented that often PPTs did not choose to use data from pre- and post-assessments or activities as an evaluation procedure for IEP goals and related objectives. This serves as another example of the diminished use of data to create students' IEPs.

### 2.2.2. Positive Behavior Interventions and Supports (PBIS)

Team members noted several components essential to special education programming for students with ED that were either missing or incomplete in the development of students' IEPs. For example, while many students' IEPs identified the use of a BIP to address students' behavior, files reviewed at central office and the schools did not always contain FBAs and/or BIPs. Team members noted that students' files housed at schools, in comparison to students' files housed at central office, more likely included the students' FBAs and BIPs. Team members also noted, however, the decreased quality in which PPTs conducted FBAs and developed BIPs. In addition, students' IEPs often did not contain data collected via previous FBAs and BIPs under Present Levels of Academic Achievement and Functional Performance (IEP pages 4, 5). Overall, students' files did not include evidence of data collection and data analysis in relation to students' BIPs.

Furthermore, students' IEPs did not indicate the use of supports for school personnel (IEP page 8). These supports, however, can be crucial in the proper implementation of a student's BIP across all education settings and by several educators. In addition, team members noted that HPS appeared to only provide counseling services to students with ED for half an hour per week. This repeated pattern and lack of additional related services suggests that related service delivery for students with ED may not be individualized to meet students' needs. Several times, team members questioned whether PPTs correctly identified students as having ED, based upon the documentation of the students' needs and IEPs subsequently developed that did not address issues related to the students' primary disability.

### **2.3. Special Education Programming for Students with ED**

Team members reviewed student files; met with special education administrators; observed classrooms; and interviewed principals and staff to gather information regarding HPS' provision of special education services for students with ED. Team members reported several examples of high quality classroom instruction in the general education setting. Additionally, team members noted that HPS' accelerated credit attainment program, which includes students with ED, affords students a strong program that focuses on both credit attainment and employment skills. Team members also reported several examples of the use of data and PBIS, at varying degrees of implementation, in several schools. Special education administrators reported that PBIS has become a strong focus for HPS. Upon review of student file documentation, team members noted that HPS does not appear to use discipline (e.g., suspensions and expulsions) as means to address student behavior.

Through the information obtained, several trends emerged regarding HPS' provision of special education services to students with ED that negatively affect HPS' ability to meet its programmatic responsibilities under federal and state special education requirements. Overall, special education administrators, principals and staff reported that limited staff, common planning time and resources impede the quality of HPS' special education service delivery. Specific trends are noted below.

#### **2.3.1. Special Education Programming in the General Education Setting**

Documentation in student files indicated a significant number of students with ED are performing approximately one to three grade levels below their current grade placement. Many students with ED are receiving special education services and supports in the general education setting. Students' needs, therefore, require the differentiation of instruction and use of accommodations and/or modifications in the general education setting in order for students to succeed. Information obtained via principal and staff interviews revealed that general and special educators do not have regularly scheduled collaboration times to plan for instruction, modifications and/or accommodations that will meet students' needs. Furthermore, students' IEPs did not indicate the use of supports for school personnel to implement the IEP (IEP page 8). These supports, however, can be crucial in the proper implementation of a student's IEP, including a BIP, across all education settings and by several educators. Additionally, team members noted a decreased number of social workers in HPS for the 2010-11 school year. Team members also noted that HPS appeared to only provide counseling services to students with ED for half an hour per week. This repeated pattern and lack of additional related services suggest that related service delivery for students with ED may not be individualized or significant enough to meet students' needs.



Principals and staff also reported this year, across the district, there have been several instances of the delayed provision of related services. In addition, this year, there have been several instances of the delayed provision of 1:1 paraprofessional services as outlined in students' IEPs. Principals and staff explained these delays were due to staffing and budget issues. Principals and staff also noted confusion among district personnel regarding the distinction between the terms "adult support" and "1:1 paraprofessional." This confusion can lead to the delayed provision of 1:1 paraprofessional services because the service requested is not always the service the PPT intended and, therefore, adjustments must be made.

Principals and staff recommend that HPS take the following actions to improve the quality of its provision of special education services: develop and implement more services/programs to address employment skills; offer alternative program options for students with disabilities; provide additional professional development (PD) for general educators in the areas of behavior management and de-escalation techniques; and allocate funds for dropout prevention programs at the elementary level.

### 2.3.2. LRE Continuum for Students with ED

Team members conducted classroom observations and interviewed principals and staff to gather information as to the various special education programming available in the district to students with ED. As noted above, many students with ED are receiving special education services and supports in the general education setting. Students' needs often require the differentiation of instruction and the use of accommodations and/or modifications in the general education setting in order for students to succeed. The team noted, however, that students' IEPs do not reflect individualized special education programming as evident by minimal use of data under Present Levels of Academic Achievement and Functional Performance (IEP pages 4, 5); generic statements documented under Impact of Student's Disability (IEP pages 4, 5); a repeated pattern of HPS providing only a half an hour per week of counseling services; and a lack of additional related services provided to students with ED. This lack of individualization in the development of IEPs can impede HPS' ability to provide a free and appropriate public education (FAPE) in the general education setting because it decreases the continuum of special education services and supports provided to students with ED in the general education setting, which may be the LRE for more students with ED than is currently the case. In addition to a decreased continuum of special education services and supports in the general education setting, general and special educators do not have regularly scheduled collaboration times to plan for instruction, modifications and/or accommodations that will meet students' needs.

HPS provides a self-contained therapeutic classroom setting for students with ED when the PPT recommends this educational placement as the LRE for a student with ED. Presently, there are four in-district, self-contained therapeutic classroom settings (three elementary-level classrooms and one secondary-level classroom). Both special education administrators and district personnel reported that HPS categorizes this group of classrooms as a separate Hartford school for programming and budget purposes. These classrooms, therefore, while housed within four different schools, operate on a budget and with personnel separate from the physical school buildings in which the classrooms are located. Additionally, a certain number of slots in this group of classrooms are set aside for specific schools in the district, making it difficult for any student with ED to access this special education programming, when deemed appropriate. This categorization also further impedes the PPTs' ability to develop individualized special education programming for students in the general education setting because students with ED attending

schools that house these classrooms cannot access the services offered in these classrooms (e.g., group counseling, social skill development, behavior management interventions) based upon students' individual needs.

The lack of individualized special education programming to support students with ED in the general education setting, coupled with the difficulty in accessing services provided in the self-contained therapeutic classrooms, impedes HPS' ability to provide students with ED a FAPE in the LRE. Principals and staff acknowledged these issues exist and recommended that HPS' expand its continuum of special education services and supports for students with ED in order to meet the diverse needs of students with ED.

### 2.3.3. Out-of-District Placement Decisions

Team members met with special education administrators and interviewed principals and staff to gather information about HPS' decision-making process regarding out-of-district placements for students with ED. Principals and staff reported administrative designees do not have the authority to commit district resources for out-of-district placements recommended by PPTs. Rather, special education administrators review these recommendations prior to final approval. The inability of administrative designees to commit district resources impedes the PPTs' authority imparted to PPTs under federal and state special education requirements and their ability to program for students with ED in a timely manner.

Team members also discovered that HPS places students with ED, awaiting final approval for an acceptance into an out-of-district placement, on homebound tutoring services. The duration of students' homebound tutoring services may be as long as two to three months and, occasionally, such students await placement without any homebound services at all. This significant delay in students' prompt attendance at out-of-district placements impedes HPS' ability to meet its programmatic responsibilities to provide students with ED a FAPE in the LRE as required by federal and state special education requirements. Furthermore, HPS does not appear to have an established procedure as to how best to transition students back into the district from an out-of-district placement. This may be due in part to the issues noted above regarding HPS' decreased continuum of special education services and supports provided to students with ED in the general education setting.

## **2.4. Student-Based Budgeting**

HPS' recent reform agenda includes SBB, which funds students based on their educational needs at the schools they attend. This model allows professionals working directly with students to make decisions about budgets and educational programs with less involvement from central office. SBB promotes equity in funding because students have different educational needs and SBB funding more accurately reflects the amount of funds needed to address the students' needs and provides the funds at the school level.<sup>7</sup> Under SBB, funding designated for a student should follow the student to the school(s) he/she attends. Team members interviewed principals and staff regarding HPS' SBB and how SBB affects the provision of special education services. Overall, staff reported they do not work directly with SBB in their day-to-day work. Principals demonstrated different levels of understanding regarding HPS' SBB and how it affects special education service delivery. Specific trends are noted below.

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<sup>7</sup> Brief description taken from Hartford Public Schools' [Guide To Student-Based Budgeting 2008-09](http://www.hartfordschools.org/documents/RevisedSBBGuide.pdf) at <http://www.hartfordschools.org/documents/RevisedSBBGuide.pdf>

#### 2.4.1. Effect on Individual Schools

SBB affects each Hartford school differently depending on the particulars of the school's design, programs and overhead costs. For example, principals reported schools with lower enrollments do not benefit from HPS' SBB model in the same way as compared to schools with higher enrollments and thus, larger budgets. In another example, some schools have unique large budget items, such as rent, that must be paid through the schools' budget while other schools that do not rent their facilities do not incur this cost. HPS' SBB model, however, does not pose any negative impact for schools that have additional outside funding streams (e.g., magnet school grants and corporate partnerships), which can assume budget needs the schools' SBB does not meet.

#### 2.4.2. Distribution of Funds

Principals reported HPS' SBB model works best when there are not significant alterations to the schools' student enrollment because significant alterations to student enrollment place schools in a position of revising budgets and requesting additional funds from central office. Special education administrators and principals reported a significant need to revise the funding amounts distributed to schools at the beginning of the 2010-11 school year in order to address changes in student enrollment at several schools. One major factor that contributes to the need for revised funding amounts is the time lag between the deadline for finalizing HPS' proposed operating budget and the deadline for finalizing students' choice applications. As with many school districts, HPS finalizes its proposed operating budget for the following school year in the prior March, using projected student enrollment figures to determine funding amounts for each school. Decisions regarding student placement under HPS' Choice Program for the following school year, however, are made in August. These decisions can significantly alter schools' student enrollment, which, in turn, can change the funding amounts necessary to meet the schools' responsibilities, including the provision of special education services. Additional changes in student enrollment to a lesser degree occur throughout the school year. As mentioned above, HPS' SBB model affects schools differently. With regard to HPS' Choice Program, magnet schools do not participate in the program and, therefore, will not experience a significant change in student enrollment prior to the start of the school year. The budgets projected for magnet schools in the prior March are most likely on point with students' needs.

#### 2.4.3. Transfer of Funds

The current system for the transfer of funds from central office to schools and to/from schools does not occur in a timely manner and thus, can affect HPS' ability to meet students' needs. Additional funds may be necessary to adjust a school's projected budget in order for the school to have the funds necessary to provide services required by its particular student population. The need for additional funds may be addressed in one of two ways. Principals reported that, often, additional funds needed are subtracted from other budget line items, thus reducing schools' spending in other areas. For example, when additional funds are necessary to provide special education services to newly registered/referred students, principals will move funds budgeted for instructional supplies and/or field trips to special education to create the additional funds needed. Principals reported that, generally, schools' budgets do not change during the year. Principals reported there are some situations, however, where schools may request the additional funds needed from central office. The transfer of funds from central office often takes two to three months. This causes schools both budgetary and programmatic difficulties, especially in relation to the provision of mandated IEP services. Principals reported the need to streamline this process to ensure funds arrive to schools in a timely manner in order for schools to meet students' needs.

Additionally, principals reported that the transfer of funds from one school to another, when a student with a disability enrolls in a different school, is delayed. Special education administrators reported that in cases where a PPT places a student in an out-of-district placement, central office is required to pay the out-of-district placement tuition but does not receive the SBB allocation for that student from the student's previous school. This reimbursement is necessary to replenish the central office funds because the central office funds are earmarked to address district-level special education costs.

#### 2.4.4. Adequacy of Funding

It appears that special education programming for students with disabilities may hinge on the availability of resources at the building level. While SBB does not come up specifically in discussions at PPTs, there is an undercurrent among district personnel that resources are not readily available. Limited resources can negatively affect HPS' continuum of services and programs available to students with disabilities and thus, impede the district's ability to meet its programmatic responsibilities to provide students with ED a FAPE in the LRE as required by federal and state special education requirements.

For example, HPS' SBB model allocates certain funding amounts to particular special education services and programs (i.e., SBB special education levels). For each student with a disability, schools receive the funding amount allocated to the SBB special education level that correlates to the student's special education services and programs mandated in his/her IEP. Principals reported, however, there are some special education services beyond the services accounted for in HPS' SBB special education levels that may cause a budget issue. For example, principals reported that assistive technology devices and services are not accounted in HPS' SBB special education levels, which can cause schools difficulty in both funding and providing the devices and services. Adequate funding for paraprofessional services is an area of significant concern. Principals reported that, in regards to funding for paraprofessional services, one of three scenarios may occur: funding is not available; funding is available from central office but delayed transfer of funds negatively impacts timely service provision; or principals create additional funds by subtracting funds from other budget line items. In addition, one school currently does not have adequate funds for its student assistance team (SAT) interventions, which thwarts the special education referral process because the school cannot adequately provide the alternative procedures and programs required prior to a referral to special education under R.C.S.A. Section 10-76d-7.

Finally, it appears that HPS' SBB special education levels do not allow for significant amounts of special education services in LREs. Special education funding increases only as the student's placement becomes more restrictive. Furthermore, the funding assigned to each SBB special education level cannot be accessed if the student is placed in an environment other than the environment assigned to the level (i.e., a student who requires significant funding for special education services must be in the placement assigned to that funding level).

### **Section 3: Action Plan**

34 C.F.R. Section 300.608(b) affords a state the use of any authority available to the state under the IDEA to monitor and enforce the requirements of the IDEA with districts. Under the CSDE's GSS, the CSDE has the authority to conduct enforcement actions (e.g., site visit) with a district that has neither timely corrected nor subsequently corrected noncompliance to bring the district into compliance promptly. Additionally, upon completion of an enforcement action, the CSDE has the authority to order sanctions of which the district must comply in order to correct the district's longstanding noncompliance and facilitate change in the district's performance.

HPS' longstanding noncompliance with 34 C.F.R. Section 300.201 (i.e., a district must have special education policies, procedures, and programs consistent with state policies and procedures) and the trends noted through the CSDE's recent monitoring visit demonstrate that HPS is not meeting its programmatic and fiscal responsibilities under federal and state special education requirements consistently. The 2010-11 school year dispute resolution data demonstrate that, as of June 30, 2011, 30 formal complaints were filed with the BSE against HPS, three of which alleged systemic noncompliance (i.e., no provision of special education services, no provision of speech/language services, significant delay in the completion of neuropsychological and reading evaluations). All of the investigations resulted in findings of noncompliance against HPS. The data also demonstrate that 15 due process hearing requests, involving HPS, were filed with the BSE. The majority of these hearing requests were withdrawn subsequent to their filing (i.e., parties may have resolved the issue and/or reached an agreement) with one hearing resulting in a fully adjudicated decision.

Furthermore, the 2011-12 school year dispute resolution data demonstrate that, as of September 20, 2011, seven formal complaints were filed with the BSE against HPS, one of which alleged systemic noncompliance (i.e., failure to deliver special education services to children transitioning into HPS from the Birth to Three System). The data also demonstrate that four due process hearing requests, involving HPS, were filed with the BSE. Three of these hearing requests are currently active, one was withdrawn subsequent to their filing (i.e., parties may have resolved the issue and/or reached an agreement).

In accordance with the CSDE's responsibility to monitor districts' implementation of federal and state special education requirements under 34 C.F.R. Section 300.600 and its authority to enforce districts' compliance with these requirements under 34 C.F.R. Sections 300.608(b), and 300.600(a)(3), the CSDE orders HPS to propose an action plan. The action plan shall address HPS' operating procedures, IEP development and implementation, and SBB system in order to ensure students with disabilities receive a FAPE in the LRE, bring HPS into prompt correction of its longstanding noncompliance and facilitate change in the district. The action plan shall include specific actions the district will take to address the trends noted in this report, detailed timelines for the completion of these actions, and outcomes the district anticipates from the completion of these actions.

HPS shall submit its proposed action plan to the CSDE by November 15, 2011. Upon receipt, the CSDE shall review the plan to ensure it promotes timely and effective provision of special education services for students with ED. The CSDE reserves the right to accept the proposal in part or in whole. In the event the CSDE accepts the proposal in part, the CSDE shall incorporate items into the action plan deemed necessary by the CSDE to ensure the timely and effective

provision of special education services for students with ED. It is anticipated that the CSDE shall finalize the action plan and submit the action plan to HPS for its implementation by December 15, 2011.

### **3.1. Hartford Public Schools Operating Procedures**

#### **3.1.1. District Administration**

Currently, the special education department does not “sit at the table” with other academic departments to discuss decisions regarding curriculum, instruction and school design. Decisions that affect special education, therefore, are made absent input from the special education department. The lack of special education administrator input during these discussions, may lead to the district developing procedures that are noncompliant with federal and/or state special education legal requirements or special education best practices. To improve the quality of HPS’ special education services, HPS must increase collaboration within its general education and special education administration to ensure comprehensive education programming for students with disabilities that complies with all special education requirements. Furthermore, the special education department does not have a voice in principal performance evaluations nor does HPS’ current principal performance evaluation document address the principal’s responsibilities under special education. HPS does not have a formal means by which to hold principals accountable for their performance in relation to the provision of special education services in their schools. HPS’ MPE Theory of Action, however, allows principals to assist with special education programming and spend special education funds accordingly. HPS’ MPE Theory of Action, therefore, requires a higher standard in the level evaluation with respect to a principal’s responsibilities under federal and state special education requirements than the evaluation currently in place.

Therefore, HPS’ proposed action plan shall include the following items to ensure improved collaboration among district administrators to improve the quality of HPS’ provision of special education services and its compliance with programmatic responsibilities under federal and state special education requirements:

1. Collaboration among general education and special education district administration to discuss decisions regarding curriculum, instruction and school design across all academic departments.
2. Inclusion of the assistant superintendent of learning support services and the senior director for special education as members of its district-level data team meetings to ensure all academic departments are involved in discussions and subsequent decisions and/or recommendations made by the district-level data team.
3. Collaboration among district administration and building administration to ensure the timely provision of special education services and compliance with HPS’ programmatic responsibilities under federal and state special education requirements.
4. Revision of its principal performance evaluation document to include components that effectively evaluate a principal’s performance in relation to the implementation of federal and state special education requirements and special education best practices.

5. Revision of its principal performance evaluation procedures to include input from the special education department regarding a principal's performance in relation to the implementation of federal and state special education requirements and special education best practices.
6. Development of procedures that hold principals accountable for repeated violations of federal and/or state special education requirements.
7. Increased monthly meetings between the senior director for special education and the BSE liaison to discuss HPS' progress in correcting its longstanding noncompliance.

### 3.1.2. Intra-District Communication

HPS' Choice Program affords students and families an opportunity to apply to a variety of theme-based or neighborhood Hartford schools.<sup>8</sup> This option increases the number of transfer students among Hartford schools. Receipt of students' files by the receiving schools often occurs two to three months after students begin attending the receiving schools as only one staff member transports the district's postal service mail and intra-district mail across 50 schools and the special education department. As a result, students experience gaps in the provision of their IEP services because the receiving schools do not have information on the students' needs. The high frequency of transfer students in the district requires a more expedient transmission of students' files to ensure timely provision of special education services mandated by students' IEPs. Additionally, formal complaints filed against HPS with the BSE through the BSE's Complaint Resolution Process often include allegations of HPS' failure to comply with parental requests for records. The significant delay in the receipt of student files at receiving schools can contribute to HPS' noncompliance with this regulatory requirement.

Therefore, HPS' proposed action plan shall include the following items to ensure intra-district communication to improve the quality of HPS' provision of special education services and its compliance with programmatic responsibilities under federal and state special education requirements:

1. Development of procedures that foster effective communication between HPS' Choice office, the special education department and the sending/receiving schools when students with disabilities transfer to new schools to ensure a smooth transition for students and the seamless provision of special education services.
2. Provision of training to all staff that clarifies and details procedures developed under #1 above.
3. Development of procedures that foster the exchange of student files between the sending/receiving schools and/or the special education department when students with disabilities transfer to new schools within three school days of enrollment to

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<sup>8</sup> Hartford Public Schools School Year 2011-2012 Choice Parent Brochure (p. 2) at <http://www.hartfordschools.org/schools/documents/ChoiceBrochure2011-2012-ParentBrochure12-8-10.pdf>

ensure a smooth transition for students and the seamless provision of special education services.

4. Provision of training to all staff that clarifies and details procedures developed under #3 above.
5. Establishment of district-level checks on the proper use of the procedures developed under #1 and #3 above.
6. Evaluation of HPS' process for delivering student files, postal service mail and intra-district mail throughout the district to ensure the timely exchange of student files within the district and compliance with the procedures developed under #3 above.

### 3.1.3. Student Files

Currently, the special education department's student files are very disorganized, often missing paperwork or containing misfiled paperwork, with no chronological order to the paperwork filed. These issues were especially apparent in the files of students currently attending an out-of-district placement. The lack of current, organized student information can impede HPS' ability to meet its programmatic responsibilities to these students as required by federal and state special education requirements. In addition, zone directors are required to file paperwork and manage student files (10,000 total files; 3,300 of which are active files) because the special education department no longer has office staff to address file management. Zone directors do file paperwork but it is extremely difficult for them to keep up with file management demands given the number of files, the amount of paperwork to be filed and the limited amount of time that zone directors have to devote to file management. Furthermore, formal complaints filed against HPS with the BSE through the BSE's Complaint Resolution Process often include allegations of HPS' failure to comply with parental requests for records. The special education department's disorganization of student files can contribute to HPS' noncompliance with this regulatory requirement.

Therefore, HPS' proposed action plan shall include the following items to ensure improved student file organization to improve the quality of HPS' provision of special education services and its compliance with programmatic responsibilities under federal and state special education requirements:

1. Standardized organization system for use with all student files to identify the location of each item that makes up a comprehensive student file.
2. Evaluation, and revision as needed, of HPS' process for special education file management (i.e., retrieval of student files and/or paperwork upon request; management of active and inactive files) at central office and each school.
3. Provision of training for all staff that clarifies and details processes under #1 – #3 above.

Additionally, HPS shall complete the following actions to ensure the timely and effective provision of special education services across the district:



HPS shall organize the special education department's student files for students who are in an out-of-district placement, using the standardized organization system developed under #1 above, to ensure HPS' sole copy of these files are in working order to assist HPS personnel with programming for students' special education needs. Beginning in October 2011, HPS shall complete the organization of 25 percent of these student files by the end of each month, completing this task on January 31, 2012.

HPS shall complete an analysis of its current student enrollment and student file availability, at each school, by October 31, 2011 to determine baseline data in the district having student files at the correct schools. The CSDE anticipates that HPS shall demonstrate continuous growth in this data point and achieve 100% compliance with this data point by December 31, 2011.

HPS shall also complete an analysis of whether each student receiving special education services has his/her IEP services in place within 10 school days of enrollment, at each school, by December 31, 2011. The CSDE anticipates that HPS shall demonstrate continuous growth in this data point and achieve 100% compliance with this data point by March 1, 2012.

HPS shall complete a review of the IEP services being received by each student receiving special education services in comparison with the student's IEP by December 31, 2011. The CSDE anticipates that HPS shall demonstrate continuous growth in this data point and achieve 100% compliance with this data point by March 1, 2012.

## **3.2. Quality of IEPs and Special Education Programming**

### **3.2.1. Use of Data in IEP Documentation**

IEPs reviewed revealed several instances of missing information, incomplete information and/or decreased quality of IEP documentation, such as no parental input, a minimal amount of data and/or statements specific to the student's strengths and needs, inconsistent transition planning and subjective measurements for goal/objective mastery. Data that comprehensively describes the student's current performance, strengths, concerns/needs and the impact of the student's disability on his/her education is vital to the development of an individualized special education program.

### **3.2.2. Positive Behavioral Interventions and Supports**

IEPs reviewed revealed several components essential to special education programming for students with ED that were either missing or incomplete in students' IEPs (e.g., FBAs, BIPs, BIP data collection/analysis and supports for personnel). In addition, team members noted that HPS appeared to only provide counseling services to students with ED for half an hour per week. This repeated pattern and lack of additional related services suggests that related service delivery for students with ED may not be individualized to meet students' needs.

### **3.2.3. Special Education Programming in the General Education Setting**

Many students with ED are receiving special education services and supports in the general education setting. A significant number of students with ED are performing approximately one to

three grade levels below their current grade placement. Students' needs, therefore, require the differentiation of instruction and use of accommodations and/or modifications in the general education setting in order for students to succeed. Currently, however, general and special educators do not have regularly scheduled common planning times to design instruction, modifications and/or accommodations that will meet students' needs.

#### 3.2.4. LRE Continuum for Students with ED

Many students with ED are receiving special education services and supports in the general education setting. Students' needs often require the differentiation of instruction and the use of accommodations and/or modifications in the general education setting in order for students to succeed. The team noted, however, that students' IEPs do not reflect individualized special education programming. This lack of individualization in the development of IEPs can impede HPS' ability to provide a FAPE in the general education setting because it decreases the continuum of special education services and supports provided to students with ED in the general education setting, which may be the LRE for more students with ED than is currently the case.

In addition, HPS provides a self-contained therapeutic classroom setting for students with ED when the PPT recommends this educational placement as the LRE for a student with ED. Presently, there are four in-district, self-contained therapeutic classroom settings. These classrooms, however, while housed within four different schools, operate on a budget and with personnel separate from the physical school buildings in which the classrooms are located. A certain number of slots in this group of classrooms are set aside for specific schools in the district, making it difficult for any student with ED to access this special education programming, when deemed appropriate. The lack of individualized special education programming to support students with ED in the general education setting, coupled with the difficulty PPTs face in accessing services provided in the self-contained therapeutic classrooms for students, impedes HPS' ability to meet its programmatic responsibilities to provide students with ED a FAPE in the LRE as required by federal and state special education requirements.

#### 3.2.5. Out-of-District Placement Decisions

Administrative designees at the PPT meetings do not have the authority to commit district resources for out-of-district placements recommended by the PPTs. The inability of administrative designees to commit district resources impedes the PPTs' authority and their ability to program for students with ED in a timely manner. In addition, HPS places students with ED awaiting final approval and admission to an out-of-district placement on homebound tutoring services for as long as two to three months and, occasionally, such students await placement without any homebound services at all. Furthermore, HPS does not appear to have an established procedure as to how to best transition students back to an in-district placement from an out-of-district placement.

Therefore, HPS' proposed action plan shall include the following items to ensure the development of appropriate IEPs and their implementation to improve the overall quality of HPS' provision of special education services and its compliance with programmatic responsibilities under federal and state special education requirements:

1. Creation, implementation and evaluation of regularly scheduled in-district special education PD offerings and technical assistance for HPS district administrators,

principals, general educators, special educators, related service providers and paraprofessionals to improve the quality of HPS' IEPs and provision of special education services.

2. Provision of special education PD offerings for all district administrators, principals, administrative designees and PPT members in the following areas to improve the quality of HPS' IEPs and provision of special education services:
  - a. federal and state special education requirements;
  - b. the educational benefit review process;
  - c. the development of standards-based IEPs;
  - d. the development and effective use of FBAs and BIPs; and
  - e. LRE.
3. Creation of and dissemination of a memorandum to all staff clarifying that administrative designees at the PPT meetings have the authority to commit the district's resources toward PPT recommendations.
4. Provision of ample, regularly scheduled common-planning times for general educators and special educators by which to plan differentiation of instruction, effective classroom strategies and monitor progress to ensure that students with disabilities receive appropriate instruction in the general education setting.
5. Design and implementation of a more comprehensive continuum of special education services, modifications and accommodations, provided in the general education setting, to ensure students with ED receive a FAPE in the LRE.
6. Re-categorization of HPS' in-district, self-contained therapeutic classrooms, both programmatically and fiscally, to ensure these classrooms are integrated into the schools where they are located and that PPTs can consider and recommend these classrooms as the LRE for students with ED, where appropriate.
7. Development of procedures that no longer rely on homebound services as a means of educating students with disabilities awaiting admission to an out-of-district placement and, instead, ensure seamless special education services as students transition to an out-of-district placement.
8. Creation of and dissemination of a memorandum to all staff clarifying homebound services cannot be relied on for the purpose noted under #7 above and the new procedures developed under #7 above.
9. Implementation of HPS' Dispute Resolution and Complaint Management System, as detailed in the special education department's *System of General Supervision*

*Electronic Manual*<sup>9</sup>, in order to resolve complaints in-district expediently and to improve HPS' compliance with federal and state special education requirements.

10. Publicity of HPS' Dispute Resolution and Complaint Management System to parents by posting information about the system in central office and each school building as well as sending a letter to each parent/guardian of a Hartford student who receives special education.
11. Provision of PD offering to district administrators, principals, general educators, special educators, related service providers and paraprofessionals regarding HPS' Dispute Resolution and Complaint Management System.
12. Development of quarterly reports by the Dispute Resolution and Complaint Management System, including copies of the complaints and actions taken under the system, for review by the BSE's Due Process Unit.

### **3.3. Student-Based Budgeting**

#### **3.3.1. Distribution of Funds**

HPS finalizes its proposed operating budget for the following school year in the prior March, using projected student enrollment figures to determine funding amounts for each school. Decisions regarding student placement under HPS' Choice Program for the following school year, however, are made in August. These decisions significantly alter schools' student enrollment at any given time, which, in turn, can change the funding amounts necessary to meet the schools' responsibilities, including the provision of special education services.

#### **3.3.2. Transfer of Funds**

The current system for the transfer of funds from central office to schools and to/from schools does not occur in a timely manner and, thus, can affect HPS' ability to meet students' needs. In situations where schools may request additional funds from central office, the transfer often takes two to three months. Additionally, the transfer of funds from one school to another, when a student with a disability enrolls in a different school, is delayed. Furthermore, when a PPT places a student in an out-of-district placement, central office pays the tuition but does not receive the SBB allocation for that student from the student's previous school. A more streamlined process is necessary to ensure that funds arrive to schools and central office in a timely manner in order for HPS to meet students' needs.

#### **3.3.3. Adequacy of Funding**

HPS' SBB system allocates certain funding amounts to particular special education services and programs. Schools receive the funding amount allocated to the SBB special education level that correlates to students' special education services and programs mandated in their IEPs. Some special education services are not accounted for in HPS' SBB system (e.g., assistive technology

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<sup>9</sup> HPS' *System of General Supervision Manual* can be found at <http://www.hartfordschools.org/resources-you-need/documents/GeneralSupervisionManual10-2010.pdf>

devices and services). Adequate funding for paraprofessional services is an area of significant concern. In addition, HPS' SBB system does not allow for significant amounts of special education services in LREs. Funding assigned to each SBB special education level cannot be accessed if the student is placed in an environment other than the environment assigned to the level (i.e., a student who requires significant funding for special education services must be in the placement assigned to that funding level). Special education funding increases only as the student's placement becomes more restrictive, which may impede HPS' ability to ensure it provides students with disabilities a FAPE in the LRE as required by federal and state requirements.

#### 3.3.4. MPE Theory of Action and Special Education

HPS' MPE Theory of Action decreases special education administrators' oversight of the district's provision of special education services because it allows principals and staff to determine special education programming needs and spend special education funds (e.g., IDEA, local funds for special education and the state excess cost reimbursement grant) accordingly. While there are many advantages to HPS' MPE Theory of Action, at this time, it appears this model, as applied to special education, does not serve to assist HPS in improving its ability to meet its special education programmatic and fiscal responsibilities. While HPS has shown improvements over the last several years toward correction of its longstanding noncompliance, the trends noted through this monitoring visit illustrate deficiencies in HPS' provision of special education services that would be best addressed by greater special education administrator oversight. Increasing special education administrator oversight of special education fund expenditures for the immediate future will help bring HPS into prompt compliance and improve the quality of its provision of special education services. In addition, increased collaboration between special education administrators, principals and staff will strengthen building level personnel in their knowledge of federal and state special education requirements and, thus, prepare building level personnel to assume autonomy over special education fund expenditures upon HPS' correction of its longstanding noncompliance.

Therefore, HPS' proposed action plan shall include the following items to ensure better adequacy, distribution and transfer of special education funds to improve the quality of HPS' provision of special education services and its compliance with its fiscal and programmatic responsibilities under federal and state special education requirements:

1. Investigation of alternative models effective for district-level special education fund disbursement in other urban districts locally, regionally and/or nationally to identify necessary revisions to HPS' SBB system as it related to special education in order to address concerns noted above.
2. Adjustments to HPS' SBB system as it relates to special education to ensure compliance with special education programmatic and fiscal responsibilities.
3. Elimination of the constraints the SBB special education funding levels presently place on HPS' ability to provide students a FAPE in the LRE by revising the way in which it structures the funding for special education services/programs.

4. As stated above, re-categorization of HPS' in-district, self-contained therapeutic classrooms, both programmatically and fiscally, to ensure these classrooms are integrated into the schools where they are located and that PPTs can consider and recommend these classrooms as the LRE for students with ED, where appropriate.
5. Provision of PD to district administration, principals and administrative designees regarding revisions to the SBB system as it relates to special education.
6. Develop a step by step process (i.e., initial request of funds through implementation of special education services) that describes steps, positions/roles, responsibilities and timelines for disbursement of funds.
7. Incorporate the procedures for HPS' SBB system as it relates to special education into the district's general supervision system in order to monitor and verify district-wide compliance with these procedures to ensure the timely provision of special education services.

The monitoring visit team shared the results of the visit with the CSDE's OIA. HPS shall cooperate with the CSDE's OIA in any monitoring activities it deems necessary to further examine HPS' special education fund expenditures and comply with any corrective actions ordered by the CSDE's OIA.

#### **Section 4: Conditions on IDEA FY 12 Funds**

As noted above, 34 C.F.R. Section 300.608(b) affords a state the use of any authority available to the state under the IDEA to monitor and enforce the requirements of the IDEA with districts. Under 34 C.F.R. Section 300.600(a)(3), the state may use mechanisms, such as identifying a district as a high-risk grantee and imposing special conditions on a district's IDEA funding, to enforce the district's compliance with the IDEA.

Under 34 C.F.R. Section 80.12(a), a district may be considered a high-risk grantee if the state determines that the district has a history of unsatisfactory performance. The CSDE has determined that HPS is a high-risk grantee because HPS has a history of unsatisfactory performance given HPS' longstanding noncompliance and the trends noted through the CSDE's recent monitoring visit. 34 C.F.R. Section 80.12(a) allows the state to place special conditions on an award, which correspond to the high-risk condition. 34 C.F.R. Section 80.12(b) states that special conditions may include: withholding authority to proceed to the next phase until receipt of evidence of acceptable performance within a given funding period; additional project monitoring; requiring the district to obtain technical or management assistance; or establishing additional prior approvals.

To ensure that HPS implements the action plan ordered above, promptly corrects its longstanding noncompliance and meets its programmatic and fiscal responsibilities under federal and state special education requirements consistently, the CSDE exercises its authority under 34 C.F.R. Sections 300.608(b), 300.600(a)(3) and, therefore, orders the following special conditions on HPS' IDEA FY 12 funds:

1. HPS shall establish a two-year contract with a vendor approved by the CSDE to provide a monitor in the district. The CSDE requires HPS to redirect \$250,000.00 of its IDEA FY 12 funds for the hiring and operations of the office of the monitor. HPS shall use funds from its IDEA FY 12 funds to pay the entirety of the two-year contract during the 2011-12 school year. The monitor position shall be for a minimum of 20 hours per week. The purpose of the monitor is to provide HPS direct oversight, in-district, to ensure HPS' prompt completion of the action plan ordered above and prompt correction of its longstanding noncompliance. The monitor shall also meet regularly with CSDE personnel regarding HPS' progress toward the prompt completion of the action plan and prompt correction of its longstanding noncompliance. Candidates for the monitor position shall have a working knowledge of federal and state special education requirements, experience in overseeing special education programs, and experience in working with districts to evaluate special education programs for students with disabilities. HPS shall secure this contract 45 calendar days from the date of this report.
  
2. Additionally, the CSDE orders the conditional release of HPS' IDEA FY 12 funds (approximately \$6,600,500.00) over the 2011-12 school year to ensure HPS' prompt completion of the action plan ordered above and prompt correction of its longstanding noncompliance. The funds will be released on a schedule the CSDE creates based upon the details of the final action plan. It is anticipated that the schedule of the conditional release of the HPS' IDEA FY 12 funds will be submitted to HPS along with the final action plan by December 15, 2011.

If HPS fails to comply with the orders noted above (i.e., action plan, redirection of funds), this report serves as notice to HPS that, in taking any additional enforcement action(s), the CSDE will provide HPS an opportunity for a hearing, appeal, or other administrative proceeding to which HPS is entitled under any statute or regulation applicable to the action the CSDE takes (34 C.F.R. Section 80.43).

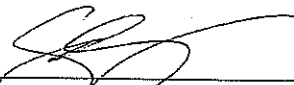
## Section 5: Recommendations

The CSDE recommends HPS take the following actions to assist in bringing HPS into prompt correction of its longstanding noncompliance and improve HPS' ability to meet its programmatic and fiscal responsibilities under federal and state special education requirements:

1. Adopt a standard template for organization of hard-copy student files in order for personnel to locate student information efficiently.
2. Develop a protocol that describes HPS' procedures for student file organization and the electronic-student-file system to promote efficient transfer of information across schools.
3. Develop and implement extensive and ongoing PD for district personnel regarding HPS' new model of electronic student files and IEPs to ensure efficient use of the electronic system.
4. Hire additional zone directors and other necessary clerical staff to assist with the special education department's oversight of HPS' provision of special education services and its system of general supervision to ensure appropriate implementation of IDEA.
5. Circulate the special education department's *Description of Programs and Services* to district personnel to inform PPTs as to the various in-district programs available to students with disabilities.
6. Continue to direct formal complaints filed against HPS with the BSE through the BSE's Complaint Resolution Process to building principals for resolution of the complaints, with oversight by the special education department, to inform principals of alleged building-level violations of federal and state special education requirements and to resolve issues promptly.
7. In response to staff recommendations regarding additional dropout prevention resources, participate in the CSDE's dropout prevention forum to strengthen HPS' dropout prevention program.
8. Conduct a parent survey via HPS' Special Education Task Force to further evaluate HPS' provision of special education services and determine what additional actions may be necessary to strengthen HPS' special education services.

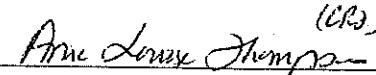
Report Prepared By:

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9/30/11

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Date

 (CRS)  
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Anne Louise Thompson, Chief  
Bureau of Special Education

9/30/11

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Date