

CCA Wins State Department of Education Complaint Continues Monitoring to Ensure Appropriate Services for Special Education Students

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In June, after witnessing the degrading and discriminatory conditions her clients faced as students at the Hartford Transitional Learning Academy at Hartford Magnet Middle School (HTLA-HMMS), Hannah Benton, an attorney with the Center for Children's Advocacy (CCA), filed a formal class action administrative complaint with the State Department of Education against the Hartford School system.

HTLA-HMMS was an in-district special education program, designed for students who were eligible for special education under the category of emotional disturbance. However, the program provided little in terms of educational curricula, therapeutic supports, or behavioral redirection. Additionally, the physical plant of the program further inhibited students' educational progress as it subjected them to frequent distractions.

Completely across the Learning Corridor campus from Hartford Magnet Middle School (HMMS), students in the HTLA-HMMS program were isolated from their non-disabled peers for the entire school day. During the instructional time that they did have, students were regularly allowed to play the card game Uno rather than doing schoolwork. CCA Educational Consultant Dr. Penny Spencer witnessed a certified teacher absent herself from the classroom for the entire period, leaving the students under the supervision of an uncertified teacher's aide.

Under the Individuals with Disability Education Act (IDEA), organizations can file administrative complaints with the State Department of Education (SDE) on behalf of a class of students. To Attorney Benton's credit, she used this under-utilized procedure to seek relief for all the students in the program, not only her own clients.

During the course of the investigation by the SDE educational consultant assigned to the Complaint, the Hartford Public Schools (HPS) decided to discontinue the HTLA-HMMS program. HPS replaced the HTLA-HMMS program with a new in-district special education program located at 2550 Main St. The physical plant of the building is significantly superior to the HTLA-HMMS building, including space for de-escalation and therapeutic redirection. Additionally, HPS increased the number of school social workers and mental health clinicians available to this population.

In September, SDE issued its findings and conclusions, agreeing with CCA's allegations that HPS had violated a number of state and federal special education laws. SDE verified the deficiencies that CCA had witnessed: the failure of the program to implement any reading program for most of the 2008-2009 school year, the failure of the program to implement an effective behavior management system, and the failure of the program to operate in a structured manner. Most of the HTLA-HMMS students did not have current Individualized Education Programs (IEPs), and there was no documentation to show that student progress was being reviewed or communicated to families. The functional behavioral assessments and behavior intervention plans were largely insufficient to appropriately redirect student behavior. SDE's investigation concluded that the HTLA-HMMS students had been denied their legal rights to receive an IEP that was designed to produce educational benefit, the right to be educated in the least restrictive environment, the right to minimum school day requirements, and the right to an appropriate disciplinary system with procedural protections. SDE further concluded that the HTLA-

HMMS facility was so substandard that the students were denied an appropriate education solely based on the facility's defects.

As a result, SDE ordered HPS subject to corrective action. This included ordering HPS to hold Planning and Placement Team meetings for all students enrolled in the HTLA-HMMS program as of the date of the complaint to provide compensatory education to the students.

While the discontinuation of the HTLA-HMMS program and the order of compensatory education was a large victory for the HTLA-HMMS students, CCA continues its dogged monitoring role to ensure that the new program at 2550 Main St. is appropriately serving the students. As for Attorney Benton's individual clients, they are now attending more appropriate educational settings at private, therapeutic schools or will be in the very near future.