



April 30, 2024

**VIA EMAIL DELIVERY:**

Philip.Rigueur@hartfordschools.org  
Hartford Board of Education Members  
C/O Board of Education Chair, Philip Rigueur  
Hartford Public Schools  
280 Trumbull Street  
Hartford, CT 06103

RE: **OCA/DRCT Program Concern & Information Request Letter**

Dear HPS Board of Education Members:

The Office of the Child Advocate (OCA)<sup>1</sup> and Disability Rights Connecticut (DRCT)<sup>2</sup> jointly issue this Letter of Concern and Information Request to the Hartford Board of Education because **in response to recently approved budget cuts affecting services for Hartford Public Schools (HPS) students. OCA and DRCT are concerned about the delivery and quality of education for all HPS students as well as the possibility that such cuts may disproportionately harm students with disabilities.**

All children have the fundamental right to receive a free appropriate public education (FAPE) in the least restrictive environment (LRE) with individualized related services (speech therapy, occupational therapy, physical therapy, academic and behavioral supports, etc.) in accordance with

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<sup>1</sup> OCA has the statutory responsibility to oversee the protection and care of children and to advocate for their well-being. OCA is not an administrator of programs. Rather, the OCA monitors and evaluates public and private agencies that are charged with the protection of children, and reviews state agency policies and procedures to ensure they protect children's rights and promote their best interest. OCA helps to: advocate for children at risk; address public policy issues concerning juvenile justice, child care, foster care, and treatment; review individual cases and investigate complaints; educate and inform the public of laws and services affecting families and children who are placed under state supervision; coach families, concerned citizens, and agencies to "navigate" public service and information systems and advocate for children effectively; review facilities and procedures of public or private institutions or residences where juveniles are placed; and facilitate change by bringing different agencies together to find creative solutions to difficult problems.

<sup>2</sup> DRCT'S mission is to advocate, educate, investigate, and pursue legal, administrative, and other appropriate remedies to advance and protect the civil rights of individuals with disabilities to participate equally and fully in all facets of community life in Connecticut. Disability Rights Connecticut provides legal advocacy and rights protection to people of all ages with disabilities. DRCT focuses its legal and other advocacy on a wide range of disability justice issues for Connecticut residents with disabilities. DRCT's services include advocating for the rights of individuals with disabilities on issues including abuse, neglect, discrimination, community integration, forensic mental health, voting, and other rights protection issues. DRCT replaced the Office of Protection & Advocacy for Persons with Disabilities, which was abolished by Connecticut Law as of June 30, 2017, and is now Connecticut's federally mandated Protection and Advocacy System pursuant to the Protection and Advocacy for Individuals with Mental Illness Act, 42 U.S.C. § 10801, et seq., as amended, 42 C.F.R. § 51; the Developmental Disabilities Assistance and Bill of Rights Act, 42 U.S.C. § 15041, et seq., as amended, 45 C.F.R. § 1326; the Protection and Advocacy for Individuals with Traumatic Brain Injury Act, 42 U.S.C. §§ 300d-52, 53, the Protection and Advocacy for Individual Rights Act, 29 U.S.C. § 794e.

federal and state law, including the federal Individuals with Disabilities Education Act (IDEA). Additionally, students with disabilities have the right to receive their education in the most integrated setting to meet their needs and the right to have an equal educational opportunity provided to students without disabilities under Title II of the Americans with Disabilities Act (ADA) and its implementing regulations. It is imperative that school districts across Connecticut allocate funding in ways that protect this right for our most vulnerable students with disabilities and comply with all relevant state and federal laws.

**Loss of Elementary and Secondary School Emergency Relief (ESSER) Funding**

The Federal ESSER funding program, which provided funds to school districts in response to the COVID-19 Pandemic expired in September of 2024. School districts across Connecticut are preparing for the impact of this loss of funding for the 2024-2025 school year. As recently reported, “[s]ixty superintendents responded to an emailed survey [Survey] from the School and State Finance Project in partnership with the Connecticut Association of Public School Superintendents earlier this year. The results found that 95% of district leaders believe the loss of Elementary and Secondary School Emergency Relief or ESSER funding ‘will have at least some impact on students in their district, with 76% saying students would be impacted moderately to a great deal.’”<sup>3</sup> According to the Survey, administrators cited “rising special education costs” as a top challenge for districts across Connecticut, including administrators from 14 of the state’s lowest performing districts.<sup>4</sup>

**Children with Disabilities – Access to Educational Programming**

School districts across Connecticut are facing budgetary challenges, including HPS. As cited to by HPS Superintendent Dr. Leslie Torres-Rodriguez, “[t]he combination of relatively flat funding and increasing costs, including tuition and special education, have forced us to make difficult decisions while continuing to work in service of our beautiful and capable students.” However, districts must preserve essential services for students with disabilities, including specialized designed instruction, academic and behavior supports, speech therapy, and other related services as outlined in the student’s individualized education programs (IEPs). Without qualified staff to deliver these services, students with disabilities are unable to fully engage in their school communities and are denied access to a quality and equal education.

Despite federal and state mandates protecting the right of students with disabilities to receive a free appropriate public education in the least restrictive setting, historically towns across Connecticut have struggled to close academic achievement gaps for students with disabilities. HPS is no exception.

**The chart below from the CSDE Ed Sight Reporting System shows the achievement gap for the 2022-2023 school year at HPS for English Language Arts (ELA), Math, and Science as indicated on state summative assessments. Connecticut’s target for a Performance Index is 75.**

District	Special Education Status (SWD)	ELA Count	ELA Performance Index	Math Count	Math Performance Index	Science Count	Science Performance Index
Hartford School District	Students with Disabilities	1,728	34.1	1,699	28.1	673	32.6
	Students without Disabilities	5,723	51.4	5,690	45.9	2,397	49.1

<sup>3</sup> CT Mirror, “As ESSER funding expires, CT superintendents worry about cuts” (April 18, 2024)

<sup>4</sup> Id.

## **HPS Budget Cuts that may Disproportionately Impact Students with Disabilities**

OCA and DRCT oppose cuts to school district budgets that may disproportionately harm students with disabilities. Education funding should be allocated in a manner that guarantees all students access to an equal education. Districts should be mindful that budget decisions and allocation of funds should not worsen existing inequities for any particular group of students, including students with disabilities. According to the Connecticut State Department of Education (CSDE), for the 2022-2023 school year, almost a quarter of all students enrolled at HPS (22%) received special education and related services, which is among the highest in the state.

The budgetary cuts that HPS has approved may disproportionately harm children in special education. Examples of these cuts are:

1. Elimination of social worker positions. Twenty-two (22) social worker positions will be eliminated - reducing the number of available social workers from 101 to 79.
  - Many students with disabilities, including those children with Autism, Intellectual Disabilities, and Emotional Disabilities have an increased need for clinical supports, which are usually included in his/her IEP, which is necessary for them to access his/her education programming. Eliminating those positions will have a direct impact on many HPS students with disabilities.
2. Elimination of 4 positions in the Department of Speech and Language.
  - Students with language-based disabilities have a critical need for language and speech therapy, which is delivered by a speech language pathologist. Many children with behavioral issues are also struggling with undiagnosed speech and language deficiencies. Eliminating these critical positions will directly impact and interfere with those students with these language-based disabilities.
3. Elimination of 8 positions in Office of Special Education; 4 certified, 4 uncertified
  - Special education positions are critical to providing instruction to students with disabilities and overseeing paraprofessionals working with those students. Eliminating these positions will have a direct impact on the educational programming providing to students with disabilities.
  - Without the necessary staff, HPS will likely be more reliant than it already is on segregated private special education placements that remove the student from his/her community school and raise concerns about whether students are receiving a FAPE and LRE to which they are legally entitled under the IDEA. Hartford already places a high number of students with disabilities in segregated programs. Likewise, the risk of further reliance on the use of segregated private education placements also implicates the rights of students with disabilities to receive their educational services in the most integrated setting as required by Title II of the ADA and its implementing regulations. The high cost of such private placements could be better allocated to qualified special education teachers, so that these students could remain in their community schools. This is also indicated by the increase in spending from 103 Million to 117 million to include separate schools.
  - Approved cuts could also result in students with disabilities not being provided equal educational opportunities as their non-disabled peers.

4. Elimination of General Education Paraprofessionals and increase in Special Education Paraprofessionals.

- The elimination of general education paraprofessionals (30 staff members) will put an additional strain on the limited number of special education paraprofessionals.
- The number of special education paraprofessionals is being increased from 339 to 383. Special Education paraprofessionals are specially trained to work with children with disabilities and must be supervised by a special education teacher. Special education paraprofessionals cannot replace certified special education teachers, social workers and/or speech language pathologists who are being eliminated.

5. Elimination of 13 Behavioral Technicians.

- Behavioral Technicians are generally necessary for students with disabilities who struggle with behavioral difficulties. Their involvement in the student's daily programming is critical in order for the student to be able to access his/her educational programming. Eliminating those positions will have a direct impact on children with disabilities.

The recently approved budget cuts may disproportionately harm students with disabilities. Ultimately, these budget decisions may result in the failure of HPS to provide a FAPE in the LRE to students with disabilities and cause it to run afoul of the IDEA and state law as well as violations of Title II of the ADA and its implementing regulations. OCA and DRCT support budget policies that ensure an adequate an equitable education for all students.

**OCA/DRCT Information Request**

OCA and DRCT request that the Hartford Public Schools Board of Education and District leadership provide us with its plans, initiatives and strategies to ensure that children with disabilities enrolled in Hartford Public Schools will receive FAPE in the LRE with the appropriate related services in light of these recent budget cuts as well as and in the most integrated setting and equal educational opportunities as those provided to their nondisabled peers. Please include specific information regarding tuition (inclusive of related services and aides), and transportation costs for children currently placed in state-approved private special education programs, as well as the number of students placed in such programs as well as their age, grade, race/ethnicity, and IDEA disability classification. Please provide this information no later than the close of business on Friday, May 3, 2024.

Thank you for your cooperation.

Sincerely,

Sarah H. Eagan  
Child Advocate  
The Office of the Child Advocate

Deborah A. Dorfman  
Executive Director  
Disability Rights Connecticut

cc: Honorable Hartford Mayor Arunan Arulampalam  
HPS Superintendent Dr. Leslie Torres-Rodriguez

