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Investigation into Practices and Oversight at Special Education Schools Reveals Serious Systemic and Numerous Specific Failings; Office of the Child Advocate & Disability Rights Connecticut Call for Urgent Improvements to Protect Rights of Students with Disabilities and Overhaul of State Oversight

The Connecticut Office of the Child Advocate (OCA) and Disability Rights Connecticut (DRCT) today released the results of a multi-year investigation into the actions, practices, and oversight by the State Department of Education and High Road Schools, a group of eight state-approved and publicly funded private special education programs.

The Investigative Findings and Recommendations by OCA and DRCT call for a sweeping series of changes to current practices, citing “urgent system concerns,” and recommending “increased local and state oversight and accountability for ensuring children with disabilities receive the appropriate education they are entitled to under state and federal law.”

The investigative findings and resulting recommendations focused on four main categories: staffing, individualized educational programming, school district monitoring and State Department of Education (CSDE) oversight. High Road Schools is among the state’s largest providers of special education services, with more than 300 students from 38 local school districts across Connecticut.

The number of Connecticut students who are placed in so-called “separate schools” - for which local school districts can pay in excess of \$500 per day per student with public funds totalling millions of dollars annually - is the highest by percentage of total students of any state in the nation. Yet, the OCA/DRCT investigation found that at High Road Schools necessary local and state oversight of the schools is largely absent, and students have been “grossly underserved.”

The 57-page report noted that the children at High Road Schools, some as young as age 5, are “among the state’s most vulnerable students.” The OCA/DRCT findings “directly implicate local and state responsibilities to oversee delivery of appropriate special education services for these children – disproportionately low-income children of color – who have a civil right to education.” Recent CSDE data indicates that more than 50 percent of children placed in “separate schools” are identified as children of color.

Connecticut also ranks second among all states for the percentage of children identified as having Emotional Disability who were educated in “separate schools,” with almost a third of these students statewide educated in separate settings.

OCA and DRCT raised serious and substantive concerns, finding “many of the students at High Road Schools were grossly underserved both in terms of educational planning and service delivery,” including “widespread student disengagement and chronic absenteeism...failure to adequately assess and support students educational needs, and perhaps most alarmingly, gross

deficiencies” in the number of certified and credentialed teachers and staff working with children.

The state-approved schools examined are, in effect, “operating in the shadows” due to the minimal oversight. The findings raise questions about other state approved special education schools, as evidenced by the number of the recommendations that urge greater state and local oversight and transparency.

“We discovered an alarming lack of oversight, systemic failings and often flagrant disregard for statutory requirements and state standards that protect the educational rights and safety of children placed at High Road Schools,” said Connecticut Child Advocate Sarah Eagan. “Practices routinely fall short of state laws, education regulations, best practices, or all three. Changes need to be put in place without delay.”

“Connecticut school districts overly rely on for-profit, special education schools to serve students with disabilities – particularly those with mental health disabilities – in an environment that is segregated from students without disabilities, lacks equal educational opportunities, and are characterized by a stunning absence of sufficient oversight, such as High Road Schools demonstrate,” said Deborah Dorfman, Executive Director of Disability Rights Connecticut. “Children – including children with disabilities and children of color – all deserve and have a right to receive quality education in the most integrated setting.”

The investigation was prompted by multiple complaints received by OCA in recent years and marks the first investigative collaboration between OCA and DRCT. The 2-year investigation, in addition to the findings, led to a total of 20 recommendations, including legislative changes proposed by OCA, focused on increasing oversight and assuring that students with disabilities do not face discrimination in violation of legal protections.

High Road Schools is owned by Specialized Education Services, based in Philadelphia, which partners with 600+ districts across the country, working with 7,000+ students with learning disabilities and behavioral challenges through day schools and in-district classrooms, according to the company website. In Connecticut, High Road operates primary, middle and high schools in Hartford, as well as schools in Wallingford, Norwalk, and Danielson, in addition to providing special education services to nearly three dozen other local school districts. Hartford Public Schools have the largest number of students placed at High Road Schools - more than 80.

Recommendations Include Changes in State Law, Department of Education Oversight and Special Education School Practices

The report’s recommendations include calling on state officials to:

- Amend state law to require strengthening CSDE oversight of state-approved private special education programs, including annual inspections and site visits and mandatory follow-up where corrective actions are mandated by CSDE
- Amend state law to mandate transparency of CSDE’s federally required monitoring and enforcement regarding placement of children with disabilities in “separate schools”
- Require specific monitoring by local school districts of services provided to their students placed in “seperate schools”

The State Department of Education is urged to upgrade oversight, including to:

- Enhance monitoring and enforcement of restraint and seclusion laws pertaining to students with disabilities

- Ensure that all monitoring and enforcement activities related to public “separate schools” are included on its website, and that the website include a form or link to enable the public to alert CSDE to concerns
- Develop an “inclusion” page on its website with resources for schools and families showing the benefits of inclusion to both students with disabilities and without, including technical assistance resources to assist local school districts in educating children in the least restrictive environment
- Provide a template to local school districts for monitoring the provision of special education and related services by credentialed staff, to include periodic site visits and observation of educational service delivery and to ensure resources for special education services in such schools are adequate to support the provision of services
- Consider rulemaking regarding the use of restraint and seclusion to protect students from these ineffective and dangerous practices, especially students segregated due to their disabilities

In addition, DRCT and OCA recommend that special education providers such as High Road Schools be required to utilize evidence based behavioral health strategies that are “proactive interventions and highly individualized,” and that the schools should be required to notify parents and school districts of changes in staffing or vacancies that impact the delivery of educational services to students.

Investigation at High Road Schools Reveals Serious Shortcomings

Among the findings regarding High Road Schools, the OCA/DRCT report points out they receive “millions of dollars each year of public funding via contracts with local school districts to educate students with special education needs.” High Road Schools are one of the state’s largest state-approved private special education providers. The majority of the students served during the two-year investigation period were children from predominantly low-income school districts; 80% were boys, more than 70% were children of color.

The report indicated that CSDE did not adequately monitor High Road Schools, did not ensure corrective action after deficiencies or concerns were identified, and did not mandate annual assurances regarding staffing despite “regulatory oversight obligations.”

The OCA/DRCT report points to systemic violations of students’ rights under federal anti-discrimination and special education laws. Additionally, only three of 18 school districts sending students to High Road Schools indicated, in response to an OCA subpoena, that they observe students after placement there. Districts relied almost exclusively on information provided by High Road Schools personnel. Records reviewed indicated a “high vacancy rate for certified special education teachers at High Road Schools; almost half of teachers employed lacked state certification, and High Road could not demonstrate that it had conducted statutorily required background checks on more than 60 employees hired to work with children.”

Staffing gaps were not communicated to local school districts, most districts did not conduct regular site visits to High Road Schools or inquire about staffing, and multiple districts indicated that CSDE is responsible for ensuring that High Road schools have qualified staff employed. In addition, High Road was unable to produce documentation to indicate that physical education, art or music was provided to students, as is required by state law.

More than 1,200 instances of restraint and seclusion of children were reported at High Road Schools during the 2021-22 school year, despite the fact that, as the report states, restraint and seclusion are “ineffective and dangerous practices, especially (for) students segregated due to

their disabilities.” The High Road School of Hartford Primary/Middle School had a total of 543 instances of restraint during the 2021-22 school year.

The OCA/DRCT report was provided, in advance of its release, to leadership of the Connecticut State Department of Education, High Road Schools, and Hartford Public Schools, and is posted on the OCA and DRCT websites at <https://portal.ct.gov/oca> and www.disrightsct.org.

In response to a draft of the report, High Road Schools, Hartford Public Schools, and CSDE were invited to offer corrections to any factual error contained in the draft, and were later offered an opportunity to submit a “1-to-2-page summary of response/actions steps.” High Road Schools’ and Hartford Public Schools’ submissions were simultaneously released today by OCA/DRCT along with the report. CSDE did not offer factual corrections and instead of providing a summary of its “response/action steps,” and without disputing the factual findings in the Report, expressed its disagreement with the report's conclusions and recommendations.

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About Disability Rights Connecticut

Disability Rights Connecticut'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.

About the Connecticut Office of the Child Advocate

The mission of the Office of the Child Advocate (OCA) is 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.

** For the 2021-22 academic year, High Road charged districts a base per student rate that ranged from \$222.89 a day to \$548.16, not including the cost of related services such as social work support (additional \$85.00 per 30 minutes) or 1:1 support (additional \$187.4 per day). Some facilities offered discounted rates to residents in the town in which they are located. Districts also bear the costs of transporting students door-to-door to High Road School locations.*

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