



STATE OF CONNECTICUT
STATE DEPARTMENT OF EDUCATION



August 19, 2011

Via electronic mail

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Hartford Public Schools

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Re: Systemic Complaint
Complaint Nos. 11-0464 and 11-0357

Dear Attorneys Cochrane, Morelli-Wolfe, Benton and Ms. Morales-Taylor:

The Bureau of Special Education is responding to the systemic complaint filed with this office on March 17, 2011 against the Hartford Public Schools (District) by Attorneys Lynn Cochrane, Hannah Benton and Maria Morelli-Wolfe on behalf of district students who were denied timely neuropsychological, reading, assistive technology, and speech and language evaluations or consultations.

The following material was reviewed, from the District: response to complaint dated April 8, 2011 but received on June 6, 2011 with tracking grids for assistive technology and neuropsychological evaluations; copy of contract with Staltaro Psychological Services, LLC; and Agreement for Consulting Services with Dr. Jule McCombes-Tolis dated October 7, 2009. In addition this investigator spoke to Amy Norton of EASTCONN regarding the assistive technology evaluations.

Findings of Fact and Conclusions:

Neuropsychological Evaluations

The bulk of the complaint concerns delayed neuropsychological evaluations and consultations. The complaint made specific allegations regarding seven students whose planning and placement teams (PPT) recommended neuropsychological evaluations and the evaluations have not been conducted.

The District maintains a tracking list of evaluations to be conducted by contract evaluators. It is unclear if these lists are regularly monitored and if they are, who is responsible for monitoring the progress of the evaluations from PPT referral to PPT consideration of finalized evaluation report.

According to the tracking list for neuropsychological evaluations, as of May 2011, the District was tracking 37 evaluations. For many of these still pending evaluations, the student's PPT recommended the evaluation in the spring of 2010, well over a year ago.

On August 31, 2010, the contracted neuropsychologist "resigned". On October 8, 2010, the District posted a notice that the position was open but no qualified applications were received. The District contacted neuropsychologists in an effort to recruit a provider. On November 12, 2010 such a provider was identified. However, the contract which runs from December 2010 to June 30, 2011, was not finalized until April 2011.

A review of the tracking list indicates several steps in the process from PPT recommendation to PPT review of evaluation, including "Date packet received", "Date packet sent to neuropsychologist", "Date report received", "Date of projected PPT to review results". It is routine in the Hartford District for several months to elapse between the date the PPT recommended the evaluation to the date the packet is sent to the neuropsychologist (December 20, 2010 to April 5, 2011). Even keeping in mind that the District didn't have a neuropsychologist on contract from August 2010 until April 2011, PPT recommended evaluations in April of 2010 and packets were not sent out before the contractor resigned in August of 2010, four months later.

Assistive Technology Evaluations

According to the tracking list for assistive technology evaluations, as of June 2, 2011, the District was tracking 9 students. The District finalized a contract with an outside provider, EASTCONN, to conduct assistive technology evaluations in December of 2010. The PPT for one of these students recommended an assistive technology evaluation in April of 2009 and the team met to review the evaluation in February of 2011, almost two years later. A PPT for a second student, ~~XXXXXX~~, recommended an evaluation in November of 2009 and the evaluation has not to date been conducted and is not in the process of being conducted because the contract with EASTCONN has expired. The remaining students all have had significantly delayed assistive technology evaluations.

Reading Evaluations

The District employs one literacy coach who conducts reading evaluations in addition to her other duties. In its response to the complaint, the District represented that the District Offices of Academics and Special Education Services were meeting the week of April 11, 2011 to "collaboratively address this systemwide need [ensuring prompt completion of reading evaluations]. The outcome of this meeting will be communicated to the Bureau of Special Education." This office has not been informed of an outcome of this meeting. The complaint names four students who have not been provided with reading evaluations: CR (dob [REDACTED]); AP (dob [REDACTED]); CA (dob [REDACTED]); and LV (dob [REDACTED]). The District did not contest this claim. Accordingly, it is concluded that these reading evaluations have not been timely completed.

In its response to the complaint, the District acknowledges the delay in conducting the recommended evaluations. It describes taking steps to complete the evaluations by June 30, 2011 and represents that all effected students will be offered compensatory services if recommended.

Speech and Language Evaluations

The complaint references one Milner Core Knowledge Academy student, [REDACTED] (dob [REDACTED]), who has not has been provided a speech and language evaluation that was recommended by her PPT in October of 2010. The District has been unable to attract and hire certified speech and language clinicians despite maintaining open job postings on the District's website. In its response to the complaint, the District states it has contracted with private agencies to provide both direct service and conduct evaluations. The District is currently being monitored for compliance with required corrective action regarding failure to provide speech and language services at Betances Elementary School in connection with complaint 11-0259.

Conclusions:

The District has failed on a systemic basis to implement the recommendations of the planning and placement teams to conduct reading, assistive technology, speech and language and neuropsychological evaluations in a timely way in violation of the Individuals with Disabilities Education Act (IDEA) and appears poised to repeat the violation in that both the assistive technology provider contract and the neuropsychologist contract have expired and are no longer in place.

The District acknowledges and, regarding neuropsychological and assistive technology evaluations, the tracking grid substantiates that planning and placement team recommendations to conduct neuropsychological consultations and evaluations, assistive technology evaluations, speech evaluations and reading evaluations have not been implemented in a timely manner in violation of

RCSA Sections 10-76d-9 and 10-76d-11 and 34 C.F.R. Sections 300.303, 300.323 and 300.324. It is noteworthy that several recommended evaluations were delayed for over a year (assistive technology evaluation recommended in April of 2009 and not completed until February of 2011; neuropsychological evaluation recommended in January of 2010 and not completed as of June 2011).

A separate complaint (11-0464) was filed by Attorney Morelli-Wolfe on behalf of [redacted] and consolidated with this complaint. This student's PPT that met on November 5, 2010 and recommended that the student receive a visual processing evaluation by a neuro-optometrist, Dr. Shapiro. In its response to the complaint (enclosed), the District states that its protocol in a situation where a low frequency vision evaluation is requested, stipulates that "When a PPT requests this type of evaluation, the Director of Special Services for the school informs the Senior Director and the Executive Assistant of the request. The Executive Assistant informs the physician of the referral and the billing procedure. The parent schedules the appointment and the physician bills the district. The invoice is processed as soon as the final report is provided." The complaint included emails that indicate that this procedure was not followed by the District despite Attorney Morelli-Wolfe's repeated emails to the District Director of Special Services Nelson Rivera.

Required Corrective Actions:

1. The District must promptly take steps to ensure that it has the ability to refer students to outside providers where appropriate. Such steps may include entering into contracts/consulting agreements to ensure that student evaluations are conducted in a timely manner or otherwise reserving a source of funds so that evaluations may be completed promptly.
2. It appears the District has in place a system for tracking evaluations. The District must continue to maintain these tracking lists, including adding list for reading evaluations and speech and language evaluations. However, clearly, having a system in place has not been enough to ensure compliance with requirements under IDEA. The District must identify a district staff person who will be responsible for monitoring this system of evaluation tracking on a regular basis (weekly) and taking steps to obtain timely evaluations, including ensuring that student information packets are provided to the evaluators in a timely fashion (within a week of PPT recommendation). The District must notify this office of who that staff person is and that person will be required to provide this office with the above described information on a monthly basis. This staff person is required to publicize his or her role to district central office and building staff so that all relevant district staff know who is responsible for making sure the recommended evaluations are conducted in a timely manner. Documentation that this information has been publicized must be provided to this office not later than September 16, 2011. This staff person will be responsible for providing this office with documentation required pursuant to this complaint investigation report.

Student Specific Assistive Technology Evaluations (redacted but for District copy)

3. Regarding the two students still waiting for assistive technology evaluations (~~XXXXXXXXXX~~ and ~~XXXXXXXXXX~~), the District must make immediate arrangements such as entering into an Agreement for Consulting Services, with a qualified evaluator to have these evaluations conducted. On a weekly basis, the District must provide this office with a status report until the reports are available and reviewed by the PPT and until the PPT makes a recommendation on compensatory education. For the following students, (dob ~~XXXXXX~~) and ~~XXXXXXXXXX~~, the district must send this office a copy of the evaluation report and the paperwork from the PPT meeting where the evaluation report was reviewed.

Neuropsychological Evaluations/Consultations

4. The District must make immediate arrangements with a qualified evaluator to have these evaluations conducted, including the visual processing evaluation of _____ by Dr. Shapiro and on a weekly basis, provide this office with a status report until the reports are available and reviewed by the PPT, including making a recommendation on compensatory education. In the case of _____, in accordance with District procedures, not later than September 2, 2011, Ms. Morales-Taylor is directed to ask Karen Russ, the Executive Assistant to inform Dr. Shapiro and Attorney Morelli-Wolfe of the referral and the billing procedure. Once notified, Attorney Morelli-Wolfe with the parent should schedule the appointment and the physician bill the district.

Reading Evaluations

5. The District must make immediate arrangements with a qualified evaluator to have these evaluations conducted and on a weekly basis, provide this office with a status report until the reports are available and reviewed by the team, including making a recommendation on compensatory education.

Speech and Language Evaluations

6. The District is currently being monitored for compliance with required corrective action regarding failure to provide speech and language services at Betances Elementary School in connection with complaint 11-0259. The complaint references one Milner Core Knowledge Academy student, ~~XXX~~ (dob ~~XXXXXX~~) who has not has been provided a speech and language evaluation that was recommended by her PPT in October of 2010. The District must make immediate arrangements with a qualified evaluator to have this evaluation conducted and provide this office with an attestation that it has been completed and the PPT's recommendation on compensatory education.

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7. For all student denied timely evaluations, the PPT must consider need for compensatory education. An attestation signed by Ms. Morales-Taylor must be submitted to this office not later than October 14, 2011, that lists each student by name and school and states that each PPT has met and considered the students' need for compensatory education and made a recommendation and the date of those meetings.

I have been asked to monitor the District's compliance with the required corrective actions. Please feel free to call me if you have any questions at 860 713-6943.

Sincerely,



Mary Jean Schierberl
Education Consultant

Cc: file