

RIDGEFIELD PUBLIC SCHOOLS

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TO: Gail Lavielle, CT State Representative, 143rd District
Member, Education Committee

Connecticut State Legislators

FROM: Ridgefield Board of Education
Austin Drukker, Chairman
Deborah Low, Superintendent

DATE: November 21, 2013

RE: Seeking mandate relief during Connecticut legislative session

The Ridgefield Board of Education seeks relief from state and federal education mandates. Specifically,

1. Mandates that require onerous and/or redundant reporting. There are approximately 75 reports or surveys required of Connecticut public school districts; many are done on an annual basis. We recognize accurate, timely, regular and comprehensive information is essential. However, many of the forms are cumbersome, taking an inordinate amount of staff time and effort. In addition, often the questions seem duplicative from report to report and technical terms are ill-defined.
2. Mandates that represent a "one size fits all" approach. There are 171 public school districts, representing the spectrum of towns and cities in the state. Every district faces challenges, some commonly shared, others not. Legislation, well-meaning as it may be, can lead to a "one size fits all" approach to problem solving. Sometimes the solutions mandated are for problems in one district that other districts are not experiencing. We support outcomes that benefit all students; however, the CSDE could promulgate guidelines and standards defining those goals. Districts can meet those benchmarks using strategies that best fit their situations. In other words, define outcomes and allow districts the autonomy to get there.
3. Mandates with procedures that over-shadow and strangle the substance and intent of the issue. Mandates containing regulations for complex processes and myriad steps, deadlines, and forms invite process to drown-out substance. Some mandates, most notably special education and now educator evaluation, are so unwieldy and hard to decipher in parts that they threaten to collapse under their own weight. The focus on children and their service needs in special education can be lost in the labyrinth of ever-changing high stakes procedures and regulations. In the teacher evaluation process, the focus on developing teacher skills can be buried in process: deadlines, overwrought requirements, over-lapping conferences, documentation, and arcane quantitative formulas. Compliance too often supersedes substance.

(OVER)

4. Mandates in the same area. Sometimes new mandates are added in an area but none are subtracted. An example is the TEAM program for new teachers which has remained, in spite of the advent of the all-encompassing teacher evaluation system.
5. Mandates that set unrealistic expectations and over-promise. The scope of some mandates is not realistic. For example, we agree schools must provide a safe climate for learning, be proactive in educating students about bullying and be vigilant and consistent in responding to bullying. However, the scope of bullying has expanded to include off-campus cyber-bullying. This gives the illusion that something has been done by the schools about a serious problem. We must recognize that the expectation is a fantasy without additional staff with investigatory powers available 24/7 aided by sophisticated (and some would argue intrusive) technological tools.
6. Unfunded mandates. This concern, of course, is not new. Districts are required to implement mandates without the necessary resources including staffing levels and funding. To ensure adequate and appropriate resources to implement major mandates, districts must diminish the quality or extent of existing services in other areas, limit local improvement initiatives, and/or ask local taxpayers to absorb the costs.

**SOUTHERN FAIRFIELD COUNTY
SUPERINTENDENTS' ASSOCIATION
March 9, 2012**

STRATEGIES FOR ATTRACTING TOP TALENT

Recommendations:

- 1. Extend to all public schools the same options as those offered to charter schools and interdistrict arts academies to draw in high-quality talent for teaching from individuals who are not certified. Permit all districts to hire their teachers through parallel pathways as outlined by statute and certification guidelines for Charter School Educator Permits and Adjunct Arts Instructor Permits.**

Rationale: All districts need to draw upon diverse talent pools to bring in the best candidates to teach their students. Currently, there are alternate pathways provided for instructors without certification to be hired as "teachers" in the State of Connecticut specifically for charter public schools and interdistrict magnet schools as defined through the following classifications:

- a. Charter School Educator Permits, and
- b. Adjunct Arts Instructor Permits.

All students in all public schools should have equal access to the same talent pool for teachers. Initiating an "Educator Permit" program for all public schools would allow college professors, specialized experts, and other such diverse and talented candidates to support the learning for the 21st century in all of our students. Additionally, every school would be able to recruit great talent in a similar fashion as charter and magnet schools. Currently, only charter schools and select magnet schools have this flexibility in hiring, which results in a differentiated access of resources based solely on the classification of the public school. All public school children should have access to the most qualified teachers.

- 2. Address the barriers of interstate employment created by the limitations of portability into the CT Teachers' Retirement System by permitting a more open policy of purchasing out-of-state work experience upon entering the work force in CT.**

Rationale: The current system of limiting the number of years purchased for retirement versus the years worked in the state is prohibitive to recruitment of individuals over the state lines. Especially in southern Fairfield County, a rich pool of candidates [both teacher and administrator] exists over the New York state line, but individuals who have begun their careers in New York are disadvantaged to try to move to a CT position in terms of retirement. It is often assumed that this region of the state attracts a large pool of candidates, but deterrents to recruitment are the high cost of living in many communities, as well as the stress of a commute on the Merritt or I-95 each day when heading in the same direction as rush hour traffic that often comes to a standstill.

3. Provide opportunities for financial incentives to hires in areas of designated shortages.

Rationale: Recruiting and hiring candidates for areas in which talent pools are limited would be enhanced if districts could pay incentives to hire without negotiating with the local bargaining unit.

EARLY CHILDHOOD EDUCATION

Recommendation:

4. Mandate full-day kindergarten for all students.

Rationale: The academic program for our young learners demands more time for delivery. By providing for choice in kindergarten programs on a district-by-district basis creates tremendous inequities across regions. Research indicates that to close the achievement gap includes more time for learning/intervention during pre-school/kindergarten years.

SPECIAL EDUCATION BURDEN OF PROOF

Recommendation:

5. Change the Burden of Proof from the district to the party bringing forth the action.

Rationale: The fact that Connecticut is one of four or five states in our nation where the burden of proof in special education due process cases has been an issue for many years. In his book, A Practical Guide to Connecticut School Law, Tom Mooney commented on the case of Schaffer v. Weast 546 US 49 (2005) which dealt with the burden of proof issue. He wrote,

"After a series of appeals over which party properly bore the burden of persuasion, the Supreme Court decisively concluded that, because the IDEA is silent on the allocation of the burden of proof, the ordinary default rule applies, meaning that the party seeking relief bears the burden regarding the essential aspects of their claims. However, this decision does not override the Connecticut regulation, and school districts will continue to have the burden of persuasion unless and until the regulation is amended. See Circular Letter C-9, Series 2005-2006, "Supreme Court Decision Schaffer v. Weast," February 22, 2006."

Over the past several years, our Southern Fairfield County Superintendents have lobbied for change in the burden of proof that would have our state conform to the guidelines that exist, with a few exceptions, throughout our nation. We have lobbied as individual superintendents; we have met as a group and discussed this with our state legislators in a variety of settings; and in 2010, our former Chair, Don Fildal, testified before the Education Committee of the Connecticut General Assembly. Most recently, our state organization, The Connecticut Association of Public School Superintendents ("CAPSS") has surveyed our members in order to gather information on the impact that burden of proof has had on districts. In the introduction to the survey, CAPSS wrote,

"CAPSS' position is that although boards generally prevail when these matters run their full course, there is a predisposition to settle rather than continue these cases."

While we know that cases that do “run their full course...” tend to be extraordinarily expensive, it is also true that, despite the fact that districts are providing appropriate and effective services to children, they often settle rather than run the risk of assuming huge costs to defend themselves.

The current status of burden of proof results in school districts making business decisions versus educationally-based decisions in a system that is designed to provide an advantage to the parents in every case. The current Burden of Proof system:

- Unduly increases costs of special education to districts;
- Increases the incidence of due process hearings;
- Creates inordinate amount of work on the part of a district preparing for hearings;
- Results in disruption of work for those staff who are called to testify in hearings, often interfering with the learning of other students;
- Cultivates a climate of confrontation with parents of special education students,
- Systematically divides districts in fiscally-challenging times between the parents with special education children whose children’s programs are safeguarded by law and the parents of the regular education children who witness the systemic dismantling of regular education programs as budgets are reduced; and
- Forces districts to choose settling to reduce risk to district.

In summary, the current system assumes that districts are guilty of not providing appropriate services until they prove they are innocent of the allegations. A second message is that the highly adversarial nature of many of these proceedings takes a horrible toll on teachers who are routinely abused by advocates and the process. A third message is that the current process adds to the challenge of finding highly qualified professional educators who are willing to assume positions in special education.

FUNDING ISSUES

Recommendations:

6. **Commit to hold harmless for future years the 30 districts that did not see an increase in ECS as outlined in the current proposals for ECS funding.**

Rationale: For stability of budgets and corresponding educational services, it would be extremely difficult for these 30 districts to absorb a reduction in ECS monies.

7. **Equalize funding for districts and RESCs throughout the state with those in the Sheff region.**

Rationale: Magnet school tuition payments, magnet transportation costs, Choice payments, and other costs for the Sheff region are subsidized by the State beyond what is provided outside this region. Supplemental payments from OPM to the capitol region have created inequities in access to quality education in other areas of the state. Offer the same Choice Program financial incentives to areas outside of the Sheff catchment area which will support the effort to open up additional suburban seats for urban students.

GETTING OUT OF THE WAY OF HIGH-PERFORMING DISTRICTS

Recommendations:

- 8. Provide options for alternate years of state testing with district-developed assessment plan for off-years, approved by CT SDE.**

Rationale: All districts embrace accountability, but the issue of appropriate assessments is at the forefront of this request. Current CMT and CAPT do not adequately assess the learning of students who may be years beyond their grade level in achievement. This request would allow for alternate assessments to be used by the district in the off-years. The calibration with the state tests would occur every other year. In the event that there is slippage, the alternative assessment option could be curtailed for a district.

Additionally, many of our districts are implementing assessment systems for 21st century skills beyond the CT standards content mastery. These district assessments could inform the state and serve as benchmarks to other districts that may want to explore these additional assessments. Some districts are already, or will be during 2012-13 school year, implementing the NWEA online adaptive assessments based on the Common Core.

Another opportunity is to use these high-performing districts for administration of the PISA, which is a state-sponsored initiative at this time.

Assessment is an essential element of our business, but it should be the appropriate assessment to inform our work of our own student populations. Since we are now on track to count student performance of high-stake tests as a prescribed percentage of a teacher's/principal's evaluation, it is essential that the limitations of assessments do not inadvertently confirm an underestimation of the students' learning with the use of these state-prescribed testing instruments. In a high-performing district, it is also possible that students can still perform well on state assessments in spite of less-than-stellar teaching. We must monitor the unintended consequences that could emerge as an outcome of mandated test results from a limited assessment integrated into a system of teacher/principal evaluation.

- 9. Shift from "one-size" prescriptive mandates to outcomes-based goals for district.**

Rationale: Time and time again districts are informed of a mandated method to achieve an outcome versus holding the district accountable for an outcome and permitting the district to use its resources most effectively and innovatively to achieve the outcome for the students they serve. An example of this is the Student Success Plan process that is strangling guidance and support staff to implement in a lock-step fashion versus inviting a district to develop an effective plan for college/career planning and then to submit it for review and acceptance.

Many years ago, Dr. Joseph Juran, the father of the quality movement in this country, spoke to the flawed process of mandating a set solution instead of defining the goal/problem to be solved and allowing an organization to respond accordingly. Systemically, the CT SDE robs districts of opportunities for innovation, creativity, and spectacular results due to the resource-draining process of compliance of mandates versus the accountability for results.

10. Eliminate the Carnegie Unit as the measure for awarding credits.

Rationale: Learning should be based on mastery, not time in a seat. With technology as a powerful tool for learning and the advent of hybrid/online learning as commonplace, it is critical we change the model to a more outcome-based perspective. A student earns the credit when s/he demonstrates a defined level of learning.

11. Rethink the school day, the school year. Help districts with leverage for negotiations.

Rationale: State law supersedes contractual guidelines. If the state were to frame out language to assist with these issues at the negotiations table, this transition to more flexible times for learning could be accelerated.

12. Provide seed money for Research and Development.

Rationale: In these times of fiscally-challenged budgets, permit districts to cultivate great ideas and then hold them responsible for sharing this intellectual property with others. This would benefit all districts.

EFFIECIENCIES

Recommendation:

13. Streamline data for all districts with a state-wide management that speaks to PowerSchool and Infinite Campus.

Currently, approximately 80%+ of the districts in the state use PowerSchool or Infinite Campus platforms for student information data management. If the state were to negotiate a license for these programs for the entire state and address SIF issues of interoperability, it could be set-up as a statewide system [with appropriate confidentiality boundaries between district data sets] so that every time the state needed its data for its reports, it could complete all of this behind the scenes. The result would be cost savings for the districts, as well as increased accuracy and timeliness of data and most importantly, reduction of burden on districts.

Even if this proposal is problematic when fully explored, the problem to be addressed remains: How does the state facilitate the exchange of essential data with districts in a more streamlined manner? We welcome a study on this issue.
