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**TRANSMITTED VIA EMAIL**

June 24, 2025

Dr. Charlene M. Russell-Tucker  
Commissioner of Education  
450 Columbus Boulevard  
Hartford, Connecticut 06103

**RE: BPS Systemic Administrative Complaint**

Dear Commissioner:

This complaint is filed by the Center for Children's Advocacy (CCA), a non-profit law firm representing the interests of Connecticut's most vulnerable children. CCA provides legal representation to low-income families and advocates for system reforms to ensure at-risk children's basic needs are met and they receive appropriate services from the juvenile justice, education, child welfare, health care, and court systems.

Undersigned counsel file this complaint against Bridgeport Public Schools (BPS) to require the State Department of Education to investigate and prompt corrective action by BPS for widespread violations of the legal rights of students with disabilities. Specifically, we allege that BPS has: (1) failed to provide special education and related services required to ensure the provision of a free and appropriate public education (FAPE); (2) failed to fully implement students' Individualized Education Programs (IEP's) due to staffing shortages; (3) failed to take corrective action to remedy staffing shortages, including failure to provide timely compensatory education for students denied FAPE; and (4) violated parents' legal rights to meaningfully participate in Planning and Placement Team (PPT) meetings by causing a chilling effect on staff participation in PPT meetings and by predetermining PPT decisions.

These actions and omissions constitute violations of the Individuals with Disabilities in Education Act (IDEA), § 504 of the Rehabilitation Act of 1973, and corresponding state laws and regulations. CCA appreciates the expressed commitment and good faith assurances from the current interim Bridgeport superintendent, Dr. Royce Avery, regarding these matters. Nonetheless, CCA must continue to advocate for the legal interests of our

clients and similarly situated BPS students by ensuring that SDE adequately reviews and remedies non-compliance of state and federal education laws. Further, the current and projected budget deficit BPS is facing, if not appropriately addressed through meaningful state and city action, will exacerbate the legal violations and inequities.

We request that the State Department of Education investigate these claims and provide adequate individual and systemic relief to ensure BPS' compliance with federal and state law.

## **I. Legal Violations**

### **1. Failure to implement students' Individualized Education Programs (IEPs) due to staffing shortages**

BPS has acknowledged it lacks an adequate number of certified special education teachers, paraeducators, and related service providers. *See* Letter from Dr. Royce Avery, Interim Superintendent, to Centers for Children Advocacy, Jan. 17, 2025 (“[T]he shortage of special education teachers is . . . a statewide problem . . . [but] is certainly felt more prominently in urban districts such as [Bridgeport].”). Because of insufficient personnel, BPS has failed to implement students' IEPs in violation of state and federal laws, including 20 U.S.C. § 1414(d), 34 C.F.R. § 300.320 et. seq., and Conn. Gen. Stat. § 10-76d et. seq. In fact, teachers, parents, and students have noted that: (1) long-term substitute teachers lacking special education certification are leading self-contained classrooms for students with the most significant learning needs; (2) “resource” special education teachers who provide push-in or pull-out services do not have enough hours to provide services required by students' IEP's; and (3) paraeducators required to provide 1:1 services to individual students have been reassigned to lead classes or fulfill other school duties. *See Bridgeport Teachers: Help Us Help Our Students*, Ct. Educ. Ass'n (Sept. 9, 2024), <https://cea.org/bridgeport-teachers-help-us-help-our-students>. Currently, the district has 24 vacancies for certified special education teachers and 46 vacancies for paraeducators and no concrete plan to promptly fill these vacancies. Information shared by the district with community stakeholders reveals that at least a dozen programs or self-contained classrooms across BPS lack a certified special education teacher. Some classrooms are covered by staff with durational permits but without a clear protocol for supervision or monitoring by a certified teacher.

### **2. Failure to provide timely compensatory education, as required by the 2021 Connecticut State Department of Education (CSDE) corrective action report**

Under a 2021 CSDE corrective report, BPS was obligated to remedy IDEA violations by providing notice to parents of compensatory education hours owed and to internally track fulfillment of its compensatory education hour obligations. While BPS demonstrated good faith efforts in providing notice to parents, there remains a pervasive ongoing problem with the timely recoupment of compensatory education hours. Staffing shortages—and failures to implement IEPs—have only compounded this issue. Compensatory education is intended to put a student in the same position they would have been in if the school district had not violated the IDEA. *Brennan v. Reg'l Sch. Dist. No. 1 Bd. of Educ.*, 531 F. Supp. 2d 245, 265 (D. Conn. 2008). “Tracking” special education services due to students without providing compensatory education in a *timely* manner undermines this goal, as students suffer from regression, stagnation, and lack

of adequate academic progress. BPS' failure to timely provide acknowledged compensatory education hours violates 20 U.S.C. § 1414(d)(1)(A)(i)(IV)(aa).

3. Violation of procedural and substantive rights in Planning and Placement Team (PPT) meetings by predetermining PPT decisions

Upon information and belief, the district has engaged in a practice of predetermination by instructing staff that no recommendations requiring resource expenditures can be made at a student's PPT meeting without prior approval of the district administrative office or, in certain cases, the superintendent. Undersigned counsel has also been informed by concerned community providers that families of preschool-aged children were denied special education services and told there is a "waiting list" for special education. Predetermining the outcome of the PPT and chilling the speech of PPT members deprives the student and parent of their right to meaningfully participate in the decision-making process of a PPT. Pursuant to 34 CFR § 300.327 (a)(2), 34 CFR § 300.501(b), and Section 1414(d)(1)(B) of the Individuals with Disabilities Education Act (IDEA), it is considered a deprivation of a student's right to a free appropriate public education if a district employs procedural mechanisms that impede a parents' ability to meaningfully participate in the decision-making process of the PPT in development of their child's IEP. While Dr. Avery has acknowledged that staff training regarding predetermination is necessary, the issue remains an ongoing and pervasive problem.

II. **Evidence of Systemic Failures Evidenced by Individual Complainants**

BPS has been on notice for many years of its failure to implement federal and state statutes and regulations relating to IDEA and FAPE. CCA has advocated for systemic educational reform related to BPS, including through filing Connecticut State Department of Education administrative complaints and Office of Civil Rights complaints on behalf of BPS students with disabilities, securing directives for individual and systemic relief on each occasion, though similar concerns persist. More recently, on December 13, 2024, undersigned counsel submitted a letter to members of the Bridgeport Board of Education outlining the same concerns referenced herein.

**Factual Support for Allegations of Systemic Non-Compliance with State and Federal Law**

*Staffing Shortage Impacting Delivery of Special Education Services:* [REDACTED], [REDACTED], and [REDACTED]

[REDACTED] is a [REDACTED]-year-old student with a primary diagnosis and IEP educational classification of Autism Spectrum Disorder. [REDACTED] requires a self-contained, highly structured classroom setting with a low student-to-teacher ratio and 1:1 ASD trained paraeducator support. During the 2023-2024 school year, [REDACTED] classroom was staffed by a long-term substitute (whose temporary certification had expired in June 2023) rather than a certified special education teacher. [REDACTED]'s mother was not timely informed about [REDACTED]'s teacher's lack of special education certification. This teacher was also absent for long periods at a time and thus [REDACTED]'s classroom was often covered by rotating substitute teachers, none of whom had special education certification or training. Further, [REDACTED]'s classroom paraeducators had no specific ASD training, and there was not enough adult support for the students to have adequate supervision and support to ensure their safety. As a result of this staffing deficit, [REDACTED] became much more anxious and stressed, resulting in a sharp increase in self-injurious behaviors. On more than one occasion, the staff—

including the contracted BCBA, the substitute teacher (who did not have special education training) and the paraeducator (who did not have ASD training)—allowed [REDACTED] to hit [REDACTED] head against the wall over 250 times without intervening. On December 14, 2023, the BCBA permitted [REDACTED] to hit [REDACTED] head, without intervention, against a hard surface, 288 times during an observation. Later that day, staff called [REDACTED]'s mother to ask that she take [REDACTED] home because [REDACTED] was so upset and dysregulated but did not mention the self-injurious behaviors. On January 5, 2024, [REDACTED] was again permitted to hit [REDACTED] head against a hard surface 275 times without school staff intervening. Following these self-injuring incidents, [REDACTED] demonstrated increasing patterns of school avoidance and dysregulation. After a series of stressed school arrivals over the course of several months, [REDACTED] refused to enter the school building at all in late March. This caused even further regression and prevented implementation of [REDACTED]'s IEP. On May 8, 2024, [REDACTED] finally agreed to go back to school, but [REDACTED]'s mother learned that the homeroom teacher had not been in the classroom for two weeks and the classroom was being staffed by a substitute teacher. This staffing inconsistency led to further regression and prevented [REDACTED]'s IEP from being implemented. [REDACTED] effectively made no academic progress during the 2023-2024 school year and missed countless hours of specialized instruction and related service hours.

[REDACTED] is an [REDACTED]-year-old student with Autism Spectrum Disorder. [REDACTED] is nonverbal and requires a significant amount of support and supervision. [REDACTED] regressed in terms of [REDACTED] language development, social skills, and behavior due to a denial of FAPE. According to parent public comment at the State Board of Education Meeting on January 15, 2025, [REDACTED] went several years with, at best, intermittent intervention from a speech and language provider. During the 2024-2025 school year, [REDACTED] spent significant time in a self-contained classroom led by a long-term substitute who had no special education certification. [REDACTED] continues to struggle with communication of any kind, stunting [REDACTED] ability to self-advocate for [REDACTED] needs or connect socially with peers.

[REDACTED], [REDACTED]'s sibling, is a [REDACTED]-year-old with Autism Spectrum Disorder that has more significant needs. [REDACTED] did not have a certified special education teacher, nor 1:1 paraeducator support (as required by [REDACTED] IEP), in [REDACTED] self-contained classroom for over 90% of the 2023-2024 school year, and for the fall semester of the 2024-2025 school year. During [REDACTED] time without this needed support, [REDACTED]'s behaviors regressed. [REDACTED] began to exhibit physical manifestations of [REDACTED] frustration such as biting and hitting peers and staff. [REDACTED] was frequently injured by peers and soon became school avoidant and disengaged.

We also hear from concerned staff and stakeholders about additional examples of violations of special education students' rights:

- There are multiple long-term uncertified substitute teachers staffing self-contained classrooms throughout the district and at the Bridgeport Learning Center, Bridgeport's in-district therapeutic program.
- Throughout the 2024-2025 school year, there was a shortage of district staffed social workers at BLC, and at some points we understand that there were none.
- Due to the critical shortage of paraeducator staff, students requiring 1:1 paraeducator support are not receiving it.
- Concerned staff and community members report that the staffing shortage has resulted in delays in student testing and evaluations, with correlated pressure on staff *not* to refer students to eligibility PPT meetings. Further, there are delays in conducting

recommended evaluations, resulting in IDEA evaluation timeline noncompliance and delays in scheduling parent requested progress PPT meetings and annual reviews.

- We have many clients who have faced injurious and neglectful conditions due to staffing shortages that create serious safety and supervision concerns, including for the most vulnerable students.
- Lack of adequate staffing has led to an increase in “informal removals” (ie. undocumented suspensions), due to inability to maintain students with behavioral needs in an educational setting.

*Failure to provide timely compensatory education:* [REDACTED].

[REDACTED] is a [REDACTED]-year-old student who had been attending [REDACTED] with a primary diagnosis and IEP educational classification of Developmental Delay (now Specific Learning Disability/Dyslexia). [REDACTED] had been receiving speech since participating in Birth to Three, and [REDACTED] current IEP requires weekly speech and language services mainly to address significant articulation challenges. However, [REDACTED] did not have a consistent speech and language provider during the 2023-2024 school year and failed to provide [REDACTED] with some of [REDACTED] speech and language services during that time. Coinciding with the prolonged absence of a speech and language provider, [REDACTED] exhibited a sharp increase in behaviors that led to “informal removals” (i.e. undocumented suspensions) and calls to [REDACTED] parent due to behavioral concerns. During some weeks, [REDACTED]’s family received daily calls. Not being understood by adults and peers, and the frequent requests to repeat [REDACTED] or clarify [REDACTED] speech, led to increased frustration and behavioral escalation for [REDACTED], in addition to bullying and social isolation. On one occasion, [REDACTED] soiled [REDACTED] pants because staff did not understand [REDACTED] request to go to the bathroom and was not changed until [REDACTED] returned home from school that day. While BPS did notify [REDACTED]’s mother of their failure to provide speech and language services, there was no plan to compensate for them in a timely manner. At the November 7, 2024 PPT meeting, [REDACTED] was owed 16 hours of Speech and Language therapy. BPS made up some of these hours during the following months, but as of the PPT meeting on May 21, 2025, [REDACTED] was still owed 5 speech and language hours.

### **Predetermination**

Over the 16 years that CCA has been embedded in Bridgeport, predetermination has remained a persistent and pervasive cultural problem within the district. Upon information and belief, various levels of staff have received and continue to receive both explicit and implicit directives about resource allocation and PPT decision-making. BPS staff have shared the following concerns in public forums, community conversations, and during PPT meetings:

- There is an implied code of silence, that is, a reticence to make individualized recommendations, give accurate present levels of performance, and generally engage collaboratively in PPT decision-making, on the part of PPT members that pre-dates the current administration.
- Staff have shared during PPT meetings that approval from administration is required before a PPT can make certain recommendations, especially those recommendations that contemplate a change in placement or additional cost.
- Staff have shared during PPT meetings that they cannot recommend any service they do not currently have in their school.

- Staff have shared with parents and community members that they could get fired for sharing information about filing a state complaint with a parent.
- Staff have shared with community members that because they are afraid of getting fired for making genuine PPT recommendations, they surreptitiously give parents tips on what to ask for during the meeting in advance.
- Staff have shared that they are told by administrators not to express their opinion about things, “to keep quiet and not to say anything that could get them in trouble.”

### III. Requested Remedies

CCA requests that the State Department of Education take necessary steps to fully evaluate the district's compliance with state and federal special education law and issue such corrective action as required by the findings derived from the handling and investigation of this complaint.

The following are remedies CCA requested in our demand letter sent to BPS on December 13, 2024:

1. To address staffing shortages and remedy the compensatory education hours owed:
  - a. Prioritize filling staff vacancies within the district and demonstrate due diligence to both the teachers' union and Bridgeport families in attempting to address the staffing shortage. In the event positions cannot be immediately filled, BPS must contract with private vendors to ameliorate staff shortages in the short term. There are local community-based agencies that contract with school districts to provide related services, program consultations, and paraeducator support. The district should make reasonable efforts to work with these organizations and not create additional barriers to service provision.
  - b. Require the Board of Education, Mayor's office, and City Council to immediately create a workforce crisis taskforce to devise strategies to ameliorate the staffing crisis, include opportunities for public comment (from families and other stakeholders in particular), and create a transparent and accountable plan to address this crisis. The taskforce should include representation from key stakeholders, including teachers, families, and community experts. The taskforce should provide meaningful and accessible opportunities for public comment, including in-person, hybrid, and virtual meetings (with interpretation, translation, and accessibility measures implemented) so that families can share their experiences of the harm that the staffing shortage has caused for students in Bridgeport.
  - c. Meet with the Bridgeport legislative delegation and Mayor Ganim to devise an effective strategy to advocate for additional state and city funding for the Bridgeport district. Hold one session with both the legislative delegation and the mayor that is open to public comment.
  - d. Work with the CT union to increase pay, benefits, and training for paraeducators.
  - e. Develop and increase training for paraeducators to include, at a minimum, training for resource room paraeducators on implementation of student IEPs and service delivery; and training for paraeducators in self-contained classrooms on trauma-informed strategies to address student behavior.
2. To address PPT violations:
  - a. Cease and desist all internal communications that constrain district staff from lawfully convening, facilitating, or participating in student PPTs.

- b. Require the district to send out an all-staff bulletin, as well as individual written notice to all parents, to reiterate that predetermination is illegal and that PPT members have the legal obligation to determine what is an appropriate program and placement for a student regardless of fiscal implications. BPS must specifically correct its written and verbal communications by stating that PPT decisions *do not* require pre- or post-approval by administrative staff people who are not members of that PPT.
- c. In addition to procedural safeguards, read language outlining the prohibition against predetermination at the beginning of every PPT meeting and provide parents with a copy.

Sincerely,

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