



General Assembly

Amendment

February Session, 2010

LCO No. 4592

SB0003104592SR0

Offered by:
SEN. MCKINNEY, 28th Dist.

To: Subst. Senate Bill No. 31

File No. 21

Cal. No. 45

"AN ACT IMPLEMENTING THE BUDGET RECOMMENDATIONS OF THE GOVERNOR CONCERNING THE EDUCATIONAL PLACEMENT OF CHILDREN IN THE CARE AND CUSTODY OF THE DEPARTMENT OF CHILDREN AND FAMILIES."

1 After the last section, add the following and renumber sections and
2 internal references accordingly:

3 "Sec. 501. Subdivision (1) of subsection (d) of section 10-76h of the
4 general statutes is repealed and the following is substituted in lieu
5 thereof (*Effective July 1, 2010*):

6 (d) (1) In making a determination as to the issues in dispute, the
7 hearing officer or board shall review the evidence presented in the
8 hearing with the burden of proof on the party requesting the hearing.
9 The hearing officer or board [shall have the authority (A) to] may (A)
10 confirm, modify [,] or reject the identification, evaluation or
11 educational placement of or the provision of a free appropriate public
12 education to the child or pupil, (B) [to] determine the appropriateness
13 of an educational placement where the parent or guardian of a child

14 requiring special education or the pupil if such pupil is an
15 emancipated minor or eighteen years of age or older, has placed the
16 child or pupil in a program other than that prescribed by the planning
17 and placement team, or (C) [to] prescribe alternate special educational
18 programs for the child or pupil. If the parent or guardian of such a
19 child who previously received special education and related services
20 from the district enrolls the child, or the pupil who previously received
21 special education and related services from the district enrolls in a
22 private elementary or secondary school without the consent of or
23 referral by the district, a hearing officer may, in accordance with the
24 Individuals with Disabilities Education Act, 20 USC 1400 et seq., as
25 amended from time to time, require the district to reimburse the
26 parents or the pupil for the cost of that enrollment if the hearing officer
27 finds that the district had not made a free appropriate public education
28 available to the child or pupil in a timely manner prior to that
29 enrollment. In the case where a parent or guardian, or pupil if such
30 pupil is an emancipated minor or is eighteen years of age or older, or a
31 surrogate parent appointed pursuant to section 10-94g, has refused
32 consent for initial evaluation or reevaluation, the hearing officer or
33 board may order an initial evaluation or reevaluation without the
34 consent of such parent, guardian, pupil or surrogate parent except that
35 if the parent, guardian, pupil or surrogate parent appeals such decision
36 pursuant to subdivision (4) of this subsection, the child or pupil may
37 not be evaluated or placed pending the disposition of the appeal. The
38 hearing officer or board shall inform the parent or guardian, or the
39 emancipated minor or pupil eighteen years of age or older, or the
40 surrogate parent appointed pursuant to section 10-94g, or the
41 Commissioner of Children and Families, as the case may be, and the
42 board of education of the school district or the unified school district of
43 the decision in writing and mail such decision not later than forty-five
44 days after the commencement of the hearing pursuant to the
45 Individuals with Disabilities Education Act, 20 USC 1400 et seq., as
46 amended from time to time, except that a hearing officer or board may
47 grant specific extensions of such forty-five-day period in order to
48 comply with the provisions of subsection (b) of this section. The

49 hearing officer may include in the decision a comment on the conduct
50 of the proceedings. The findings of fact, conclusions of law and
51 decision shall be written without personally identifiable information
52 concerning such child or pupil, so that such decisions may be available
53 for public inspections pursuant to sections 4-167 and 4-180a."