



House of Representatives

General Assembly

File No. 391

January Session, 2011

Substitute House Bill No. 6501

House of Representatives, April 5, 2011

The Committee on Education reported through REP. FLEISCHMANN of the 18th Dist., Chairperson of the Committee on the part of the House, that the substitute bill ought to pass.

AN ACT CONCERNING DELAYS IN THE EVALUATION AND DETERMINATION PROCESS FOR STUDENTS SUSPECTED OF REQUIRING SPECIAL EDUCATION SERVICES.

Be it enacted by the Senate and House of Representatives in General Assembly convened:

1 Section 1. Subsection (a) of section 10-76ff of the general statutes is
2 repealed and the following is substituted in lieu thereof (*Effective July*
3 *1, 2011*):

4 (a) Each local and regional board of education shall, without delay,
5 follow the procedures outlined in this section and in accordance with
6 applicable federal law and regulations in determining if a child
7 requires special education and related services, as defined in section
8 10-76a. (1) In conducting an evaluation of the child, the local or
9 regional board of education shall: (A) Use a variety of assessment tools
10 and strategies to gather relevant functional, developmental and
11 academic information, including information provided by the child's
12 parent or guardian, that may assist in determining (i) whether the

13 child is a child, (I) who requires special education and related services
14 pursuant to subparagraphs (A) and (C) of subdivision (5) of section 10-
15 76a, (II) whose disability has an adverse effect on his educational
16 performance, and (III) who, by reason of such adverse effect requires
17 special education and related services, and (ii) the content of the child's
18 individualized education program, including information related to
19 enabling the child to be involved in and progress in the general
20 curriculum or, for preschool children, to participate in appropriate
21 activities; (B) not use any single measure or assessment as the sole
22 criterion for determining whether a child is a child with a disability or
23 determining an appropriate educational program for the child; and (C)
24 use technically sound instruments that may assess the relative
25 contribution of cognitive and behavioral factors, in addition to physical
26 or developmental factors. (2) Each local and regional board of
27 education shall ensure that: (A) Assessments and other evaluation
28 materials used to assess the child are (i) selected and administered so
29 as not to be discriminatory on a racial or cultural basis, and (ii)
30 provided and administered in the language and form most likely to
31 yield accurate information on what the child knows and can do
32 academically, developmentally and functionally, unless it is not
33 feasible to so provide or administer; (B) assessments and other
34 evaluation materials used to assess a child (i) are used for purposes for
35 which the assessments or measures are valid and reliable, (ii) are
36 administered by trained and knowledgeable personnel, and (iii) are
37 administered in accordance with any instructions provided by the
38 producer of such tests; (C) the child is assessed in all areas of suspected
39 disability; (D) assessment tools and strategies that provide relevant
40 information that directly assists persons in determining the
41 educational needs of the child are provided; and (E) assessments of
42 children with disabilities who transfer from one school district to
43 another school district in the same academic year are coordinated with
44 such children's prior and subsequent schools, as necessary and as
45 expeditiously as possible, to ensure prompt completion of full
46 evaluations. (3) In accordance with section 10-76d and applicable
47 federal law and regulations, upon completion of administration of

48 assessments and other evaluation measures, the determination of
49 whether the child is a child requiring special education and related
50 services shall be made by a team consisting of qualified professionals
51 and the parent or guardian of the child and a copy of the evaluation
52 report and the documentation for such determination shall be given to
53 the parent or guardian of the child. (4) The local or regional board of
54 education shall not determine that a child requires special education
55 and related services if the dominant factor for determining eligibility is
56 (A) a lack of instruction in reading, including the essential components
57 of reading instruction, as defined in Section 1208(3) of the Elementary
58 and Secondary Education Act of 1965, or mathematics or limited
59 English proficiency, or (B) evidence that the child's behavior violates
60 the school's disciplinary policies or evidence that is derived from the
61 contents of discipline records.

This act shall take effect as follows and shall amend the following sections:		
Section 1	<i>July 1, 2011</i>	10-76ff(a)

ED *Joint Favorable Subst.*

The following Fiscal Impact Statement and Bill Analysis are prepared for the benefit of the members of the General Assembly, solely for purposes of information, summarization and explanation and do not represent the intent of the General Assembly or either chamber thereof for any purpose. In general, fiscal impacts are based upon a variety of informational sources, including the analyst's professional knowledge. Whenever applicable, agency data is consulted as part of the analysis, however final products do not necessarily reflect an assessment from any specific department.

OFA Fiscal Note

State Impact: None

Municipal Impact: None

Explanation

The bill, which reinforces federal regulations and restates current requirements regarding when districts make a decision about whether to evaluate a child to determine if they are eligible for special education services, is not anticipated to result in a fiscal impact.

The Out Years

State Impact: None

Municipal Impact: None

OLR Bill Analysis**sHB 6501*****AN ACT CONCERNING DELAYS IN THE EVALUATION AND DETERMINATION PROCESS FOR STUDENTS SUSPECTED OF REQUIRING SPECIAL EDUCATION SERVICES.*****SUMMARY:**

This bill requires school districts to evaluate children without delay and according to state and federal special education laws and regulations to determine if they are eligible for special education and related services. Federal special education regulations require school districts to promptly request parental consent to evaluate a child and, once the consent is granted, the evaluation must be completed within 60 days.

EFFECTIVE DATE: July 1, 2011

BACKGROUND***Federal Regulations***

Federal Individuals with Disabilities Education Act regulations set requirements regarding the evaluating of children who may need special education services.

Parental consent regulations require that the school district “must promptly request parental consent to evaluate the child to determine if the child needs special education and related services. . . .” (34 CFR § 300.309(c)). The district must also adhere to the 60-day deadline to conduct the evaluations (34 CFR § 300.301(c)). There are limited exceptions to the deadline, for example if the parent does not produce the child for evaluation or the child is enrolled in another school district during the evaluation period (34 CFR § 300.301(d)).

COMMITTEE ACTION

Education Committee

Joint Favorable Substitute

Yea 28 Nay 0 (03/23/2011)