



General Assembly

January Session, 2011

Raised Bill No. 6501

LCO No. 4033

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Referred to Committee on Education

Introduced by:
(ED)

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2 repealed and the following is substituted in lieu thereof (*Effective July*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 follow the
5 procedures outlined in this section in determining if a child requires
6 special education and related services, as defined in section 10-76a. (1)
7 Each local and regional board of education shall promptly request
8 parental consent to evaluate a child pursuant to this section and in
9 accordance with applicable federal law and regulations if such board
10 suspects that a child requires special education and related services,
11 unless the parent or guardian of such child agrees in writing to delay
12 such evaluation. [(1)] (2) In conducting an evaluation of the child, the
13 local or regional board of education shall: (A) Use a variety of
14 assessment tools and strategies to gather relevant functional,
15 developmental and academic information, including information

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

50 ensure prompt completion of full evaluations. [(3)] (4) In accordance
51 with section 10-76d and applicable federal law and regulations, upon
52 completion of administration of assessments and other evaluation
53 measures, the determination of whether the child is a child requiring
54 special education and related services shall be made by a team
55 consisting of qualified professionals and the parent or guardian of the
56 child and a copy of the evaluation report and the documentation for
57 such determination shall be given to the parent or guardian of the
58 child. [(4)] (5) The local or regional board of education shall not
59 determine that a child requires special education and related services if
60 the dominant factor for determining eligibility is (A) a lack of
61 instruction in reading, including the essential components of reading
62 instruction, as defined in Section 1208(3) of the Elementary and
63 Secondary Education Act of 1965, or mathematics or limited English
64 proficiency, or (B) evidence that the child's behavior violates the
65 school's disciplinary policies or evidence that is derived from the
66 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)

Statement of Purpose:

To prevent delays in the evaluation process of children suspected of requiring special education and related services.

[Proposed deletions are enclosed in brackets. Proposed additions are indicated by underline, except that when the entire text of a bill or resolution or a section of a bill or resolution is new, it is not underlined.]