



General Assembly

February Session, 2012

Raised Bill No. 5353

LCO No. 1569

01569_____ED_

Referred to Committee on Education

Introduced by:
(ED)

**AN ACT CONCERNING INDIVIDUALIZED EDUCATION PROGRAMS
AND OTHER ISSUES RELATING TO SPECIAL EDUCATION.**

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

1 Section 1. Subdivision (8) of subsection (a) of section 10-76d of the
2 2012 supplement to the general statutes is repealed and the following
3 is substituted in lieu thereof (*Effective July 1, 2012*):

4 (8) (A) Each local and regional board of education responsible for
5 providing special education and related services to a child or pupil
6 shall notify the parent or guardian of a child who requires or who may
7 require special education, a pupil if such pupil is an emancipated
8 minor or eighteen years of age or older who requires or who may
9 require special education or a surrogate parent appointed pursuant to
10 section 10-94g, in writing, at least five school days before such board
11 proposes to, or refuses to, initiate or change the child's or pupil's
12 identification, evaluation or educational placement or the provision of
13 a free appropriate public education to the child or pupil.

14 (B) Upon request by a parent, guardian, pupil or surrogate parent,
15 the responsible local or regional board of education shall provide such

16 parent, guardian, pupil or surrogate parent an opportunity to meet
17 with a member of the planning and placement team designated by
18 such board prior to the referral planning and placement team meeting
19 at which the assessments and evaluations of the child or pupil who
20 requires or may require special education is presented to such parent,
21 guardian, pupil or surrogate parent for the first time. Such meeting
22 shall be for the sole purpose of discussing the planning and placement
23 team process and any concerns such parent, guardian, pupil or
24 surrogate parent has regarding the child or pupil who requires or may
25 require special education.

26 (C) Such parent, guardian, pupil or surrogate parent shall be given
27 at least five school days' prior notice of any planning and placement
28 team meeting conducted for such child or pupil and shall have the
29 right to be present at and participate in and to have advisors of such
30 person's own choosing and at such person's own expense to be present
31 at and to participate in all portions of such meeting at which an
32 educational program for such child or pupil is developed, reviewed or
33 revised.

34 (D) Immediately upon the formal identification of any child as a
35 child requiring special education and at each planning and placement
36 team meeting for such child, the responsible local or regional board of
37 education shall inform the parent or guardian of such child or
38 surrogate parent or, in the case of a pupil who is an emancipated
39 minor or eighteen years of age or older, the pupil of (i) the laws
40 relating to special education, [and] (ii) the rights of such parent,
41 guardian, surrogate parent or pupil under such laws and the
42 regulations adopted by the State Board of Education relating to special
43 education, and (iii) any relevant information and resources relating to
44 individualized education programs created by the Department of
45 Education. If such parent, guardian, surrogate parent or pupil does not
46 attend a planning and placement team meeting, the responsible local
47 or regional board of education shall mail such information to such
48 person.

49 (E) Each local and regional board of education shall have in effect at
50 the beginning of each school year an educational program for each
51 child or pupil who has been identified as eligible for special education.

52 ~~[(B)]~~ (F) At each initial planning and placement team meeting for a
53 child or pupil, the responsible local or regional board of education
54 shall inform the parent, guardian, surrogate parent or pupil of the laws
55 relating to physical restraint and seclusion pursuant to chapter 814e
56 and the rights of such parent, guardian, surrogate parent or pupil
57 under such laws and the regulations adopted by the State Board of
58 Education relating to physical restraint and seclusion.

59 (G) Upon request by a parent, guardian, pupil or surrogate parent,
60 the responsible local or regional board of education shall provide the
61 assessments and evaluations used in the determination of eligibility for
62 special education for a child or pupil to such parent, guardian,
63 surrogate parent or pupil at least three school days before the referral
64 planning and placement team meeting at which such assessments and
65 evaluations will be discussed for the first time.

66 Sec. 2. Section 10-145a of the 2012 supplement to the general statutes
67 is repealed and the following is substituted in lieu thereof (*Effective July*
68 *1, 2012*):

69 (a) The State Board of Education may, in accordance with section 10-
70 19 and such regulations and qualifications as it prescribes, issue
71 certificates of qualification to teach, to administer, to supervise or to
72 serve in other positions requiring certification pursuant to regulations
73 adopted by the State Board of Education in any public school in the
74 state and may revoke the same. Any such regulations shall provide
75 that the qualifications to maintain any administrator, supervisor or
76 special service certificate shall incorporate the continuing education
77 provisions of subsection (i) of section 10-145b. The certificates of
78 qualification issued under this section shall be accepted by boards of
79 education in lieu of any other certificate, provided additional
80 qualifications may be required by a board of education, in which case

81 the state certificate shall be accepted for such subjects as it includes.

82 (b) Any candidate in a program of teacher preparation leading to
83 professional certification shall be encouraged to successfully complete
84 an intergroup relations component of such a program which shall be
85 developed with the participation of both sexes, and persons of various
86 ethnic, cultural and economic backgrounds. Such intergroup relations
87 program shall have the following objectives: (1) The imparting of an
88 appreciation of the contributions to American civilization of the
89 various ethnic, cultural and economic groups composing American
90 society and an understanding of the life styles of such groups; (2) the
91 counteracting of biases, discrimination and prejudices; and (3) the
92 assurance of respect for human diversity and personal rights. The State
93 Board of Education, the Board of Regents for Higher Education, the
94 Commission on Human Rights and Opportunities and the Permanent
95 Commission on the Status of Women shall establish a joint committee
96 composed of members of the four agencies, which shall develop and
97 implement such programs in intergroup relations.

98 (c) Any candidate in a program of teacher preparation leading to
99 professional certification shall be encouraged to complete a (1) health
100 component of such a program, which includes, but need not be limited
101 to, human growth and development, nutrition, first aid, disease
102 prevention and community and consumer health, and (2) mental
103 health component of such a program, which includes, but need not be
104 limited to, youth suicide, child abuse and alcohol and drug abuse.

105 (d) Any candidate in a program of teacher preparation leading to
106 professional certification shall complete a school violence, bullying, as
107 defined in section 10-222d, and suicide prevention and conflict
108 resolution component of such a program.

109 (e) On and after July 1, 1998, any candidate in a program of teacher
110 preparation leading to professional certification shall complete a
111 computer and other information technology skills component of such
112 program, as applied to student learning and classroom instruction,

113 communications and data management.

114 (f) On and after July 1, 2006, any program of teacher preparation
115 leading to professional certification shall include, as part of the
116 curriculum, instruction in literacy skills and processes that reflects
117 current research and best practices in the field of literacy training. Such
118 instruction shall be incorporated into requirements of student major
119 and concentration.

120 (g) On and after July 1, 2006, any program of teacher preparation
121 leading to professional certification shall include, as part of the
122 curriculum, instruction in the concepts of second language learning
123 and second language acquisition and processes that reflects current
124 research and best practices in the field of second language learning and
125 second language acquisition. Such instruction shall be incorporated
126 into requirements of student major and concentration.

127 (h) On and after July 1, 2011, any program of teacher preparation
128 leading to professional certification may permit teaching experience in
129 a nonpublic school, approved by the State Board of Education, and
130 offered through a public or private institution of higher education to
131 count towards the preparation and eligibility requirements for an
132 initial educator certificate, provided such teaching experience is
133 completed as part of a cooperating teacher program, in accordance
134 with the provisions of subsection (d) of section 10-220a.

135 (i) On and after July 1, 2012, any candidate entering a program of
136 teacher preparation leading to professional certification shall be
137 required to complete training in competency areas contained in the
138 professional teaching standards established by the State Board of
139 Education, including, but not limited to, development and
140 characteristics of learners, evidence-based and standards-based
141 instruction, evidence-based classroom and behavior management, and
142 assessment and professional behaviors and responsibilities.

143 (j) On and after July 1, 2012, any program of teacher preparation

144 leading to professional certification shall include, as part of the
145 curriculum, instruction in the implementation of student
146 individualized education programs as it relates to the provision of
147 special education and related services.

148 Sec. 3. Subsection (a) of section 10-220a of the 2012 supplement to
149 the general statutes is repealed and the following is substituted in lieu
150 thereof (*Effective July 1, 2012*):

151 (a) Each local or regional board of education shall provide an in-
152 service training program for its teachers, administrators and pupil
153 personnel who hold the initial educator, provisional educator or
154 professional educator certificate. Such program shall provide such
155 teachers, administrators and pupil personnel with information on (1)
156 the nature and the relationship of drugs, as defined in subdivision (17)
157 of section 21a-240, and alcohol to health and personality development,
158 and procedures for discouraging their abuse, (2) health and mental
159 health risk reduction education which includes, but need not be
160 limited to, the prevention of risk-taking behavior by children and the
161 relationship of such behavior to substance abuse, pregnancy, sexually
162 transmitted diseases, including HIV-infection and AIDS, as defined in
163 section 19a-581, violence, teen dating violence, domestic violence, child
164 abuse and youth suicide, (3) the growth and development of
165 exceptional children, including handicapped and gifted and talented
166 children and children who may require special education, including,
167 but not limited to, children with attention-deficit hyperactivity
168 disorder or learning disabilities, and methods for identifying, planning
169 for and working effectively with special needs children in a regular
170 classroom, including, but not limited to, implementation of student
171 individualized education programs, (4) school violence prevention,
172 conflict resolution, the prevention of and response to youth suicide
173 and the identification and prevention of and response to bullying, as
174 defined in subsection (a) of section 10-222d, except that those boards of
175 education that implement any evidence-based model approach that is
176 approved by the Department of Education and is consistent with

177 subsection (d) of section 10-145a, as amended by this act, subsection (a)
178 of section 10-220a, as amended by this act, sections 10-222d, 10-222g
179 and 10-222h, subsection (g) of section 10-233c and sections 1 and 3 of
180 public act 08-160, shall not be required to provide in-service training
181 on the identification and prevention of and response to bullying, (5)
182 cardiopulmonary resuscitation and other emergency life saving
183 procedures, (6) computer and other information technology as applied
184 to student learning and classroom instruction, communications and
185 data management, (7) the teaching of the language arts, reading and
186 reading readiness for teachers in grades kindergarten to three,
187 inclusive, (8) second language acquisition in districts required to
188 provide a program of bilingual education pursuant to section 10-17f,
189 and (9) the requirements and obligations of a mandated reporter. Each
190 local and regional board of education may allow any paraprofessional
191 or noncertified employee to participate, on a voluntary basis, in any in-
192 service training program provided pursuant to this section. The State
193 Board of Education, within available appropriations and utilizing
194 available materials, shall assist and encourage local and regional
195 boards of education to include: (A) Holocaust and genocide education
196 and awareness; (B) the historical events surrounding the Great Famine
197 in Ireland; (C) African-American history; (D) Puerto Rican history; (E)
198 Native American history; (F) personal financial management; (G)
199 domestic violence and teen dating violence; and (H) topics approved
200 by the state board upon the request of local or regional boards of
201 education as part of in-service training programs pursuant to this
202 subsection.

203 Sec. 4. Subdivision (1) of subsection (i) of section 10-145b of the 2012
204 supplement to the general statutes is repealed and the following is
205 substituted in lieu thereof (*Effective July 1, 2012*):

206 (i) (1) For certified employees of local and regional boards of
207 education or nonpublic schools, except as provided in this subdivision,
208 each professional educator certificate shall be valid for five years and
209 continued every five years thereafter upon the successful completion

210 of professional development activities which shall consist of not less
211 than ninety hours of continuing education, as determined by the
212 employing local or regional board of education or the employing
213 supervisory agent of a nonpublic school approved by the State Board
214 of Education in accordance with this section, or documented
215 completion of a national board certification assessment in the
216 appropriate endorsement area, during each successive five-year
217 period. (A) Such continuing education completed by certified
218 employees with an early childhood nursery through grade three or an
219 elementary endorsement who hold a position requiring such an
220 endorsement shall include at least fifteen hours of training in the
221 teaching of reading and reading readiness and assessment of reading
222 performance, including methods of teaching language skills necessary
223 for reading, reading comprehension skills, phonics and the structure of
224 the English language during each five-year period. (B) Such continuing
225 education requirement completed by certified employees with
226 elementary, middle grades or secondary academic endorsements who
227 hold a position requiring such an endorsement shall include at least
228 fifteen hours of training in the use of computers in the classroom
229 during each five-year period unless such employees are able to
230 demonstrate technology competency, in a manner determined by their
231 local or regional board of education, based on state-wide standards for
232 teacher competency in the use of technology for instructional purposes
233 adopted pursuant to section 4d-85. (C) Such continuing education
234 completed by (i) the superintendent of schools, and (ii) employees
235 employed in positions requiring an intermediate administrator or
236 supervisory certificate, or the equivalent thereof, and whose
237 administrative or supervisory duties equal at least fifty per cent of
238 their assigned time, shall include at least fifteen hours of training in the
239 evaluation of teachers pursuant to section 10-151b during each five-
240 year period. (D) In the case of certified employees with a bilingual
241 education endorsement who hold positions requiring such an
242 endorsement (i) in an elementary school and who do not hold an
243 endorsement in elementary education, such continuing education

244 taken on or after July 1, 1999, shall only count toward the ninety-hour
245 requirement if it is in language arts, reading and mathematics, and (ii)
246 in a middle or secondary school and who do not hold an endorsement
247 in the subject area they teach, such continuing education taken on or
248 after July 1, 1999, shall only count toward the ninety-hour requirement
249 if it is in such subject area or areas. (E) Such continuing education
250 completed by certified employees with an endorsement in special
251 education who hold a position requiring such an endorsement shall
252 include at least ten hours of training in the implementation of student
253 individualized education programs and the communication of
254 individualized education program procedures to parents or guardians
255 of students who require special education and related services. On and
256 after July 1, 2011, such continuing education shall be as determined by
257 the local or regional board of education in full consideration of the
258 provisions of this section and the priorities and needs related to
259 student outcomes as determined by the State Board of Education.
260 During each five-year period in which a professional educator
261 certificate is valid, a holder of such certificate who has not completed
262 the ninety hours of continuing education required pursuant to this
263 subdivision, and who has not been employed while holding such
264 certificate by a local or regional board of education for all or part of the
265 five-year period, shall, upon application, be reissued such certificate
266 for five years minus any period of time such holder was employed
267 while holding such certificate by a local or regional board of education,
268 provided there shall be only one such reissuance during each five-year
269 period in which such certificate is valid. A certified employee of a local
270 or regional board of education who is a member of the General
271 Assembly and who has not completed the ninety hours of continuing
272 education required pursuant to this subdivision for continuation of a
273 certificate, upon application, shall be reissued a professional educator
274 certificate for a period of time equal to six months for each year the
275 employee served in the General Assembly during the previous five
276 years. Continuing education hours completed during the previous five
277 years shall be applied toward such ninety-hour requirement which

278 shall be completed during the reissuance period in order for such
279 employee to be eligible to have a certificate continued. The cost of the
280 professional development activities required under this subsection for
281 certified employees of local or regional boards of education shall be
282 shared by the state and local or regional boards of education, except
283 for those activities identified by the State Board of Education as the
284 responsibility of the certificate holder. Each local and regional board of
285 education shall make available, annually, at no cost to its certified
286 employees not fewer than eighteen hours of professional development
287 activities for continuing education credit. Such activities may be made
288 available by a board of education directly, through a regional
289 educational service center or cooperative arrangement with another
290 board of education or through arrangements with any continuing
291 education provider approved by the State Board of Education. Local
292 and regional boards of education shall grant continuing education
293 credit for professional development activities which the certified
294 employees of the board of education are required to attend,
295 professional development activities offered in accordance with the
296 plan developed pursuant to subsection (b) of section 10-220a, or
297 professional development activities which the board may approve for
298 any individual certified employee. Each board of education shall
299 determine the specific professional development activities to be made
300 available with the advice and assistance of the teachers employed by
301 such board, including representatives of the exclusive bargaining unit
302 for such teachers pursuant to section 10-153b, and on and after July 1,
303 2011, in full consideration of priorities and needs related to student
304 outcomes as determined by the State Board of Education. The time and
305 location for the provision of such activities shall be in accordance with
306 either an agreement between the board of education and the exclusive
307 bargaining unit pursuant to said section 10-153b or, in the absence of
308 such agreement or to the extent such agreement does not provide for
309 the time and location of all such activities, in accordance with a
310 determination by the board of education.

311 Sec. 5. Section 10-184a of the general statutes is repealed and the

312 following is substituted in lieu thereof (*Effective from passage*):

313 (a) The provisions of sections 10-76a to 10-76h, inclusive, as
314 amended by this act, shall not be construed to require any local,
315 regional or state board of education to provide special education
316 programs or services for any child whose parent or guardian has
317 chosen to educate such child in a home or private school in accordance
318 with the provisions of section 10-184 and who refuses to consent to
319 such programs or services.

320 (b) If any such board of education provides special education
321 programs or services for any child whose parent or guardian has
322 chosen to educate such child in a private school in accordance with the
323 provisions of section 10-184, such programs or services shall be in
324 compliance with the Individuals with Disabilities Education Act, 20
325 USC 1400 et seq., as amended from time to time.

326 Sec. 6. Subsections (a) and (b) of section 17a-16a of the 2012
327 supplement to the general statutes are repealed and the following is
328 substituted in lieu thereof (*Effective July 1, 2012*):

329 (a) For purposes of this section:

330 (1) "Child" means (A) any school-aged child, (B) any child ages three
331 to five, inclusive, who has been identified as eligible for special
332 education pursuant to sections 10-76a to 10-76d, inclusive, as amended
333 by this act, or under the Individuals with Disabilities Education Act, 20
334 USC 1400 et seq., as amended from time to time, or (C) any child
335 twenty-seven months to five years of age, inclusive, who has been
336 referred to a planning and placement team to determine eligibility for
337 special education and related services pursuant to sections 10-76a to
338 10-76d, inclusive, as amended by this act, or under said Individuals
339 with Disabilities Education Act, who is placed in out-of-home care by
340 the commissioner pursuant to an order of temporary custody or an
341 order of commitment, in accordance with section 46b-129.

342 (2) "School of origin" means the school that the child is attending at
343 the time the department places the child in out-of-home care or the
344 school the child is attending at the time of any change of out-of-home
345 care, by the commissioner.

346 (3) "Receiving school" means the school that a child is attending
347 following a school placement decision by the department in cases in
348 which remaining in the school of origin is determined not to be in the
349 child's best interests.

350 (4) "School placement decision" means a decision made by the
351 department regarding the school in which the child will attend while
352 the child is in out-of-home care and does not refer to the provision of a
353 free, appropriate public education to children eligible for special
354 education.

355 (5) "Department" means the Department of Children and Families.

356 (6) "Commissioner" means the Commissioner of Children and
357 Families.

358 (7) "Nexus school district" means the school district of a local or
359 regional board of education under whose jurisdiction a child would
360 otherwise be attending school.

361 (b) (1) Whenever a child is placed in out-of-home care by the
362 department pursuant to an emergency order under subsection (e) of
363 section 17a-101g or an order of temporary custody or an order of
364 commitment under section 46b-129, and at any subsequent change in
365 out-of-home care, any such child may, if it is in the best interests of the
366 child, as determined pursuant to subdivision (3) of this subsection,
367 continue to attend his or her school of origin. Such child shall continue
368 to be a resident of the school district in which such school is located
369 during such attendance for purposes of chapters 168 to 170, inclusive,
370 172 and 173. The board of education for the school of origin shall
371 continue to provide free school privileges to the child and any services

372 provided by such board shall be in accordance with the provisions of
373 subdivision (2) of subsection (e) of section 10-76d and section 10-253. If
374 the child continues to attend his or her school of origin following
375 placement in out-of-home care by the department, the local or regional
376 board of education of the school of origin shall not be eligible to
377 receive an excess cost grant pursuant to subdivision (2) of subsection
378 (e) of section 10-76d for the cost of such education, including, but not
379 limited to, tuition and transportation costs. For the fiscal year ending
380 June 30, 2012, and each fiscal year thereafter, an excess cost grant
381 pursuant to subdivision (2) of subsection (e) of section 10-76d shall be
382 available to the nexus school district when the nexus school district
383 pays the child's tuition to the local or regional board of education of
384 the school of origin. If the nexus school district placed the child in a
385 private school or regional educational service center program prior to
386 the child being removed from the home by the department and the
387 child continues to attend such prior placement, the nexus school
388 district, or, if the nexus school district cannot be identified, the town
389 where the child resides, shall be eligible to receive the excess cost grant
390 pursuant to section 10-76g.

391 (2) Every decision by the department to place a child into out-of-
392 home care under the provisions of subsection (e) of section 17a-101g
393 and section 46b-129, and any subsequent change in out-of-home care,
394 shall take into account the appropriateness of the school setting and
395 the proximity to the school of origin.

396 (3) (A) Whenever a child is placed in out-of-home care by the
397 department pursuant to an emergency order under subsection (e) of
398 section 17a-101g or an order of temporary custody or an order of
399 commitment under section 46b-129, and at any subsequent change in
400 out-of-home care, the department shall immediately determine
401 whether it is in the best interests of the child to remain in the school of
402 origin. There shall be a presumption that it is in the child's best
403 interests to remain in the school of origin. The department shall
404 provide written notice of its decision to the parties not later than three

405 business days after the date on which the decision is made. Such notice
406 shall identify the factors that form the basis of the department's
407 decision. Any party may object to the department's decision not later
408 than three business days after receipt of such notice. The child shall
409 remain in the school of origin until the time for objection has passed
410 and until any disagreement is resolved, except as provided in
411 subparagraph (C) of this subdivision. The child shall be transported to
412 the school of origin pursuant to subsection (c) of this section during
413 any such disagreement except as provided in subparagraph (C) of this
414 subdivision. Such disagreements shall be expeditiously resolved. The
415 department shall bear the burden of proof that the school placement
416 decision is in the child's best interests.

417 (B) The school placement decision may be revisited at any time
418 during the child's out-of-home care, if circumstances change, in order
419 to ensure that the school placement decision remains in the best
420 interests of the child. Notice of any subsequent decision to change the
421 child's school placement decision shall be provided in accordance with
422 subparagraph (A) of this subdivision. Any school placement decision
423 made pursuant to this section may be challenged through the dispute
424 resolution process for treatment plans. The child shall remain in the
425 school of origin until any such disagreement is resolved, except as
426 provided in subparagraph (C) of this subdivision and shall be
427 provided with transportation in accordance with subsection (c) of this
428 section.

429 (C) If at any time the department determines that continued
430 placement in the school of origin will jeopardize the child's immediate
431 physical safety, the department may immediately remove the child
432 from the school and shall notify the child's attorney, parents, guardian
433 ad litem and surrogate parent, if any, by phone or by facsimile on the
434 same business day. Any party may object to the decision to change the
435 child's school placement not later than three business days after receipt
436 of such notice. If any party objects to the change in school placement,
437 the department shall hold an administrative hearing not later than

438 three business days after the objection.

439 Sec. 7. Section 10-76ii of the general statutes is repealed and the
440 following is substituted in lieu thereof (*Effective from passage*):

441 (a) On and after July 1, 2012, a local or regional board of education
442 that is responsible for providing special education and related services
443 to a child, pursuant to section 10-76a, shall provide applied behavior
444 analysis services to any such child with autism spectrum disorder if
445 the individualized education [plan] program or plan pursuant to
446 Section 504 of the Rehabilitation Act of 1973 requires such services. (1)
447 Such services shall be provided by a person who is, subject to the
448 provisions of subsection (b) of this section, (A) licensed by the
449 Department of Public Health or certified by the Department of
450 Education and such services are within the scope of practice of such
451 license or certificate, or (B) certified by the Behavior Analyst
452 Certification Board as a behavior analyst or assistant behavior analyst,
453 provided such assistant behavior analyst is working under the
454 supervision of a certified behavior analyst. (2) A teacher or
455 paraprofessional may implement the individualized education [plan]
456 program or plan pursuant to Section 504 of the Rehabilitation Act of
457 1973 providing for such applied behavior analysis services, provided
458 such teacher or paraprofessional is under the supervision of a person
459 described in subdivision (1) of this subsection. For purposes of this
460 section, "applied behavior analysis" means the design, implementation
461 and evaluation of environmental modifications, using behavioral
462 stimuli and consequences, including the use of direct observation,
463 measurement and functional analysis of the relationship between the
464 environment and behavior, to produce socially significant
465 improvement in human behavior.

466 (b) If the Commissioner of Education determines that there are
467 insufficient certified or licensed personnel available to provide applied
468 behavior analysis services in accordance with the provisions of
469 subsection (a) of this section, the commissioner may authorize the

470 provision of such services by persons who: (1) Hold a bachelor's
471 degree in a related field; (2) have completed (A) a minimum of nine
472 credit hours of coursework from a course sequence approved by the
473 Behavior Analyst Certification Board, or (B) coursework that meets the
474 eligibility requirement to sit for the board certified behavior analyst
475 examination; and (3) are supervised by a board certified behavior
476 analyst.

477 (c) Nothing in this section shall be construed to require the inclusion
478 of applied behavior analysis services in an individualized education
479 [plan] program or plan pursuant to Section 504 of the Rehabilitation
480 Act of 1973.

481 Sec. 8. Subsection (d) of section 10-221a of the 2012 supplement to
482 the general statutes is repealed and the following is substituted in lieu
483 thereof (*Effective from passage*):

484 (d) Commencing with classes graduating in 2020, and for each
485 graduating class thereafter, local and regional boards of education
486 shall provide adequate student support and remedial services for
487 students beginning in grade seven. Such student support and remedial
488 services shall provide alternate means for a student to complete any of
489 the high school graduation requirements or end of the school year
490 examinations described in subsection (c) of this section, if such student
491 is unable to satisfactorily complete any of the required courses or
492 exams. Such student support and remedial services shall include, but
493 not be limited to, (1) allowing students to retake courses in summer
494 school or through an on-line course; (2) allowing students to enroll in a
495 class offered at a constituent unit of the state system of higher
496 education, as defined in section 10a-1, pursuant to subdivision (4) of
497 subsection (g) of this section; (3) allowing students who received a
498 failing score, as determined by the Commissioner of Education, on an
499 end of the school year exam to take an alternate form of the exam; and
500 (4) allowing those students whose individualized education [plans]
501 programs state that such students are eligible for an alternate

502 assessment to demonstrate competency on any of the five core courses
503 through success on such alternate assessment.

504 Sec. 9. Subdivision (2) of subsection (c) of section 17a-16a of the 2012
505 supplement to the general statutes is repealed and the following is
506 substituted in lieu thereof (*Effective from passage*):

507 (2) If it is not in the best interests of the child to attend the school of
508 origin, the department shall work with the board of education for such
509 school of origin and the receiving school to ensure immediate and
510 appropriate enrollment and attendance of the child in the receiving
511 school in accordance with the provisions of subsection (e) of section 10-
512 76d and section 10-253. The educational records of the child shall be
513 provided by the school of origin to the receiving school, in accordance
514 with the federal Fostering Connections to Success and Increasing
515 Adoptions Act of 2008, Public Law 110-351. Upon notification by the
516 department of a decision to change a child's school placement and
517 notwithstanding section 10-220h, the school of origin shall transmit to
518 the receiving school, not later than one business day after receipt of
519 such notification, all essential educational records for the child,
520 including, but not limited to, the child's individualized education
521 [plan] program and behavioral intervention plan, if any, and all
522 documents necessary for the receiving school to determine appropriate
523 class placement and to provide educational services. The school of
524 origin shall transfer nonessential records to the receiving school in
525 accordance with section 10-220h.

526 Sec. 10. Subsection (a) of section 17b-28d of the 2012 supplement to
527 the general statutes is repealed and the following is substituted in lieu
528 thereof (*Effective from passage*):

529 (a) The Commissioner of Social Services, in consultation with the
530 Commissioner of Education, shall submit to the Centers for Medicare
531 and Medicaid Services an amendment to the state Medicaid plan
532 concerning school-based child health services provided to Medicaid
533 enrolled children requiring special education pursuant to an

534 individualized education [plan] program. Such amendment to the
 535 Medicaid plan shall maintain and enhance, to the extent permitted,
 536 federal financial participation associated with such costs through a
 537 service-specific rate method.

| | | |
|---|---------------------|--------------------|
| This act shall take effect as follows and shall amend the following sections: | | |
| Section 1 | <i>July 1, 2012</i> | 10-76d(a)(8) |
| Sec. 2 | <i>July 1, 2012</i> | 10-145a |
| Sec. 3 | <i>July 1, 2012</i> | 10-220a(a) |
| Sec. 4 | <i>July 1, 2012</i> | 10-145b(i)(1) |
| Sec. 5 | <i>from passage</i> | 10-184a |
| Sec. 6 | <i>July 1, 2012</i> | 17a-16a(a) and (b) |
| Sec. 7 | <i>from passage</i> | 10-76ii |
| Sec. 8 | <i>from passage</i> | 10-221a(d) |
| Sec. 9 | <i>from passage</i> | 17a-16a(c)(2) |
| Sec. 10 | <i>from passage</i> | 17b-28d(a) |

Statement of Purpose:

To improve the dissemination and communication of information regarding individualized education programs to parents and guardians and to improve the quality of education for teachers in the implementation of individualized education programs; to require that any special education services provided by a school district to a student whose parents have chosen to send him or her to a private school comply with the federal Individuals with Disabilities Education Act; to require that the state special education excess cost grant goes to the district that is financially responsible for paying the tuition costs for a child; and to make technical corrections to the general statutes.

[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.]