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## **OLR BILL ANALYSIS**

### **sHB 5353**

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

#### **SUMMARY:**

This bill makes several changes to the state's special education law. It:

1. requires additional opportunities for meetings and the exchange of information between school district officials and parents of students in, or under evaluation for, special education;
2. requires teacher certification preparation, in-service training, and professional development to include expanded instruction and training regarding implementing individualized education programs (IEPs); and
3. specifies the school district eligible for special education excess cost grant money in different circumstances when a child is placed in a school district other than his or her district of origin.

It also requires any IEP for a child identified as deaf or hearing impaired to include a language and communication plan developed by the child's planning and placement team (PPT). It specifies a number of items that the plan must include. The bill does not appear to expand current requirements under state law and regulation, but it adds specifics to state law.

It also makes technical changes.

**EFFECTIVE DATE:** July 1, 2012, except for the provisions regarding special education and private schools and the language and communication plan for deaf and hearing impaired students, which take effect upon passage.

**§ 1 — NOTIFICATION AND INFORMATION PRIOR TO PPT MEETING**

The bill requires a school district responsible for providing special education to offer to meet with the student's parents, upon the parents' request, after the student has been assessed for possible placement in special education and before the PPT meets. The sole purpose of the meeting is to discuss the PPT process and any concerns the parent has about the student.

The bill specifies that the parents must be given the opportunity to meet with a PPT member designated by the school board before the referral PPT meeting at which the student's assessments and evaluations will be discussed for the first time. This applies to students under evaluation for possible placement in special education.

The bill also requires school boards, upon the request of parents, to provide them with copies of the assessment and evaluation results used to determine special education eligibility at least three school days before the referral PPT meeting at which the assessments will be first discussed.

The bill requires the school district to provide parents with any State Department of Education (SDE) information and resources relating to IEPs as soon as a child is identified as requiring special education. IEPs are the individual plans that PPTs craft and agree to in order to address the student's special education needs.

These requirements also apply to guardians, emancipated minor pupils, and surrogate parents appointed according to statute.

**§§ 2-4 — TEACHER CERTIFICATION AND TRAINING REQUIREMENTS FOR SPECIAL EDUCATION**

The bill requires teacher certification preparation, in-service training, and professional development programs to include expanded instruction and training regarding implementing IEPs. It requires:

1. certification preparation programs to include instruction on implementing IEPs as they relate to special education and

related services;

2. districts, as part of required in-service training options for certified personnel, to offer information on implementing student IEPs; and
3. special education teachers, as part of their required 90 hours of professional development every five years, to complete at least 10 hours of training on implementing student IEPs and communicating IEP procedures to parents or guardians of special education students.

#### **§ 5 — SPECIAL EDUCATION AND PRIVATE SCHOOLS**

The bill specifies that, if a school district provides special education services to a student whose parents have chosen to send him or her to a private school, the services must comply with the federal Individuals with Disabilities Education Act (IDEA) (see BACKGROUND).

#### **§ 6 — SPECIAL EDUCATION EXCESS COST GRANT**

The state provides special education excess cost grants to help local districts pay for special education services if the services' cost exceeds the local share of special education costs. Some special education students are sent to school outside the district where they live if their home district cannot provide them with adequate educational services. In these situations, the district where the student lives is financially responsible for the student's special education and must send special education money to the school district where the student attends school (i.e., the "school of origin").

By law, when DCF places a child in out-of-home care, such as a relative's or foster parent's home, or changes such a placement, the department must determine immediately whether it is in the child's best interest to remain in the school he or she had been attending (i.e., the school of origin).

The bill requires that, starting with FY 13, the state special education excess cost grant for the child goes to the financially responsible district (i.e., the "nexus district"), if the school of origin is in a district

other than the nexus district and the nexus district pays tuition to the school of origin. The excess cost grant also goes to the nexus district in cases where that district placed the child in a private school or regional education special education facility before DCF removed the child from his or her home and the nexus district continues to pay tuition for the child.

Under the bill, the excess cost grant goes to the district where the student is living if the nexus district cannot be identified (which may be the case when a child is new to Connecticut).

### **§ 11 — PLAN REQUIREMENTS REGARDING DEAF OR HEARING IMPAIRED STUDENTS**

The bill requires any IEP for a child identified as deaf or hearing impaired to include a language and communication plan developed by the child's PPT.

It requires the plan to address:

1. the child's primary language or mode of communication;
2. opportunities for direct communication between the child and his or her peers and professional personnel in the primary child's language or mode of communication;
3. educational options available to the child;
4. the qualifications of teachers and other professional personnel administering the plan for the child, including their proficiency in the child's primary language or mode of communication;
5. the accessibility of academic instruction, school services and extracurricular activities to the child;
6. assistive devices and services for the child; and
7. communication and physical environment accommodations for the child.

These specifics do not appear in current law, but the IEP form SDE

issues to conform with state law and regulations and requires districts to use states that the following items are to be considered regarding deaf and hearing impaired children:

1. the child's language and communication needs;
2. opportunities for direct communications with peers and professional personnel in the child's language and communication mode;
3. academic level, and full range of needs, including opportunities for direct instruction in the student's language and communication mode; and
4. whether the student requires assistive technology devices and services.

## **BACKGROUND**

### ***Federal IDEA***

IDEA (20 USC 1400 et seq.) governs special education programs and procedures in states and local school districts, requiring the provision of appropriate educational services to children with disabilities. Connecticut law and regulations must comply with IDEA.

## **COMMITTEE ACTION**

Education Committee

Joint Favorable Substitute

Yea 32    Nay 1    (03/14/2012)