

OFFICE OF LEGISLATIVE RESEARCH  
PUBLIC ACT SUMMARY



**PA 12-173—sHB 5353**  
*Education Committee*  
*Appropriations Committee*

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

**SUMMARY:** This act makes several changes in 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 in 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 (home district).

The act 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. It 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 upon passage for the provisions regarding (1) special education and private schools, (2) the language and communication plan for deaf and hearing impaired students, and (3) technical changes.

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

The PPT is a group that includes the student's parents or guardians and education professionals including the student's teacher, a special education teacher, an administrator, and others. The PPT meets to determine whether a child needs special education services and to develop and approve an IEP for the student.

The act requires a local or regional board of education responsible for providing special education to offer to meet with the student's parents, upon their 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.

It specifies that the parents must be given the opportunity to meet with a PPT

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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.

It also requires school boards to provide parents who ask with copies of the assessment and evaluation results used to determine special education eligibility at least three school days before the referral PPT meeting.

The act requires the school district to provide parents with any State Department of Education (SDE) information and resources relating to IEPs as soon as a student is identified as requiring special education.

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

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

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

1. certification preparation programs to include instruction on implementing IEPs as they relate to special education and related services;
2. boards of education, 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.

(The second and third items on the list above were repealed by PA 12-116. PA 12-2, June 12 Special Session, later added similar IEP professional development requirements to the statutes.)

### § 5 — SPECIAL EDUCATION AND PRIVATE SCHOOLS

The act specifies that, if a board of education provides special education services to a student whose parents choose 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 costing more than the local share of special education costs. Some special education students are sent to school outside their home district if their home district cannot provide them with adequate educational services. In these situations, the home district is still financially responsible for the student's special education and must send special education money to the school district where the student attends school.

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By law, when the Department of Children and Families (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 act 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 the nexus district (1) placed the child in a private school or regional education special education facility before DCF removed the child from his or her home and (2) continues to pay tuition for the child.

Under the act, the excess cost grant goes to the student's home district if the nexus district cannot be identified (which may be the case when a child is new to Connecticut).

### § 11 — PLAN REQUIREMENTS FOR DEAF OR HEARING IMPAIRED STUDENTS

The act 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 child's primary 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 child's access to academic instruction, school services and extracurricular activities;
6. assistive devices and services for the child; and
7. communication and physical environment accommodations for the child.

These specifics did not appear in prior law. But in practice, SDE issues an IEP form and requires districts to use it, which states that the following items must be considered for 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

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### *Federal IDEA*

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

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