



# House of Representatives

General Assembly

**File No. 562**

January Session, 2015

Substitute House Bill No. 6737

*House of Representatives, April 9, 2015*

The Committee on Human Services reported through REP. ABERCROMBIE of the 83rd Dist., Chairperson of the Committee on the part of the House, that the substitute bill ought to pass.

***AN ACT IMPLEMENTING THE RECOMMENDATIONS OF THE PROGRAM REVIEW AND INVESTIGATIONS COMMITTEE CONCERNING TRANSITIONAL SERVICES FOR YOUTH AND YOUNG ADULTS WITH AUTISM SPECTRUM DISORDER.***

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

1 Section 1. Subparagraph (D) of subdivision (8) of subsection (a) of  
2 section 10-76d of the general statutes is repealed and the following is  
3 substituted in lieu thereof (*Effective July 1, 2015*):

4 (D) Immediately upon the formal identification of any child as a  
5 child requiring special education and at each planning and placement  
6 team meeting for such child, the responsible local or regional board of  
7 education shall inform the parent or guardian of such child or  
8 surrogate parent or, in the case of a pupil who is an emancipated  
9 minor or eighteen years of age or older, the pupil of (i) the laws  
10 relating to special education, (ii) the rights of such parent, guardian,  
11 surrogate parent or pupil under such laws and the regulations adopted

12 by the State Board of Education relating to special education, including  
13 the right of a parent, guardian or surrogate parent to withhold from  
14 enrolling such child in kindergarten, in accordance with the provisions  
15 of section 10-184, and (iii) any relevant information and resources  
16 relating to individualized education programs created by the  
17 Department of Education, including, but not limited to, information  
18 relating to transition resources and services for high school students. If  
19 such parent, guardian, surrogate parent or pupil does not attend a  
20 planning and placement team meeting, the responsible local or  
21 regional board of education shall mail such information to such  
22 person.

23 Sec. 2. Section 10-76b of the general statutes is repealed and the  
24 following is substituted in lieu thereof (*Effective July 1, 2015*):

25 (a) The State Board of Education shall provide for the development  
26 and supervision of the educational programs and services for children  
27 requiring special education and may regulate curriculum, conditions  
28 of instruction, including the use of physical restraint and seclusion  
29 pursuant to chapter 814e, physical facilities and equipment, class  
30 composition and size, admission of students, and the requirements  
31 respecting necessary special services and instruction to be provided by  
32 local and regional boards of education. The State Board of Education  
33 shall adopt regulations, in accordance with the provisions of chapter  
34 54, concerning the use of physical restraint and seclusion pursuant to  
35 chapter 814e. The educational aspects of all programs and instructional  
36 facilities in any day or residential child-caring agency or school which  
37 provides training for children requiring special education and which  
38 receives funding from the state under the provisions of sections 10-76a  
39 to 10-76g, inclusive, shall be subject to the approval and supervision of  
40 the commissioner in accordance with regulations adopted by the State  
41 Board of Education concerning requirements for such programs and  
42 accommodations.

43 (b) The commissioner shall designate by regulation, subject to the  
44 approval of the State Board of Education, the procedures which shall

45 be used to identify exceptional children.

46 (c) Said board shall be the agency for cooperation and consultation  
47 with federal agencies, other state agencies and private bodies on  
48 matters of public school education of children requiring special  
49 education, provided the full responsibilities for other aspects of the  
50 care of such children shall be reserved to such other agencies.

51 (d) The State Board of Education shall ensure that local and regional  
52 boards of education are providing the information described in  
53 subparagraph (D) of subdivision (8) of subsection (a) of section 10-76d,  
54 as amended by this act, to the parent or guardian of a child requiring  
55 special education or surrogate parent and, in the case of a pupil who is  
56 an emancipated minor or eighteen years of age or older, the pupil.

57 Sec. 3. (NEW) (*Effective July 1, 2015*) (a) As used in this section,  
58 "parent" means the parent or guardian of a child requiring special  
59 education or surrogate parent or, in the case of a pupil who is an  
60 emancipated minor or eighteen years of age or older, the pupil.

61 (b) On or before July 1, 2015, the State Board of Education shall draft  
62 a written for parents of children receiving special education services  
63 bill of rights to guarantee that the rights of such parents and children  
64 are adequately safeguarded and protected during the provision of  
65 special education and related services under chapter 164 of the general  
66 statutes. Such bill of rights shall inform parents of: (1) The right to  
67 request consideration of the provision of transition services for a child  
68 receiving special education services who is eighteen to twenty-one  
69 years of age, (2) the right to receive transition resources and materials  
70 from the department and the local or regional board of education  
71 responsible for such child, (3) the requirement that the local or regional  
72 board of education responsible for such child shall create a student  
73 success plan for each student enrolled in a public school, beginning in  
74 grade six, pursuant to subsection (j) of section 10-221a of the general  
75 statutes, and (4) the right of such child to receive realistic and specific  
76 postgraduation goals as part of such child's individualized education  
77 program.

78 (c) For the school year commencing July 1, 2015, and each school  
79 year thereafter, the Department of Education shall annually distribute  
80 the written parents' of children receiving special education services bill  
81 of rights at a planning and placement team meeting for a child  
82 receiving special education services in grades six to twelve, inclusive.

83 Sec. 4. (*Effective July 1, 2015*) The Commissioner of Rehabilitation  
84 Services, in consultation with the Commissioner of Education, the  
85 Commissioner of Mental Health and Addiction Services, the  
86 Commissioner of Developmental Services and the Labor  
87 Commissioner, or the commissioners' designees, shall develop a  
88 proposed definition for "competitive employment" to be used by each  
89 agency in relation to state matters. Not later than February 1, 2016, the  
90 Commissioner of Rehabilitation Services shall report, in accordance  
91 with the provisions of section 11-4a of the general statutes, to the joint  
92 standing committees of the General Assembly having cognizance of  
93 matters relating to human services, education, public health and labor  
94 concerning the definition developed in accordance with this section.

95 Sec. 5. (NEW) (*Effective July 1, 2015*) Not later than February 1, 2016,  
96 and annually thereafter, the Commissioner of Developmental Services  
97 shall report, in accordance with the provisions of section 11-4a of the  
98 general statutes, to the joint standing committee of the General  
99 Assembly having cognizance of matters relating to public health  
100 concerning the activities of the Department of Developmental Service's  
101 Division of Autism Spectrum Disorder Services, established pursuant  
102 to section 17a-215c of the general statutes, and the Autism Spectrum  
103 Disorder Advisory Council, established pursuant to section 17a-215d  
104 of the general statutes. Such report shall include, but not be limited to:  
105 (1) The number and ages of persons with autism spectrum disorder  
106 who are served by state agencies; (2) the number and ages of persons  
107 with autism spectrum disorder on the department's wait list for  
108 Medicaid waiver services; (3) the type of Medicaid waiver services  
109 currently provided by the department to persons with autism  
110 spectrum disorder; (4) a description of the unmet needs of persons  
111 with autism spectrum disorder; (5) the projected estimates for a five-



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:**

Agency Affected	Fund-Effect	FY 16 \$	FY 17 \$
Education, Dept.	GF - Cost	less than 1,000	less than 1,000

Note: GF=General Fund

**Municipal Impact:**

Municipalities	Effect	FY 16 \$	FY 17 \$
Local and Regional School Districts	STATE MANDATE - Cost	less than 1,000	less than 1,000

**Explanation**

The bill requires the State Board of Education (SBE), by July 1, 2015, to draft a "Parents of Children Receiving Special Education Services Bill of Rights" and requires the bill of rights to be distributed at the planning and placement team meetings for special education students in grades six through 12. This is anticipated to result in a cost of less than \$1,000 to the State Department of Education, associated with producing the new materials and a cost of less than \$1,000 per district associated with distributing the new materials.

The bill also requires the Commissioner of the Department of Rehabilitation Services (DORS), in consultation with other agencies, to develop a proposed definition for competitive employment. This provision has no fiscal impact as DORS has expertise in this area.

Lastly, the bill requires the Commissioner of the Department of Developmental Services (DDS) to report to the General Assembly on

the activities of DDS' Division of Autism Services. This provision is not anticipated to have any fiscal impact as the Division has expertise in this area.

***The Out Years***

The annualized ongoing fiscal impact identified above would continue into the future subject to inflation.

**OLR Bill Analysis**

**sHB 6737**

***AN ACT IMPLEMENTING THE RECOMMENDATIONS OF THE PROGRAM REVIEW AND INVESTIGATIONS COMMITTEE CONCERNING TRANSITIONAL SERVICES FOR YOUTH AND YOUNG ADULTS WITH AUTISM SPECTRUM DISORDER.***

**SUMMARY:**

This bill requires the State Board of Education (SBE), by July 1, 2015, to draft a “Parents of Children Receiving Special Education Services Bill of Rights” to guarantee that the rights of special education students and their parents are protected when receiving special education and related services.

The bill requires the State Department of Education (SDE), starting with the 2015-16 school year, to annually distribute the bill of rights at the planning and placement team meetings for special education students in grades six through 12.

The bill specifies that school boards must provide parents and guardians of students identified as requiring special education or such students who are either emancipated minors or age 18 or older with information related to transition resources and services for high school students. It requires SBE to ensure that school boards are providing this information to these individuals. By law, when a student is identified as requiring special education, school boards must provide the parents or guardian and the student, if he or she is emancipated or 18 or older, any relevant information and resources relating to individualized education plans (IEPs) created by SDE.

The bill also requires the Department of Rehabilitative Services (DORS) commissioner, in consultation with the developmental services (DDS), education, labor, and mental health and addiction services

commissioners or their designees to develop a proposed definition for “competitive employment” for each agency to use in relation to state matters. By February 1, 2016, the DORS commissioner must report on the proposed definition to the Education, Human Services, Labor, and Public Health committees.

Finally, the bill requires DDS, by February 1, 2016, to begin reporting annually to the Public Health Committee on the activities of the department’s Division of Autism Spectrum Disorder Advisory Council.

EFFECTIVE DATE: July 1, 2015

### **BILL OF RIGHTS**

The Parents of Children Receiving Special Education Services Bill of Rights must inform parents of the:

1. right to request consideration for transition services for a child receiving special education who is between 18 and 21 years old;
2. right to receive transition resources and materials from SBE and the school board responsible for the child;
3. requirement that the school board responsible for their child, starting in sixth grade, create a student success plan for the child;
4. right of the child to receive realistic and specific post-graduation goals as part of his or her IEP.

### **DDS REPORTING REQUIREMENTS**

DDS’ annual report to the Public Health committee must include:

1. the number and ages of people with autism spectrum disorder (ASD) who (a) are served by state agencies and (b) are on the department’s wait list for Medicaid waiver services;
2. the type of Medicaid waiver services DDS currently provides to people with ASD;

3. descriptions of (a) the unmet needs of people with ASD and (b) new initiatives and proposals these that are under consideration;
4. the projected estimates for the next five years of the costs to the state for the unmet needs; and
5. measurable outcome data for people with ASD including their (a) enrollment in postsecondary education, (b) employment status, and (c) living arrangements.

**COMMITTEE ACTION**

Program Review and Investigations Committee

Joint Favorable Substitute Change of Reference  
Yea 9 Nay 0 (03/13/2015)

Human Services Committee

Joint Favorable  
Yea 16 Nay 0 (03/24/2015)