



House of Representatives

General Assembly

File No. 867

January Session, 2015

Substitute House Bill No. 6737

House of Representatives, May 20, 2015

The Committee on Education reported through REP. FLEISCHMANN of the 18th 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2 section 10-76d of the general statutes is repealed and the following is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 Section 10-76b of the general statutes is repealed and the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 the surrogate parent appointed pursuant to
56 section 10-94g and, in the case of a pupil who is an emancipated minor
57 or eighteen years of age or older, the pupil.

58 Sec. 3. (NEW) (*Effective July 1, 2015*) (a) As used in this section,
59 "parent" means the parent or guardian of a child requiring special
60 education or the surrogate parent appointed pursuant to section 10-94g
61 of the general statutes or, in the case of a pupil who is an emancipated
62 minor or eighteen years of age or older, the pupil.

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

78 realistic and specific postgraduation goals as part of such child's
79 individualized education program.

80 (c) For the school year commencing July 1, 2015, and each school
81 year thereafter, the Department of Education shall annually distribute
82 to local and regional boards of education the written bill of rights for
83 parents of children receiving special education services, which shall be
84 provided to parents, at a planning and placement team meeting for a
85 child receiving special education services in grades six to twelve,
86 inclusive.

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

99 Sec. 5. (NEW) (*Effective July 1, 2015*) Not later than February 1, 2016,
100 and annually thereafter, the Commissioner of Developmental Services
101 shall report, in accordance with the provisions of section 11-4a of the
102 general statutes, to the joint standing committee of the General
103 Assembly having cognizance of matters relating to public health
104 concerning the activities of the Department of Developmental Service's
105 Division of Autism Spectrum Disorder Services, established pursuant
106 to section 17a-215c of the general statutes, and the Autism Spectrum
107 Disorder Advisory Council, established pursuant to section 17a-215d
108 of the general statutes. Such report shall include, but not be limited to:
109 (1) The number and ages of persons with autism spectrum disorder
110 who are served by the Department of Developmental Services'

111 Division of Autism Spectrum Disorder Services and, when practicable
 112 to report, the number and ages of such persons who are served by
 113 other state agencies; (2) the number and ages of persons with autism
 114 spectrum disorder on said division's waiting list for Medicaid waiver
 115 services; (3) the type of Medicaid waiver services currently provided
 116 by the department to persons with autism spectrum disorder; (4) a
 117 description of the unmet needs of persons with autism spectrum
 118 disorder on said division's waiting list; (5) the projected estimates for a
 119 five-year period of the costs to the state due to such unmet needs; (6)
 120 measurable outcome data for persons with autism spectrum disorder
 121 who are eligible to receive services from said division, including, but
 122 not limited to, (A) the number of such persons who are enrolled in
 123 postsecondary education, (B) the employment status of such persons,
 124 and (C) a description of such persons' living arrangements; and (7) a
 125 description of new initiatives and proposals for new initiatives that are
 126 under consideration.

This act shall take effect as follows and shall amend the following sections:		
Section 1	<i>July 1, 2015</i>	10-76d(a)(8)(D)
Sec. 2	<i>July 1, 2015</i>	10-76b
Sec. 3	<i>July 1, 2015</i>	New section
Sec. 4	<i>July 1, 2015</i>	New section
Sec. 5	<i>July 1, 2015</i>	New section

ED *Joint Favorable Subst.*

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 bill of rights for parents of children receiving special education services to guarantee that the rights of these students and their parents are protected when receiving these 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 to local and regional boards of education. The bill of rights must be provided to parents at planning and placement team (PPT) meetings for special education students in grades six through 12.

By law, when a student is identified as requiring special education, and at each PPT meeting, school boards must provide the parents or guardian and the student, if he or she is emancipated or 18 or older, with information on (1) special education laws, (2) their rights under these laws, and (3) relevant information and resources relating to individualized education programs (IEPs) created by SDE. The bill specifies that this includes information related to transition resources and services for high school students. It also requires SBE to ensure that school boards are providing all such information to these individuals.

The bill also requires the Department of Rehabilitative Services (DORS) commissioner, in consultation with the developmental services (DDS), SDE, 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 Services and Advisory Council.

EFFECTIVE DATE: July 1, 2015

BILL OF RIGHTS

The bill of rights for parents of children receiving special education services must inform parents of the:

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

DDS REPORTING REQUIREMENT

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

1. the number and ages of people with autism spectrum disorder (ASD) who are served by (a) the department’s Division of Autism Spectrum Disorder Services (division) and (b) when practicable to report, other state agencies;
2. the number and ages of people on the division’s waiting list for

- Medicaid waiver services;
3. the type of Medicaid waiver services DDS currently provides to people with ASD;
 4. descriptions of (a) the unmet needs of people with ASD on the division's waiting list and (b) new initiatives and proposals that are under consideration;
 5. the projected estimates for the next five years of the costs to the state for the unmet needs; and
 6. measurable outcome data for people with ASD who are eligible to receive division services, including their (a) enrollment in postsecondary education, (b) employment status, and (c) living arrangements.

BACKGROUND

Legislative History

The House referred the bill (File 562) to the Education Committee, which favorably reported a substitute that (1) narrows the scope of the data that must be included in the annual DDS report and (2) makes other minor and technical changes.

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)

Appropriations Committee

Joint Favorable
 Yea 56 Nay 0 (04/29/2015)

Education Committee

Joint Favorable Substitute

Yea 32 Nay 0 (05/11/2015)