



General Assembly

January Session, 2015

Raised Bill No. 7016

LCO No. 5237



Referred to Committee on EDUCATION

Introduced by:
(ED)

AN ACT IMPLEMENTING THE RECOMMENDATIONS OF THE MORE COMMISSION SPECIAL EDUCATION SELECT WORKING GROUP.

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

1 Section 1. (NEW) (*Effective July 1, 2015*) For the fiscal year ending
2 June 30, 2016, and each fiscal year thereafter, the Department of
3 Education shall submit an annual report regarding federal funds
4 received pursuant to the federal Individuals with Disabilities
5 Education Act, 20 USC 1400 et seq., as amended from time to time, to
6 the joint standing committee of the General Assembly having
7 cognizance of matters relating to education, in accordance with the
8 provisions of section 11-4a of the general statutes. Such report shall
9 include, but need not be limited to: (1) The total amount of federal
10 funds received pursuant to said Individuals with Disabilities
11 Education Act, (2) the total amount of such federal funds paid by the
12 department to local and regional boards of education, (3) the total
13 amount of such federal funds paid by the department to each local or
14 regional board of education, and (4) a description of how such federal
15 funds are being spent, including, but not limited to, which programs
16 are receiving such federal funds from the department.

17 Sec. 2. (NEW) (*Effective July 1, 2015*) For the fiscal year ending June
18 30, 2016, and each fiscal year thereafter, the Department of
19 Developmental Services shall submit an annual report regarding
20 federal funds received through the Medicaid program for the purpose
21 of funding special education and related services to the joint standing
22 committees of the General Assembly having cognizance of matters
23 relating to education, in accordance with the provisions of section 11-
24 4a of the general statutes. Such report shall include, but need not be
25 limited to: (1) The total amount of federal funds received through the
26 Medicaid program for the purpose of funding special education and
27 related services, (2) the total amount of such federal funds paid by the
28 department for the purpose of funding special education and related
29 services, (3) the total amount of such federal funds paid by the
30 department to each provider of special education and related services,
31 and (4) a description of how such federal funds are being spent,
32 including, but not limited to, a description of which programs are
33 receiving such federal Medicaid funds from the department.

34 Sec. 3. (NEW) (*Effective July 1, 2015*) (a) The State Board of
35 Education, in collaboration with the Bureau of Rehabilitation Services,
36 Department of Developmental Services and the Office of Workforce
37 Competitiveness, shall: (1) Coordinate the provision of transition
38 resources, services and programs to children requiring special
39 education and related services, (2) create, and update as necessary, a
40 fact sheet that lists the state agencies that provide transition resources,
41 services and programs and a brief description of such transition
42 resources, services and programs and make such fact sheet available to
43 parents, teachers, administrators and boards of education, and (3)
44 annually collect information related to transition resources, programs
45 and services provided by other state agencies and make such
46 information available to parents, teachers, administrators and boards
47 of education.

48 (b) For the school year commencing July 1, 2015, and each school
49 year thereafter, the State Board of Education shall annually distribute

50 the information described in subdivision (2) of subsection (a) of this
51 section to the parent of a child requiring special education and related
52 services in grades six to twelve, inclusive, at a planning and placement
53 team meeting for such child. As used in this section, "parent" means
54 the parent or guardian of a child requiring special education or the
55 surrogate parent or, in the case of a pupil who is an emancipated
56 minor or eighteen years of age or older, the pupil.

57 Sec. 4. (*Effective from passage*) (a) The Commissioner of Education, in
58 consultation with the Individualized Education Program Advisory
59 Council established pursuant to section 5 of this act, shall develop a
60 new individualized education program form that is easier for
61 practitioners to use and easier for parents and students to understand.
62 Such individualized education program form shall include a brief
63 description of and contact information for the Connecticut Parent
64 Advisory Council and the Bureau of Special Education within the
65 Department of Education in a conspicuous place on the first page of
66 the individualized education program form using at least twelve-point
67 Times New Roman font.

68 (b) Not later than January 1, 2017, the commissioner shall submit the
69 new individualized education program form developed pursuant to
70 this section to the joint standing committee of the General Assembly
71 having cognizance of matters relating to education, in accordance with
72 the provisions of section 11-4a of the general statutes.

73 Sec. 5. (*Effective from passage*) (a) There is established an
74 Individualized Education Program Advisory Council that shall assist
75 the Commissioner of Education in the development of a new
76 individualized education program form that is easier for practitioners
77 to use and easier for parents and students to understand, pursuant to
78 section 4 of this act.

79 (b) The advisory council shall consist of the following members:

80 (1) One member appointed by the speaker of the House of

81 Representatives, who shall be a director of pupil personnel;

82 (2) One member appointed by the president pro tempore of the
83 Senate, who shall be a superintendent of schools;

84 (3) One member appointed by the majority leader of the House of
85 Representatives, who shall be an advocate for parents or guardians of
86 children requiring special education and related services;

87 (4) One member appointed by the majority leader of the Senate,
88 who shall be an advocate for parents or guardians of children
89 requiring special education and related services;

90 (5) One member appointed by the minority leader of the House of
91 Representatives, who shall be a principal of a public school;

92 (6) One member appointed by the minority leader of the Senate,
93 who shall be a representative of the Connecticut Association of Boards
94 of Education;

95 (7) The Commissioner of Education, or the commissioner's designee;
96 and

97 (8) Two members appointed by the Governor, one of whom shall be
98 a certified teacher in a public school and one of whom shall be a
99 representative of the RESC Alliance.

100 (c) All appointments to the advisory council shall be made not later
101 than thirty days after the effective date of this section. Any vacancy
102 shall be filled by the appointing authority.

103 (d) The speaker of the House of Representatives and the president
104 pro tempore of the Senate shall select the chairpersons of the advisory
105 council from among the members of the advisory council. Such
106 chairpersons shall schedule the first meeting of the advisory council,
107 which shall be held not later than sixty days after the effective date of
108 this section.

109 (e) The Department of Education shall provide administrative
110 support to the advisory council.

111 (f) The advisory council shall terminate on the date that the
112 Commissioner of Education submits the new individualized education
113 program form to the joint standing committee of the General Assembly
114 having cognizance of matters relating to education, in accordance with
115 the provisions of section 4 of this act, or January 1, 2017, whichever is
116 later.

117 Sec. 6. (NEW) (*Effective July 1, 2015*) (a) For the fiscal years ending
118 June 30, 2016, and June 30, 2017, the Department of Education shall
119 establish and administer a digital individualized education program
120 form pilot program. The pilot program shall utilize an Internet web-
121 based individualized education program database system that uses
122 computer software wizards to assist in the development of
123 individualized education programs, allows for draft and official
124 individualized education program forms, allows the sharing of data
125 and individualized education programs among authorized users,
126 integrates with other systems at the department such as the state-wide
127 public school information system, developed pursuant to section 10-
128 10a of the general statutes, in order to reduce duplicate entries of data,
129 and integrates with school personnel and student reporting systems.
130 The department shall seek to obtain and modify the individualized
131 education program special education tracking and reporting system
132 software developed by the Illinois State Board of Education or develop
133 a comparable database system.

134 (b) The Commissioner of Education shall select three towns that are
135 members of the Nutmeg Network to participate in the digital
136 individualized education program form pilot program. The
137 commissioner shall select (1) one town with a population of less than
138 ten thousand, (2) one town with a population of at least ten thousand,
139 but less than fifty thousand, and (3) one town with a population of at
140 least fifty thousand.

141 (c) Not later than October 1, 2017, the department shall submit a
142 report on the digital individualized education program form pilot
143 program to the joint standing committee of the General Assembly
144 having cognizance of matters relating to education, in accordance with
145 the provisions of section 11-4a of the general statutes. Such report shall
146 analyze and evaluate the implementation of the digital individualized
147 education program form pilot program for each town participating in
148 the pilot program.

149 Sec. 7. (*Effective from passage*) The Department of Education shall
150 conduct a study regarding assistive technology equipment sharing
151 programs. Such study shall examine existing assistive technology
152 equipment sharing programs in the state and in other states. Not later
153 than January 1, 2016, the department shall submit a report on its
154 findings and recommendations to the joint standing committee of the
155 General Assembly having cognizance of matters relating to education,
156 in accordance with the provisions of section 11-4a of the general
157 statutes.

158 Sec. 8. (NEW) (*Effective July 1, 2015*) The Department of Education
159 shall provide complete and accurate information, that is not otherwise
160 prohibited from disclosure under state and federal law, regarding
161 special education programs and services offered by the state, local and
162 regional boards of education, regional educational service centers and
163 other providers to organizations that represent and provide services to
164 parents and guardians of children requiring special education and
165 related services.

166 Sec. 9. (NEW) (*Effective July 1, 2015*) The Department of Education
167 shall accept notices of events submitted to the department by special
168 education advocacy groups, local and regional boards of education,
169 regional education service centers and other providers of special
170 education services for the purpose of maintaining a calendar of
171 learning and training opportunities for the public regarding the
172 provision of special education programs and services. Such calendar

173 shall be made available on the department's Internet web site.

174 Sec. 10. (*Effective from passage*) (a) There is established a regional
175 educational service center special education funding working group.
176 The working group shall: (1) Study the funding provided to and
177 expenditures of regional educational service centers for the provision
178 of special education and related services, including, but not limited to,
179 the sources of special education funds received by regional educational
180 service centers and the ways in which regional educational service
181 centers use such funds to provide special education and related
182 services, and (2) make recommendations regarding how regional
183 educational service centers can access additional special education
184 funding and use such funds more efficiently and in ways that expand
185 the provision of special education services, such as transportation,
186 training and therapeutic services.

187 (b) The working group shall consist of the following members:

188 (1) One member appointed by the speaker of the House of
189 Representatives, who shall be a representative of the Capitol Region
190 Education Council;

191 (2) One member appointed by the president pro tempore of the
192 Senate, who shall be a representative of the Area Cooperative
193 Educational Services;

194 (3) One member appointed by the majority leader of the House of
195 Representatives, who shall be a representative from the Connecticut
196 Association of Boards of Education;

197 (4) One member appointed by the majority leader of the Senate,
198 who shall be a chief executive officer of a town, city or borough in this
199 state;

200 (5) One member appointed by the minority leader of the House of
201 Representatives, who shall be a superintendent of schools;

202 (6) One member appointed by the minority leader of the Senate,
203 who shall be a representative of the Connecticut Association of School
204 Business Officials;

205 (7) The Commissioner of Education, or the commissioner's designee;

206 (8) The Secretary of the Office of Policy and Management, or the
207 secretary's designee; and

208 (9) Five members appointed by the Governor, one of whom shall be
209 a director of pupil personnel, one of whom shall be a representative of
210 Education Connection, one of whom shall be a representative of
211 EASTCONN, one of whom shall be a representative of LEARN, and
212 one of whom shall be a representative of Cooperative Educational
213 Services.

214 (c) All appointments to the working group shall be made not later
215 than thirty days after the effective date of this section. Any vacancy
216 shall be filled by the appointing authority.

217 (d) The speaker of the House of Representatives and the president
218 pro tempore of the Senate shall select the chairpersons of the working
219 group from among the members of the task force. Such chairpersons
220 shall schedule the first meeting of the task force, which shall be held
221 not later than sixty days after the effective date of this section.

222 (e) The Department of Education shall provide administrative
223 support to the working group.

224 (f) Not later than July 1, 2016, the working group shall submit a
225 report on its findings and recommendations related to special
226 education funding for and expenditures of regional educational service
227 centers, described in subdivision (1) of subsection (a) of this section, to
228 the joint standing committee of the General Assembly having
229 cognizance of matters relating to education, in accordance with the
230 provisions of section 11-4a of the general statutes. The working group

231 shall terminate on the date that it submits such report or July 1, 2016,
232 whichever is later.

233 Sec. 11. (*Effective from passage*) (a) Each regional educational service
234 center shall develop a regional model for the provision of special
235 education services related to transportation, training and therapeutic
236 services to be used for the provision of such special education services
237 to all school districts served by such regional educational service
238 center. Each regional model shall include (1) a regional transportation
239 plan, developed in consultation with public transit districts, that
240 provides transportation to children requiring special education and
241 related services, (2) a regional educator training plan that provides
242 special education training to teachers, school paraprofessionals and
243 administrators that includes, but is not limited to, instruction
244 regarding classroom techniques to improve the provision of special
245 education and related services to children and the implementation of
246 scientific research-based interventions, (3) a regional plan for the
247 provision of therapeutic services, including, but not limited to, speech
248 therapy, physical therapy and occupational therapy, and (4) a plan for
249 the provision of transportation, training and therapeutic services in a
250 manner that makes such services readily available to each school
251 district served by the regional educational service center rather than by
252 request of a school district.

253 (b) Not later than July 1, 2016, each regional educational service
254 center shall submit such model to the State Board of Education and the
255 joint standing committee of the General Assembly having cognizance
256 of matters relating to education, in accordance with the provisions of
257 section 11-4a.

258 Sec. 12. Subsection (d) of section 10-145b of the general statutes is
259 repealed and the following is substituted in lieu thereof (*Effective July*
260 *1, 2015*):

261 (d) (1) On and after July 1, 2016, in order to be eligible to obtain an

262 initial educator certificate, each person shall be required to complete
263 (A) a course of study in special education comprised of not fewer than
264 thirty-six hours, which shall include an understanding of the growth
265 and development of exceptional children, including handicapped and
266 gifted and talented children and children who may require special
267 education, and methods for identifying, planning for and working
268 effectively with special needs children in a regular classroom, and (B) a
269 course or courses of study in special education relating to instruction
270 on classroom techniques in reading, differentiated instruction, social-
271 emotional learning, cultural competencies and assistive technology.
272 The provisions of this subdivision shall not apply to any person who
273 has been issued an initial educator certificate prior to July 1, 2016.

274 (2) [In] On and after July 1, 2016, in order to be eligible to obtain a
275 [provisional teaching certificate, a] provisional educator certificate, [or
276 an initial educator certificate,] each person shall be required to
277 complete a course of study in special education comprised of not fewer
278 than thirty-six hours, which shall include an understanding of the
279 growth and development of exceptional children, including
280 handicapped and gifted and talented children and children who may
281 require special education, and methods for identifying, planning for
282 and working effectively with special needs children in a regular
283 classroom.

284 (3) Notwithstanding the provisions of this subsection to the
285 contrary, each applicant for such certificates who has met all
286 requirements for certification except the completion of the course in
287 special education shall be entitled to a certificate (1) for a period not to
288 exceed one year, provided the applicant completed a teacher
289 preparation program either in the state prior to July 1, 1987, or outside
290 the state, or completed the necessary combination of professional
291 experience or coursework as required by the State Board of Education
292 or (2) for a period not to exceed two years if the applicant applies for
293 certification in an area for which a bachelor's degree is not required.

294 Sec. 13. Subparagraphs (C) and (D) of subdivision (8) of subsection
295 (a) of section 10-76d of the general statutes is repealed and the
296 following is substituted in lieu thereof (*Effective from passage*):

297 (C) Such parent, guardian, pupil or surrogate parent shall (i) be
298 given at least five school days' prior notice of any planning and
299 placement team meeting conducted for such child or pupil, [and shall]
300 (ii) have the right to be present at and participate in all portions of such
301 meeting at which an educational program for such child or pupil is
302 developed, reviewed or revised, and (iii) have the right to have
303 advisors of such person's own choosing and at such person's own
304 expense, and the school paraprofessional assigned to such child or
305 pupil, if any, to be present at and to participate in all portions of such
306 meeting at which an educational program for such child or pupil is
307 developed, reviewed or revised.

308 (D) Immediately upon the formal identification of any child as a
309 child requiring special education and at each planning and placement
310 team meeting for such child, the responsible local or regional board of
311 education shall inform the parent or guardian of such child or
312 surrogate parent or, in the case of a pupil who is an emancipated
313 minor or eighteen years of age or older, the pupil of (i) the laws
314 relating to special education, (ii) the rights of such parent, guardian,
315 surrogate parent or pupil under such laws and the regulations adopted
316 by the State Board of Education relating to special education, including
317 the right of a parent, guardian or surrogate parent to (I) withhold from
318 enrolling such child in kindergarten, in accordance with the provisions
319 of section 10-184, and (II) have advisors and the school
320 paraprofessional assigned to such child or pupil present at, and
321 participate in, all portions of such meeting at which an educational
322 program for such child or pupil is developed, reviewed or revised, in
323 accordance with the provisions of subparagraph (C) of this
324 subdivision, and (iii) any relevant information and resources relating
325 to individualized education programs created by the Department of
326 Education. If such parent, guardian, surrogate parent or pupil does not

327 attend a planning and placement team meeting, the responsible local
328 or regional board of education shall mail such information to such
329 person.

330 Sec. 14. (NEW) (*Effective July 1, 2015*) (a) As used in this section,
331 "private provider of special education services" means any private
332 school or private agency or institution, including a group home.

333 (b) In accomplishing their duties as set forth in section 7-396a of the
334 general statutes and in accordance with the authority granted under
335 chapter 111 of the general statutes, the Auditors of Public Accounts
336 shall examine the records and accounts of any private provider of
337 special education services that (1) has entered into an agreement with a
338 local or regional board of education, pursuant to section 10-76d of the
339 general statutes, as amended by this act, or (2) receives any state or
340 local funds to provide special education and related services, in
341 connection with any grant made by any state agency pursuant to any
342 section of the general statutes or any public or special act. Such
343 examination shall include a compliance audit of whether such state or
344 local funds to provide special education and related services have been
345 expended for allowable costs, in accordance with state and federal law
346 and the individualized education program for each child receiving
347 special education and related services by such private provider of
348 special education services.

349 (c) The Auditors of Public Accounts shall conduct the examination
350 of records and accounts described in subsection (b) of this section at
351 least once during a period of five years, except that no private provider
352 of special education services shall have its records and accounts so
353 examined more than once during such five-year period unless the
354 auditors have found a problem with the records and accounts of such
355 private provider of special education services during such five-year
356 period.

357 (d) The Auditors of Public Accounts shall report their findings to

358 the local or regional board of education that has entered into an
359 agreement with a private provider of special education services,
360 pursuant to section 10-76d of the general statutes, as amended by this
361 act, to the Commissioner of Education, and to the joint standing
362 committee of the General Assembly having cognizance of matters
363 relating to education, in accordance with the provisions of section 11-
364 4a of the general statutes.

365 Sec. 15. (NEW) (*Effective July 1, 2015*) (a) The Department of
366 Education shall enter into memoranda of understanding with the
367 Bureau of Rehabilitation Services, the Office of Early Childhood and
368 the Departments of Developmental Services, Children and Families,
369 Social Services and Corrections regarding the provision of special
370 education and related services to children, including, but not limited
371 to, education, healthcare and transition services. Such memoranda of
372 understanding shall account for current programs and services, utilize
373 best practices and be updated or renewed at least every five years.

374 (b) The Bureau of Rehabilitation Services, the Office of Early
375 Childhood and the Departments of Developmental Services, Children
376 and Families, Social Services and Corrections shall, as necessary, enter
377 into memoranda of understanding regarding the provision of special
378 education and related services to children as it relates to one another.
379 Such memoranda of understanding shall account for current programs
380 and services, utilize best practices and be updated or renewed at least
381 every five years.

382 Sec. 16. (*Effective from passage*) The Department of Education shall
383 conduct a study regarding the collection, assimilation and reporting on
384 longitudinal student data related to special education outcomes. Such
385 study shall include: (1) An examination of how the department can
386 collect and analyze data related to students who received special
387 education and who have exited the public school system, including
388 data related to subsequent employment and participation in state
389 programs, at regular intervals over a ten-year period following such

390 students' exit from the public school system, and (2) a review of which
 391 state agencies may need to participate in the collection of such data, (3)
 392 a projection of the costs related to the regular collection and analysis of
 393 such data, and (4) an examination of the obstacles that exist to the
 394 collection and analysis of such data. The department shall use the
 395 results of the study to assist in the development of special education
 396 and transition services policy. Not later than January 1, 2016, the
 397 department shall submit a report on its findings to the joint standing
 398 committee of the General Assembly having cognizance of matters
 399 relating to education, in accordance with the provisions of section 11-
 400 4a of the general statutes.

This act shall take effect as follows and shall amend the following sections:		
Section 1	<i>July 1, 2015</i>	New section
Sec. 2	<i>July 1, 2015</i>	New section
Sec. 3	<i>July 1, 2015</i>	New section
Sec. 4	<i>from passage</i>	New section
Sec. 5	<i>from passage</i>	New section
Sec. 6	<i>July 1, 2015</i>	New section
Sec. 7	<i>from passage</i>	New section
Sec. 8	<i>July 1, 2015</i>	New section
Sec. 9	<i>July 1, 2015</i>	New section
Sec. 10	<i>from passage</i>	New section
Sec. 11	<i>from passage</i>	New section
Sec. 12	<i>July 1, 2015</i>	10-145b(d)
Sec. 13	<i>from passage</i>	10-76d(a)(8)(C) and (D)
Sec. 14	<i>July 1, 2015</i>	New section
Sec. 15	<i>July 1, 2015</i>	New section
Sec. 16	<i>from passage</i>	New section

Statement of Purpose:

To implement the recommendation of the MORE Commission Special Education Select Working Group.

[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.]