



General Assembly

Substitute Bill No. 7016

January Session, 2015



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 Social
19 Services shall submit an annual report regarding federal funds

20 received through the Medicaid program for the purpose of funding
21 special education and related services to the joint standing committees
22 of the General Assembly having cognizance of matters relating to
23 education, in accordance with the provisions of section 11-4a of the
24 general statutes. Such report shall include, but need not be limited to:
25 (1) The total amount of federal funds received through the Medicaid
26 School Based Child Health Program for the purpose of funding special
27 education and related services, (2) the total amount of such Medicaid
28 School Based Child Health Program funds paid by the department for
29 the purpose of funding special education and related services, (3) the
30 total amount of such Medicaid School Based Child Health Program
31 funds paid by the department to each provider of special education
32 and related services, and (4) a description of how such Medicaid
33 School Based Child Health Program funds are being spent, including,
34 but not limited to, a description of which programs are receiving such
35 Medicaid School Based Child Health Program funds from the
36 department.

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

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

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

60 Sec. 4. (*Effective from passage*) (a) The Commissioner of Education, in
61 consultation with the Individualized Education Program Advisory
62 Council established pursuant to section 5 of this act, shall develop a
63 new individualized education program form that is easier for
64 practitioners to use and easier for parents and students to understand.
65 Such individualized education program form shall include a brief
66 description of, and contact information for, the parent training and
67 information center for Connecticut established pursuant to the
68 Individuals with Disabilities Education Act, 20 USC 1400 et seq., as
69 amended from time to time, and the Bureau of Special Education
70 within the Department of Education in a conspicuous place on the first
71 page of the individualized education program form using at least
72 twelve-point Times New Roman font.

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

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

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

85 (1) One member appointed by the speaker of the House of
86 Representatives, who shall be a director of pupil personnel;

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

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

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

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

97 (6) One member appointed by the minority leader of the Senate,
98 who shall be a representative of the Connecticut Association of Boards
99 of Education;

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

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

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

108 (d) The speaker of the House of Representatives and the president
109 pro tempore of the Senate shall select the chairpersons of the advisory
110 council from among the members of the advisory council. Such
111 chairpersons shall schedule the first meeting of the advisory council,
112 which shall be held not later than sixty days after the effective date of

113 this section.

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

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

122 Sec. 6. (NEW) (*Effective July 1, 2015*) (a) For the fiscal years ending
123 June 30, 2016, to June 30, 2018, inclusive, the Department of Education
124 shall establish and administer a digital individualized education
125 program form pilot program. The pilot program shall utilize an
126 Internet web-based individualized education program database
127 system that uses computer software wizards to assist in the
128 development of individualized education programs, allows for draft
129 and official individualized education program forms, allows the
130 sharing of data and individualized education programs among
131 authorized users, integrates with other systems at the department such
132 as the state-wide public school information system, developed
133 pursuant to section 10-10a of the general statutes, in order to reduce
134 duplicate entries of data, and integrates with school personnel and
135 student reporting systems. The department shall examine any existing
136 individualized education program special education tracking and
137 reporting system software developed by other states.

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

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

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

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

170 Sec. 9. (NEW) (*Effective July 1, 2015*) The Department of Education
171 shall accept notices of events submitted to the department by special
172 education advocacy groups, local and regional boards of education,
173 regional education service centers and other providers of special
174 education services for the purpose of maintaining a calendar of
175 learning and training opportunities for the public regarding the
176 provision of special education programs and services. Such calendar
177 shall be made available on the department's Internet web site.

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

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

192 (1) One member appointed by the speaker of the House of
193 Representatives, who shall be a representative of the Capitol Region
194 Education Council;

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

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

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

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

206 (6) One member appointed by the minority leader of the Senate,
207 who shall be a representative of the Connecticut Association of School

208 Business Officials;

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

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

212 (9) Five members appointed by the Governor, one of whom shall be
213 a director of pupil personnel, one of whom shall be a representative of
214 Education Connection, one of whom shall be a representative of
215 EASTCONN, one of whom shall be a representative of LEARN, and
216 one of whom shall be a representative of Cooperative Educational
217 Services.

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

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

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

228 (f) Not later than July 1, 2016, the working group shall submit a
229 report on its findings and recommendations related to special
230 education funding for and expenditures of regional educational service
231 centers, described in subdivision (1) of subsection (a) of this section, to
232 the joint standing committee of the General Assembly having
233 cognizance of matters relating to education, in accordance with the
234 provisions of section 11-4a of the general statutes. The working group
235 shall terminate on the date that it submits such report or July 1, 2016,
236 whichever is later.

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

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

262 Sec. 12. Subsection (d) of section 10-145b of the general statutes is
263 repealed and the following is substituted in lieu thereof (*Effective July*
264 *1, 2015*):

265 (d) (1) On and after July 1, 2016, in order to be eligible to obtain an
266 initial educator certificate, each person shall be required to complete
267 (A) a course of study in special education comprised of not fewer than
268 thirty-six hours, which shall include an understanding of the growth
269 and development of exceptional children, including handicapped and

270 gifted and talented children and children who may require special
271 education, and methods for identifying, planning for and working
272 effectively with special needs children in a regular classroom, and (B) a
273 course or courses of study in special education relating to instruction
274 on classroom techniques in reading, differentiated instruction, social-
275 emotional learning, cultural competencies and assistive technology.
276 The provisions of this subdivision shall not apply to any person who
277 has been issued an initial educator certificate prior to July 1, 2016.

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

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

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

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

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

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

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

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

362 (d) The Auditors of Public Accounts shall report their findings to
363 the local or regional board of education that has entered into an
364 agreement with the private provider of special education services,
365 pursuant to section 10-76d of the general statutes, as amended by this
366 act, to the Commissioner of Education, and to the joint standing
367 committee of the General Assembly having cognizance of matters

368 relating to education, in accordance with the provisions of section 11-
369 4a of the general statutes.

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

379 (b) The Bureau of Rehabilitation Services, the Office of Early
380 Childhood and the Departments of Developmental Services, Children
381 and Families, Social Services and Correction shall, as necessary, enter
382 into memoranda of understanding regarding the provision of special
383 education and related services to children as such services relate to one
384 another. Such memoranda of understanding shall account for current
385 programs and services, utilize best practices and be updated or
386 renewed at least every five years.

387 Sec. 16. (*Effective from passage*) The Department of Education shall
388 conduct a study regarding the collection, assimilation and reporting on
389 longitudinal student data related to special education outcomes. Such
390 study shall include: (1) An examination of how the department can
391 collect and analyze data related to students who received special
392 education and who have exited the public school system, including
393 data related to subsequent employment and participation in state
394 programs, at regular intervals over a ten-year period following such
395 students' exit from the public school system, (2) a review of which
396 state agencies may need to participate in the collection of such data, (3)
397 a projection of the costs related to the regular collection and analysis of
398 such data, and (4) an examination of the obstacles that exist to the
399 collection and analysis of such data. The department shall use the
400 results of the study to assist in the development of special education

401 and transition services policy. Not later than January 1, 2016, the
402 department shall submit a report on its findings to the joint standing
403 committee of the General Assembly having cognizance of matters
404 relating to education, in accordance with the provisions of section 11-
405 4a of the general statutes.

406 Sec. 17. (NEW) (*Effective July 1, 2015*) Not later than July 1, 2016,
407 each regional educational service center shall conduct a survey of
408 special education services and programs provided in the region
409 serviced by the regional educational service center for the purpose of
410 identifying the need for enhanced or new special education services
411 and programs provided by the regional educational service center.
412 Such survey shall include, but need not be limited to, (1) an inventory
413 of special education services and programs provided by local and
414 regional boards of education and private providers to public school
415 students, (2) the number of students receiving special education
416 services or in special education programs provided by a local or
417 regional board of education or private provider, (3) the total cost
418 incurred by each school district for all such special education services
419 and programs, and (4) the cost incurred by each school district for each
420 such special education service and program. Each regional educational
421 service center shall develop and maintain its own survey procedure
422 and may conduct subsequent surveys as necessary.

423 Sec. 18. (*Effective from passage*) Each regional educational service
424 center shall study the feasibility of such regional educational service
425 center providing and administering new special education services
426 and programs that are of equal or greater quality than those currently
427 provided by local or regional boards of education or private providers
428 in the region serviced by such regional educational service center. The
429 feasibility study shall (1) identify new and current special education
430 services and programs provided by the regional educational service
431 center, (2) take into account the areas of need identified in the survey
432 conducted pursuant to section 17 of this act, (3) include a consideration
433 of the infrastructure, planning, personnel, funding and additional

434 needs required to initiate and maintain special education services and
 435 programs provided by the regional educational service center, and (4)
 436 include recommendations for sites for future special education services
 437 and programs provided by the regional education service center and a
 438 timeline for the implementation of such special education services and
 439 programs. Not later than October 1, 2016, each regional educational
 440 service center shall submit such feasibility study to the State Board of
 441 Education and the joint standing committee of the General Assembly
 442 having cognizance of matters relating to education, in accordance with
 443 the provisions of section 11-4a 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
Sec. 17	<i>July 1, 2015</i>	New section
Sec. 18	<i>from passage</i>	New section

ED *Joint Favorable Subst.*