



# House of Representatives

General Assembly

**File No. 201**

February Session, 2018

House Bill No. 5462

*House of Representatives, April 4, 2018*

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 bill ought to pass.

## **AN ACT CONCERNING TRANSITION SERVICES FOR SPECIAL EDUCATION STUDENTS.**

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

1 Section 1. Subsection (a) of section 10-74m of the general statutes is  
2 repealed and the following is substituted in lieu thereof (*Effective July*  
3 *1, 2018*):

4 (a) The Department of Education shall enter into memoranda of  
5 understanding with the Bureau of Rehabilitation Services, the Office of  
6 Early Childhood and the Departments of Developmental Services,  
7 Children and Families, Social Services and Correction regarding the  
8 provision of special education and related services to children,  
9 including, but not limited to, education, health care and transition  
10 services. Such memoranda of understanding shall account for current  
11 programs and services, utilize best practices and be updated or  
12 renewed at least every five years. Transition services shall be available  
13 to a child requiring special education services who is fourteen to  
14 twenty-two, inclusive, years of age. As used in this section, "transition

15 services" has the same meaning as provided in 20 USC 1401.

16 Sec. 2. Subsection (b) of section 10-76ll of the general statutes is  
17 repealed and the following is substituted in lieu thereof (*Effective July*  
18 *1, 2018*):

19 (b) On or before July 1, 2015, the State Board of Education shall draft  
20 a written bill of rights for parents of children receiving special  
21 education services to guarantee that the rights of such parents and  
22 children are adequately safeguarded and protected during the  
23 provision of special education and related services under this chapter.  
24 Such bill of rights shall inform parents of: (1) The right to request  
25 consideration of the provision of transition services, as defined in 20  
26 USC 1401, for a child receiving special education services who is  
27 [eighteen] fourteen to [twenty-one] twenty-two, inclusive, years of age,  
28 (2) the right to receive transition resources and materials from the  
29 department and the local or regional board of education responsible  
30 for such child, (3) the requirement that the local or regional board of  
31 education responsible for such child shall create a student success plan  
32 for each student enrolled in a public school, beginning in grade six,  
33 pursuant to subsection (j) of section 10-221a, and (4) the right of such  
34 child to receive realistic and specific postgraduation goals as part of  
35 such child's individualized education program.

36 Sec. 3. Subdivision (9) of subsection (a) of section 10-76d of the 2018  
37 supplement to the general statutes is repealed and the following is  
38 substituted in lieu thereof (*Effective July 1, 2018*):

39 (9) The planning and placement team shall, in accordance with the  
40 provisions of the Individuals With Disabilities Education Act, 20 USC  
41 1400, et seq., as amended from time to time, develop and update  
42 annually a statement of transition service needs for each child  
43 requiring special education. Transition services, as defined in 20 USC  
44 1401 and provided pursuant to section 10-74m, as amended by this act,  
45 shall be made available to each child receiving special education  
46 services who is fourteen to twenty-two, inclusive, years of age.

47 Sec. 4. Subparagraph (F) of subdivision (10) of subsection (a) of  
 48 section 10-76d of the 2018 supplement to the general statutes is  
 49 repealed and the following is substituted in lieu thereof (*Effective July*  
 50 *1, 2018*):

51 (F) At each initial planning and placement team meeting for a child  
 52 or pupil, the responsible local or regional board of education shall  
 53 [inform] provide the parent, guardian, surrogate parent or pupil [of]  
 54 with (i) information on the laws relating to physical restraint and  
 55 seclusion pursuant to section 10-236b and the rights of such parent,  
 56 guardian, surrogate parent or pupil under such laws and the  
 57 regulations adopted by the State Board of Education relating to  
 58 physical restraint and seclusion, and (ii) a written copy of the bill of  
 59 rights for parents of children receiving special education services  
 60 pursuant to section 10-76ll, as amended by this act.

This act shall take effect as follows and shall amend the following sections:		
Section 1	<i>July 1, 2018</i>	10-74m(a)
Sec. 2	<i>July 1, 2018</i>	10-76ll(b)
Sec. 3	<i>July 1, 2018</i>	10-76d(a)(9)
Sec. 4	<i>July 1, 2018</i>	10-76d(a)(10)(F)

**HS**      *Joint Favorable*

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 19 \$	FY 20 \$
Department of Developmental Services	GF - Cost	up to 301,900	up to 402,500
State Comptroller - Fringe Benefits <sup>1</sup>	GF - Cost	up to 109,700	up to 146,300

Note: GF=General Fund

**Municipal Impact:**

Municipalities	Effect	FY 19 \$	FY 20 \$
Local and Regional School Districts	STATE MANDATE - Cost	Potential	Potential

**Explanation**

The bill adds five birth-years of special education students to those eligible for transition services. This increases the number of students eligible for Department of Developmental Services' (DDS) transition services by approximately 1,500.<sup>2</sup> It is anticipated that this change will require up to seven new positions at DDS at a total state cost of \$411,600 in FY 19 (partial year) and \$548,800 in FY 20 (annualized). These Developmental Services Transition Advisor positions (with an estimated salary of \$57,500) are necessary to provide services to the additional students covered under the bill.

<sup>1</sup>The fringe benefit costs for most state employees are budgeted centrally in accounts administered by the Comptroller. The estimated active employee fringe benefit cost associated with most personnel changes is 36.33% of payroll in FY 19 and FY 20.

<sup>2</sup>There are approximately 300 high school graduates eligible for DDS services each year.

As a result of adding five birth-years of special education students to those eligible for transition services, various local and regional school districts could be responsible for providing additional transition services to these students. The cost per district will depend on the number of newly eligible students in each district, and the additional services required. It is anticipated there would be, on average, fewer than ten additional students eligible in each district. Districts with no additional eligible students would not incur any additional costs.

***The Out Years***

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

*Sources: Department of Administrative Services website*

**OLR Bill Analysis****HB 5462*****AN ACT CONCERNING TRANSITION SERVICES FOR SPECIAL EDUCATION STUDENTS.*****SUMMARY**

This bill requires transition services to be available to children requiring special education services from age 14 to 22 under memoranda of understanding (MOU) between the Department of Education and the departments of rehabilitation services (DORS), developmental services, children and families, social services, and correction and the Office of Early Childhood. Under existing law, the MOU concerns special education and related services to children, including transition services.

Under the bill, transition services are those defined in the federal Individuals with Disabilities Education Act (IDEA) (see BACKGROUND). Under existing law, unchanged by the bill, the State Board of Education coordinates providing transition services in collaboration with other state agencies. In practice, DORS provides transition services for students with disabilities age 16 and older.

The bill aligns the parents' bill of rights to this requirement. By law, the State Board of Education must draft a written bill of rights for parents of children receiving special education services. Under current law, the bill of rights includes the right to request consideration of transition services for a child, age 18 to 21, receiving special education services. The bill expands the age range to ages 14 to 22 and specifies that transition services are those defined in IDEA.

The bill also requires local or regional boards of education to provide the parent, guardian, surrogate parent, or pupil with a written copy of the bill of rights at the child or pupil's initial planning and

placement team meeting. By law, planning and placement teams must develop and annually update a statement of transition service needs for each child requiring special education (see BACKGROUND). The bill makes a conforming change that requires such transition services to be available to students ages 14 to 22 receiving special education services.

EFFECTIVE DATE: July 1, 2018

## **BACKGROUND**

### ***Federal IDEA***

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

Under IDEA, “transition services” means a coordinated set of activities for a child with a disability that:

1. is within a results-oriented process;
2. is focused on improving a child’s academic and functional achievement to move from school to post-school activities (e.g., post-secondary education, vocational education, integrated employment, adult services, and community participation);
3. is based on the individual child’s needs, accounting for strengths, preferences, and interests; and
4. includes instruction, related services, community experiences, development of employment and post-school adult living objectives, and, when appropriate, acquisition of daily living skills and functional vocational evaluation (20 U.S.C. § 1401(34)).

Federal regulations require a student’s individualized education plan (IEP) to include transition services beginning with the first IEP in effect when the child turns 16, or earlier if determined appropriate (34 C.F.R. § 300.320).

***Planning and Placement Team***

A planning and placement team is a group consisting of a student's parents, teachers, and educational specialists who meet to develop and periodically review the student's IEP, which lists special education services to which the student is entitled.

**COMMITTEE ACTION**

Human Services Committee

Joint Favorable

Yea 13    Nay 6    (03/20/2018)