
OLR Bill Analysis

sHB 7353

AN ACT CONCERNING THE PROVISION OF SPECIAL EDUCATION.

SUMMARY

This bill makes changes in education statutes relating to special education and nondiscrimination as summarized in the section-by-section analysis below. Among the changes, the bill does the following:

1. designates responsibility for providing services and paying costs for students with 504 plans (i.e., the accommodation plan of a student under the federal Rehabilitation Act of 1973) (§ 10);
2. eliminates a provision in current law requiring a technical high school planning and placement team (PPT) to refer a student who is eligible for special education services back to the school district where he or she resides if the team determines the vocational education program is unsuitable (§ 1);
3. prohibits boards of education from disciplining, suspending, terminating, or otherwise punishing their employees for making special education recommendations in PPT meetings, yet affirms their supervisors' authority to evaluate their professional conduct during these meetings (§ 2);
4. requires the creation of new service and accommodation plans for students who are deaf or hard of hearing, and requires various state entities to address "emergency communication plans" in the school safety guidance they issue to school districts (§§ 4-6);
5. requires the State Department of Education (SDE), along with other state agencies, to collect data and study language skills for

students whose primary disability is identified as deaf or hard of hearing or both blind or visually impaired and deaf (§§ 7-8);

6. establishes a working group to study issues related to student transitions between Birth to Three (see BACKGROUND) and kindergarten special education services (§ 3); and
7. requires local or regional boards of education to notify parents or guardians in writing if their child has been identified as gifted and talented (§ 9).

EFFECTIVE DATE: July 1, 2019, except the provisions about state agencies' revisions to school safety guidance (§§ 5 & 6) and the Birth to Three working group (§ 3) take effect upon passage.

§ 1 — PPT PLACEMENT OF TECHNICAL HIGH SCHOOL STUDENTS

Under state and federal special education law, a student found eligible for special education services must be placed in the educational setting that best meets his or her needs. This placement decision is made by the PPT formed in the school district where the student attends, and parents or guardians have the right to appeal this decision in an administrative hearing and a court of law.

The bill removes the provision in state law that requires technical high school students, who attend school in the state's only state-run system, to be referred back to the sending district where they live for IEP development and school attendance if a PPT decides that the special education services they require preclude them from being educated in a vocational education program. (Under federal law, however, a technical high school PPT still retains the authority to place a student outside of the school, and parents or guardians still retain the right to pursue a legal challenge to such placement decision.)

§ 3 — SPECIAL EDUCATION WORKING GROUP

The bill establishes a working group to study issues related to student transitions between Birth to Three (see BACKGROUND) and kindergarten special education services. Specifically, the bill requires

the group to do the following:

1. study issues relating to the gap of services for children aged three to five years who have aged out of Birth to Three services eligibility and have not yet enrolled in kindergarten and
2. review and evaluate the special education and related services eligibility criteria that creates such gap and prevents children from experiencing a continuity of services.

(It appears that federal law does not permit a gap in services between the Birth to Three program and public school special education for eligible students. Children who complete Birth to Three and are assessed as eligible for early childhood special education must be referred to their school district to transition to public school services beginning at age 3 (20 U.S.C. § 1437(a)(9)). State law also recognizes this transition (CGS §§ 17a-248d & 17a-248e).)

Working Group Report

The group must submit a report to the Education Committee by January 1, 2020, on its findings and recommendations and terminates on the date it submits the report or January 1, 2020, whichever is later.

Membership

Under the bill, the working group is comprised of the following 13 members:

1. the Office of Early Childhood (OEC) commissioner, or her designee;
2. the education commissioner, or her designee;
3. the Child Advocate;
4. a representative from the Connecticut Association of Public School Superintendents;
5. three Birth to Three program service providers, selected by the OEC commissioner; and

6. representatives from each of the six regional education service centers (RESCs), selected by the RESCs, who are responsible for their respective center's special education services.

The bill requires all member selections to be made within 30 days of the bill's effective date. The OEC commissioner must fill any vacancy on the working group.

Group Meetings and Staff

Under the bill, the OEC commissioner must schedule and hold the first working group meeting within 60 days of the bill's effective date. The group must elect a chair from its members at the first meeting.

The Education Committee's administrative staff must serve as the working group's administrative staff.

§§ 4-6 — PLANS FOR DEAF AND HARD OF HEARING STUDENTS

The bill requires the creation of new service and accommodation plans for students who are deaf or hard of hearing, and requires various state entities to address such plans in the guidance they issue to school districts.

Language and Communication Plans (§ 4)

Under current law, students who are eligible for special education and related services and are identified as deaf or hard of hearing must have a language and communication plan included in their individualized education program (IEP) (i.e., a written statement detailing the student's academic achievement level, goals for future achievement, and specialized educational services needed to reach the goals). The bill requires students with 504 plans to also have a language and communication plan.

By law, a language and communication plan must address the following:

1. the student's primary language or mode of communication;
2. opportunities for direct communication with peers and

- professional personnel in the student's primary language or mode of communication;
3. educational options available to the student;
 4. qualifications of teachers and other professional personnel in administering the plan, including their proficiency in the student's primary language or mode of communication;
 5. accessibility of academic instruction, school services, and extracurricular activities for the student;
 6. assistive devices and services for the student; and
 7. communication and physical environment accommodations for the student.

Additionally, the bill adds an eighth required element for language and communication plans: an "emergency communication plan," which includes procedures to alert the student about an emergency situation and ensure that the student's specific needs are met during this situation.

Emergency Communication Plans (§§ 5 & 6)

The bill requires various state agencies to consider deaf or hard of hearing students' emergency communication plans in the formal guidance they issue to school districts about school emergency procedures and construction projects.

School Security and Safety Plans. The bill requires the Department of Emergency Services and Public Protection, in consultation with SDE, to revise its school security and safety plan standards by October 1, 2019, to include provisions relating to emergency communication plans. (Existing law describes these standards as an "all hazards approach" to emergencies at public schools.) Local and regional boards of education must revise their own school security and safety plans by January 1, 2020, to include similar provisions.

School Safety Infrastructure Criteria. The bill requires the School Safety Infrastructure Council to revise the school safety infrastructure criteria for school building projects by October 1, 2019, to include provisions relating to emergency communication plans.

§§ 7 & 8 — LANGUAGE SKILLS FOR DEAF OR HARD OF HEARING STUDENTS

The bill requires SDE, the Department of Public Health, and the Office of Early Childhood to develop a process for collecting and sharing data to ensure that students who have IEPs or 504 plans with a primary disability as being deaf or hard of hearing, or both blind or visually impaired and deaf, have the language skills necessary to acquire knowledge and assist them to be successful in school and after graduation. SDE must report to the Education Committee by January 1, 2020, on this process.

Additionally, the bill requires SDE to establish a working group within the department about language assessment for students identified as deaf or hard of hearing, or both blind or visually impaired and deaf. The group must develop guidelines about (1) appropriate language assessments, (2) practices and programs, and (3) provision of intermediate interventions when a student does not demonstrate progress in age-appropriate expressive and receptive language skills.

§ 9 — GIFTED AND TALENTED STUDENTS

The bill requires boards of education to give parents or guardians written notice if their child has been identified as gifted and talented. The notice must include the following:

1. an explanation of how the student was identified and
2. the contact information for (a) any Connecticut associations that provide support to gifted and talented students and (b) the SDE employee designated to provide information and assistance to families and school districts about gifted and talented students.

§ 10 — SERVICES AND ASSOCIATED COSTS FOR MAGNET SCHOOL STUDENTS WITH 504 PLANS

For students with 504 plans who are attending inter-district magnet schools, the bill apportions responsibility for ensuring service delivery and covering associated educational costs between the student's sending district and magnet school operator.

504 Services

Under the bill, the magnet school that the student attends bears responsibility for ensuring that all services outlined in the student's 504 plan are provided: those provided by the magnet school itself as well as by the sending district. This only applies for such students who attend the magnet school full-time.

Associated Costs

Under the bill, the sending district must pay such student's educational costs, calculated by subtracting from the reasonable cost of educating the student the sum of (1) the amount received by the magnet school as a per-pupil state operating grant plus (2) any other amounts received by state, federal, local, or private sources.

BACKGROUND

Birth to Three Program

The Birth to Three Program is designed to strengthen families' capacities to meet the developmental and health-related needs of their infants and toddlers who have developmental delays or disabilities. Eligible families work with service providers to develop individualized family service plans. OEC is the state's lead agency for the program.

COMMITTEE ACTION

Education Committee

Joint Favorable Substitute

Yea 35 Nay 0 (03/25/2019)