
OLR Bill Analysis

sHB 7353 (as amended by House "A")*

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) (§ 8);
2. prohibits boards of education from disciplining, suspending, terminating, or otherwise punishing their employees for making special education recommendations in planning and placement team (PPT) meetings (§ 1);
3. 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 (§§ 3-5);
4. requires the State Department of Education (SDE) to establish a working group to study language skills assessment for students whose primary disability is identified as deaf or hard of hearing or both blind or visually impaired and deaf (§ 6);
5. establishes a working group to study issues related to student transitions between Birth to Three (see BACKGROUND) and kindergarten special education services (§ 2);

6. requires local or regional boards of education to electronically notify parents or guardians if their child has been identified as gifted and talented (§ 7);
7. requires SDE's Individual Education Program (IEP) Advisory Council to study the authorization of private therapists to provide special education and related services directly to students at school during the regular school day (§ 9); and
8. requires any private special education provider that has a contract with a local or regional board of education to inform the board about certain complaints against the provider (§ 10).

*House Amendment "A" removes the provisions in the underlying bill that (1) remove the provision in existing law requiring the state's technical high school to refer students back to their sending district if PPT decides they require services that preclude them from being educated in a vocational program and (2) require SDE to develop a data collection process about the language skills of students who are deaf or hard of hearing. It also revises the charge of the Birth to Three working group (§ 2) and provisions about gifted and talented students (§ 7). Finally, it adds provisions on studying the use of private therapists to provide special education services (§ 9) and private special education provider transparency (§ 10).

EFFECTIVE DATE: July 1, 2019, except the provisions about state agencies' revisions to school safety guidance (§§ 4 & 5), the Birth to Three working group (§ 2), and the study of private therapist authorization (§ 9) take effect upon passage.

§ 2 — SPECIAL EDUCATION WORKING GROUP

The bill establishes a working group to study issues relating to the provision of special education and related services during the period in which a child is no longer eligible for Birth to Three program services (see BACKGROUND) and is not yet enrolled in kindergarten.

The working group also must review and evaluate the practices and policies of the Office of Early Childhood or local or regional boards of

education that may result in a child experiencing a disruption in or cessation of services during this period.

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 passage. 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 passage. 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.

§§ 3-5 — 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 (§ 3)

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 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 and ensure that the student’s specific needs are met during an emergency situation.

Emergency Communication Plans (§§ 4 & 5)

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.

§ 6 — LANGUAGE SKILLS FOR DEAF OR HARD OF HEARING STUDENTS

The bill requires SDE to establish a working group within the department on language assessment for students identified as deaf or hard of hearing, or both blind or visually impaired and deaf. The group must develop guidelines on (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.

§ 7 — GIFTED AND TALENTED STUDENTS

The bill requires local or regional boards of education to electronically notify parents or guardians if their child has been identified as gifted and talented. The notice must include, at a minimum, the following information:

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; (b) the SDE employee designated to provide information and assistance to families and school districts about gifted and talented students; and (c) the school district employee in charge of providing services to gifted and talented students, or, if there is no such employee, the school district employee in charge of special education and related services.

§ 8 — 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, whether provided by the magnet school itself or 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.

§ 9 — STUDY OF PRIVATE THERAPISTS PROVIDING SPECIAL EDUCATION SERVICES

The bill requires SDE's IEP Advisory Council to study by July 1, 2020, the authorization of private therapists to provide special education and related services directly to students at school during the regular school day. The study must examine issues relating to (1) including such authorization in a child's IEP and (2) using a parent's or guardian's private insurance to cover the cost of these services. SDE must submit the study and any recommendations to the Education Committee.

§ 10 — PRIVATE SPECIAL EDUCATION PROVIDER TRANSPARENCY

The bill requires any private special education provider that has a contract with a local or regional board of education to inform the board about the following:

1. all complaints received against the provider about mistreatment of students who receive special education services from the provider,
2. the resolution or outcome of such complaints and any corrective action taken as a result of such complaints, and
3. any programming or service changes as a result of a complaint for students under the board's jurisdiction.

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.

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).

COMMITTEE ACTION

Education Committee

Joint Favorable Substitute

Yea 35 Nay 0 (03/25/2019)