



General Assembly

January Session, 2019

***Raised Bill No. 7353***

LCO No. 5959



Referred to Committee on EDUCATION

Introduced by:  
(ED)

***AN ACT CONCERNING VARIOUS ISSUES RELATING TO SPECIAL EDUCATION.***

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

1 Section 1. Section 10-76a of the general statutes is repealed and the  
2 following is substituted in lieu thereof (*Effective July 1, 2019*):

3 Whenever used in sections 10-76a to 10-76i, inclusive:

4 (1) "Commissioner" means the Commissioner of Education.

5 (2) "Child" means any person under twenty-one years of age.

6 (3) An "exceptional child" means a child who deviates either  
7 intellectually, physically or emotionally so markedly from normally  
8 expected growth and development patterns that he or she is or will be  
9 unable to progress effectively in a regular school program and needs a  
10 special class, special instruction or special services.

11 (4) "Special education" means specially designed instruction  
12 developed in accordance with the regulations of the commissioner,

13 subject to approval by the State Board of Education offered at no cost  
14 to parents or guardians, to meet the unique needs of a child with a  
15 disability, including instruction conducted in the classroom, in the  
16 home, in hospitals and institutions, and in other settings and  
17 instruction in physical education and special classes, programs or  
18 services, including related services, designed to meet the educational  
19 needs of exceptional children.

20 (5) "A child requiring special education" means any exceptional  
21 child who (A) meets the criteria for eligibility for special education  
22 pursuant to the Individuals With Disabilities Education Act, 20 USC  
23 1400, et seq., as amended from time to time, (B) has extraordinary  
24 learning ability or outstanding talent in the creative arts, the  
25 development of which requires programs or services beyond the level  
26 of those ordinarily provided in regular school programs but which  
27 may be provided through special education as part of the public school  
28 program, or (C) is age three to five, inclusive, and is experiencing  
29 developmental delay that causes such child to require special  
30 education.

31 (6) "Developmental delay" means significant delay in one or more of  
32 the following areas: (A) Physical development; (B) communication  
33 development; (C) cognitive development; (D) social or emotional  
34 development; or (E) adaptive development, as measured by  
35 appropriate diagnostic instruments and procedures and demonstrated  
36 by scores obtained on an appropriate norm-referenced standardized  
37 diagnostic instrument.

38 (7) "Related services" means related services, as defined in the  
39 Individuals With Disabilities Education Act, 20 USC 1400 et seq., as  
40 amended from time to time.

41 (8) "Extraordinary learning ability" and "outstanding creative talent"  
42 shall be defined by regulation, adopted in accordance with the  
43 provisions of chapter 54, by the commissioner, subject to the approval  
44 of the State Board of Education, after consideration by said

45 commissioner of the opinions of appropriate specialists and of the  
46 normal range of ability and rate of progress of children in the  
47 Connecticut public schools.

48 (9) "Local or regional board of education" means a local or regional  
49 board of education, an interdistrict magnet school operator, the  
50 governing council of a state or local charter school, the Technical  
51 Education and Career System, an operator of a regional agricultural  
52 science and technology education center, established pursuant to  
53 section 10-64, a regional educational service center, a cooperative  
54 arrangement committee established pursuant to section 10-158a, or the  
55 board of trustees of an incorporated or endowed high school or  
56 academy approved pursuant to section 10-34.

57 Sec. 2. Subsection (d) of section 10-76b of the general statutes is  
58 repealed and the following is substituted in lieu thereof (*Effective July*  
59 *1, 2019*):

60 (d) The State Board of Education shall ensure that a local [and] or  
61 regional [boards] board of education [are] is providing the information  
62 described in subparagraph (D) of subdivision (10) of subsection (a) of  
63 section 10-76d, as amended by this act, to the parent or guardian of a  
64 child requiring special education or the surrogate parent appointed  
65 pursuant to section 10-94g and, in the case of a pupil who is an  
66 emancipated minor or eighteen years of age or older, the pupil.

67 Sec. 3. Subparagraph (D) of subdivision (10) of subsection (a) of  
68 section 10-76d of the general statutes is repealed and the following is  
69 substituted in lieu thereof (*Effective July 1, 2019*):

70 (D) Immediately upon the formal identification of any child as a  
71 child requiring special education and at each planning and placement  
72 team meeting for such child, the responsible local or regional board of  
73 education shall inform the parent or guardian of such child or  
74 surrogate parent or, in the case of a pupil who is an emancipated  
75 minor or eighteen years of age or older, the pupil of (i) the laws  
76 relating to special education, (ii) the rights of such parent, guardian,

77 surrogate parent or pupil under such laws and the regulations adopted  
78 by the State Board of Education relating to special education, including  
79 the right of a parent, guardian or surrogate parent to (I) withhold from  
80 enrolling such child in kindergarten, in accordance with the provisions  
81 of section 10-184, [and] (II) have advisors and the school  
82 paraprofessional assigned to such child or pupil to be present at, and  
83 to participate in, all portions of such meeting at which an educational  
84 program for such child or pupil is developed, reviewed or revised, in  
85 accordance with the provisions of subparagraph (C) of this  
86 subdivision, and (III) maintain such child's enrollment at his or her  
87 current school and to require that such local or regional board of  
88 education provide special education to such child at such school, and  
89 (iii) any relevant information and resources relating to individualized  
90 education programs created by the Department of Education,  
91 including, but not limited to, information relating to transition  
92 resources and services for high school students. If such parent,  
93 guardian, surrogate parent or pupil does not attend a planning and  
94 placement team meeting, the responsible local or regional board of  
95 education shall mail such information to such person.

96 Sec. 4. Section 10-76q of the general statutes is repealed and the  
97 following is substituted in lieu thereof (*Effective July 1, 2019*):

98 (a) The State Board of Education, in accordance with regulations  
99 adopted by said board, shall: (1) Provide the professional services  
100 necessary to identify, in accordance with section 10-76a, as amended  
101 by this act, children requiring special education who are enrolled at a  
102 technical education and career school; (2) identify each such child; (3)  
103 determine the appropriateness of the technical education and career  
104 school for the educational needs of each such child; (4) provide an  
105 appropriate educational program for each such child; (5) maintain a  
106 record thereof; and (6) annually evaluate the progress and  
107 accomplishments of special education programs provided by the  
108 Technical Education and Career System.

109 (b) Where it is deemed appropriate that a child enrolled in a

110 technical education and career school receive special education, the  
111 parents or guardian of such child shall have a right to the hearing and  
112 appeal process as provided for in section 10-76h.

113 [(c) If a planning and placement team determines that a student  
114 requires special education services which preclude such student's  
115 participation in the vocational education program offered by a  
116 technical education and career school, the student shall be referred to  
117 the board of education in the town in which the student resides for the  
118 development of an individualized educational program and such  
119 board of education shall be responsible for the implementation and  
120 financing of such program.]

121 Sec. 5. Section 10-76d of the general statutes is amended by adding  
122 subsection (i) as follows (*Effective July 1, 2019*):

123 (NEW) (i) No local or regional board of education shall discipline,  
124 suspend, terminate or otherwise punish any teacher, administrator or  
125 school paraprofessional employed by such board who (1) discusses or  
126 makes recommendations concerning the provision of special education  
127 and related services for a child during a planning and placement team  
128 meeting for such child, or (2) discusses or makes recommendations  
129 outside of a planning and placement team meeting concerning the  
130 provision of special education and related services to the parent or  
131 guardian of a child who requires or who may require special  
132 education, a pupil if such pupil is an emancipated minor or eighteen  
133 years of age or older who requires or who may require special  
134 education or a surrogate parent appointed pursuant to section 10-94g.

135 Sec. 6. (*Effective from passage*) (a) There is established a working  
136 group to study issues relating to the gap of services for children three  
137 to five years of age, inclusive, during the period in which such children  
138 are no longer eligible for services provided by the birth-to-three  
139 program, established pursuant to section 17a-248b of the general  
140 statutes, and not yet eligible to receive special education and related  
141 services pursuant to sections 10-76a to 10-76h, inclusive, of the general

142 statutes, as amended by this act, until such children are enrolled in  
143 kindergarten. As part of such study, the working group shall review  
144 and evaluate the eligibility criteria for special education and related  
145 services that creates such gap and prevents children from experiencing  
146 a continuity of services.

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

148 (1) The Commissioner of Early Childhood, or the commissioner's  
149 designee;

150 (2) The Commissioner of Education, or the commissioner's designee;

151 (3) The Child Advocate;

152 (4) A representative designated by the Connecticut Association of  
153 Public School Superintendents;

154 (5) Three birth-to-three program service providers, selected by the  
155 Commissioner of Early Childhood; and

156 (6) A representative from each regional educational service center  
157 who is responsible for the provision of special education services for  
158 the center, designated by the center.

159 (c) All member selections to the working group pursuant to  
160 subdivision (5) of subsection (b) of this section shall be made not later  
161 than thirty days after the effective date of this section. Any vacancy  
162 shall be filled by the Commissioner of Early Childhood.

163 (d) The first meeting of the working group shall be scheduled by the  
164 Commissioner of Early Childhood and held not later than sixty days  
165 after the effective date of this section. The chairperson of the working  
166 group shall be elected from among the members of the working group  
167 at the first meeting.

168 (e) The administrative staff of the joint standing committee of the  
169 General Assembly having cognizance of matters relating to education

170 shall serve as administrative staff of the working group.

171 (f) Not later than January 1, 2020, the working group shall submit a  
172 report on its findings and recommendations to the joint standing  
173 committee of the General Assembly having cognizance of matters  
174 relating to education, in accordance with the provisions of section 11-  
175 4a of the general statutes. The working group shall terminate on the  
176 date that it submits such report or January 1, 2020, whichever is later.

177 Sec. 7. Section 10-76jj of the general statutes is repealed and the  
178 following is substituted in lieu thereof (*Effective July 1, 2019*):

179 The individualized education program for any child identified as  
180 deaf or hard of hearing shall include a language and communication  
181 plan developed by the planning and placement team for such child.  
182 Such language and communication plan shall address: (1) The primary  
183 language or mode of communication chosen for the child, (2)  
184 opportunities for direct communication with peers and professional  
185 personnel in the primary language or mode of communication for the  
186 child, (3) educational options available to the child, (4) the  
187 qualifications of teachers and other professional personnel  
188 administering such plan for the child, including such teacher's or  
189 personnel's proficiency in the primary language or mode of  
190 communication for the child, (5) the accessibility of academic  
191 instruction, school services and extracurricular activities to the child,  
192 (6) assistive devices and services for the child, [and] (7) communication  
193 and physical environment accommodations for the child, and (8) an  
194 emergency communication plan that includes procedures for alerting  
195 the child of an emergency situation and ensuring that the specific  
196 needs of the child are met during the emergency situation.

197 Sec. 8. (*Effective from passage*) (a) As used in this section, "emergency  
198 communication plan" means a plan developed for a student identified  
199 as deaf, hard of hearing or both blind or visually impaired and deaf,  
200 that includes procedures for alerting such students of an emergency  
201 situation and ensuring that the specific needs of the child are met

202 during the emergency situation.

203 (b) Not later than October 1, 2019, the Department of Emergency  
204 Services and Public Protection, in consultation with the Department of  
205 Education, shall revise the school security and safety plan standards,  
206 developed pursuant to section 10-222n of the general statutes, to  
207 include provisions relating to emergency communication plans for  
208 students identified as deaf, hard of hearing or both blind or visually  
209 impaired and deaf.

210 (c) Not later than January 1, 2020, each local and regional board of  
211 education shall revise the school security and safety plan for each  
212 school under the jurisdiction of such board, developed pursuant to  
213 section 10-222m of the general statutes, to include provisions relating  
214 to emergency communication plans for students identified as deaf,  
215 hard of hearing or both blind or visually impaired and deaf.

216 Sec. 9. (*Effective from passage*) Not later than October 1, 2019, the  
217 School Safety Infrastructure Council shall revise the school safety  
218 infrastructure criteria for school building projects, developed pursuant  
219 to section 10-292r of the general statutes, to include provisions relating  
220 to emergency communication plans for students identified as deaf,  
221 hard of hearing or both blind or visually impaired and deaf. As used in  
222 this section, "emergency communication plan" means a plan developed  
223 for a student identified as deaf, hard of hearing or both blind or  
224 visually impaired and deaf, that includes procedures for alerting such  
225 students of an emergency situation and ensuring that the specific  
226 needs of the child are met during the emergency situation.

227 Sec. 10. (*Effective July 1, 2019*) The Departments of Education and  
228 Public Health and the Office of Early Childhood shall develop a  
229 process for collecting and sharing data to ensure that students  
230 identified as deaf, hard of hearing or both blind or visually impaired  
231 and deaf, have the necessary language skills to acquire knowledge that  
232 will assist them to be successful in school and after graduation. Not  
233 later than January 1, 2020, the Department of Education shall submit a

234 report on such process to the joint standing committee of the General  
 235 Assembly having cognizance of matters relating to education, in  
 236 accordance with the provisions of section 11-4a of the general statutes.

237 Sec. 11. (*Effective July 1, 2019*) The Department of Education shall  
 238 establish a working group, within the department, on language  
 239 assessment for students identified as deaf, hard of hearing or both  
 240 blind or visually impaired and deaf. The working group shall develop  
 241 guidelines concerning appropriate language assessments, practices  
 242 and programs and the provision of immediate interventions when a  
 243 student does not demonstrate progress in age-appropriate expressive  
 244 and receptive language skills.

This act shall take effect as follows and shall amend the following sections:		
Section 1	<i>July 1, 2019</i>	10-76a
Sec. 2	<i>July 1, 2019</i>	10-76b(d)
Sec. 3	<i>July 1, 2019</i>	10-76d(a)(10)(D)
Sec. 4	<i>July 1, 2019</i>	10-76q
Sec. 5	<i>July 1, 2019</i>	10-76d
Sec. 6	<i>from passage</i>	New section
Sec. 7	<i>July 1, 2019</i>	10-76jj
Sec. 8	<i>from passage</i>	New section
Sec. 9	<i>from passage</i>	New section
Sec. 10	<i>July 1, 2019</i>	New section
Sec. 11	<i>July 1, 2019</i>	New section

**Statement of Purpose:**

To address various issues relating to the provision of special education in the state.

*[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.]*