



General Assembly

Substitute Bill No. 7353

January Session, 2019



AN ACT CONCERNING THE PROVISION OF SPECIAL EDUCATION.

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

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 Section 10-76q of the general statutes is repealed and the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

3 (a) The State Board of Education, in accordance with regulations
4 adopted by said board, shall: (1) Provide the professional services
5 necessary to identify, in accordance with section 10-76a, children
6 requiring special education who are enrolled at a technical education
7 and career school; (2) identify each such child; (3) determine the
8 appropriateness of the technical education and career school for the
9 educational needs of each such child; (4) provide an appropriate
10 educational program for each such child; (5) maintain a record thereof;
11 and (6) annually evaluate the progress and accomplishments of special
12 education programs provided by the Technical Education and Career
13 System.

14 (b) Where it is deemed appropriate that a child enrolled in a
15 technical education and career school receive special education, the
16 parents or guardian of such child shall have a right to the hearing and
17 appeal process as provided for in section 10-76h.

18 [(c) If a planning and placement team determines that a student

19 requires special education services which preclude such student's
20 participation in the vocational education program offered by a
21 technical education and career school, the student shall be referred to
22 the board of education in the town in which the student resides for the
23 development of an individualized educational program and such
24 board of education shall be responsible for the implementation and
25 financing of such program.]

26 Sec. 2. Section 10-76d of the general statutes is amended by adding
27 subsection (i) as follows (*Effective July 1, 2019*):

28 (NEW) (i) No local or regional board of education shall discipline,
29 suspend, terminate or otherwise punish any member of a planning and
30 placement team employed by such board who discusses or makes
31 recommendations concerning the provision of special education and
32 related services for a child during a planning and placement team
33 meeting for such child. Nothing in this subsection shall limit or
34 prevent a supervisor conducting a performance evaluation for a
35 member of a planning and placement team from evaluating such
36 member's professional conduct during a planning and placement team
37 meeting.

38 Sec. 3. (*Effective from passage*) (a) There is established a working
39 group to study issues relating to the gap of services for children three
40 to five years of age, inclusive, during the period in which such children
41 are no longer eligible for services provided by the birth-to-three
42 program, established pursuant to section 17a-248d of the general
43 statutes, and not yet eligible to receive special education and related
44 services pursuant to sections 10-76a to 10-76h, inclusive, of the general
45 statutes until such children are enrolled in kindergarten. As part of
46 such study, the working group shall review and evaluate the eligibility
47 criteria for special education and related services that creates such gap
48 and prevents children from experiencing a continuity of services.

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

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

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

53 (3) The Child Advocate;

54 (4) A representative designated by the Connecticut Association of
55 Public School Superintendents;

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

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

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

65 (d) The first meeting of the working group shall be scheduled by the
66 Commissioner of Early Childhood and held not later than sixty days
67 after the effective date of this section. The chairperson of the working
68 group shall be elected from among the members of the working group
69 at the first meeting.

70 (e) The administrative staff of the joint standing committee of the
71 General Assembly having cognizance of matters relating to education
72 shall serve as administrative staff of the working group.

73 (f) Not later than January 1, 2020, the working group shall submit a
74 report on its findings and recommendations to the joint standing
75 committee of the General Assembly having cognizance of matters
76 relating to education, in accordance with the provisions of section 11-
77 4a of the general statutes. The working group shall terminate on the

78 date that it submits such report or January 1, 2020, whichever is later.

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

81 The individualized education program or plan pursuant to Section
82 504 of the Rehabilitation Act of 1973, as amended from time to time, for
83 any child identified as deaf or hard of hearing shall include a language
84 and communication plan. In the case of a child with an individualized
85 education program, the language and communication plan shall be
86 developed by the planning and placement team for such child. Such
87 language and communication plan shall address: (1) The primary
88 language or mode of communication chosen for the child, (2)
89 opportunities for direct communication with peers and professional
90 personnel in the primary language or mode of communication for the
91 child, (3) educational options available to the child, (4) the
92 qualifications of teachers and other professional personnel
93 administering such plan for the child, including such teacher's or
94 personnel's proficiency in the primary language or mode of
95 communication for the child, (5) the accessibility of academic
96 instruction, school services and extracurricular activities to the child,
97 (6) assistive devices and services for the child, [and] (7) communication
98 and physical environment accommodations for the child, and (8) an
99 emergency communication plan that includes procedures for alerting
100 the child of an emergency situation and ensuring that the specific
101 needs of the child are met during the emergency situation.

102 Sec. 5. (*Effective from passage*) (a) As used in this section, "emergency
103 communication plan" means a plan developed for a student identified
104 as deaf, hard of hearing or both blind or visually impaired and deaf,
105 that includes procedures for alerting such student of an emergency
106 situation and ensuring that the specific needs of the student are met
107 during the emergency situation.

108 (b) Not later than October 1, 2019, the Department of Emergency
109 Services and Public Protection, in consultation with the Department of

110 Education, shall revise the school security and safety plan standards,
111 developed pursuant to section 10-222n of the general statutes, to
112 include provisions relating to emergency communication plans.

113 (c) Not later than January 1, 2020, each local and regional board of
114 education shall revise the school security and safety plan for each
115 school under the jurisdiction of such board, developed pursuant to
116 section 10-222m of the general statutes, to include provisions relating
117 to emergency communication plans.

118 Sec. 6. (*Effective from passage*) Not later than October 1, 2019, the
119 School Safety Infrastructure Council shall revise the school safety
120 infrastructure criteria for school building projects, developed pursuant
121 to section 10-292r of the general statutes, to include provisions relating
122 to emergency communication plans. As used in this section,
123 "emergency communication plan" means a plan developed for a
124 student identified as deaf, hard of hearing or both blind or visually
125 impaired and deaf, that includes procedures for alerting such student
126 of an emergency situation and ensuring that the specific needs of the
127 student are met during the emergency situation.

128 Sec. 7. (*Effective July 1, 2019*) The Departments of Education and
129 Public Health and the Office of Early Childhood shall develop a
130 process for collecting and sharing data to ensure that students with an
131 individualized education program or a plan pursuant to Section 504 of
132 the Rehabilitation Act of 1973, as amended from time to time, and
133 whose primary disability is identified as being deaf, hard of hearing or
134 both blind or visually impaired and deaf, have the necessary language
135 skills to acquire knowledge that will assist them to be successful in
136 school and after graduation. Not later than January 1, 2020, the
137 Department of Education shall submit a report on such process to the
138 joint standing committee of the General Assembly having cognizance
139 of matters relating to education, in accordance with the provisions of
140 section 11-4a of the general statutes.

141 Sec. 8. (*Effective July 1, 2019*) The Department of Education shall

142 establish a working group, within the department, on language
143 assessment for students identified as deaf, hard of hearing or both
144 blind or visually impaired and deaf. The working group shall develop
145 guidelines concerning appropriate language assessments, practices
146 and programs and the provision of immediate interventions when a
147 student does not demonstrate progress in age-appropriate expressive
148 and receptive language skills.

149 Sec. 9. (NEW) (*Effective July 1, 2019*) A local or regional board of
150 education shall, upon the identification of a student as gifted and
151 talented, provide written notice of such identification to the parent or
152 guardian of such student. Such notice shall include, but need not be
153 limited to, (1) an explanation of how such student was identified as
154 gifted and talented, and (2) the contact information for (A) the
155 employee at the Department of Education who has been designated as
156 responsible for providing information and assistance to boards of
157 education and parents or guardians of students related to gifted and
158 talented students, pursuant to section 10-3e of the general statutes, and
159 (B) any associations in the state that provide support to gifted and
160 talented students.

161 Sec. 10. Subsection (h) of section 10-264*l* of the general statutes is
162 repealed and the following is substituted in lieu thereof (*Effective July*
163 *1, 2019*):

164 (h) (1) In the case of a student identified as requiring special
165 education, the school district in which the student resides shall: [(1)]
166 (A) Hold the planning and placement team meeting for such student
167 and shall invite representatives from the interdistrict magnet school to
168 participate in such meeting; and [(2)] (B) pay the interdistrict magnet
169 school an amount equal to the difference between the reasonable cost
170 of educating such student and the sum of the amount received by the
171 interdistrict magnet school for such student pursuant to subsection (c)
172 of this section and amounts received from other state, federal, local or
173 private sources calculated on a per pupil basis. Such school district
174 shall be eligible for reimbursement pursuant to section 10-76g. If a

175 student requiring special education attends an interdistrict magnet
 176 school on a full-time basis, such interdistrict magnet school shall be
 177 responsible for ensuring that such student receives the services
 178 mandated by the student's individualized education program whether
 179 such services are provided by the interdistrict magnet school or by the
 180 school district in which the student resides.

181 (2) In the case of a student with a plan pursuant to Section 504 of the
 182 Rehabilitation Act of 1973, as amended from time to time, the school
 183 district in which the student resides shall pay the interdistrict magnet
 184 school an amount equal to the difference between the reasonable cost
 185 of educating such student and the sum of the amount received by the
 186 interdistrict magnet school for such student pursuant to subsection (c)
 187 of this section and amounts received from other state, federal, local or
 188 private sources calculated on a per pupil basis. If a student with a plan
 189 pursuant to Section 504 of the Rehabilitation Act of 1973, as amended
 190 from time to time, attends an interdistrict magnet school on a full-time
 191 basis, such interdistrict magnet school shall be responsible for ensuring
 192 that such student receives the services mandated by the student's plan,
 193 whether such services are provided by the interdistrict magnet school
 194 or by the school district in which the student resides.

This act shall take effect as follows and shall amend the following sections:		
Section 1	<i>July 1, 2019</i>	10-76q
Sec. 2	<i>July 1, 2019</i>	10-76d
Sec. 3	<i>from passage</i>	New section
Sec. 4	<i>July 1, 2019</i>	10-76jj
Sec. 5	<i>from passage</i>	New section
Sec. 6	<i>from passage</i>	New section
Sec. 7	<i>July 1, 2019</i>	New section
Sec. 8	<i>July 1, 2019</i>	New section
Sec. 9	<i>July 1, 2019</i>	New section
Sec. 10	<i>July 1, 2019</i>	10-264l(h)

Statement of Legislative Commissioners:

In Section 3(a), the reference to "section 17a-248b" was changed to "section 17a-248d" for accuracy.

ED *Joint Favorable Subst.*