



Substitute House Bill No. 7353

Public Act No. 19-184

AN ACT CONCERNING THE PROVISION OF SPECIAL EDUCATION.

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

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

(NEW) (i) No local or regional board of education shall discipline, suspend, terminate or otherwise punish any member of a planning and placement team employed by such board who discusses or makes recommendations concerning the provision of special education and related services for a child during a planning and placement team meeting for such child.

Sec. 2. (*Effective from passage*) (a) There is established 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 services provided by the birth-to-three program, established pursuant to section 17a-248d of the general statutes, and is not yet enrolled in kindergarten. As part of such study, the working group shall review and evaluate any practices or 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

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during such period.

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

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

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

(3) The Child Advocate;

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

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

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

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

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

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

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

Sec. 3. Section 10-76jj of the general statutes is repealed and the following is substituted in lieu thereof (*Effective July 1, 2019*):

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

Sec. 4. (*Effective from passage*) (a) As used in this section, "emergency communication plan" means a plan developed for a student identified

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as deaf, hard of hearing or both blind or visually impaired and deaf, that includes procedures for alerting such student of an emergency situation and ensuring that the specific needs of the student are met during the emergency situation.

(b) Not later than October 1, 2019, the Department of Emergency Services and Public Protection, in consultation with the Department of Education, shall revise the school security and safety plan standards, developed pursuant to section 10-222n of the general statutes, to include provisions relating to emergency communication plans.

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

Sec. 5. (*Effective from passage*) Not later than October 1, 2019, the School Safety Infrastructure Council shall revise the school safety infrastructure criteria for school building projects, developed pursuant to section 10-292r of the general statutes, to include provisions relating to emergency communication plans. As used in this section, "emergency communication plan" means a plan developed for a student identified as deaf, hard of hearing or both blind or visually impaired and deaf, that includes procedures for alerting such student of an emergency situation and ensuring that the specific needs of the student are met during the emergency situation.

Sec. 6. (*Effective July 1, 2019*) The Department of Education shall establish a working group, within the department, on language assessment for students identified as deaf, hard of hearing or both blind or visually impaired and deaf. The working group shall develop guidelines concerning appropriate language assessments, practices and programs and the provision of immediate interventions when a

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student does not demonstrate progress in age-appropriate expressive and receptive language skills.

Sec. 7. (NEW) (*Effective July 1, 2019*) A local or regional board of education shall, upon the identification of a student as gifted and talented, provide electronic notice of such identification to the parent or guardian of such student. Such notice shall include, but need not be limited to, (1) an explanation of how such student was identified as gifted and talented, and (2) the contact information for (A) the employee of the school district in charge of the provision of services to gifted and talented students, or, if there is no such employee, the employee of the school district in charge of the provision of special education and related services, (B) the employee at the Department of Education who has been designated as responsible for providing information and assistance to boards of education and parents or guardians of students related to gifted and talented students, pursuant to section 10-3e of the general statutes, and (C) any associations in the state that provide support to gifted and talented students.

Sec. 8. Subsection (h) of section 10-264*l* of the general statutes is repealed and the following is substituted in lieu thereof (*Effective July 1, 2019*):

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

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

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

Sec. 9. *(Effective from passage)* Not later than July 1, 2020, the IEP Advisory Council established within the Department of Education shall conduct a study concerning the authorization of private therapists to provide special education and related services directly to students at school during the regular school day. Such study shall examine issues relating to the inclusion of such authorization in a child's individualized education program and the use of a parent or guardian's private insurance to cover the cost of such services. The Department of Education shall submit such study and any recommendations to the joint standing committee of the General Assembly having cognizance of matters relating to education, in

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accordance with the provisions of section 11-4a of the general statutes.

Sec. 10. (NEW) (*Effective July 1, 2019*) Any private provider of special education services, as defined in section 10-91g of the general statutes, that has entered into a contract with a local or regional board of education, pursuant to section 10-91j of the general statutes, shall inform such board of (1) all complaints received against such private provider concerning the mistreatment of students receiving special education services from such private 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 for students under the jurisdiction of such board as a result of a complaint.

Approved July 12, 2019