

Frequently Asked Questions About Special Education

By: Marybeth Sullivan, Senior Legislative Attorney
July 28, 2021 | 2021-R-0126

Issue

Provide answers to questions about the following special education topics: eligibility determination processes, services, teachers and program providers, and program oversight.

The Office of Legislative Research is not authorized to issue legal opinions, and the following should not be considered one.

Special Education Eligibility Determination

What is the process required if parents suspect their child needs services?

By law, parents, guardians, or surrogate parents (“parents”) may request a meeting with a member of the public school district’s planning and placement team (PPT) to discuss whether their child may require special education services. The board of education must grant that request ([CGS § 10-76d\(a\)\(10\)\(B\)](#)).

The school district then assesses and evaluates the child to determine whether he or she is eligible to receive special education services. State law outlines how the evaluation must be administered and the types of tools that must be used ([CGS § 10-76ff](#)).

A second PPT meeting is then held to present the evaluation’s results to the parents for the first time and to discuss any parental concerns ([CGS § 10-76d\(a\)\(10\)\(B\)](#)). The district must give parents

at least five school days' notice of the meeting, which they have the right to attend and participate in along with advisors of their own choosing and the child's assigned paraprofessional, if there is one ([CGS § 10-76d\(a\)\(10\)\(A\) & \(C\)](#)). Additionally, upon the parent's request, the school district must provide the assessment and evaluation results at least three days before the meeting ([CGS § 10-76d\(a\)\(10\)\(G\)](#)).

According to a March 2018 [memo](#) from the Connecticut State Department of Education, there are two circumstances when parents may request an independent educational evaluation (IEE) at the school district's expense: (1) when the district conducts an evaluation with which the parent disagrees, within two years after the evaluation is complete, and (2) when an area was not previously assessed by the school district. An IEE is conducted by a qualified examiner who does not work for the school district.

At any time, parents may also obtain an IEE at their own expense and then request that the district reimburse the cost. The district must then file a request for a due process hearing if it disagrees, or instead ensure that the IEE is provided at public expense.

After evaluations are complete and the PPT finds the student to be eligible for special education services, the team must consider them when making the student's individualized education program (IEP). Under federal law, a student's IEP must contain the following information, among other things:

1. measurable annual goals and a description of how progress toward meeting them will be measured;
2. special education and related services;
3. supplementary aids and services;
4. individual appropriate accommodations; and
5. when the services and accommodations will begin and how long they will continue ([34 C.F.R. § 300.320](#)).

Special Education Services

Is there any encouragement of regionalization for special education services?

State law allows any board of education to establish written cooperative arrangements to provide special education services with one or more additional school boards. These arrangements may include a supervisory committee to oversee the special education program. This committee may,

among other things, (1) apply for, receive, and spend state or federal grants; (2) employ personnel; (3) enter into contracts; and (4) hold title to real or personal property ([CGS § 10-158a](#)).

Additionally, the state offers a school construction reimbursement grant of up to 80% of the cost of purchasing, constructing, or reconstructing facilities to provide regional education services to children who live in other school districts under a long-term plan approved by the State Board of Education (SBE) ([CGS § 10-76e](#)).

Do other states go beyond Connecticut with respect to special education services?

It is difficult to measure whether one state provides more or higher quality special education services than others. Legally, the obligation is on individual public school districts to provide the programs and services, not the state. Additionally, the types of services provided are individualized for each student in his or her IEP and depend upon the nature of the student's disability.

One metric used to compare school districts' special education programs by state is the percentage of public school students in each state who are identified as eligible to receive services. According to a [2019 study](#) by the nonpartisan Government Accountability Office, in fall 2016 the percentages of the special education student population aged 6 through 21 served in individual states ranged from 6.4 percent to 15.1 percent. Debates persist among experts and advocates about whether certain states over- or under-identify students as eligible for services and whether this metric should be used to measure the quality of special education programs in a state. Regardless, accurate identification of eligible students is the initial step toward evaluating a program's efficacy. It is also a requirement for school districts under federal special education law, known as the "child find" obligation.

Can standardized testing for those receiving special education services be waived?

If a student has significant cognitive disabilities, he or she may be eligible for participate in the [Connecticut Alternative Assessment System](#). The system consists of two assessments: (1) the Connecticut Alternate Assessment (CTAA) for English language arts and mathematics as an alternative to the Smarter Balanced assessment (grades 3-8) and the SAT (grade 11) and (2) the Connecticut Alternate Science (CTAS) assessment as an alternative to Next Generation Science Standards Assessment (grades 5, 8, and 11). The student's PPT determines whether he or she meets the [eligibility criteria](#), which include the presence of an intellectual impairment; adaptive behavior that is well-below age-level expectations; and a need for extensive, repeated instruction and significant supports.

Special Education Teachers and Providers

What staffing ratios are required of fully-trained special education teachers to paraprofessionals?

Neither state law nor regulations require school districts to employ a certain ratio of special education teachers to paraprofessionals. The only ratio established in law requires school boards to employ a specific ratio of special education supervisors to full-time special education personnel in order to be eligible for a state reimbursement for the supervisors ([CGS § 10-76dd\(b\)-\(c\)](#)).

What are the background check requirements for those working in the special education field?

Special education pupil personnel have the same background check requirements that all other pupil personnel are subjected to under state law, which include state and national criminal history records checks, child abuse and neglect records checks, and direct contact of previous employers ([CGS §§ 10-221d](#) & [10-222c](#)). There are no additional investigatory measures that districts must use when vetting special education personnel applicants. For more information on some of these measures, see the OLR Backgrounder Report “Vetting Applicants for Public School Employment” ([2019-R-0339](#)).

Special Education Oversight

Are board of education members required to be educated on special education law?

There is no requirement in state statute or regulation for members of local or regional boards of education to receive training in special education law.

Does the state audit districts with respect to special education requirements?

State law designates SBE as the entity responsible for supervising special education programs and services ([CGS § 10-76b\(a\)](#)). While there is no state audit of districts’ special education programs required by law, any resident of a school district or parent of a student enrolled in a school district may file a complaint with SBE (i.e., a “10-4b complaint”) alleging a school board’s failure to provide a child a suitable program of educational experiences, which includes suitable special education services ([CGS §§ 10-4a](#) & [10-4b](#)).

However, state law requires the Auditors of Public Accounts to audit private special education providers who have an agreement with a board of education or receive state or local funding to provide special education services ([CGS §§ 10-91g to 10-91m](#)).

MS:kl