



House of Representatives

General Assembly

File No. 633

February Session, 2022

Substitute House Bill No. 5321

House of Representatives, April 26, 2022

The Committee on Appropriations reported through REP. WALKER of the 93rd Dist., Chairperson of the Committee on the part of the House, that the substitute bill ought to pass.

AN ACT IMPLEMENTING CERTAIN RECOMMENDATIONS OF THE SCHOOL PARAEDUCATOR ADVISORY COUNCIL.

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

1 Section 1. Subdivision (10) of subsection (a) of section 10-76d of the
2 2022 supplement to the general statutes is repealed and the following is
3 substituted in lieu thereof (*Effective July 1, 2022*):

4 (10) (A) Each local and regional board of education responsible for
5 providing special education and related services to a child or pupil shall
6 notify the parent or guardian of a child who requires or who may
7 require special education, a pupil if such pupil is an emancipated minor
8 or eighteen years of age or older who requires or who may require
9 special education or a surrogate parent appointed pursuant to section
10 10-94g, in writing, at least five school days before such board proposes
11 to, or refuses to, initiate or change the child's or pupil's identification,
12 evaluation or educational placement or the provision of a free
13 appropriate public education to the child or pupil.

14 (B) Upon request by a parent, guardian, pupil or surrogate parent,
15 the responsible local or regional board of education shall provide such
16 parent, guardian, pupil or surrogate parent an opportunity to meet with
17 a member of the planning and placement team designated by such
18 board prior to the referral planning and placement team meeting at
19 which the assessments and evaluations of the child or pupil who
20 requires or may require special education is presented to such parent,
21 guardian, pupil or surrogate parent for the first time. Such meeting shall
22 be for the sole purpose of discussing the planning and placement team
23 process and any concerns such parent, guardian, pupil or surrogate
24 parent has regarding the child or pupil who requires or may require
25 special education.

26 (C) Such parent, guardian, pupil or surrogate parent shall (i) be given
27 at least five school days' prior notice of any planning and placement
28 team meeting conducted for such child or pupil, (ii) have the right to be
29 present at and participate in all portions of such meeting at which an
30 educational program for such child or pupil is developed, reviewed or
31 revised, (iii) have the right to have (I) advisors of such person's own
32 choosing and at such person's own expense, (II) the school
33 paraprofessional assigned to such child or pupil, if any, and (III) such
34 child or pupil's birth-to-three service coordinator, if any, attend and
35 participate in all portions of such meeting at which an educational
36 program for such child or pupil is developed, reviewed or revised, and
37 (iv) have the right to have each recommendation made in such child or
38 pupil's birth-to-three individualized transition plan, as required by
39 section 17a-248e, if any, addressed by the planning and placement team
40 during such meeting at which an educational program for such child or
41 pupil is developed.

42 (D) Immediately upon the formal identification of any child as a child
43 requiring special education and at each planning and placement team
44 meeting for such child, the responsible local or regional board of
45 education shall inform the parent or guardian of such child or surrogate
46 parent or, in the case of a pupil who is an emancipated minor or eighteen
47 years of age or older, the pupil of (i) the laws relating to special

48 education, (ii) the rights of such parent, guardian, surrogate parent or
49 pupil under such laws and the regulations adopted by the State Board
50 of Education relating to special education, including the right of a
51 parent, guardian or surrogate parent to (I) withhold from enrolling such
52 child in kindergarten, in accordance with the provisions of section 10-
53 184, and (II) have advisors and the school paraprofessional assigned to
54 such child or pupil attend and participate in all portions of such meeting
55 at which an educational program for such child or pupil is developed,
56 reviewed or revised, in accordance with the provisions of subparagraph
57 (C) of this subdivision, and (iii) any relevant information and resources
58 relating to individualized education programs created by the
59 Department of Education, including, but not limited to, information
60 relating to transition resources and services for high school students. If
61 such parent, guardian, surrogate parent or pupil does not attend a
62 planning and placement team meeting, the responsible local or regional
63 board of education shall mail such information to such person.

64 (E) Each local and regional board of education shall have in effect at
65 the beginning of each school year an educational program for each child
66 or pupil who has been identified as eligible for special education.

67 (F) At each initial planning and placement team meeting for a child
68 or pupil, the responsible local or regional board of education shall
69 inform the parent, guardian, surrogate parent or pupil of (i) the laws
70 relating to physical restraint and seclusion pursuant to section 10-236b
71 and the rights of such parent, guardian, surrogate parent or pupil under
72 such laws and the regulations adopted by the State Board of Education
73 relating to physical restraint and seclusion, and (ii) the right of such
74 parent, guardian, surrogate parent or pupil, during such meeting at
75 which an educational program for such child or pupil is developed, to
76 have (I) such child or pupil's birth-to-three service coordinator attend
77 and participate in all portions of such meeting, and (II) each
78 recommendation made in the transition plan, as required by section 17a-
79 248e, by such child or pupil's birth-to-three service coordinator
80 addressed by the planning and placement team.

81 (G) Upon request by a parent, guardian, pupil or surrogate parent,
82 the responsible local or regional board of education shall provide the
83 results of the assessments and evaluations used in the determination of
84 eligibility for special education for a child or pupil to such parent,
85 guardian, surrogate parent or pupil at least three school days before the
86 referral planning and placement team meeting at which such results of
87 the assessments and evaluations will be discussed for the first time.

88 (H) Each local or regional board of education shall monitor the
89 development of each child who, pursuant to subsection (a) of section
90 17a-248e, has been (i) referred for a registration on a mobile application
91 designated by the Commissioner of Early Childhood, in partnership
92 with such child's parent, guardian or surrogate parent, or (ii) provided
93 a form for such child's parent, guardian or surrogate parent to complete
94 and submit to such local or regional board of education that screens for
95 developmental and social-emotional delays using a validated screening
96 tool, such as the Ages and Stages Questionnaire and the Ages and Stages
97 Social-Emotional Questionnaire, or its equivalent. If such monitoring
98 results in suspecting a child of having a developmental delay, the board
99 shall schedule a planning and placement team meeting with such child's
100 parent, guardian or surrogate parent for the purposes of identifying
101 services for which such child may be eligible, including, but not limited
102 to, a preschool program under Part B of the Individuals with Disabilities
103 Act, 20 USC 1471 et seq. If a parent, guardian or surrogate parent of any
104 child referred for a registration on the mobile application or provided a
105 form to complete and submit, pursuant to subsection (a) of section 17a-
106 248e, fails to complete such registration or complete and submit such
107 form after a period of six months from the date of such referral or
108 provision of such form, the board shall send a reminder, in the form and
109 manner determined by the board, to such parent, guardian or surrogate
110 parent to complete such registration or complete and submit such form.
111 The board shall send another reminder after a period of one year from
112 such referral or provision of such form if such registration remains
113 incomplete or such form is not submitted.

114 (I) Prior to any planning and placement team meeting for a child or

115 pupil in which an educational program for such child or pupil is
116 developed, reviewed or revised, if the parent, guardian, pupil or
117 surrogate parent has requested that the school paraprofessional
118 assigned to such child or pupil attend such meeting, then the
119 responsible local or regional board of education shall provide (i)
120 adequate notice of such meeting to such school paraprofessional so that
121 such school paraprofessional may adequately prepare for such meeting,
122 and (ii) training, upon request of such school paraprofessional, on the
123 role of such school paraprofessional at such meeting. Following such
124 meeting, such school paraprofessional shall be permitted to view such
125 educational program in order to be able to provide special education or
126 related services to such child or pupil in accordance with such
127 educational program.

128 Sec. 2. Subsection (c) of section 10-220 of the 2022 supplement to the
129 general statutes is repealed and the following is substituted in lieu
130 thereof (*Effective July 1, 2022*):

131 (c) Annually, within available resources, each local and regional
132 board of education shall submit to the Commissioner of Education a
133 strategic school profile report for each school and school or program of
134 alternative education, as defined in section 10-74j, under its jurisdiction
135 and for the school district as a whole. The superintendent of each local
136 and regional school district shall present the profile report at the next
137 regularly scheduled public meeting of the board of education after each
138 November first. The profile report shall provide information on
139 measures of (1) student needs, (2) school resources, including
140 technological resources and utilization of such resources and
141 infrastructure, (3) student and school performance, including in-school
142 suspensions, out-of-school suspensions and expulsions, the number of
143 truants, as defined in section 10-198a, and chronically absent children,
144 as defined in section 10-198c, (4) the number of students enrolled in an
145 adult high school credit diploma program, pursuant to section 10-69,
146 operated by a local or regional board of education or a regional
147 educational service center, (5) equitable allocation of resources among
148 its schools, (6) reduction of racial, ethnic and economic isolation, (7)

149 special education, [and] (8) school-based arrests, as defined in section
150 10-233n, and (9) paraeducators, including the number of paraeducators
151 employed within each school and for the school district as a whole, the
152 job titles held by paraeducators, the hourly rate of pay for each
153 paraeducator, the total number of hours and days worked for each
154 paraeducator, the health care contributions as a percentage of salary for
155 each paraeducator, and the annual salary for each paraeducator
156 calculated by multiplying the number of hours worked by such
157 paraeducator's hourly rate of pay. For purposes of this subsection,
158 measures of special education include (A) special education
159 identification rates by disability, (B) rates at which special education
160 students are exempted from mastery testing pursuant to section 10-14q,
161 (C) expenditures for special education, including such expenditures as
162 a percentage of total expenditures, (D) achievement data for special
163 education students, (E) rates at which students identified as requiring
164 special education are no longer identified as requiring special education,
165 (F) the availability of supplemental educational services for students
166 lacking basic educational skills, (G) the amount of special education
167 student instructional time with nondisabled peers, (H) the number of
168 students placed out-of-district, and (I) the actions taken by the school
169 district to improve special education programs, as indicated by analyses
170 of the local data provided in subparagraphs (A) to (H), inclusive, of this
171 subdivision. The superintendent shall include in the narrative portion
172 of the report information about parental involvement and any measures
173 the district has taken to improve parental involvement, including, but
174 not limited to, employment of methods to engage parents in the
175 planning and improvement of school programs and methods to increase
176 support to parents working at home with their children on learning
177 activities. For purposes of this subsection, measures of truancy include
178 the type of data that is required to be collected by the Department of
179 Education regarding attendance and unexcused absences in order for
180 the department to comply with federal reporting requirements and the
181 actions taken by the local or regional board of education to reduce
182 truancy in the school district. Such truancy data shall be considered a
183 public record, as defined in section 1-200.

This act shall take effect as follows and shall amend the following sections:

Section 1	<i>July 1, 2022</i>	10-76d(a)(10)
Sec. 2	<i>July 1, 2022</i>	10-220(c)

ED *Joint Favorable Subst. C/R*

APP

APP *Joint Favorable Subst.*

The following Fiscal Impact Statement and Bill Analysis are prepared for the benefit of the members of the General Assembly, solely for purposes of information, summarization and explanation and do not represent the intent of the General Assembly or either chamber thereof for any purpose. In general, fiscal impacts are based upon a variety of informational sources, including the analyst's professional knowledge. Whenever applicable, agency data is consulted as part of the analysis, however final products do not necessarily reflect an assessment from any specific department.

OFA Fiscal Note

State Impact: None

Municipal Impact: None

Explanation

The bill makes various procedural changes regarding planning and placement team meetings and is not anticipated to result in a cost to the state or local and regional boards of education.

The Out Years

State Impact: None

Municipal Impact: None

OLR Bill Analysis**sHB 5321*****AN ACT IMPLEMENTING CERTAIN RECOMMENDATIONS OF THE SCHOOL PARAEDUCATOR ADVISORY COUNCIL.*****SUMMARY**

As defined by the State Department of Education, a paraeducator (also known as a “paraprofessional”) is an employee who helps teachers or other professional educators or therapists deliver instructional and related services to students. This bill makes the following changes in the education laws relating to paraeducators:

1. requires local and regional boards of education to give notice and, upon request, training to any paraeducator invited to a special education planning and placement team (PPT) meeting;
2. allows paraeducators to view their students’ individualized education programs (IEPs) to be able to give them appropriate special education or related services; and
3. adds data about paraeducators to the annual strategic school profile report that boards of education must submit to the education commissioner.

The bill also makes boards’ annual strategic school profile reporting on topics required under current law and the bill subject to available resources.

EFFECTIVE DATE: July 1, 2022

§ 1 — PPT NOTICE AND TRAINING

By law, local and regional boards of education must hold PPT meetings to (1) develop an initial IEP for a student who is eligible for special education based on assessment and evaluation results and (2)

annually update the student's IEP. The bill requires the boards to give adequate notice of these meetings to any paraprofessional assigned to this student if the parent, guardian, student, or surrogate parent requests that the paraprofessional attend. The boards must give this notice so that the paraprofessional may (1) adequately prepare for the meeting and (2) request training from the board on his or her role at the meeting.

§ 2 — STRATEGIC SCHOOL PROFILE REPORTING

By law, local and regional boards of education must annually submit to the education commissioner a strategic school profile report for (1) each school and alternative education school or program under its jurisdiction and (2) the district as a whole. This report contains information about, among other things, student needs and performance; resources and their equitable allocation among schools; and special education.

The bill requires that the reports additionally include the following information about paraeducators:

1. the number employed in each school and the entire district and
2. their individual (a) job titles and hourly pay rates; (b) total hours and days worked; (c) health care contributions (expressed as a salary percentage); and (d) annual salary, calculated by multiplying their hourly pay rate by number of hours worked.

BACKGROUND

School Paraeducator Advisory Council

This six-member council meets quarterly to advise the education commissioner about paraprofessional training and professional development needs, staffing strategies, and other relevant issues. It also reports annually to the Education Committee about its recommendations to the commissioner (CGS § 10-155k).

COMMITTEE ACTION

Education Committee

Joint Favorable Substitute Change of Reference - APP
Yea 39 Nay 0 (03/25/2022)

Appropriations Committee

Joint Favorable Substitute
Yea 50 Nay 0 (04/07/2022)