

## **Recent Legislation Regarding Dyslexia and Special Education**

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### **Issue**

Provide summaries of recent Connecticut legislation enacted regarding public school students and dyslexia and, more broadly, special education in general. This report covers the five years from 2018 to 2022.

### **Summary**

Since 2018, the General Assembly has passed a number of acts regarding dyslexia and special education. For example, these include laws (1) establishing an Office of Dyslexia and Reading Disabilities within the State Department of Education (SDE), (2) requiring any private special education provider that has a contract with a board of education to inform the board about complaints of student mistreatment and any resolution of the complaints, and (3) prohibiting school boards from disciplining, suspending, terminating, or otherwise punishing their employees for making special education recommendations in planning and placement team (PPT) meetings.

Below we briefly summarize relevant provisions of these acts. Not all provisions of the acts are included; complete summaries are available on the General Assembly's website.

## 2018

### *Dyslexia*

No specific dyslexia legislation for this year.

### *Special Education*

#### *Contracts Required for Private Special Education Providers*

The legislature enacted a law in 2018 that requires any board of education, effective July 1, 2019, to have a written contract, instead of an agreement, with a private special education provider in order to receive a state reimbursement grant for special education costs (known as the excess cost grant) ([PA 18-183](#), § 1, codified at [CGS § 10-91j](#)). Under the excess cost grant program, the state reimburses a board for a portion of a student's special education costs that exceed four and a half times the average per pupil educational cost of that school district.

#### *Special Education Services Documentation*

This 2018 law requires SDE to develop standards and a process for documenting privately provided special education services that includes the use of standard forms or other electronic reporting systems. The forms or systems must allow the provider to document the frequency, type, and scope of services provided to individual students. The law also requires private providers to submit their operating budgets to SDE by October 1 of the school year in which they are providing the service ([PA 18-183](#), §§ 4 & 5, codified at [CGS § 10-91k](#) & [91l](#)).

#### *Student Data Privacy and Special Education*

This law creates an exception, under certain conditions, to the student data privacy law requirements for boards of education when special education students use a necessary online service or application and the service or application operator cannot meet the privacy law contract requirements ([PA 18-125](#), § 2, codified at [CGS § 10-234bb](#)).

#### *Truancy Interventions for Students With Disabilities*

The legislature passed a law in 2018 that requires SDE to include truancy intervention models that address the needs of students with disabilities as part of the intervention models it already must provide to boards. The same law requires school districts' chronic absenteeism and prevention plans to collect data on chronic absenteeism and truancy of students with disabilities ([PA 18-182](#), §§ 3 & 4, codified at [CGS § 10-198d\(b\)](#) & [-198e](#)).

## 2019

### *Dyslexia*

#### *Dyslexia Instruction and Training Task Force*

The legislature created an 11-member task force to examine whether (1) Connecticut colleges and universities are providing teacher preparation program students with 12 clock hours of instruction about dyslexia and related supervised practicum hours as required by law and (2) current teacher in-service training and professional development models are appropriate to meet the needs of students with dyslexia. The task force was required to report to the Education and Higher Education committees by January 1, 2021 ([SA 19-8](#)). (The task force report is referred to later in this report with two entries regarding [PA 21-168](#).)

### *Special Education*

#### *Banning Discipline Due to PPT Participation*

A law enacted in 2019 prohibits boards of education from disciplining, suspending, terminating, or otherwise punishing their employees for making special education recommendations in PPT meetings ([PA 19-184](#), § 1, codified at [CGS § 10-76d\(i\)](#)).

#### *Education Plans for Deaf or Hard of Hearing Students*

This law requires boards of education to create new service and accommodation plans for students who are deaf or hard of hearing. Specifically, it extends to students with 504 plans (i.e., the accommodation plan for a student under the federal Rehabilitation Act of 1973) a requirement to have a language and communication plan that addresses, among other things, (1) assistive devices and services and (2) communication and physical environment accommodations. By law, this requirement already existed for students with an individualized education program (IEP).

Additionally, the law requires that the 504 and IEP plans contain an emergency communication plan that includes procedures to alert the student and ensure that his or her specific needs are met during an emergency situation. Various state agencies must consider these emergency communication plans in the formal guidance they issue to school districts about school emergency procedures and construction projects ([PA 19-184](#), § 3, codified at [CGS § 10-76j](#), and [PA 19-184](#), §§ 4 & 5).

#### *Gifted and Talented Identification*

This law requires boards of education to electronically notify parents or guardians if their child has been identified as gifted and talented. The notice must include an explanation of how the student was identified and contact information for Connecticut associations, SDE employees, and school

district employees that provide support and services for gifted and talented students ([PA 19-184](#), § 7, codified at [CGS § 10-76xx](#)).

### *Individualized Family Services Plan*

Another 2019 law requires that an individualized family services plan under the Birth to Three early intervention program be signed by the child's pediatrician, a primary care provider (i.e., physician or advanced practice registered nurse), or qualified personnel as defined in state law (e.g., a licensed psychologist), rather than be developed with the pediatrician or primary care doctor ([PA 19-121](#), §§ 11 & 12, codified at [CGS § 17a-248e](#) & [-248g](#)).

### *Language Skills Assessment for Deaf or Hard of Hearing Students*

A new law passed in 2019 required SDE to establish a working group to study language skills assessment for students whose primary disability is identified as deaf, hard of hearing, or both blind or visually impaired and deaf. The group had to develop guidelines on (1) appropriate language assessments, (2) practices and programs, and (3) provision of intermediate interventions when a student does not demonstrate progress in age-appropriate expressive and receptive language skills ([PA 19-184](#), § 6).

### *Magnet School Students With 504 Plans*

For full-time magnet school students with 504 plans, a law apportions responsibility for ensuring service delivery and covering associated educational costs between the student's sending district and magnet school operator. Under a new law, the (1) magnet school must ensure that all services outlined in the 504 plan are provided and (2) sending school district must pay the associated educational costs ([PA 19-184](#), § 8, codified at [CGS § 10-264\(h\)](#)).

### *Private Special Education Provider Complaint Transparency*

The legislature enacted a new law in 2019 that requires any private special education provider that has a contract with a board of education to inform the board about (1) complaints about mistreatment of students, (2) complaint resolution and corrective action taken, and (3) programming or service changes resulting from complaints ([PA 19-184](#), § 10, codified at [CGS § 10-91m](#)).

### *Private Specialists in Schools*

The legislature passed a law requiring SDE's IEP Advisory Council to study the authorization of private therapists to provide special education and related services directly to students at school during the regular school day. The council was given until July 1, 2020, to conduct the study, and SDE was required to submit it and any recommendations to the Education Committee ([PA 19-184](#), § 9).

### *Transition Services for Children With Autism*

Federal law generally requires that IEPs for children with disabilities include, when the child turns 16, appropriate measurable postsecondary goals and transition services, including courses of study, needed to assist a child in reaching those goals. For children diagnosed with autism spectrum disorder, a 2019 law imposes these requirements for the first IEP after the child turns 14 ([PA 19-49](#), codified at [CGS § 10-76d\(a\)\(9\)](#)).

## **2020**

No related legislation passed in the pandemic-shortened session.

## **2021**

### *Dyslexia*

#### *K-3 Reading Assessment*

The legislature enacted a law that required SDE to revisit the reading assessments for grades kindergarten through three that it previously developed and approved. Specifically, the agency had to reconsider them by July 1, 2022, in light of the recommendations made in Appendix G of the Task Force to Analyze the Implementation of Laws Governing Dyslexia Instruction and Training's final report. Boards of education must begin using these assessments in the 2023-24 school year to identify kindergarten through grade three students who are below proficiency in reading.

The law also makes changes to the assessments' methodology for identifying these students and requires SDE to provide guidance to boards of education by January 1, 2023, about administering the approved assessments. The SDE commissioner must submit to the Education Committee by February 1, 2023, the revised reading assessments and the newly developed or approved guidance to school boards ([PA 21-168](#), § 7).

#### *Office of Dyslexia and Reading Disabilities*

A 2021 law established the Office of Dyslexia and Reading Disabilities in SDE. By law, the office must (1) verify whether teacher preparation programs and teacher certification applicants comply with state law's dyslexia instruction and training requirements and (2) provide guidance to higher education institutions and other teacher preparation program providers about how to verify whether practicum hour supervisors have obtained certain qualifications. Additionally, the law bars the State Board of Education from approving any teacher preparation program, beginning September 1, 2022, until the office verifies that the program complies with state law relating to dyslexia instruction and training.

The law also requires SDE to submit to the Education and Higher Education committees (1) annual status reports about the office's establishment and staffing, (2) outcomes of its compliance verification of teacher preparation programs and certification applicants, and (3) an outline of reading assessments developed or approved and related guidance for boards of education ([PA 21-168](#), §§ 1-4, 6 & 9-10).

## ***Special Education***

### ***Auditing Special Education Providers***

In 2021 the legislature made various changes in statutes about the state auditors, auditing, and other related topics. Among other things, the law specifies that private providers of special education services are subject to auditing requirements regardless of whether they receive state or local funds directly or indirectly ([PA 21-145](#), § 5).

### ***Birth-to-Three Coordinator Disciplinary Protections***

By law, school boards are banned from disciplining, suspending, terminating, or otherwise punishing any PPT member employed by the board who discusses or makes recommendations about special education and related services for a child during a PPT meeting. A new 2021 law extended this protection to Birth-to-Three service coordinators or qualified personnel concerning PPT meetings or transition plans ([PA 21-46](#), § 26, effective July 1, 2021).

### ***PPT for Technical High School Enrollment***

In 2021 the legislature established a new PPT process that must occur before a student receiving special education services enrolls in a Connecticut Technical Education and Career System (CTECS) high school. A law requires the student's sending district to convene a PPT meeting before a student enrolls to ensure that his or her IEP reflects the supports and services that he or she requires to access a free, appropriate public education in the least restrictive environment. The law also requires that a TECS representative be invited to the meeting ([PA 21-144](#), § 9, effective July 1, 2021).

### ***Special Education Task Force***

The legislature established a 15-member task force to study the provision of special education services and funding during the 2016-17 through 2019-20 school years. The task force had to submit a report on its findings and recommendations to the Education Committee by January 1, 2022 ([PA 21-95](#), § 3). (In 2022, [PA 22-116](#) extended the task force's deadline to January 1, 2024.)

### *Transition Services in Special Education*

Also in 2021, a law requires PPTs for special education students to write transition services into all 14-year-olds' IEPs and update them annually. Prior law required this beginning at age 14 only for students with autism spectrum disorder ([PA 21-144](#), § 1).

## **2022**

### *Dyslexia*

No specific dyslexia legislation for this year.

### *Special Education*

#### *Emotional Disability and Special Education*

During the 2022 session the legislature passed a law requiring SDE and boards of education, beginning July 1, 2022, to use the term “emotional disability” instead of “emotional disturbance” when administering and providing special education ([PA 22-47](#), § 67, effective upon passage).

#### *Paraeducators at PPT Meetings*

This year, the legislature passed a law requiring school districts to provide (1) advance notice to a paraeducator invited by a parent to a PPT meeting and (2) training on his or her role at the meeting upon request. The law also requires that the paraeducator attending the meeting, or any other paraeducator serving the student, to be allowed to view the student's IEP that results from the meeting ([PA 22-116](#), § 9, effective July 1, 2022).

#### *Special Education Age Limit Raised*

A new law requires school districts to provide special education services to qualifying students until they reach age 22, rather than 21, if they have not yet graduated from high school ([PA 22-80](#), § 31, effective July 1, 2022). This aligns state law with a court ruling that special education services must be provided to students until they reach age 22.

#### *Special Education Excess Cost Grant*

Under law, the State Board of Education reimburses school districts for special education costs that are more than four and a half times the school district's net current expenditure per student (also referred to as the “excess cost grant”). But the law also states that the grant amount for each district is reduced proportionately when the annual appropriation does not meet the amount necessary to fully fund the grant.

New 2022 legislation modifies this reimbursement method. Beginning with FY 23, when the appropriation is not sufficient to fully fund the grant to instead create three tiers of reimbursement based on each town's adjusted equalized net grand list per capita ([PA 22-118](#), § 265, effective July 1, 2022).

### *Special Education Expenditure Study*

By law, the state reimburses, at a prorated amount, boards of education for special education expenditures that are more than four and a half times the given school district's net current expenditures per student. A new law requires SDE to compile and analyze information from boards of education on the costs of special education at several different expenditure levels in addition to the four and a half times level. SDE must submit the report to the Appropriations and Education committees by July 1, 2023 ([PA 22-118](#), § 264, effective upon passage).

### *Special Education Task Force Deadline Extension*

The legislature extended the deadline for the special education services and funding task force's report by two years, from January 1, 2022, to January 1, 2024 ([PA 22-116](#), § 3, effective upon passage). The task force was originally created by [PA 21-95](#) (see above).

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