



House of Representatives

General Assembly

File No. 90

January Session, 2023

Substitute House Bill No. 6644

House of Representatives, March 16, 2023

The Committee on Children reported through REP. LINEHAN of the 103rd Dist., Chairperson of the Committee on the part of the House, that the substitute bill ought to pass.

AN ACT CONCERNING THE DISTRIBUTION OF INFORMATION REGARDING SPECIAL EDUCATION TO FAMILIES AND STUDENTS.

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

1 Section 1. Section 17a-248e of the general statutes is repealed and the
2 following is substituted in lieu thereof (*Effective July 1, 2023*):

3 (a) Each eligible child and his or her family shall receive (1) a
4 multidisciplinary assessment of the child's unique needs and the
5 identification of services appropriate to meet such needs, (2) a written
6 individualized family service plan developed by a multidisciplinary
7 team, including the parent, within forty-five days after the referral, (3)
8 review of the individualized family service plan with the family at least
9 every six months, with evaluation of the individualized family service
10 plan at least annually, and (4) not later than two months after the date
11 on which any child is determined to be ineligible for participation in
12 preschool programs under Part B of the Individuals with Disabilities
13 Act, 20 USC 1471 et seq., a referral to register for a mobile application
14 designated by the Commissioner of Early Childhood for the purpose of

15 continued screening for developmental and social-emotional delays in
16 partnership with the local or regional board of education for the school
17 district in which such child resides pursuant to subparagraph (H) of
18 subdivision (10) of subsection (a) of section 10-76d, provided a form
19 used for screening for developmental and social-emotional delays using
20 a validated screening tool, such as the Ages and Stages Questionnaire
21 and the Ages and Stages Social-Emotional Questionnaire, or its
22 equivalent, is provided to any family upon the request of such family
23 for the purpose of completing and submitting such form to the local or
24 regional board of education for the school district in which such child
25 resides.

26 (b) The individualized family service plan shall be in writing and
27 contain: (1) A statement of the child's present level of physical
28 development, cognitive development, language and speech
29 development and self-help skills, based on acceptable objective criteria;
30 (2) a statement of the family's priority, resources and concerns relating
31 to enhancing the development of the eligible child; (3) a statement of the
32 major outcomes expected to be achieved for the child and the family and
33 the criteria, procedures and timelines used to determine the degree to
34 which progress toward achieving the outcomes are being made, and
35 whether modifications or revisions of the outcomes are necessary; (4) a
36 statement of specific early intervention services necessary to meet the
37 unique needs of the eligible child and the family, including the
38 frequency, intensity and the method of delivering services; (5) a
39 statement of the natural environments in which the services shall be
40 provided; (6) the projected dates for initiation of services and the
41 anticipated duration of such services; (7) the name of the approved
42 comprehensive service provider that will provide or procure the
43 services specified in the individualized family service plan; (8) the name
44 of the individual service coordinator from the profession most
45 immediately relevant to the eligible child's or the family's needs who
46 will be responsible for the implementation of the plan and coordination
47 with the other agencies and providers or an otherwise qualified
48 provider selected by a parent; and (9) the steps to be taken to support
49 the transition of the child who is eligible for participation in preschool

50 programs under Part B of the Individuals with Disabilities Act, 20 USC
51 1471 et seq., as appropriate.

52 (c) The individualized family service plan shall be signed by the
53 child's pediatrician or a primary care provider or qualified personnel, as
54 those terms are defined in section 17a-248.

55 (d) The lead agency may provide early intervention services, arrange
56 for the delivery of early intervention services by participating agencies
57 or contract with providers to deliver early intervention services to
58 eligible children and the families of such children. The lead agency in
59 providing, arranging or contracting for early intervention services shall
60 monitor all birth-to-three service providers for quality and
61 accountability in accordance with Section 616 of the Individuals with
62 Disabilities Education Act, 20 USC 1416 and establish state-wide rates
63 for such services.

64 (e) The individual service coordinator for an eligible child shall, not
65 later than three months prior to the third birthday of such child, (1) meet
66 with the parent or guardian of such child to provide to and discuss with
67 such parent or guardian the contact information for the person
68 responsible for the administration or coordination of special education
69 services for the school district in which such child resides, and (2)
70 provide such person responsible for the administration or coordination
71 of special education services with the individualized family service plan
72 for such child.

73 Sec. 2. (NEW) (*Effective July 1, 2023*) Not later than January 1, 2024,
74 the Department of Education shall develop an informational handout
75 for students that explains what it means for a student to have an
76 individualized education program or a plan pursuant to Section 504 of
77 the Rehabilitation Act of 1973, including what rights such student is
78 entitled to in the classroom under such program or plan. Such handout
79 shall (1) be age-appropriate, (2) be prepared separately for students in
80 grades (A) kindergarten to four, inclusive, (B) five to eight, inclusive,
81 and (C) nine to twelve, inclusive, (3) be translated into multiple
82 languages, including English, Spanish, Portuguese, French and Polish,

83 and (4) include a glossary of the most common tools used in the
84 implementation of such program or plan. The department shall make
85 such handout available to local and regional boards of education and
86 post such handout available on the department's Internet web site.

87 Sec. 3. Subparagraphs (D) and (E) of subdivision (10) of subsection (a)
88 of section 10-76d of the general statutes are repealed and the following
89 is substituted in lieu thereof (*Effective July 1, 2023*):

90 (D) Immediately upon the formal identification of any child as a child
91 requiring special education and at each planning and placement team
92 meeting for such child, the responsible local or regional board of
93 education shall inform the parent or guardian of such child or surrogate
94 parent or, in the case of a pupil who is an emancipated minor or eighteen
95 years of age or older, the pupil of (i) the laws relating to special
96 education, (ii) the rights of such parent, guardian, surrogate parent or
97 pupil under such laws and the regulations adopted by the State Board
98 of Education relating to special education, including the right of a
99 parent, guardian or surrogate parent to (I) withhold from enrolling such
100 child in kindergarten, in accordance with the provisions of section 10-
101 184, [and] (II) have advisors and the school paraprofessional assigned to
102 such child or pupil attend and participate in all portions of such meeting
103 at which an educational program for such child or pupil is developed,
104 reviewed or revised, in accordance with the provisions of subparagraph
105 (C) of this subdivision, and (III) obtain a separate document that is a
106 plain language and detailed explanation of the hearing and appeals
107 process, as provided in section 10-76h, available to such child or pupil if
108 there is a disagreement about the individualized education program,
109 identification, evaluation or educational placement of or the provision
110 of a free appropriate public education to such child or pupil, and that
111 includes information regarding available resources and local advocacy
112 groups that provide assistance relating to such hearings and appeals,
113 such as the Connecticut Parent Advocacy Center, and (iii) any relevant
114 information and resources relating to individualized education
115 programs created by the Department of Education, including, but not
116 limited to, information relating to transition resources and services for

117 high school students and the Parent's Guide to Special Education in
 118 Connecticut developed by the department. If such parent, guardian,
 119 surrogate parent or pupil does not attend a planning and placement
 120 team meeting, the responsible local or regional board of education shall
 121 mail such information to such person.

122 (E) Each local and regional board of education shall have in effect at
 123 the beginning of each school year an educational program for each child
 124 or pupil who has been identified as eligible for special education, and
 125 shall provide (i) the informational handout described in section 2 of this
 126 act to each child with an individualized education program or plan
 127 pursuant to Section 504 of the Rehabilitation Act of 1973, and (ii) the
 128 Parent's Guide to Special Education in Connecticut developed by the
 129 Department of Education and the rights and resources available to such
 130 child in the provision of special education and related services.

This act shall take effect as follows and shall amend the following sections:		
Section 1	July 1, 2023	17a-248e
Sec. 2	July 1, 2023	New section
Sec. 3	July 1, 2023	10-76d(a)(10)(D) and (E)

KID 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:

Municipalities	Effect	FY 24 \$	FY 25 \$
Local and Regional School Districts	Potential Cost	Less than \$10,000	Less than \$10,000

Explanation

Section 1 requires Birth to Three individual service coordinators within the Office of Early Childhood (OEC) to coordinate the introduction of parents or guardians with the person responsible for the administration of special education services for the school district in which the child resides, no later than three months prior to the child's third birthday. This has no fiscal impact as it codifies current practice.

Section 2 requires the State Department of Education (SDE) to develop an age-appropriate handout for students about what it means to have an individualized education plan. This has no fiscal impact as it is anticipated that SDE can develop such a handout within existing resources.

Section 3 requires local and regional school districts to provide several handouts and documents regarding special education to students participating in special education programs. This results in printing costs, estimated to be less than \$10,000 annually, in districts that choose to hand deliver this information to students.

The Out Years

The annualized ongoing fiscal impact identified above would continue into the future subject to inflation.

OLR Bill Analysis

sHB 6644

AN ACT CONCERNING THE DISTRIBUTION OF INFORMATION REGARDING SPECIAL EDUCATION TO FAMILIES AND STUDENTS.

SUMMARY

By January 1, 2024, this bill requires the State Department of Education (SDE) to develop an informational handout for students to explain (1) what it means to have an individualized education program (IEP) or a 504 plan (see BACKGROUND), and (2) the rights entitled to them in the classroom under these programs or plans.

The bill also requires an eligible child’s Birth to Three (see BACKGROUND) individual service coordinator, at least three months prior to the child’s third birthday, to meet with the parent or guardian to provide and discuss transitional information related to the child’s special education eligibility in the public school district.

EFFECTIVE DATE: July 1, 2023

IEP AND 504 PLAN INFORMATION

The handout must include a glossary of the most common tools used in program or plan implementation and be (1) age appropriate; (2) prepared separately for students in grades kindergarten to four, five to eight, and nine to 12; and (3) translated into multiple languages, including English, Spanish, Portuguese, French, and Polish.

SDE must post this handout on its website and make it available to local and regional boards of education, which must in turn provide the handout to each child with an IEP or 504 plan.

By law, as soon as a student is formally identified as requiring special

education, and at each of the student's planning and placement team (PPT) meetings thereafter, the board of education must provide the student, and their parents, guardians, or surrogate parent, with information on special education laws, their rights under these laws, and relevant information and resources on IEPs created by SDE.

The bill requires this information to include (1) the SDE-developed Parent's Guide to Special Education in Connecticut and (2) a separate, plain language document providing a detailed explanation of the hearing and appeals process available to the student if there is a disagreement about the student's IEP; their identification, evaluation, or educational placement; and the provision of a free appropriate public education to the student. This document must include information about available resources and local advocacy groups that provide assistance on these hearings and appeals, such as the Connecticut Parent Advocacy Center.

BIRTH TO THREE

The bill also requires an eligible child's Birth to Three (see BACKGROUND) individual service coordinator, at least three months prior to the child's third birthday, to meet with the parent or guardian to provide and discuss the contact information for the special education administrator or coordinator in the child's school district and give this administrator the child's individualized family service plan.

Existing law generally requires each eligible child and his or her family to receive a (1) multidisciplinary assessment, (2) written individualized family service plan, and (3) periodic review of the individualized family service plan within set time frames (CGS § 17a-248e(a)).

BACKGROUND

IEP and 504 Plans

The term "IEP" comes from the federal special education law known as the Individuals with Disabilities Education Act (20 U.S.C. 1400 et seq.), which aims to ensure equal access to public education for students

with special education needs. A student who has an IEP has a right to special education and related services.

Named after Section 504 of the federal Rehabilitation Act of 1973 (29 U.S.C. § 794), a 504 plan is a formal accommodation plan for a public school student who has a mental or physical impairment that substantially limits one or more major life activities, which must be related to their educational environment. A student can be covered by a 504 plan whether or not they are eligible for special education. Students with 504 plans generally are enrolled in regular, rather than special, education programs with accommodations.

Eligible Child

By law, an “eligible child” under the Birth to Three Program is a child up to age 36 months who is not eligible for special education and related services and who needs early intervention services because he or she is (1) experiencing a significant developmental delay as measured by standardized diagnostic instruments and procedures or (2) diagnosed as having a physical or mental condition that has a high probability of resulting in a developmental delay (CGS § 17a-248(4)).

COMMITTEE ACTION

Committee on Children

Joint Favorable Substitute

Yea 19 Nay 0 (03/03/2023)