



House of Representatives

General Assembly

File No. 592

January Session, 2023

Substitute House Bill No. 6883

House of Representatives, April 13, 2023

The Committee on Education reported through REP. CURREY of the 11th Dist., Chairperson of the Committee on the part of the House, that the substitute bill ought to pass.

AN ACT CONCERNING STUDENTS WITH DEVELOPMENTAL DISABILITIES.

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

1 Section 1. (NEW) (*Effective July 1, 2023*) (a) As used in this section and
2 sections 3, 4 and 11 of this act:

3 (1) "Transition service" means a service for a student who requires
4 special education to facilitate the student's transition from school to
5 postsecondary activities such as postsecondary education and training,
6 employment or independent living;

7 (2) "Transition program" means a coordinated set of transition
8 services;

9 (3) "Transition resources" means sources of information, counseling
10 or training concerning transition services or programs;

11 (4) "Public transition program" means a program operated by a local
12 or regional board of education or a regional educational service center

13 to provide transition services for a student who requires special
14 education and is eighteen to twenty-two years of age, inclusive, based
15 on the goals set forth in such student's individualized education
16 program; and

17 (5) "Transition coordinator" means a director of pupil personnel or
18 other person employed by a local or regional board of education, as
19 designated by such director, who assists parents and students in the
20 school district governed by such board navigate the transition resources,
21 transition services and transition programs available for such students.

22 (b) There is established an Office of Transition Services within the
23 Department of Education's Bureau of Special Education. The Office of
24 Transition Services shall (1) oversee the coordination of transition
25 resources, transition services and transition programs operated by each
26 state agency, including, but not limited to, the Departments of
27 Education, Developmental Services, Aging and Disability Services,
28 Mental Health and Addiction Services and Children and Families, (2)
29 establish minimum standards for public transition programs and
30 metrics for measuring such standards, (3) perform unannounced site
31 visits of public transition programs for the purpose of determining the
32 effectiveness of and suggesting improvements to such programs and
33 post data on its Internet web site related to how such public transition
34 program measured against the minimum standards established
35 pursuant to subdivision (2) of this subsection, (4) develop and make
36 available on the Department of Education's Internet web site a course
37 for educators and school staff who do not provide transition services to
38 inform such educators and staff about transition services and programs,
39 including, but not limited to, about the purpose, essential programming
40 and deadlines of such programs, (5) establish minimum standards for
41 the training of transition coordinators and maintain a record of each
42 transition coordinator completing the training program developed by
43 the Department of Education pursuant to section 3 of this act, (6)
44 establish best practices for the provision of transition services and
45 distribute such best practices to each transition coordinator, and (7)
46 develop, and update as needed, a training program concerning the legal

47 requirements and best practice recommendations for special education
48 and transition services to be delivered through on-demand online
49 courses and, in the office's discretion, in person.

50 (c) The Commissioner of Education shall, within the limits of
51 available funds appropriated for the purpose of hiring staff, hire not
52 fewer than two full-time staff to carry out the duties of the Office of
53 Transition Services set forth in subsection (a) of this section.

54 Sec. 2. Section 10-74n of the general statutes is repealed and the
55 following is substituted in lieu thereof (*Effective January 1, 2024*):

56 (a) The State Board of Education and the Office of Transition Services,
57 established pursuant to section 1 of this act, in collaboration with the
58 Bureau of Rehabilitation Services, the Department of Developmental
59 Services and the Office of Workforce Strategy, shall: (1) Coordinate the
60 provision of transition resources, transition services and transition
61 programs, as those terms are defined in section 1 of this act, to children
62 requiring special education and related services, (2) [create, and update
63 as necessary, a fact sheet that lists the state agencies that provide
64 transition resources, services and programs and a brief description of
65 such transition resources, services and programs and] develop and
66 maintain an easily accessible and navigable online listing of the
67 transition resources, transition services and transition programs
68 provided by each such board, office or department, including, but not
69 limited to, for each resource, service and program (A) a plain language
70 description, (B) eligibility requirements, and (C) application deadlines
71 and instructions, (3) disseminate a notice concerning such [fact sheet]
72 online listing to local and regional boards of education for distribution
73 to parents, teachers, administrators and boards of education, and [(3)]
74 (4) annually collect information related to transition resources,
75 programs and services provided by other state agencies. [and make such
76 information available to parents, teachers, administrators and boards of
77 education.]

78 (b) For the school year commencing July 1, [2016] 2024, and each
79 school year thereafter, the State Board of Education shall distribute [the

80 information] a notice concerning the online listing described in
81 subdivision (2) of subsection (a) of this section to each local or regional
82 board of education. Each local or regional board of education shall
83 annually distribute such [information] notice to the parent of a child
84 requiring special education and related services in grades six to twelve,
85 inclusive, at a planning and placement team meeting for such child. As
86 used in this section, "parent" means the parent or guardian of a child
87 requiring special education or the surrogate parent or, in the case of a
88 pupil who is an emancipated minor or eighteen years of age or older,
89 the pupil.

90 Sec. 3. (NEW) (*Effective July 1, 2023*) (a) Not later than January 1, 2024,
91 the Department of Education, in consultation with the Department of
92 Developmental Services, the Bureau of Rehabilitation Services and the
93 regional educational service centers, shall develop a training program
94 for transition coordinators, educators and school staff. Such training
95 program shall be in compliance with the minimum standards
96 established by the Office of Transition Services pursuant to section 1 of
97 this act.

98 (b) Each regional educational service center shall provide the training
99 program developed pursuant to subsection (a) of this section at no cost
100 to transition coordinators and educators and school staff who provide
101 transition services or any other educators or school staff interested in
102 becoming a transition coordinator or providing transition services.

103 Sec. 4. (NEW) (*Effective July 1, 2023*) (a) Not later than January 1, 2024,
104 each local and regional board of education shall ensure that a transition
105 coordinator has been appointed, who may be the director of pupil
106 personnel or another employee of such board appointed as transition
107 coordinator by such director. Each transition coordinator shall (1)
108 complete the training program developed by the Department of
109 Education pursuant to section 3 of this act during the three-year period
110 immediately following the date upon which the regional educational
111 service center that serves the school district in which such transition
112 coordinator is employed starts providing such training program,

113 provided each new transition coordinator appointed after the initiation
114 of such training period shall complete such training program not later
115 than one year after being appointed, and (2) ensure that parents of
116 students requiring special education receive information concerning
117 transition resources, transition services or transition programs in
118 accordance with section 10-74n of the general statutes, as amended by
119 this act, and are aware of the eligibility requirements and application
120 details of such resources, services and programs that specifically apply
121 to such student.

122 (b) Each educator and school staff who provides transition services
123 shall complete the training program developed by the Department of
124 Education pursuant to section 3 of this act during the five-year period
125 immediately following the date upon which the regional educational
126 service center that serves the school district in which such educator or
127 school staff is employed starts providing such training program,
128 provided each new educator and school staff employed to provide
129 transition services after the initiation of such training period shall
130 complete such training program not later than one year from the date
131 such educator is hired to provide such services.

132 Sec. 5. Subsection (b) of section 10-76d of the general statutes is
133 repealed and the following is substituted in lieu thereof (*Effective July 1,*
134 *2023*):

135 (b) In accordance with the regulations of the State Board of Education,
136 each local and regional board of education shall: (1) Provide special
137 education for school-age children requiring special education who are
138 described in subparagraph (A) of subdivision (5) of section 10-76a. The
139 obligation of the school district under this subsection shall terminate
140 when such child is graduated from high school or at the end of the
141 school year during which such child reaches age [twenty-one] twenty-
142 two, whichever occurs first; and (2) provide special education for
143 children requiring special education who are described in subparagraph
144 (A) or (C) of subdivision (5) of section 10-76a. The State Board of
145 Education shall define the criteria by which each local or regional board

146 of education shall determine whether a given child is eligible for special
147 education pursuant to this subdivision, and such determination shall be
148 made by the board of education when requested by a parent or
149 guardian, or upon referral by a physician, clinic or social worker,
150 provided the parent or guardian so permits. To meet its obligations
151 under this subdivision, each local or regional board of education may,
152 with the approval of the State Board of Education, make agreements
153 with any private school, agency or institution to provide the necessary
154 preschool special education program, provided such private facility has
155 an existing program which adequately meets the special education
156 needs, according to standards established by the State Board of
157 Education, of the preschool children for whom such local or regional
158 board of education is required to provide such an education and
159 provided such district does not have such an existing program in its
160 public schools. Such private school, agency or institution may be a
161 facility which has not been approved by the Commissioner of Education
162 for special education, provided such private facility is approved by the
163 commissioner as an independent school or licensed by the Office of
164 Early Childhood as a child care center, group child care home or family
165 child care home, as described in section 19a-77, or be both approved and
166 licensed.

167 Sec. 6. Subsection (b) of section 10-76ll of the general statutes is
168 repealed and the following is substituted in lieu thereof (*Effective July 1,*
169 *2023*):

170 (b) On or before July 1, 2015, the State Board of Education shall draft
171 a written bill of rights for parents of children receiving special education
172 services to guarantee that the rights of such parents and children are
173 adequately safeguarded and protected during the provision of special
174 education and related services under this chapter. Such bill of rights
175 shall inform parents of: (1) The right to request consideration of the
176 provision of transition services for a child receiving special education
177 services who is eighteen to [twenty-one] twenty-two, inclusive, years of
178 age, (2) the right to receive transition resources and materials from the
179 department and the local or regional board of education responsible for

180 such child, (3) the requirement that the local or regional board of
181 education responsible for such child shall create a student success plan
182 for each student enrolled in a public school, beginning in grade six,
183 pursuant to subsection (j) of section 10-221a, and (4) the right of such
184 child to receive realistic and specific postgraduation goals as part of
185 such child's individualized education program.

186 Sec. 7. Subsection (a) of section 10-253 of the general statutes is
187 repealed and the following is substituted in lieu thereof (*Effective July 1,*
188 *2023*):

189 (a) Children placed out by the Commissioner of Children and
190 Families or by other agencies or persons, including offices of a
191 government of a federally recognized Native American tribe, private
192 child-caring or child-placing agencies licensed by the Department of
193 Children and Families, and eligible residents of facilities operated by the
194 Department of Mental Health and Addiction Services or by the
195 Department of Public Health who are eighteen to twenty-one years of
196 age or, for children requiring special education, twenty-two years of
197 age, shall be entitled to all free school privileges of the school district
198 where they then reside as a result of such placement, except as provided
199 in subdivision (4) of subsection (e) of section 10-76d. Except as provided
200 in subsection (d) of this section and subdivision (4) of subsection (e) of
201 section 10-76d, payment for such education shall be made by the board
202 of education of the school district under whose jurisdiction such child
203 would otherwise be attending school where such a school district is
204 identified.

205 Sec. 8. Subdivision (3) of subsection (h) of section 10-253 of the general
206 statutes is repealed and the following is substituted in lieu thereof
207 (*Effective July 1, 2023*):

208 (3) In each district, the liaison shall assist the school district, the Court
209 Support Services Division of the Judicial Branch and any relevant
210 educational service providers in ensuring that:

211 (A) All persons [under] twenty-two years of age or younger in justice

212 system custody are promptly evaluated for eligibility for special
213 education services, pursuant to section 17a-65 and any other applicable
214 law;

215 (B) Students in justice system custody and returning to the
216 community from justice system custody are promptly enrolled in school
217 pursuant to this section and section 10-186;

218 (C) Students in justice system custody and returning to the
219 community from justice system custody receive appropriate credit for
220 school work completed in custody, pursuant to this section or section
221 10-220h;

222 (D) All relevant school records for students who enter justice system
223 custody and who return to the community from justice system custody
224 are promptly transferred to the appropriate school district or
225 educational service provider, pursuant to section 10-220h.

226 Sec. 9. Subdivision (2) of section 10-76a of the general statutes is
227 repealed and the following is substituted in lieu thereof (*Effective July 1,*
228 *2023*):

229 (2) "Child" means any person [under] twenty-two years of age or
230 younger.

231 Sec. 10. Subsection (b) of section 10-76ff of the general statutes is
232 repealed and the following is substituted in lieu thereof (*Effective July 1,*
233 *2023*):

234 (b) (1) The planning and placement team, as part of an initial
235 evaluation, if appropriate, and as part of any reevaluations, shall review
236 existing evaluation data on the child, including evaluations and
237 information provided by the parent or guardian or the child, classroom-
238 based assessments and observations and teacher and related services
239 provider observations. On the basis of such review, and input from the
240 child's parent or guardian, the planning and placement team shall
241 identify what additional data, if any, is needed to determine: (A)
242 Whether the child has a particular category of disability, or in the case

243 of a reevaluation, whether the child continues to have such a disability;
244 (B) the present levels of performance and educational needs of the child;
245 (C) whether the child needs special education and related services, or in
246 the case of a reevaluation, whether the child continues to need special
247 education and related services or whether the child is able to be served
248 within the regular education program with existing supplemental
249 services, available in the school district; and (D) whether any additions
250 or modifications to the special education and related services are needed
251 to enable the child to meet the measurable annual goals set out in the
252 individualized education program of the child and to participate, as
253 appropriate, in the general curriculum. (2) The local or regional board
254 of education shall administer such tests and other evaluation materials
255 as may be needed to produce the data identified by the planning and
256 placement team pursuant to subdivision (1) of this subsection. (3) If the
257 planning and placement team decides that no additional data is needed
258 to determine that the child continues to be a child requiring special
259 education and related services, the local or regional board of education
260 shall notify the parent or guardian of the child of (A) the decision and
261 the reasons for it, and (B) the right of the parent or guardian to request
262 an assessment to determine whether the child continues to be a child
263 requiring special education and related services. The local or regional
264 board of education shall not be required to conduct such an assessment
265 unless requested to do so by the parent or guardian of the child. (4) A
266 local or regional board of education shall evaluate a child identified as
267 requiring special education and related services, in accordance with this
268 section, prior to determining that such child no longer requires such
269 special education or related services, except that such evaluation shall
270 not be required before the termination of a child's eligibility for special
271 education due to graduation from high school with a regular education
272 diploma, or due to exceeding the age eligibility for a free appropriate
273 public education. [pursuant to state regulations.] For a child whose
274 eligibility for special education terminates due to graduation from high
275 school with a regular high school diploma or such child exceeds the age
276 of eligibility for a free appropriate public education, the local or regional
277 board of education shall provide the child with a summary of the child's

278 academic achievement and functional performance, which shall include
279 recommendations on how to assist the child in meeting the child's
280 postsecondary goals.

281 Sec. 11. (NEW) (*Effective July 1, 2023*) (a) The Department of Education
282 shall establish a competitive grant program to assist local and regional
283 boards of education and regional educational service centers to develop
284 and provide public transition programs, as defined in section 1 of this
285 act, that are innovative.

286 (b) Grant applications shall be submitted annually to the
287 Commissioner of Education at such time and on such forms as the
288 commissioner prescribes. In determining whether to award a grant
289 pursuant to this section and in determining the amount of the grant, the
290 commissioner shall consider, but such consideration shall not be limited
291 to, the following factors: (1) The innovative nature of the public
292 transition program; (2) the potential number of students served by the
293 public transition program; (3) the relative wealth of the applicant; and
294 (4) the number of school districts included in the grant application.

295 (c) If the commissioner finds that any grant awarded pursuant to this
296 section is being used for purposes that do not conform to the purposes
297 of this section, the commissioner may require repayment of the grant to
298 the state.

299 (d) Each grantee shall submit, at such time and in such form as the
300 commissioner prescribes, such reports and financial statements as are
301 required by the department, which shall include, but need not be limited
302 to, an evaluation of the public transition program operated by such
303 grantee and any new recommendations for best practices for such
304 programs.

305 Sec. 12. (*Effective July 1, 2023*) The State Education Resource Center,
306 established pursuant to section 10-357a of the general statutes, shall
307 review each public transition program, as defined in section 1 of this act.
308 Such review shall examine aspects of each public transition program,
309 including, but not limited to, the following: (1) The types of transition

310 services, as defined in section 1 of this act, provided in such program,
311 (2) the number and qualifications of the staff providing such transition
312 services, (3) the location of such program relative to the residence of the
313 student or the student's family, and (4) any metrics for measuring the
314 performance of such program, such as student and family feedback and
315 the placement of students in employment, postsecondary education or
316 training or programs for adults. Not later than January 1, 2024, the State
317 Education Resource Center shall submit, in accordance with the
318 provisions of section 11-4a of the general statutes, to the joint standing
319 committee of the General Assembly having cognizance of matters
320 relating to education a report of its findings, including, but not limited
321 to, a list of best practices and innovative programs.

322 Sec. 13. Subdivision (10) of subsection (a) of section 10-76d of the
323 general statutes is repealed and the following is substituted in lieu
324 thereof (*Effective July 1, 2023*):

325 (10) (A) Each local and regional board of education responsible for
326 providing special education and related services to a child or pupil shall
327 notify the parent or guardian of a child who requires or who may
328 require special education, a pupil if such pupil is an emancipated minor
329 or eighteen years of age or older who requires or who may require
330 special education or a surrogate parent appointed pursuant to section
331 10-94g, in writing, at least five school days before such board proposes
332 to, or refuses to, initiate or change the child's or pupil's identification,
333 evaluation or educational placement or the provision of a free
334 appropriate public education to the child or pupil.

335 (B) Upon request by a parent, guardian, pupil or surrogate parent,
336 the responsible local or regional board of education shall provide such
337 parent, guardian, pupil or surrogate parent an opportunity to meet with
338 a member of the planning and placement team designated by such
339 board prior to the referral planning and placement team meeting at
340 which the assessments and evaluations of the child or pupil who
341 requires or may require special education is presented to such parent,
342 guardian, pupil or surrogate parent for the first time. Such meeting shall

343 be for the sole purpose of discussing the planning and placement team
344 process and any concerns such parent, guardian, pupil or surrogate
345 parent has regarding the child or pupil who requires or may require
346 special education.

347 (C) Such parent, guardian, pupil or surrogate parent shall (i) be given
348 at least five school days' prior notice of any planning and placement
349 team meeting conducted for such child or pupil, (ii) have the right to be
350 present at and participate in all portions of such meeting at which an
351 educational program for such child or pupil is developed, reviewed or
352 revised, (iii) have the right to have (I) advisors of such person's own
353 choosing and at such person's own expense, (II) the school
354 paraprofessional assigned to such child or pupil, if any, [and] (III) such
355 child or pupil's birth-to-three service coordinator, if any, and (IV) a
356 translator, automatically provided by the responsible local or regional
357 board of education if there is an apparent need or upon the request of
358 such parent, guardian, pupil or surrogate parent, attend and participate
359 in all portions of such meeting at which an educational program for such
360 child or pupil is developed, reviewed or revised, and (iv) have the right
361 to have each recommendation made in such child or pupil's birth-to-
362 three individualized transition plan, as required by section 17a-248e, if
363 any, addressed by the planning and placement team during such
364 meeting at which an educational program for such child or pupil is
365 developed.

366 (D) Immediately upon the formal identification of any child as a child
367 requiring special education and at each planning and placement team
368 meeting for such child, the responsible local or regional board of
369 education shall inform the parent or guardian of such child or surrogate
370 parent or, in the case of a pupil who is an emancipated minor or eighteen
371 years of age or older, the pupil of (i) the laws relating to special
372 education, (ii) the rights of such parent, guardian, surrogate parent or
373 pupil under such laws and the regulations adopted by the State Board
374 of Education relating to special education, including the right of a
375 parent, guardian or surrogate parent to (I) withhold from enrolling such
376 child in kindergarten, in accordance with the provisions of section 10-

377 184, and (II) have advisors and the school paraprofessional assigned to
378 such child or pupil attend and participate in all portions of such meeting
379 at which an educational program for such child or pupil is developed,
380 reviewed or revised, in accordance with the provisions of subparagraph
381 (C) of this subdivision, and (iii) any relevant information and resources
382 relating to individualized education programs created by the
383 Department of Education, including, but not limited to, information
384 relating to transition resources and services for high school students. If
385 such parent, guardian, surrogate parent or pupil does not attend a
386 planning and placement team meeting, the responsible local or regional
387 board of education shall mail such information to such person. Each
388 responsible local or regional board of education shall provide a child or
389 pupil's individualized education program, any documents relating to
390 such program and all the information required pursuant to this
391 subparagraph translated to the primary language spoken by such
392 parent, guardian, surrogate parent or pupil automatically if there is an
393 apparent need or upon the request of the parent guardian, surrogate
394 parent or pupil.

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

398 (F) (i) At each initial planning and placement team meeting for a child
399 or pupil, the responsible local or regional board of education shall
400 inform the parent, guardian, surrogate parent or pupil of [(i)] the laws
401 relating to physical restraint and seclusion pursuant to section 10-236b
402 and the rights of such parent, guardian, surrogate parent or pupil under
403 such laws and the regulations adopted by the State Board of Education
404 relating to physical restraint and seclusion, and [(ii)] the right of such
405 parent, guardian, surrogate parent or pupil, during such meeting at
406 which an educational program for such child or pupil is developed, to
407 have (I) such child or pupil's birth-to-three service coordinator attend
408 and participate in all portions of such meeting, and (II) each
409 recommendation made in the transition plan, as required by section 17a-
410 248e, by such child or pupil's birth-to-three service coordinator

411 addressed by the planning and placement team.

412 (ii) At the first planning and placement team meeting when a child or
413 pupil reaches the age of seventeen, the responsible local or regional
414 board of education shall inform the parent, guardian or surrogate parent
415 of any child who may have an intellectual disability, as defined in
416 section 1-1g, of the laws relating to becoming a conservator for such
417 child through application to a probate court.

418 (iii) Each responsible local or regional board of education shall
419 provide the notice created by the Office of Mediation Services pursuant
420 to subdivision (7) of subsection (a) of section 18 of this act to each parent,
421 guardian or surrogate parent of any child who requires special
422 education by (I) distributing such notice to such parents, guardians or
423 surrogate parents at the beginning of each school year, and (II) reading
424 such notice out loud at the conclusion of the first planning and
425 placement team meeting at the beginning of each school year.

426 (G) Upon request by a parent, guardian, pupil or surrogate parent,
427 the responsible local or regional board of education shall provide the
428 results of the assessments and evaluations used in the determination of
429 eligibility for special education for a child or pupil to such parent,
430 guardian, surrogate parent or pupil at least three school days before the
431 referral planning and placement team meeting at which such results of
432 the assessments and evaluations will be discussed for the first time.

433 (H) Each local or regional board of education shall monitor the
434 development of each child who, pursuant to subsection (a) of section
435 17a-248e, has been (i) referred for a registration on a mobile application
436 designated by the Commissioner of Early Childhood, in partnership
437 with such child's parent, guardian or surrogate parent, or (ii) provided
438 a form for such child's parent, guardian or surrogate parent to complete
439 and submit to such local or regional board of education that screens for
440 developmental and social-emotional delays using a validated screening
441 tool, such as the Ages and Stages Questionnaire and the Ages and Stages
442 Social-Emotional Questionnaire, or its equivalent. If such monitoring
443 results in suspecting a child of having a developmental delay, the board

444 shall schedule a planning and placement team meeting with such child's
445 parent, guardian or surrogate parent for the purposes of identifying
446 services for which such child may be eligible, including, but not limited
447 to, a preschool program under Part B of the Individuals with Disabilities
448 Act, 20 USC 1471 et seq. If a parent, guardian or surrogate parent of any
449 child referred for a registration on the mobile application or provided a
450 form to complete and submit, pursuant to subsection (a) of section 17a-
451 248e, fails to complete such registration or complete and submit such
452 form after a period of six months from the date of such referral or
453 provision of such form, the board shall send a reminder, in the form and
454 manner determined by the board, to such parent, guardian or surrogate
455 parent to complete such registration or complete and submit such form.
456 The board shall send another reminder after a period of one year from
457 such referral or provision of such form if such registration remains
458 incomplete or such form is not submitted.

459 (I) Prior to any planning and placement team meeting for a child or
460 pupil in which an educational program for such child or pupil is
461 developed, reviewed or revised, if the parent, guardian, pupil or
462 surrogate parent has requested that the school paraprofessional
463 assigned to such child or pupil attend such meeting, then the
464 responsible local or regional board of education shall provide (i)
465 adequate notice of such meeting to such school paraprofessional so that
466 such school paraprofessional may adequately prepare for such meeting,
467 and (ii) training, upon request of such school paraprofessional, on the
468 role of such school paraprofessional at such meeting. Following such
469 meeting, such school paraprofessional, or any other paraprofessional
470 who is providing special education or related services to such child,
471 shall be permitted to view such educational program in order to be able
472 to provide special education or related services to such child or pupil in
473 accordance with such educational program.

474 Sec. 14. Subdivision (9) of subsection (a) of section 10-76d of the
475 general statutes is repealed and the following is substituted in lieu
476 thereof (*Effective July 1, 2023*):

477 (9) (A) The planning and placement team shall, in accordance with
478 the provisions of the Individuals With Disabilities Education Act, 20
479 USC 1400, et seq., as amended from time to time, develop and include a
480 statement of transition service needs in the individualized education
481 program for each child requiring special education, beginning not later
482 than the first individualized education program to be in effect when
483 such child becomes fourteen years of age, or younger if the planning
484 and placement team determines it is appropriate. Such individualized
485 education program shall include [(A)] (i) appropriate measurable
486 postsecondary goals based upon age-appropriate transition
487 assessments related to training, education, employment and, where
488 appropriate, independent living skills; and [(B)] (ii) the transition
489 services, including courses of study, needed to assist such child in
490 reaching those goals. Such individualized education program shall be
491 updated annually thereafter in accordance with the provisions of this
492 subdivision. Nothing in this subdivision shall be construed as requiring
493 the Department of Aging and Disability Services to lower the age of
494 transitional services for a child with disabilities from sixteen to fourteen
495 years of age.

496 (B) At the first planning and placement team meeting when a child
497 reaches the age of fourteen and has a statement of transition service
498 needs included in such child's individualized education program
499 pursuant to subparagraph (A) of this subdivision, the planning and
500 placement team shall, for each transition program, as defined in section
501 1 of this act, and each program for adults for which such child may be
502 eligible after graduation, (i) notify the state agency that provides such
503 program about the potential eligibility of such child upon the approval
504 of the parent or guardian of such child, or a surrogate parent of such
505 child appointed pursuant to section 10-94g, or such child if such child is
506 an emancipated minor, and (ii) provide such parent, guardian,
507 surrogate parent or child a listing of such programs that includes, but is
508 not limited to, (I) a plain language description of such program, (II)
509 eligibility requirements for such program, and (III) deadlines and
510 instructions for applications to such programs.

511 (C) Not later than the planning and placement team meeting that
512 occurs approximately two years prior to a child's anticipated graduation
513 from high school or the end of the school year in which a child will reach
514 twenty-two years of age, whichever is expected to occur first based on
515 such child's individualized education program, the planning and
516 placement team shall (i) upon the approval of the parent or guardian of
517 such child, or a surrogate parent of such child appointed pursuant to
518 section 10-94g or such child if such child is an emancipated minor, (I)
519 notify any state agency that provides a program for adults for which
520 such child may be eligible about the potential eligibility of such child,
521 (II) invite a representative from each such agency to attend the planning
522 and placement team meeting for the purpose of establishing contact
523 with and counseling the parent, guardian, surrogate parent or child on
524 the process for the anticipated transfer of services upon such child
525 graduating from high school or upon the end of the school year in which
526 such child reaches twenty-two years of age, whichever is sooner, and
527 (III) permit and facilitate contact and coordination between each such
528 agency and such parent, guardian, surrogate parent or child for the
529 purpose of easing the process for the transfer of services, (ii) provide
530 such parent, guardian, surrogate parent or child a listing of each
531 program for adults for which such child may be eligible that includes,
532 but is not limited to, (I) a plain language description of such program,
533 (II) eligibility requirements for such program, and (III) deadlines and
534 instructions for applications to such programs, and (iii) assist such
535 parent, guardian, surrogate parent or child in completing an application
536 to any such programs.

537 Sec. 15. (NEW) (*Effective July 1, 2023*) The Department of
538 Developmental Services shall assist any child who is determined to be
539 potentially eligible for services from the department by such child's
540 planning and placement team pursuant to subparagraph (B) of
541 subdivision (9) of subsection (a) of section 10-76d of the general statutes,
542 as amended by this act, to secure and maintain suitable employment
543 during the summer.

544 Sec. 16. (NEW) (*Effective July 1, 2023*) The Department of

545 Developmental Services and the Bureau of Rehabilitation Services shall
546 each employ a sufficient number of employees to provide case
547 management or benefit counseling services for children requiring
548 special education who may be eligible to receive services from the
549 department or bureau as determined by a planning and placement team
550 pursuant to the provisions of subdivision (9) of subsection (a) of section
551 10-76d of the general statutes, as amended by this act.

552 Sec. 17. (*Effective July 1, 2023*) The Auditors of Public Accounts shall
553 study the level of cooperation between state agencies that provide
554 transition services, as defined in section 1 of this act. Such study shall
555 include, but need not be limited to, the examination of any barriers to
556 cooperation between such agencies and any inefficiencies in the system
557 for the provision of transition services by such agencies. Not later than
558 January 1, 2024, the Auditors of Public Accounts shall submit a report,
559 in accordance with the provisions of section 11-4a of the general statutes,
560 to the joint standing committee of the General Assembly having
561 cognizance of matters relating to education. Such report shall include,
562 but need not be limited to, suggestions to improve the cooperation
563 between such agencies and the outcomes for recipients of such services.

564 Sec. 18. (NEW) (*Effective July 1, 2023*) (a) There is established an Office
565 of Mediation Services within the Department of Education's Bureau of
566 Special Education which shall be separate and distinct from any
567 investigatory or enforcement functions of the department. The Office of
568 Mediation Services shall (1) expand the mediation services offered by
569 the department in lieu of proceeding directly to a special education
570 hearing pursuant to section 10-76h of the general statutes, as amended
571 by this act, (2) oversee and coordinate such mediation services for each
572 school district in the state, (3) maintain a list of special education
573 mediators that meet the minimum training requirements set forth in
574 subsection (c) of this section and are of a sufficient quantity to meet the
575 needs of each school district in the state, (4) promote the benefits of
576 mediation to each local or regional board of education, parents and
577 guardians and special education advocacy groups, (5) solicit feedback
578 from local and regional boards of education and parents and guardians

579 about the mediation process through an annual open meeting, after the
580 conclusion of any mediation and in any other manner as determined by
581 the office, (6) establish and publish on its Internet web site (A) a
582 statement of the impartiality of mediators and the confidentiality of
583 matters discussed in mediation, which shall, at a minimum, provide that
584 no employee of the office or mediator on the list of special education
585 mediators may share information from any mediation with an employee
586 of the department tasked with investigatory or enforcement functions
587 unless required by state or federal law, and (B) a plain language
588 resource explaining the mediation process and how to request and
589 prepare for a mediation, which shall be translated into the most
590 commonly spoken languages in the state, and (7) create a notice of the
591 availability of mediation services that includes the link to the plain
592 language resource pursuant to subparagraph (B) of subdivision (6) of
593 this subsection, which shall be translated into the most commonly
594 spoken languages in the state, for distribution by local or regional
595 boards of education to parents, guardians and surrogate parents of
596 children requiring special education pursuant to subparagraph (F) of
597 subdivision (10) of subsection (a) of section 10-76d of the general
598 statutes, as amended by this act.

599 (b) The Commissioner of Education shall, within the limits of
600 available funds appropriated for the purpose of hiring staff, hire one
601 full-time staff to carry out the duties of the Office of Mediation Services
602 set forth in this section and section 19 of this act.

603 (c) The Office of Mediation Services shall verify that each mediator
604 included on the list of special education mediators maintained by the
605 office completes (1) not less than forty hours of training in mediation
606 skills through a module or course that has been approved by the office,
607 and (2) training in special education law for a minimum number of
608 hours prescribed by the office through a module or course provided by
609 the Department of Education or by another provider approved by the
610 office. The office may, in its discretion, waive one such training
611 requirement for any applicant for inclusion on the list of special
612 education mediators who (A) submits proof of completion of a forty-

613 hour mediation skills training or an equivalent course of study related
614 to mediation skills from an institution of higher education for waiver of
615 the mediation skill training requirement, or (B) has sufficient and direct
616 professional experience in special education law or submits proof of
617 completion of a comparable course of study related to special education
618 law from an institution of higher education for waiver of the special
619 education law training requirement. Each mediator approved by the
620 office for inclusion on the list of special education mediators shall
621 complete at least two hours of continuing education every two years in
622 subject areas prescribed by the office which may be provided by the
623 Department of Education or any other organization approved by the
624 office. Each mediator shall remain impartial and maintain the
625 confidentiality of any matter discussed during mediation.

626 (d) The Office of Mediation Services shall exempt five mediators who
627 conducted special education mediation for the Department of Education
628 prior to July 1, 2023, from the initial training requirements set forth in
629 subdivisions (1) and (2) of subsection (c) of this section and include such
630 mediators on the list of special education mediators maintained by the
631 office pursuant to subsection (c) of this section.

632 Sec. 19. (NEW) (*Effective July 1, 2023*) (a) A parent or guardian of a
633 child requiring special education and related services, pursuant to
634 sections 10-76a to 10-76g, inclusive, of the general statutes, as amended
635 by this act, a child if such child is an emancipated minor or eighteen
636 years of age or older requiring such services, a surrogate parent
637 appointed pursuant to section 10-94g of the general statutes, the
638 Commissioner of Children and Families, or a designee of said
639 commissioner, on behalf of any such child in the custody of said
640 commissioner or the local or regional board of education responsible for
641 providing special education and related services for a child, may request
642 a mediation through the Office of Mediation Services, established
643 pursuant to section 18 of this act, at any time for any matter related to
644 the provision of special education for a child, including, but not limited
645 to, identification, evaluation, educational placement or implementation
646 of an individualized education program.

647 (b) Upon receipt of a request for a mediation, the Office of Mediation
648 Services shall provide notification to the requester of such mediation
649 and any other parties subject to the request of such mediation (1) that a
650 conflict exists between such parties, (2) about the mediation process,
651 including, but not limited to, stating that mediation is voluntary,
652 facilitated by a neutral mediator and nonbinding, and (3) to invite all
653 parties to participate in mediation. The office shall provide a translator
654 at the mediation upon the request of any party.

655 Sec. 20. Section 10-76h of the general statutes is repealed and the
656 following is substituted in lieu thereof (*Effective July 1, 2023*):

657 (a) (1) A parent or guardian of a child requiring special education and
658 related services pursuant to sections 10-76a to 10-76g, inclusive, as
659 amended by this act, a pupil if such pupil is an emancipated minor or
660 eighteen years of age or older requiring such services, a surrogate parent
661 appointed pursuant to section 10-94g, or the Commissioner of Children
662 and Families, or a designee of said commissioner, on behalf of any such
663 child in the custody of said commissioner, may request a hearing of the
664 local or regional board of education or the unified school district
665 responsible for providing such services whenever such board or district
666 proposes or refuses to initiate or change the identification, evaluation or
667 educational placement of or the provision of a free appropriate public
668 education to such child or pupil. Such request shall be made by sending
669 a written request to such board or district with a copy to the Department
670 of Education.

671 (2) The local or regional board of education or the unified school
672 district responsible for providing special education and related services
673 for a child or pupil requiring such services under sections 10-76a to 10-
674 76g, inclusive, as amended by this act, may request, upon written notice
675 to the parent or guardian of such child, the pupil if such pupil is an
676 emancipated minor or is eighteen years of age or older, the surrogate
677 parent appointed pursuant to section 10-94g, or the Commissioner of
678 Children and Families, or a designee of said commissioner, on behalf of
679 any such child or pupil in the custody of said commissioner, a hearing

680 concerning the decision of the planning and placement team established
681 pursuant to section 10-76d, as amended by this act, whenever such
682 board or district proposes or refuses to initiate or change the
683 identification, evaluation or educational placement of or the provision
684 of a free appropriate public education placement to such child or pupil,
685 including, but not limited to, refusal of the parent or guardian, pupil if
686 such pupil is an emancipated minor or is eighteen years of age or older
687 or the surrogate parent appointed pursuant to section 10-94g, to give
688 consent for initial evaluation or reevaluation or the withdrawal of such
689 consent. The local or regional board of education or unified school
690 district shall provide a copy of the request to the Department of
691 Education. In the event a planning and placement team proposes private
692 placement for a child or pupil who requires or may require special
693 education and related services and the parent, guardian, pupil if such
694 pupil is an emancipated minor or is eighteen years of age or older or
695 surrogate parent appointed pursuant to section 10-94g withholds or
696 revokes consent for such placement, the local or regional board of
697 education shall request a hearing in accordance with this section and
698 may request mediation pursuant to subsection (f) of this section,
699 provided such action may be taken only in the event such parent,
700 guardian, pupil or surrogate parent has consented to the initial receipt
701 of special education and related services and subsequent to the initial
702 placement of the child, the local or regional board of education seeks a
703 private placement. For purposes of this section, a "local or regional
704 board of education or unified school district" includes any public agency
705 which is responsible for the provision of special education and related
706 services to children requiring special education and related services.

707 (3) The request for a hearing shall contain a statement of the specific
708 issues in dispute.

709 (4) A party shall have two years to request a hearing from the time
710 the board of education proposed or refused to initiate or change the
711 identification, evaluation or educational placement or the provision of a
712 free appropriate public education placement to such child or pupil
713 provided, if the parent, guardian, pupil or surrogate parent is not given

714 notice of the procedural safeguards, in accordance with regulations
715 adopted by the State Board of Education, including notice of the
716 limitations contained in this section, such two-year limitation shall be
717 calculated from the time notice of the safeguards is properly given.

718 (b) Upon receipt of a written request for a special education hearing
719 made in accordance with subsection (a) of this section, the Department
720 of Education shall appoint an impartial hearing officer who shall
721 schedule a hearing which shall be held and the decision written and
722 mailed not later than forty-five days after the commencement of the
723 hearing pursuant to the Individuals with Disabilities Education Act, 20
724 USC 1400 et seq., as amended from time to time. An extension of the
725 forty-five-day time limit may be granted by the hearing officer at the
726 request of either party to the hearing.

727 (c) (1) The Department of Education shall provide training to hearing
728 officers in administrative hearing procedures, including due process,
729 and in the special educational needs of children. Hearing officers and
730 members of hearing boards shall not be employees of the Department
731 of Education or any local or regional board of education, unified school
732 district or public agency involved in the education or care of the child.
733 A person who is paid to serve as a hearing officer is not deemed to be
734 an employee of the Department of Education. No person who
735 participated in the previous identification, evaluation or educational
736 placement of or the provision of a free appropriate public education to
737 the child or pupil nor any member of the board of education of the
738 school district under review, shall be a hearing officer or a member of a
739 hearing board.

740 (2) Both parties shall participate in a prehearing conference to resolve
741 the issues in dispute, if possible and narrow the scope of the issues. Each
742 party to the hearing shall disclose, not later than five business days prior
743 to the date the hearing commences, (A) documentary evidence such
744 party plans to present at the hearing and a list of witnesses such party
745 plans to call at the hearing, and (B) all completed evaluations and
746 recommendations based on the offering party's evaluations that the

747 party intends to use at the hearing. Except for good cause shown, the
748 hearing officer shall limit each party to such documentary evidence and
749 witnesses as were properly disclosed and are relevant to the issues in
750 dispute. A hearing officer may bar any party who fails to comply with
751 the requirements concerning disclosure of evaluations and
752 recommendations from introducing any undisclosed evaluation or
753 recommendation at the hearing without the consent of the other party.

754 (3) The hearing officer or board shall hear testimony relevant to the
755 issues in dispute offered by the party requesting the hearing and any
756 other party directly involved, and may hear any additional testimony
757 the hearing officer or board deems relevant. The hearing officer or board
758 shall hear the testimony offered by the local or regional board of
759 education or the unified school district responsible for providing special
760 education to a child or pupil first in any dispute concerning the
761 provision of free appropriate public education. The hearing officer or
762 board may require a complete and independent evaluation or
763 prescription of educational programs by qualified persons, the cost of
764 which shall be paid by the board of education or the unified school
765 district. The hearing officer or board shall cause all formal sessions of
766 the hearing and review to be recorded in order to provide a verbatim
767 record.

768 (d) (1) The hearing officer or board shall have the authority (A) to
769 confirm, modify, or reject the identification, evaluation or educational
770 placement of or the provision of a free appropriate public education to
771 the child or pupil, (B) to determine the appropriateness of an
772 educational placement where the parent or guardian of a child requiring
773 special education or the pupil if such pupil is an emancipated minor or
774 eighteen years of age or older, has placed the child or pupil in a program
775 other than that prescribed by the planning and placement team, or (C)
776 to prescribe alternate special educational programs for the child or
777 pupil. If the parent or guardian of such a child who previously received
778 special education and related services from the district enrolls the child,
779 or the pupil who previously received special education and related
780 services from the district enrolls in a private elementary or secondary

781 school without the consent of or referral by the district, a hearing officer
782 may, in accordance with the Individuals with Disabilities Education Act,
783 20 USC 1400 et seq., as amended from time to time, require the district
784 to reimburse the parents or the pupil for the cost of that enrollment if
785 the hearing officer finds that the district had not made a free appropriate
786 public education available to the child or pupil in a timely manner prior
787 to that enrollment. In the case where a parent or guardian, or pupil if
788 such pupil is an emancipated minor or is eighteen years of age or older,
789 or a surrogate parent appointed pursuant to section 10-94g, has refused
790 consent for initial evaluation or reevaluation, the hearing officer or
791 board may order an initial evaluation or reevaluation without the
792 consent of such parent, guardian, pupil or surrogate parent except that
793 if the parent, guardian, pupil or surrogate parent appeals such decision
794 pursuant to subdivision (4) of this subsection, the child or pupil may not
795 be evaluated or placed pending the disposition of the appeal. The
796 hearing officer or board shall inform the parent or guardian, or the
797 emancipated minor or pupil eighteen years of age or older, or the
798 surrogate parent appointed pursuant to section 10-94g, or the
799 Commissioner of Children and Families, as the case may be, and the
800 board of education of the school district or the unified school district of
801 the decision in writing and mail such decision not later than forty-five
802 days after the commencement of the hearing pursuant to the Individuals
803 with Disabilities Education Act, 20 USC 1400 et seq., as amended from
804 time to time, except that a hearing officer or board may grant specific
805 extensions of such forty-five-day period in order to comply with the
806 provisions of subsection (b) of this section. The hearing officer may
807 include in the decision a comment on the conduct of the proceedings.
808 The findings of fact, conclusions of law and decision shall be written
809 without personally identifiable information concerning such child or
810 pupil, so that such decisions may be promptly indexed and published
811 and available for public inspections pursuant to sections 4-167 and 4-
812 180a.

813 (2) If the local or regional board of education or the unified school
814 district responsible for providing special education for such child or
815 pupil requiring special education does not take action on the findings or

816 prescription of the hearing officer or board within fifteen days after
817 receipt thereof, the State Board of Education shall take appropriate
818 action to enforce the findings or prescriptions of the hearing officer or
819 board. Such action may include application to the Superior Court for
820 injunctive relief to compel such local or regional board or school district
821 to implement the findings or prescription of the hearing officer or board
822 without the necessity of establishing irreparable harm or inadequate
823 remedy at law.

824 (3) If the hearing officer or board upholds the local or regional board
825 of education or the unified school district responsible for providing
826 special education and related services for such child or pupil who
827 requires or may require special education on the issue of evaluation,
828 reevaluation or placement in a private school or facility, such board or
829 district may evaluate or provide such services to the child or pupil
830 without the consent of the parent or guardian, pupil if such pupil is an
831 emancipated minor or is eighteen years of age or older, or the surrogate
832 parent appointed pursuant to section 10-94g, subject to an appeal
833 pursuant to subdivision (4) of this subsection.

834 (4) Appeals from the decision of the hearing officer or board shall be
835 taken in the manner set forth in section 4-183, except the court shall hear
836 additional evidence at the request of a party. Notwithstanding the
837 provisions of section 4-183, such appeal shall be taken to the judicial
838 district wherein the child or pupil resides. In the event of an appeal,
839 upon request and at the expense of the State Board of Education, said
840 board shall supply a copy of the transcript of the formal sessions of the
841 hearing officer or board to the parent or guardian or the emancipated
842 minor or pupil eighteen years of age or older or surrogate parent or said
843 commissioner and to the board of education of the school district or the
844 unified school district.

845 (e) Hearing officers and members of the hearing board shall be paid
846 reasonable fees and expenses as established by the State Board of
847 Education.

848 (f) (1) In lieu of proceeding directly to a hearing, pursuant to

849 subsection (a) of this section, [the parties] any party may [agree in
850 writing to request the Commissioner of Education to appoint a state
851 mediator] request mediation through the Office of Mediation Services,
852 established pursuant to section 18 of this act. Upon the receipt of a
853 [written] request for mediation, [signed by both parties, the
854 commissioner] the office shall appoint a mediator, [knowledgeable in
855 the fields and areas significant to the review of the special educational
856 needs of the child or pupil] in accordance with section 19 of this act, and
857 invite all parties to a mediation with a person selected from the list of
858 special education mediators maintained by said office. The mediator
859 shall attempt to resolve the issues in a manner which is acceptable to the
860 parties. The mediator shall certify in writing to the [Department of
861 Education] office and to the parties whether the mediation was
862 successful or unsuccessful.

863 (2) If the dispute is not resolved through mediation, [either] any party
864 may proceed to a hearing.

865 (g) The Department of Education shall establish and publish on its
866 Internet web site a plain language resource explaining the (1) process by
867 which the department resolves complaints, and (2) hearing process
868 established pursuant to this section and how to request and prepare for
869 a hearing, both of which shall be translated into the most commonly
870 spoken languages in the state.

871 Sec. 21. (NEW) (*Effective July 1, 2023*) The Department of Education
872 shall initiate a program of overseeing the implementation of the
873 Individuals with Disabilities Education Act, 20 USC 1400 et seq., as
874 amended from time to time, in school districts throughout the state.
875 Under such program, the department shall conduct audits of special
876 education programs in randomly selected school districts each year.
877 Such audits shall include, but need not be limited to, (1) interviewing
878 teachers and staff who provide special education services and parents
879 or guardians of children requiring special education, (2) conducting
880 unannounced on-site visits, and (3) reviewing individualized education
881 programs upon the approval of the parent or guardian of the child to

882 whom such individualized education program applies.

883 Sec. 22. Subsection (a) of section 10-220a of the general statutes is
884 repealed and the following is substituted in lieu thereof (*Effective July 1,*
885 *2023*):

886 (a) Each local or regional board of education shall provide an in-
887 service training program for its teachers, administrators and pupil
888 personnel who hold the initial educator, provisional educator or
889 professional educator certificate. Such program shall provide such
890 teachers, administrators and pupil personnel with information on (1)
891 the nature and the relationship of alcohol and drugs, as defined in
892 subdivision (17) of section 21a-240, to health and personality
893 development, and procedures for discouraging their abuse, (2) health
894 and mental health risk reduction education that includes, but need not
895 be limited to, the prevention of risk-taking behavior by children and the
896 relationship of such behavior to substance abuse, pregnancy, sexually
897 transmitted diseases, including HIV-infection and AIDS, as defined in
898 section 19a-581, violence, teen dating violence, domestic violence and
899 child abuse, (3) school violence prevention, conflict resolution, the
900 prevention of and response to youth suicide and the identification and
901 prevention of and response to bullying, as defined in subsection (a) of
902 section 10-222d, except that those boards of education that implement
903 any evidence-based model approach that is approved by the
904 Department of Education and is consistent with subsection (c) of section
905 10-145a, sections 10-222d, 10-222g and 10-222h, subsection (g) of section
906 10-233c and sections 1 and 3 of public act 08-160, shall not be required
907 to provide in-service training on the identification and prevention of
908 and response to bullying, (4) cardiopulmonary resuscitation and other
909 emergency life saving procedures, (5) the requirements and obligations
910 of a mandated reporter, (6) the detection and recognition of, and
911 evidence-based structured literacy interventions for, students with
912 dyslexia, as defined in section 10-3d, (7) culturally responsive pedagogy
913 and practice, including, but not limited to, the video training module
914 relating to implicit bias and anti-bias in the hiring process in accordance
915 with the provisions of section 10-156hh, [and] (8) the principles and

916 practices of social-emotional learning and restorative practices, and (9)
 917 the laws governing the implementation of planning and placement team
 918 meetings and concerning plans pursuant to Section 504 of the
 919 Rehabilitation Act of 1973, as amended from time to time. Each local or
 920 regional board of education may allow any paraprofessional or
 921 noncertified employee to participate, on a voluntary basis, in any in-
 922 service training program provided pursuant to this section.

This act shall take effect as follows and shall amend the following sections:		
Section 1	July 1, 2023	New section
Sec. 2	January 1, 2024	10-74n
Sec. 3	July 1, 2023	New section
Sec. 4	July 1, 2023	New section
Sec. 5	July 1, 2023	10-76d(b)
Sec. 6	July 1, 2023	10-76ll(b)
Sec. 7	July 1, 2023	10-253(a)
Sec. 8	July 1, 2023	10-253(h)(3)
Sec. 9	July 1, 2023	10-76a(2)
Sec. 10	July 1, 2023	10-76ff(b)
Sec. 11	July 1, 2023	New section
Sec. 12	July 1, 2023	New section
Sec. 13	July 1, 2023	10-76d(a)(10)
Sec. 14	July 1, 2023	10-76d(a)(9)
Sec. 15	July 1, 2023	New section
Sec. 16	July 1, 2023	New section
Sec. 17	July 1, 2023	New section
Sec. 18	July 1, 2023	New section
Sec. 19	July 1, 2023	New section
Sec. 20	July 1, 2023	10-76h
Sec. 21	July 1, 2023	New section
Sec. 22	July 1, 2023	10-220a(a)

Statement of Legislative Commissioners:

In Section 2(a)(2), "transition" was added before "services" and "programs" and "such state agency" was changed to "each such board, office or department" for clarity; in Section 3(b), "educators and support staff" was changed to "other educators or school staff" for accuracy and consistency; in Section 4(a)(1), "not later than three years after the date

when" was changed to "during the three-year period immediately following the date upon which" and "but thereafter, each new transition coordinator" was changed to "provided each new transition coordinator appointed after the initiation of such training period" for clarity; in Section 4(b), "not later than five years after the date when" was changed to "during the five-year period immediately following the date upon which" and "but thereafter, each new educator and school staff who provides transition services" was changed to "provided each new educator and school staff employed to provide transition services after the initiation of such training period" for clarity; in Section 5, "at" was added before "the end" and "when" was changed to "during which" for clarity; in Section 11(b)(1), "innovate" was changed to "innovative" for accuracy; in Section 11(d), "operated by such grantee" was added after "public transition program" for clarity; in Section 12, "study" was changed to "review" for accuracy; in Section 18(a)(4), "special education" was added before "advocacy groups" for clarity; in Section 18(a)(6)(A), "include, but not be limited to, a statement" was changed to "at a minimum, provide" for conciseness; in Section 18(a)(7), "established" was deleted for conciseness; and in Section 19(a), ", as amended by this act" was added to conform with standard drafting conventions.

ED *Joint Favorable Subst. -LCO*

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:

Agency Affected	Fund-Effect	FY 24 \$	FY 25 \$
Department of Developmental Services	GF - Cost	Up to \$26.5 million	Up to \$26.8 million
Education, Dept.	GF - Cost	See Below	See Below
Aging and Disability Services, Dept.	GF - Cost	Up to \$7.7 million	Up to \$7.7 million
State Comptroller - Fringe Benefits ¹	GF - Cost	Up to \$4.3 million	Up to \$4.5 million

Note: GF=General Fund

Municipal Impact:

Municipalities	Effect	FY 24 \$	FY 25 \$
Local and Regional School Districts	STATE MANDATE ² - Cost	Potential	Potential

Explanation

The bill results in costs annually beginning in FY 24 to the State Department of Education (SDE), Department of Developmental Services (DDS), Department of Aging and Disability Services (ADS) and local and regional school districts. It makes several changes regarding the provision of services to special education students that are aging out of

¹The fringe benefit costs for most state employees are budgeted centrally in accounts administered by the Comptroller. The estimated active employee fringe benefit cost associated with most personnel changes is 42.82% of payroll in FY 24.

² State mandate is defined in Sec. 2-32b(2) of the Connecticut General Statutes, "state mandate" means any state initiated constitutional, statutory or executive action that requires a local government to establish, expand or modify its activities in such a way as to necessitate additional expenditures from local revenues.

the public school system. The impacts associated with these changes are described below.

Sections 1 and 2 result in an annual costs of approximately \$307,000 beginning in FY 24 for SDE to hire at least two staff members for the new Office of Transition Services (OTS), as required by the bill. It is anticipated that SDE will need to hire an Associate Education Consultant and an Education Manager for total annual costs of \$215,000 in salaries and \$92,000 in fringe benefits.

Section 3 requires SDE to develop, and regional educational service centers (RESCs) to provide, a training program for transition coordinators and staff employed by local and regional school districts. It is anticipated that the staff hired for OTS, as required by the bill, would develop the training.

Depending on the extent of the training that SDE prescribes, the RESCs may incur costs to provide it to local and regional school districts at no cost to the districts. Any cost is anticipated to be minimal, associated with the purchase of any materials.

Section 4 requires each local and regional board of education to appoint a transition coordinator and requires the coordinator to provide transition resources to parents of students receiving special education services. This has no fiscal impact, as the bill allows for such person to be an existing employee.

Sections 5 through 9 extend the obligation of local and regional school districts to provide special education services to students that are age 22. This conforms statute to existing judicial directive.

Section 10 makes a technical change and has no fiscal impact.

Section 11 requires SDE to establish a competitive grant program to assist local and regional school districts and RESCs in developing and providing transition services. The bill does not specify any provisions of the grant award or provide funding.

Section 12 requires the State Education Resource Center to study each transition program provided by a local and regional school district and RESC and produce a report by January 1, 2024. SERC could incur costs of up to \$300,000 to hire a consultant to conduct the study.

Section 13 and 14 result in costs annually beginning in FY 24 to local and regional school districts to (1) provide a translator for a planning and placement team meeting if needed, and (2) provide translated materials, if needed. Translation services typically cost between \$125-\$175 per hour, with a two-hour minimum. As an illustration, the Hartford school district typically has over 1,000 planning and placement team meetings per year. If 25%³ of those meetings required a translator, at the required two-hour minimum, the cost to the district would vary from \$62,500 to \$87,500 annually.

Section 15 requires the Department of Developmental Services (DDS) to assist any student whose planning and placement team finds them potentially eligible for DDS services to find and maintain summer employment resulting in a potential cost of up to \$19.3 million in FY 24 and \$19.4 million in FY 25. There are approximately 1,820 students currently eligible for DDS services who are age 16 to 21. It is not known how many eligible and potentially eligible students will participate in the new DDS summer employment services required by the bill. If all eligible students participate, DDS will need to hire nine transition advisor positions (\$83,000 average salary in FY 24) at a cost of \$747,000 in FY 24 and \$765,000 in FY 25, plus State Comptroller fringe benefit costs of \$319,865 in FY 24 and \$327,573 in FY 25 to staff the program. Additionally, there could be a per student cost of approximately \$10,200 for program supports and transportation. To the extent that DDS provides these services to the 1,820 eligible students participate, there would be additional costs of \$18.6 million in FY 24 and FY 25.

Section 16 requires DDS and the Bureau of Rehabilitative Services (BRS) in the Department of Aging and Disability Services to employ

³ This is the percentage of Hartford's October 1, 2022 ECS student count classified as English Learners.

sufficient staff to give students that may be eligible for agency services case management and benefit counseling.

DDS has identified 3,540 individuals under the age of 22 who are eligible for DDS services. Currently, about 250 of those have an assigned case manager resulting in an additional 3,290 individuals requiring DDS case management under the bill. DDS will need to hire up to 72 Case Managers and 7 Case Management Supervisors at a cost of \$7.2 million in FY 24 and \$7.4 million in FY 25, plus State Comptroller fringe benefit costs of \$3.1 million in FY 24 and \$3.2 million in FY 25 to provide the additional case management.

BRS currently has capacity to support 2,750 students with benefit counseling. Based on the projected number of students (5,500 to 6,000) which BRS anticipates engaging with as a result of the bill, the Bureau could need to double its current capacity. BRS will need to hire up to 22 Vocational Rehabilitation counselors and 3 Vocational Rehabilitation Supervisors at a cost of \$1.6 million in FY 24 and \$ 1.7 million in FY 25, plus fringe benefit costs of \$726,000 in FY 24 and \$744,000 in FY 25. Additionally, there could be a per student cost of approximately \$2,535 for program supports. To the extent that BRS provides these supports to 2,750 additional students, there would be additional costs of approximately \$7 million in FY 24 and FY 25.

Section 17 requires the Auditors of Public Accounts to study the level of cooperation between state agencies that provide transition services resulting in no fiscal impact because the agency has the expertise to meet the requirements of the bill.

Sections 18 and 19 result in annual costs of approximately \$307,000 annually beginning in FY 24 for SDE to hire at least two staff members for the Office of Mediation Services. It is anticipated that SDE will need to hire an Associate Education Consultant and an Education Manager for a total annual cost of \$215,000 in salaries and \$92,000 in fringe benefits.

Section 20 makes procedural changes to the hearing and mediation

processes and requires SDE to publish information about mediation on its Web site. This results in no fiscal impact as it is anticipated SDE has the resources to fulfill this requirement.

Section 21 requires SDE to annually conduct audits beginning in FY 24 of special education programs in randomly selected school districts. This has no fiscal impact, as it is anticipated that SDE has the resources to complete the requirement.

Section 22 expands training that must be offered by local and regional school districts to its educator staff to include laws regarding PPTs and Section 504 plans. This has no fiscal impact as it is anticipated that districts can complete this requirement with existing resources.

The Out Years

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

OLR Bill Analysis**sHB 6883****AN ACT CONCERNING STUDENTS WITH DEVELOPMENTAL DISABILITIES.**

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BACKGROUND

SUMMARY

This bill makes various changes in the special education statutes,

specifically those that govern special education dispute resolution (i.e., mediation and administrative hearings) and transition services. “Transition services” are for students who require special education to facilitate their transition from school to postsecondary activities, such as education and training, employment, or independent living. These services are provided by “public transition programs,” operated by boards of education or regional education service centers (RESCs) for students ages 18 to 22, based on the goals in their individualized education program (IEP).

The bill also creates two new offices within the State Department of Education’s (SDE) Bureau of Special Education to oversee these areas of law: the Office of Transition Services and the Office of Mediation Services. It also requires boards of education to create a districtwide position to oversee transition services. This “transition coordinator” helps parents and students navigate the transition resources, services, and programs available for eligible students.

The bill also makes conforming changes. A section-by-section analysis appears below.

EFFECTIVE DATE: July 1, 2023, except the provisions on interagency coordination of transition services (§ 2) take effect on January 1, 2024.

§ 1 — OFFICE OF TRANSITION SERVICES

Creates OTS within SDE to oversee interagency coordination of transition services and create minimum services standards, among other things; requires two full-time SDE staff for the office

The bill creates the Office of Transition Services (OTS) within SDE’s Bureau of Special Education and requires the education commissioner to hire at least two full-time staff, within available appropriations, to carry out its duties. Specifically, the bill assigns the new office the following duties:

1. overseeing the coordination of state agencies’ transition resources, services, and programs, including SDE and the Developmental Services (DDS), Aging and Disability Services

- (ADS), Mental Health and Addiction Services (DMHAS), and Children and Families (DCF) departments;
2. establishing minimum standards for public transition programs and metrics for measuring them;
 3. performing unannounced site visits of public transition programs to (a) determine their effectiveness and suggest improvements and (b) post data on its website about how the program measured against the office's minimum standards;
 4. developing a course on SDE's website for educators and school staff who do not provide transition services to inform them about the services and these programs' purpose, essential programming, and deadlines;
 5. establishing minimum standards for training transition coordinators;
 6. maintaining a record of each transition coordinator's training program completion;
 7. establishing best practices for providing transition services and distributing them to each transition coordinator; and
 8. developing, and updating as needed, an online and (in the office's discretion) in-person training program on the legal requirements and best practice recommendations for special education and transition services.

§ 2 — INTERAGENCY COORDINATION OF TRANSITION SERVICES

Adds OTS to the list of state entities that must collaboratively coordinate providing transition services; requires the entities to maintain an online list of services and programs

Under current law, the State Board of Education (SBE), in collaboration with DDS, the Bureau of Rehabilitation Services (BRS), and the Office of Workforce Strategy, must coordinate the provision of transition resources, services, and programs to children requiring

special education and related services. The bill requires OTS to lead the interagency coordination with SBE. It also makes the following modifications to current law's coordination requirements for these agencies:

1. removes the requirement that they work together to create and update a fact sheet listing and describing the state agencies' transition resources, services, and programs they provide;
2. adds a requirement that they develop and maintain an easily accessible and navigable online listing of the transition resources, services, and programs each provides, including a plain language description, eligibility requirements, and application deadlines for each one;
3. requires that SBE, beginning with the 2024-25 school year, annually distribute a notice to boards of education for parents, teachers, administrators, and board members about the new online listing, rather than distributing the discontinued fact sheet; and
4. makes other related conforming changes.

The bill makes a corresponding change, requiring each local or regional board of education to distribute the notice of the online listing annually, instead of the discontinued fact sheet. Boards must distribute it to parents, guardians, or surrogate parents at a planning and placement team (PPT) meeting for each child in grades six through 12 requiring special education services.

§§ 3 & 4 — TRAINING PROGRAM

Requires SDE to work with other state entities and RESCs to develop a training program on public transition programs

Development

The bill requires SDE, in consultation with DDS, BRS, and the RESCs, to develop a training program that complies with OTS's minimum standards for public transition programs by January 1, 2024 (see § 1

above).

Providers

Under the bill, each RESC must provide the training program at no cost to certain employees of its member school districts.

Enrollment

The bill requires the following individuals to enroll in the training program:

1. transition coordinators, who must enroll within three years after the district's RESC begins offering it, so long as each new appointee within this three-year period completes the program within one year after being appointed, and
2. each educator and school staff who provides transition services, who must enroll during the five years after the district's RESC begins offering it, so long as the person completes the program within one year after being hired to provide these services.

Also, the bill allows, but does not require, any other educators or school staff interested in becoming a transition coordinator or providing these services to enroll in the program. It does not specify a required timeline for their enrollment.

§ 4 — DISTRICT TRANSITION COORDINATOR

Requires each board of education to appoint a transition coordinator for the district

The bill requires each local and regional board of education to appoint a transition coordinator by January 1, 2024. It allows either the district's pupil personnel director to serve in the position or another board employee appointed by the director. Every transition coordinator must ensure that the parents of students requiring special education (1) receive information about transition resources, services, or programs and (2) are aware of the eligibility requirements and application details that specifically apply to their student.

§§ 5-9 — AGE FOR SPECIAL EDUCATION ELIGIBILITY

Aligns special education statutes to a federal court ruling requiring boards of education to provide special education until an eligible student graduates high school or until the end of the school year when the student reaches age 22

The bill makes changes in various special education laws to align with the ruling in the class action lawsuit *A.R. v. Connecticut State Board of Education*. In this case, the Second Circuit of the U.S. Court of Appeals affirmed the U.S. District Court for the District of Connecticut's ruling that special education eligibility cannot end when a student turns 21 (5 F.4th 155 (2d Cir., 2021)).

Specifically, these conforming changes affect special education laws by doing the following:

1. requiring local and regional boards of education to provide special education until the student graduates from high school or until the end of the school year when the child reaches age 22 (rather than until age 21 as under current law), whichever occurs first (§§ 5 & 7);
2. requiring SBE to state in its "special education bill of rights for parents" that they have the right to ask the board to consider providing their child with transition services if the child is ages 18 to 22, rather than 18 to 21 (§ 6);
3. requiring that the liaison between a school district and the criminal justice system assist all relevant educational service providers in ensuring that people in justice system custody age 22 or younger, rather than 21 or younger, are promptly evaluated for special education services eligibility (§ 8);
4. defining the term "child" in special education law to mean any person age 22 or younger, rather than age 21 or younger (§ 9); and
5. removing an obsolete reference to state regulations that limit a student's special education eligibility age to 21 years old (§ 10).

§ 11 — COMPETITIVE GRANT PROGRAM

Requires SDE to create a competitive grant program to help fund innovative public transition programs

The bill requires SDE to create a new competitive grant program to help fund the development of innovative public transition programs by local and regional boards of education and RESCs. Potential recipients must submit their grant applications annually to the education commissioner according to her chosen timeline and format. The commissioner must consider at least the following factors when determining grant awards:

1. the public transition program's innovative nature,
2. the potential number of students the program could serve,
3. the applicant's relative wealth, and
4. the number of school districts that the grant application includes.

The bill authorizes the commissioner to require grant repayment to the state if she finds that any grant awarded is being used for purposes other than developing or providing innovative public transition services.

The bill also requires grantees to submit to SDE, in a manner she provides, reports and financial statements, including an evaluation of their own public transition program and any new recommendations for best practices for this type of program.

§§ 12 & 17 — REVIEW BY STATE ENTITIES

Requires SERC to conduct a program-level review and the state auditors to conduct an interagency-level review

Under the bill, the State Education Resource Center (SERC) must conduct a program-level review of transition services, and the Auditors of Public Accounts ("state auditors") must conduct an interagency-level review of the coordinated provision of services.

SERC Review (§ 12)

The bill requires SERC to review each public transition program by

examining at least the following aspects:

1. each program's type of transition services,
2. staff numbers and qualifications,
3. program location relative to the student's or student's family's residence, and
4. any metrics for measuring the program's performance (e.g., student and family feedback; student placement in jobs, postsecondary education, or adult training or programs).

State Auditor Review (§ 17)

The bill requires the state auditors to study the cooperation level between state agencies that provide transition services (i.e., SDE, DDS, ADS, DMHAS, and DCF). The study must at least examine any (1) barriers to state agency cooperation and (2) system inefficiencies for the agencies providing transition services. The state auditors must report suggestions for improving interagency cooperation and service recipient outcomes to the Education Committee by January 1, 2024.

§ 13 — TRANSLATION SERVICES

Aligns state law with federal requirements for interpreters at PPT meetings and translated IEP documents to ensure student, parent, and guardian understanding

Federal special education regulations require boards of education to ensure that the parent understands the proceedings at a PPT meeting, including arranging for an interpreter for parents whose native language is not English (34 C.F.R. § 300.322(e)). The bill aligns state law with this requirement by requiring local or regional boards of education to provide these interpreters and translated documents for students, parents, or guardians when needed or upon request.

Interpreters

The bill grants a student's parents, guardians, or surrogate parents the right to have a translator attend and participate in all portions of a PPT meeting where the student's educational program is developed, reviewed, or revised. The board of education must automatically

provide a translator if there is an apparent need or if the parent, guardian, surrogate parent, or student requests one.

Translated Documents

The bill also requires boards of education to provide translations of the following documents in the primary language of the student, parent, guardian, or surrogate parent: (1) a student's IEP and any related documents and (2) any relevant information about IEPs that SDE creates, including information about transition resources and services for high school students. Boards must supply translated documents automatically if there is an apparent need or upon request.

§ 13 — INFORMATION FOR PARENTS AND GUARDIANS

Requires boards of education to give parents, guardians, or surrogate parents information about conservatorship and mediation services

The bill requires local or regional boards of education to give the following information at the following times to parents, guardians, or surrogate parents of students who are eligible for special education and related services:

1. at the first PPT meeting after a student reaches age 17, laws relating to becoming a conservator for a student who may have an intellectual disability by applying to the probate court and
2. in writing at the beginning of the school year, and read aloud at the end of each school year's first PPT meeting, the notice created by the Office of Mediation Services about available mediation services (see § 18 below).

§ 14 — PPT COORDINATION OF TRANSITION SERVICES

Requires a student's PPT to coordinate transition services during meetings at two points in the student's high school career

Meeting Post-Fourteenth Birthday

Under the bill, if a student's IEP contains a statement of transition service needs, then the student's PPT must do the following at its first meeting after the student's fourteenth birthday:

1. notify each state agency that the student may be eligible, pending parent, guardian, or student permission when applicable, for a transition program or adult program that the agency offers and
2. give the parent, guardian, surrogate parent, or student a listing of these agency programs that includes for each one a plain language description, eligibility requirements, and application deadlines and instructions.

Meeting Two Years Before Transfer of Services

Subsequently, at a meeting approximately two years before a student's anticipated graduation or the end of the school year when the student will turn 22 years old, whichever comes first, the PPT must do the following, pending parent, guardian, or student permission when applicable:

1. re-notify each state agency about the student's potential eligibility for a transition program or adult program that it offers;
2. invite a representative from each of the applicable agencies to attend the PPT meeting to establish contact with and counsel the parent, guardian, surrogate parent, or student on the process for the student's anticipated services transfer; and
3. allow and facilitate contact and coordination between each applicable agency and the above parties to ease the transfer of services process.

At this meeting, the bill requires the PPT to also give these parties the following: (1) a listing of each adult program for which the student may be eligible, including a plain language description, eligibility requirements, and application deadlines and instructions and (2) help completing an application to any of these programs.

§§ 15 & 16 — DDS-SPECIFIC STUDENT ASSISTANCE

Requires DDS to help eligible special education students with summer employment, case management, and benefit counseling

For any students whose PPT finds that they are potentially eligible

for DDS services, the bill requires (1) DDS to help them find and maintain suitable summer employment and (2) DDS and BRS to employ enough staff to give them case management and benefit counseling services.

§ 18 — OFFICE OF MEDIATION SERVICES

Creates a new Office of Mediation Services within SDE to coordinate and oversee special education mediation services and approved mediators

Creation

The bill creates the Office of Mediation Services (OMS) within SDE's Bureau of Special Education. The office must be separate and distinct from any of the department's investigatory or enforcement functions. The SDE commissioner must hire, within available hiring appropriations, one full-time staffer to carry out the office's duties.

Duties

Under the bill, OMS must do the following:

1. expand SDE's mediation services that are offered in place of parties proceeding directly to a special education hearing;
2. oversee and coordinate these services for each school district statewide;
3. maintain a list of special education mediators who (a) meet minimum training requirements the bill sets and (b) are sufficient in number to meet each district's needs;
4. promote mediation's benefits to each local and regional board of education, parents, guardians, and special education advocacy groups;
5. solicit feedback from school boards, parents, and guardians about the mediation process (a) at an open annual meeting, (b) after any mediation ends, and (c) in any other way the office chooses; and
6. create (a) a statement on mediation impartiality and

confidentiality, (b) an explanation of the mediation process, and (c) a notice of available mediation services, each further explained below.

OMS-Created Resources

Impartiality and Confidentiality Statement. The bill requires OMS to create and post on its website a statement that, at a minimum, must prohibit office employees and special education mediators from sharing information with the department tasked with investigatory or enforcement functions unless state or federal law requires it.

The bill also requires mediators to remain impartial and maintain the confidentiality of any matter discussed during mediation.

Process Explanation. The bill also requires OMS to create and post on its website a resource that explains the mediation process in plain language, including how to request and prepare for a mediation. This resource must be translated into the state's most commonly spoken languages.

Notice of Available Services. The bill requires OMS to create a notice that lists available mediation services and includes a link to the plain-language process explanation described above. It also must be translated into the state's most commonly spoken languages and distributed by local or regional boards of education to parents, guardians, and surrogate parents of students requiring special education.

Mediator Oversight

Pre-Service Training Requirements. The bill requires OMS to verify that each mediator on its list has met the following requirements:

1. at least 40 hours of mediation skills training using an OMS-approved module or course and
2. training in special education law using a module or course provided by SDE or another OMS-approved provider for the

minimum hours the office requires.

The bill allows the office to waive one of these training requirements for certain applicant mediators under the following conditions:

1. for the mediation skill training requirement, if the applicant submits proof of completing (a) a 40-hour mediation skills training or (b) an equivalent mediation skills course from a higher education institution or
2. for the special education law training requirement, if the applicant (a) has sufficient, direct professional experience in special education law or (b) submits proof of completing a comparable special education law course from a higher education institution.

Additionally, the bill requires OMS to exempt five mediators from the pre-service training requirements entirely. These mediators must have conducted special education for SDE before July 1, 2023. They must be added to the list of mediators that OMS maintains.

In-Service Education Requirements. The bill requires each approved mediator on the office's list to complete at least two hours of continuing education every two years in subject areas the office prescribes. SDE or any other OMS-approved office may provide the continuing education.

§ 19 — MEDIATION REQUESTS

Specifies the parties that may submit a request to OMS for mediation services and requires OMS to notify relevant parties

The bill allows the following parties to request mediation services at any time through OMS for identification, evaluation, educational placement, or IEP implementation, among other reasons:

1. a parent or guardian of a student requiring special education and related services,
2. a student who requires these services and is either 18 years old

-
- or an emancipated minor,
3. a surrogate parent,
 4. the DCF commissioner or her designee on behalf of any child in DCF custody, or
 5. the local or regional board of education responsible for providing special education and related services to a student.

After OMS receives a mediation request, the bill requires the office to give the requester and other parties subject to the request the following:

1. notice that a conflict exists between the parties;
2. a statement that the mediation process is voluntary, facilitated by a neutral mediator, and nonbinding; and
3. an invitation to all parties to participate.

OMS also must provide a translator at the mediation if any party requests one.

§ 20 — ADMINISTRATIVE HEARINGS

Makes changes in the special education administrative hearing laws on (1) the order in which the parties must testify, (2) publishing the hearing officers' decisions, and (3) using mediation in place of proceeding directly to a hearing

By law, certain aggrieved parties may request an administrative hearing before an SDE-provided hearing officer when the school district responsible for providing special education services proposes or refuses to initiate or change the (1) student's identification, evaluation, or educational placement or (2) free appropriate public education (FAPE) given to the student. The bill modifies the order in which the parties must testify and makes changes on publishing the hearing officers' decisions and using mediation in place of proceeding directly to a hearing.

Testimony Order

By law and unchanged by the bill, the hearing officer or board must

hear testimony relevant to the disputed issue by the requesting party and any other party directly involved. In a dispute over providing FAPE, the bill additionally requires that the hearing officer or board hear the testimony of the party responsible for providing special education to the student (e.g., the local or regional board of education or unified school district) before hearing any other party's testimony.

Decision Publishing

Current law requires that the hearing officer's findings of fact, conclusions of law, and decision be written without personally identifiable information about the student who is the subject of the dispute, so that the decisions may be available for public inspection. The bill adds the requirement that the decisions be promptly indexed and published (however, the bill does not define what is considered "prompt").

Mediation Prior to Hearing

By law and unchanged by the bill, mediation is available as a dispute resolution process before seeking an administrative hearing. Current law requires the parties to agree in writing to request a state mediator from SDE. The bill instead allows any one party to request mediation through OMS and does not require the request to be written or signed. When the mediation has concluded, the bill requires the appointed mediator to certify in writing to OMS, rather than SDE, whether the mediation was successful. It also makes conforming changes related to the mediator's appointment.

Additionally, the bill requires SDE to create and publish online a plain language explanation of the department's process for resolving special education complaints, the administrative hearing process, and how to request and prepare for a hearing. This explanation must be translated into the state's most commonly spoken languages.

§ 21 — STATEWIDE SPECIAL EDUCATION OVERSIGHT PROGRAM

Requires SDE to start a program to oversee school districts' implementation of federal special education law

The bill requires SDE to start a program to oversee the

implementation of federal special education law (i.e., the Individuals with Disabilities Education Act (IDEA)) in school districts statewide. The department must use the program to conduct audits of randomly selected special education programs each year. The audits must at least include the following components:

1. interviews of (a) teachers and staff who provide special education services and (b) parents and guardians of children who require these services,
2. unannounced on-site visits, and
3. a review of students' IEPs with parent or guardian approval.

§ 22 — IN-SERVICE TRAINING

Expands required in-service training topics to include laws governing PPT meetings and 504 plans

By law, local and regional boards of education must provide in-service training to their licensed teachers, administrators, and pupil personnel that covers various topics, such as (1) health and mental health risk reduction education, (2) school violence prevention, and (3) cardiopulmonary resuscitation and other emergency life-saving procedures. The bill expands these training topics to include the laws governing PPT meeting implementation and 504 plans (see BACKGROUND).

BACKGROUND

504 Plans

Section 504 of the federal Rehabilitation Act of 1973 protects students with mental or physical disabilities from discrimination in public schools (29 U.S.C. § 794). Students who receive school accommodations under this law have them memorialized in a written plan, commonly known as a “504 plan.”

Related Bills

sSB 1200, § 4, favorably reported by the Education Committee, grants parents, guardians, students, and surrogate parents the right to have

translation services at PPT meetings provided by either (1) a certified interpreter who attends the meeting in-person or is available by phone or through an online platform or (2) an internet website or other electronic application.

COMMITTEE ACTION

Education Committee

Joint Favorable

Yea 44 Nay 0 (03/24/2023)