



Senate

General Assembly

File No. 570

January Session, 2023

Substitute Senate Bill No. 1200

Senate, April 13, 2023

The Committee on Education reported through SEN. MCCRORY, D. of the 2nd Dist., Chairperson of the Committee on the part of the Senate, that the substitute bill ought to pass.

AN ACT CONCERNING SPECIAL EDUCATION.

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

1 Section 1. (*Effective from passage*) On and after the effective date of this
2 section, the Department of Education shall not include any federal funds
3 received by a local or regional board of education pursuant to the
4 Coronavirus Aid, Relief, and Economic Security Act, P.L. 116-136, as
5 amended from time to time, the Coronavirus Response and Relief
6 Supplemental Appropriations Act, P.L. 116-260, as amended from time
7 to time, and the American Rescue Plan Act of 2021, P.L. 117-2, as
8 amended from time to time, in the calculation of such board's net current
9 expenditures per pupil for purposes of determining the amount of the
10 grant paid by the State Board of Education to such board under section
11 10-76g of the general statutes.

12 Sec. 2. Section 10-4w of the general statutes is repealed and the
13 following is substituted in lieu thereof (*Effective July 1, 2023*):

14 (a) As used in this section:

15 (1) "Remote learning" means instruction by means of one or more
16 Internet-based software platforms as part of a remote learning model;
17 and

18 (2) "Dual instruction" means the simultaneous instruction by a
19 teacher to students in-person in the classroom and students engaged in
20 remote learning.

21 (b) Not later than January 1, 2022, the Commissioner of Education
22 shall develop, and update as necessary, standards for remote learning.

23 (c) For the school years commencing July 1, 2022, and July 1, 2023, a
24 local or regional board of education may authorize remote learning to
25 students in grades nine to twelve, inclusive, provided such board (1)
26 provides such instruction in compliance with the standards developed
27 pursuant to subsection (b) of this section, (2) adopts a policy regarding
28 the requirements for student attendance during remote learning, which
29 shall (A) be in compliance with the Department of Education's guidance
30 on student attendance during remote learning, and (B) count the
31 attendance of any student who spends not less than one-half of the
32 school day during such instruction engaged in (i) virtual classes, (ii)
33 virtual meetings, (iii) activities on time-logged electronic systems, and
34 (iv) the completion and submission of assignments, and (3) prohibits the
35 provision of dual instruction as part of remote learning, unless dual
36 instruction is required in, or necessary to implement, the individualized
37 education program of a student who requires special education and
38 related services or a plan pursuant to Section 504 of the Rehabilitation
39 Act of 1973, as amended from time to time.

40 (d) For the school year commencing July 1, 2024, and each school year
41 thereafter, a local or regional board of education may authorize remote
42 learning to students in grades kindergarten to twelve, inclusive,
43 provided such board (1) provides such instruction in compliance with
44 the standards developed pursuant to subsection (b) of this section, (2)
45 adopts a policy regarding the requirements for student attendance
46 during remote learning, which shall (A) be in compliance with the
47 Department of Education's guidance on student attendance during

48 remote learning, and (B) count the attendance of any student who
49 spends not less than one-half of the school day during such instruction
50 engaged in (i) virtual classes, (ii) virtual meetings, (iii) activities on time-
51 logged electronic systems, and (iv) the completion and submission of
52 assignments, and (3) prohibits the provision of dual instruction as part
53 of remote learning, unless dual instruction is required in, or necessary
54 to implement, the individualized education program of a student who
55 requires special education and related services or a plan pursuant to
56 Section 504 of the Rehabilitation Act of 1973, as amended from time to
57 time.

58 Sec. 3. Section 3 of public act 21-95, as amended by section 3 of public
59 act 22-116, is repealed and the following is substituted in lieu thereof
60 (*Effective from passage*):

61 (a) There is established a task force to study issues relating to the
62 provision and funding of special education in the state during the school
63 years commencing July 1, 2016, to July 1, 2020, inclusive. Such study
64 shall include, but need not be limited to, an examination of (1) the
65 provision of special education and related services, including the
66 provision of services to students identified as gifted and talented, and
67 whether local and regional boards of education are providing such
68 services directly or partnering with regional educational service centers,
69 contracting with a private provider of special education services, as
70 defined in section 10-91g of the general statutes, or as part of a
71 cooperative arrangement pursuant to section 10-158a of the general
72 statutes, (2) the cost of providing special education and related services,
73 including gifted and talented services, the total aggregate amount per
74 school district per year and the annual percentage increase or decrease
75 per school district of such cost, (3) the effect that the cost of special
76 education and gifted and talented services has on a board of education's
77 minimum budget requirement, (4) the level of state reimbursement to
78 boards of education for special education and gifted and talented
79 services, including the total amount for reimbursement submitted by
80 each school district per year and the total amount received by such
81 school district per year, and the percentage increase or decrease per year

82 of the difference of the total amount submitted and the total amount
83 received for each school district, [and] (5) the criteria and manner by
84 which school districts are identifying students who require special
85 education and related services or as gifted and talented, including
86 whether school districts are overidentifying or underidentifying such
87 students and the causes and reasons for such overidentification and
88 underidentification, (6) the feasibility of authorizing independent
89 evaluators from the Department of Education or hired by the parents
90 and guardians of students receiving special education and related
91 services to observe the provision of such services in the classroom, (7)
92 delaying the age in which a classification category of special education
93 services shall be made for a child requiring special education and related
94 services, (8) special education student-to-teacher ratios prescribed by
95 case load policies, regulations and formulas in effect in other states, with
96 a focus on provisions regarding the numbers of special education
97 students and intensity of services required for such students, and (9) any
98 other issues or topics relating to special education that the task force
99 deems necessary.

100 (b) The task force shall consist of the following members:

101 (1) Three appointed by the speaker of the House of Representatives,
102 one of whom is a representative of the Special Education Equity for Kids
103 of Connecticut, one of whom is a representative of the Connecticut
104 Association of Boards of Education and one of whom is the parent or
105 guardian of a student who is enrolled in a public school and receiving
106 special education services;

107 (2) Three appointed by the president pro tempore of the Senate, one
108 of whom is a representative of the Connecticut Association of Public
109 School Superintendents, one of whom is a representative of the
110 Connecticut Education Association and one of whom is the parent or
111 guardian of a student who is enrolled in a public school and receiving
112 special education services;

113 (3) Two appointed by the majority leader of the House of
114 Representatives, one of whom is a representative of the American

115 Federation of Teachers-Connecticut and one of whom is a representative
116 of the Connecticut Parent Advocacy Center;

117 (4) Two appointed by the majority leader of the Senate, one of whom
118 is a representative of the Connecticut Council of Administrators of
119 Special Education and one of whom is a representative of the RESC
120 Alliance;

121 (5) Two appointed by the minority leader of the House of
122 Representatives, one of whom is a representative of the Connecticut
123 Association of School Administrators and one of whom is a
124 representative of the School and State Finance Project;

125 (6) Two appointed by the minority leader of the Senate, one of whom
126 is a representative of the Connecticut Association of Schools and one of
127 whom is a representative of the Connecticut Association of School
128 Business Officials; [and]

129 (7) The Commissioner of Education, or the commissioner's designee;

130 (8) The chairperson of the Advisory Council for Special Education,
131 established pursuant to section 10-76i of the general statutes; and

132 (9) A representative of the Connecticut Association of Private Special
133 Education Facilities, designated by the association.

134 (c) All appointments to the task force shall be made not later than
135 thirty days after the effective date of this section. Any vacancy shall be
136 filled by the appointing authority.

137 (d) The speaker of the House of Representatives and the president
138 pro tempore of the Senate shall select the cochairpersons of the task force
139 from among the members of the task force. Such cochairpersons shall
140 schedule the first meeting of the task force, which shall be held not later
141 than sixty days after the effective date of this section.

142 (e) The administrative staff of the joint standing committee of the
143 General Assembly having cognizance of matters relating to education

144 shall serve as administrative staff of the task force.

145 (f) Not later than [January] February 1, 2024, the task force shall
146 submit a report on its findings and recommendations to the joint
147 standing committee of the General Assembly having cognizance of
148 matters relating to education, in accordance with the provisions of
149 section 11-4a of the general statutes. The task force shall terminate on
150 the date that it submits such report or [January] July 1, 2024, whichever
151 is later.

152 Sec. 4. Subparagraph (C) of subdivision (10) of subsection (a) of
153 section 10-76d of the general statutes is repealed and the following is
154 substituted in lieu thereof (*Effective July 1, 2023*):

155 (C) Such parent, guardian, pupil or surrogate parent shall (i) be given
156 at least five school days' prior notice of any planning and placement
157 team meeting conducted for such child or pupil, (ii) have the right to be
158 present at and participate in all portions of such meeting at which an
159 educational program for such child or pupil is developed, reviewed or
160 revised, (iii) have the right to have (I) advisors of such person's own
161 choosing and at such person's own expense, (II) the school
162 paraprofessional assigned to such child or pupil, if any, and (III) such
163 child or pupil's birth-to-three service coordinator, if any, attend and
164 participate in all portions of such meeting at which an educational
165 program for such child or pupil is developed, reviewed or revised, [and]
166 (iv) have the right to have each recommendation made in such child or
167 pupil's birth-to-three individualized transition plan, as required by
168 section 17a-248e, if any, addressed by the planning and placement team
169 during such meeting at which an educational program for such child or
170 pupil is developed, and (v) have the right to have translation services
171 provided (I) by a certified interpreter who is present in person or
172 available by telephone or through an online technology platform, or (II)
173 through an Internet web site or other electronic application, if the
174 primary language of such parent, guardian, pupil or surrogate is a
175 language other than English.

176 Sec. 5. Subsection (j) of section 10-66bb of the general statutes is

177 repealed and the following is substituted in lieu thereof (*Effective July 1,*
178 *2023*):

179 (j) (1) The governing council of a state or local charter school may
180 apply to the State Board of Education for a waiver of the requirements
181 of the enrollment lottery described in subdivision (8) of subsection (d)
182 of this section, provided such state or local charter school has as its
183 primary purpose the establishment of education programs designed to
184 serve one or more of the following populations: (A) Students with a
185 history of behavioral and social difficulties, (B) students identified as
186 requiring special education, (C) students who are English language
187 learners, or (D) students of a single gender.

188 (2) An enrollment lottery described in subdivision (8) of subsection
189 (d) of this section shall not be held for a local charter school that is
190 established at a school that is among the schools with a percentage equal
191 to or less than five per cent when all schools are ranked highest to lowest
192 in accountability index scores, as defined in section 10-223e.

193 (3) Except as otherwise provided in subdivision (1) of this subsection,
194 on and after July 1, 2023, no application for enrollment in a state or local
195 charter school shall inquire or request information about an applicant
196 student's need for or receipt of special education and related services,
197 and the criteria for administering an enrollment lottery for a state or
198 local charter school shall not include consideration of a student's need
199 for or status as requiring special education and related services.

200 Sec. 6. Section 10-236b of the general statutes is repealed and the
201 following is substituted in lieu thereof (*Effective July 1, 2023*):

202 (a) For purposes of this section:

203 (1) "Life-threatening physical restraint" means any physical restraint
204 or hold of a person that (A) restricts the flow of air into a person's lungs,
205 whether by chest compression or any other means, or (B) immobilizes
206 or reduces the free movement of a person's arms, legs or head while the
207 person is in the prone position;

208 (2) "Psychopharmacologic agent" means any medication that affects
209 the central nervous system, influencing thinking, emotion or behavior;

210 (3) "Physical restraint" means any [mechanical or] personal restriction
211 that immobilizes or reduces the free movement of a person's arms, legs
212 or head, including, but not limited to, carrying or forcibly moving a
213 person from one location to another. The term does not include: (A)
214 Briefly holding a person in order to calm or comfort the person; (B)
215 restraint involving the minimum contact necessary to safely escort a
216 person from one area to another; (C) medical devices, including, but not
217 limited to, supports prescribed by a health care provider to achieve
218 proper body position or balance; (D) helmets or other protective gear
219 used to protect a person from injuries due to a fall; (E) helmets, mitts
220 and similar devices used to prevent self-injury when the device is (i) part
221 of a documented treatment plan or individualized education program
222 pursuant to section 10-76d, as amended by this act, or (ii) prescribed or
223 recommended by a medical professional, as defined in section 38a-976,
224 and is the least restrictive means available to prevent such self-injury; or
225 (F) [an exclusionary] a time out;

226 (4) "School employee" has the same meaning as provided in
227 subsection (b) of section 10-221o;

228 (5) "Seclusion" means the involuntary confinement of a student in a
229 room from which the student is physically prevented from leaving.
230 "Seclusion" does not include [an exclusionary] a time out;

231 (6) "Student" means a child (A) enrolled in grades kindergarten to
232 twelve, inclusive, in a public school under the jurisdiction of a local or
233 regional board of education, (B) receiving special education and related
234 services in an institution or facility operating under contract with a local
235 or regional board of education pursuant to subsection (d) of section 10-
236 76d, (C) enrolled in a program or school administered by a regional
237 education service center established pursuant to section 10-66a, or (D)
238 receiving special education and related services from an approved
239 private special education program, but shall not include any child
240 receiving educational services from (i) Unified School District #2,

241 established pursuant to section 17a-37, or (ii) the Department of Mental
242 Health and Addiction Services; [and]

243 (7) ["Exclusionary time out" means a temporary, continuously
244 monitored separation of a student from an ongoing activity in a non-
245 locked setting, for the purpose of calming such student or deescalating
246 such student's behavior.] "Time out" means a behavior management
247 technique that may involve the separation of the student from the group
248 or classroom in a nonlocked setting; and

249 (8) "School mental health specialist" means any person employed by
250 a local or regional board of education to provide mental health services
251 to students and includes, but is not limited to, a (1) school social worker,
252 (2) school psychologist, (3) trauma specialist, (4) behavior technician, (5)
253 board certified behavior analyst, (6) school counselor, (7) licensed
254 professional counselor, and (8) licensed marriage and family therapist.

255 (b) (1) No school employee shall use a physical restraint on a student
256 except as an emergency intervention to prevent immediate or imminent
257 injury to the student or to others, provided the restraint is not used for
258 discipline or convenience and is not used as a substitute for a less
259 restrictive alternative. (2) No school employee shall use a physical
260 restraint that is contraindicated based on a student's disability, health
261 care needs or medical or psychiatric condition. (3) Physical restraint
262 shall not be utilized as a planned intervention in a student's behavioral
263 intervention plan, individualized education program or plan pursuant
264 to Section 504 of the Rehabilitation Act of 1973, as amended from time
265 to time.

266 (c) No school employee shall use a life-threatening physical restraint
267 on a student. This section shall not be construed as limiting any defense
268 to criminal prosecution for the use of deadly physical force that may be
269 available under sections 53a-18 to 53a-22, inclusive.

270 (d) (1) No school employee shall place a student in seclusion except
271 as an emergency intervention to prevent immediate or imminent injury
272 to the student or to others, provided the seclusion is not used for

273 discipline or convenience and is not used as a substitute for a less
274 restrictive alternative. (2) No student shall be placed in seclusion unless
275 (A) such student is monitored by a school [employee] mental health
276 specialist during the period of such student's seclusion pursuant to
277 subsection (m) of this section, and (B) the area in which such student is
278 secluded is equipped with a window or other fixture allowing such
279 student a clear line of sight beyond the area of seclusion. (3) Seclusion
280 shall not be utilized as a planned intervention in a student's behavioral
281 intervention plan, individualized education program or plan pursuant
282 to Section 504 of the Rehabilitation Act of 1973, as amended from time
283 to time.

284 (e) No school employee may use a psychopharmacologic agent on a
285 student without that student's consent except [(1) as an emergency
286 intervention to prevent immediate or imminent injury to the student or
287 to others, or (2)] as an integral part of the student's established medical
288 or behavioral support or educational plan, as developed consistent with
289 section 17a-543 or, if no such plan has been developed, as part of a
290 licensed practitioner's initial orders. [The use of psychopharmacologic
291 agents, alone or in combination, may be used only in doses that are
292 therapeutically appropriate and not as a substitute for other appropriate
293 treatment.]

294 (f) If any instance of physical restraint or seclusion of a student
295 otherwise permissible under subsection (b) or (d) of this section exceeds
296 fifteen minutes, (1) an administrator, as defined in section 10-144e, or
297 such administrator's designee, (2) a school health or mental health
298 personnel, as defined in subsection (a) of section 10-212b, or (3) a board
299 certified behavioral analyst, who has received training in the use of
300 physical restraint and seclusion pursuant to subsection (o) of this
301 section, shall determine whether continued physical restraint or
302 seclusion is necessary to prevent immediate or imminent injury to the
303 student or to others. Upon a determination that such continued physical
304 restraint or seclusion is necessary, such individual shall make a new
305 determination every thirty minutes thereafter regarding whether such
306 physical restraint or seclusion is necessary to prevent immediate or

307 imminent injury to the student or to others.

308 (g) In the event that physical restraint or seclusion is used on a
309 student four or more times within twenty school days:

310 (1) An administrator, one or more of such student's teachers, a parent
311 or guardian of such student and, if any, a mental health professional, as
312 defined in section 10-76t, shall convene for the purpose of (A)
313 conducting or revising a behavioral assessment of the student, (B)
314 creating or revising any applicable behavioral intervention plan, and (C)
315 determining whether such student may require special education
316 pursuant to section 10-76ff; or

317 (2) If such student is a child requiring special education, as described
318 in subparagraph (A) of subdivision (5) of section 10-76a, or a child being
319 evaluated for eligibility for special education pursuant to section 10-76d,
320 as amended by this act, and awaiting a determination, such student's
321 planning and placement team shall convene for the purpose of (A)
322 conducting or revising a behavioral assessment of the student, and (B)
323 creating or revising any applicable behavioral intervention plan,
324 including, but not limited to, such student's individualized education
325 plan.

326 (h) (1) Each local or regional board of education shall notify a parent
327 or guardian of a student who is placed in physical restraint, [or]
328 seclusion [not later than twenty-four hours after] or a time out on the
329 day that the student was placed in such physical restraint, [or] seclusion
330 or time out and shall make a reasonable effort to provide such
331 notification immediately after such physical restraint, [or] seclusion or
332 time out is initiated.

333 (2) Each local and regional board of education shall meet, in person
334 or through an online technology platform, or have a telephone
335 conversation with the parents or guardians of a student who was placed
336 in physical restraint or seclusion, or who has been placed in a time out
337 three times in the previous thirty days, not later than five days after the
338 student was placed in such physical restraint or seclusion or time outs.

339 The board shall provide such parents or guardians with a detailed
340 summary of the events leading up to and during such physical restraint,
341 seclusion or time outs, including the names of any witnesses of such
342 physical restraint, seclusion or time outs, and their accounts of such
343 events, and an explanation of the reasons for the use of such physical
344 restraint, seclusion or time outs.

345 (i) No school employee shall use a physical restraint on a student or
346 place a student in seclusion unless such school employee has received
347 training on the proper means for performing such physical restraint or
348 seclusion pursuant to subsection (o) of this section.

349 (j) [(1)] On and after July 1, [2016] 2023, each local or regional board
350 of education, and each institution or facility operating under contract
351 with a local or regional board of education pursuant to subsection (d) of
352 section 10-76d that provides special education for children, including
353 any approved private special education program, shall [(A)] (1) record
354 each instance of the use of physical restraint, [or] seclusion or time out
355 on a student, [(B)] (2) specify whether the use of seclusion was in
356 accordance with an individualized education program, [(C)] (3) specify
357 the nature of the emergency that necessitated the use of such physical
358 restraint, [or] seclusion or time out, and [(D)] (4) include such
359 information in an annual compilation on its use of such restraint, [and]
360 seclusion and time out on students. Each local or regional board of
361 education and such institutions or facilities operating under contract
362 with a local or regional board of education pursuant to subsection (d) of
363 section 10-76d that provides special education for children, including
364 any approved private special education program shall provide such
365 annual compilation to the Department of Education for the purposes of
366 [the pilot program established pursuant to subdivision (2) of this
367 subsection to examine] examining incidents of physical restraint, [and]
368 seclusion and time outs in schools and to the State Board of Education
369 for the purposes of subsection (k) of this section. Local or regional
370 boards of education and such institutions and facilities that provide
371 special education for children shall not be required to report instances
372 of in-school suspensions, as defined in subsection (c) of section 10-233a.

373 [(2) The Department of Education shall establish a pilot program for
374 the school year commencing July 1, 2015. Such pilot program shall be
375 implemented in various districts, including, but not limited to, an
376 alliance district, a regional school district and a regional education
377 service center. Under the pilot program, the Department of Education
378 shall examine incidents of physical restraint and seclusion in schools
379 and shall compile and analyze data regarding such incidents to enable
380 the department to better understand and respond to incidents of
381 physical restraint and seclusion on students in the state.]

382 (k) The State Board of Education shall review the annual compilation
383 of each local or regional board of education, and each institution or
384 facility operating under contract with a local or regional board of
385 education pursuant to subsection (d) of section 10-76d that provides
386 special education for children, including any approved private special
387 education program, and shall produce an annual summary report
388 specifying (1) the frequency of use of physical restraint, [or] seclusion or
389 time out on students, (2) whether any student subjected to such
390 restraint, [or] seclusion or time out was a special education student,
391 [and] (3) if any such student was a special education student, whether
392 the use of such seclusion was in accordance with an individualized
393 education program or whether the use of such seclusion was an
394 emergency intervention to prevent immediate or imminent injury to the
395 student or to others, and (4) a disaggregation of the use of physical
396 restraint on various student demographic subgroups. Such report shall
397 be submitted not later than January 15, [2017] 2024, and annually
398 thereafter, to the joint standing committees of the General Assembly
399 having cognizance of matters relating to children and education for
400 inclusion in the annual report card prepared pursuant to section 2-53m.

401 (l) Any use of physical restraint, [or] seclusion or time out on a
402 student shall be documented in the student's educational record. The
403 documentation shall include (1) the nature of the emergency and what
404 other steps, including attempts at verbal deescalation, were taken to
405 prevent the emergency from arising if there were indications that such
406 an emergency was likely to arise, and (2) a detailed description of the

407 nature of the restraint, [or] seclusion or time out, the duration of such
408 restraint, [or] seclusion or time out and the effect of such restraint, [or]
409 seclusion or time out on the student's established educational plan.

410 (m) Any student who is physically restrained shall be continually
411 monitored by a school employee. Any student who is involuntarily
412 placed in seclusion shall be frequently monitored by a school
413 [employee] mental health specialist. Each student so restrained or in
414 seclusion shall be regularly evaluated by a school [employee] mental
415 health specialist for indications of physical distress. The school
416 [employee] mental health specialist conducting the evaluation shall
417 enter each evaluation in the student's educational record. For purposes
418 of this subsection, "monitor" means (1) direct observation, or (2)
419 observation by way of video monitoring within physical proximity
420 sufficient to provide aid as may be needed.

421 (n) If the use of such restraint, [or] seclusion or time out results in
422 physical injury to the student, the local or regional board of education,
423 and each institution or facility operating under contract with a local or
424 regional board of education pursuant to subsection (d) of section 10-76d
425 that provides special education for children, including any approved
426 private special education program, shall report the incident to the State
427 Board of Education, which shall include such incident in the report
428 required pursuant to subsection (k) of this section. The State Board of
429 Education shall report any incidence of serious injury or death to the
430 nonprofit entity designated by the Governor in accordance with section
431 46a-10b to serve as the Connecticut protection and advocacy system, as
432 required by the Developmental Disabilities Assistance and Bill of Rights
433 Act of 2000, 42 USC 15041, et seq., as amended from time to time, and
434 any regulations promulgated thereunder, and as required by the
435 Protection and Advocacy for Individuals with Mental Illness Act, 42
436 USC 10801 et seq., as amended from time to time, and any regulations
437 promulgated thereunder, and, if appropriate, to the Child Advocate of
438 the Office of the Child Advocate.

439 (o) (1) Each local or regional board of education shall provide training

440 regarding the physical restraint and seclusion of students to the
441 members of the crisis intervention team for each school in the district,
442 identified pursuant to subdivision (2) of this subsection. A local or
443 regional board of education may provide such training to any teacher,
444 as defined in section 10-144d, administrator, as defined in section 10-
445 144e, school paraprofessional, school mental health specialist or other
446 school employee, as defined in section 10-222d, designated by the school
447 principal and who has direct contact with students. Such training shall
448 be provided during the school year commencing July 1, [2017] 2023, and
449 each school year thereafter, and shall include, but not be limited to:

450 (A) An overview of the relevant laws and regulations regarding the
451 use of physical restraint and seclusion on students and the proper uses
452 of physical restraint and seclusion. For the school year commencing July
453 1, [2017] 2023, and annually thereafter, such overview shall be provided
454 by the Department of Education, in a manner and form as prescribed by
455 the Commissioner of Education;

456 (B) The creation of a plan by which each local and regional board of
457 education shall provide training regarding the prevention of incidents
458 requiring physical restraint or seclusion of students. Such plan shall be
459 implemented not later than July 1, [2018] 2023. The Department of
460 Education may, within available appropriations, provide ongoing
461 monitoring and support to local or regional boards of education
462 regarding the formulation and implementation of the plan; and

463 (C) The creation of a plan by which each local or regional board of
464 education shall provide training regarding the proper means of physical
465 restraint or seclusion of a student, including, but not limited to, (i)
466 various types of physical restraint and seclusion; (ii) the differences
467 between life-threatening physical restraint and other varying levels of
468 physical restraint; (iii) the differences between permissible physical
469 restraint and pain compliance techniques; and (iv) monitoring methods
470 to prevent harm to a student who is physically restrained or in seclusion.
471 Such plan shall be implemented not later than July 1, [2018] 2023;

472 (2) For the school year commencing July 1, 2017, and each school year

473 thereafter, each local and regional board of education shall require each
474 school in the district to identify a crisis intervention team consisting of
475 any teacher, as defined in section 10-144d, administrator, as defined in
476 section 10-144e, school paraprofessional, school mental health specialist
477 or other school employee, as defined in section 10-222d, designated by
478 the school principal and who has direct contact with students. Such
479 teams shall respond to any incident in which the use of physical restraint
480 or seclusion may be necessary as an emergency intervention to prevent
481 immediate or imminent injury to a student or to others. Each member of
482 the crisis intervention team shall be recertified in the use of physical
483 restraint and seclusion pursuant to subparagraph (C) of subdivision (1)
484 of this subsection or chapter 814e on an annual basis. Each local and
485 regional board of education shall maintain a list of the members of the
486 crisis intervention team for each school.

487 (p) Each local or regional board of education shall develop policies
488 and procedures that establish monitoring and internal reporting of the
489 use of physical restraint, [and] seclusion and time outs on students and
490 shall make such policies and procedures available on such local or
491 regional board of education's Internet web site and in such local or
492 regional board of education's procedures manual.

493 (q) Nothing in this section shall be construed as limiting the justified
494 use of physical force by a local, state or federal law enforcement official
495 while in the performance of such official's duties.

496 (r) The State Board of Education shall adopt or revise regulations, in
497 accordance with the provisions of chapter 54, concerning the use of
498 physical restraint and seclusion pursuant to this section. Not later than
499 sixty days after the adoption or revision of such regulations, each local
500 or regional board of education shall update any applicable policies and
501 procedures regarding the physical restraint and seclusion of students
502 and shall make such updated policies and procedures available in a
503 manner consistent with the provisions of subsection (p) of this section.

504 (s) Not later than January 1, [2019] 2024, each local or regional board
505 of education shall establish a policy regarding the use of [an

506 exclusionary time out] time outs. Such policy shall include, but need not
507 be limited to, a requirement that (1) [exclusionary] time outs are not to
508 be used as a form of discipline, (2) at least one school employee remain
509 with the student, or be immediately available to the student such that
510 the student and school employee are able to communicate verbally,
511 throughout the [exclusionary] time out, (3) the space used for [an
512 exclusionary] a time out is clean, safe, sanitary and appropriate for the
513 purpose of calming such student or deescalating such student's
514 behavior, (4) the [exclusionary] time out period terminate as soon as
515 possible, and (5) if such student is a child requiring special education,
516 as defined in section 10-76a, or a child being evaluated for special
517 education, pursuant to section 10-76d, as amended by this act, and
518 awaiting a determination, and the interventions or strategies are
519 unsuccessful in addressing such student's problematic behavior, such
520 student's planning and placement team shall convene as soon as is
521 practicable to determine alternative interventions or strategies.

522 Sec. 7. Section 19a-6u of the general statutes is repealed and the
523 following is substituted in lieu thereof (*Effective July 1, 2023*):

524 For the fiscal [year] years ending June 30, 2023, to July 1, 2025,
525 inclusive, the Department of Public Health shall administer a school-
526 based health center expansion grant program to provide grants to
527 [certain] operators of school-based health centers for the expansion of
528 school-based health centers and services provided by such centers. [The
529 following operators of school-based health centers shall be eligible for a
530 grant under this section: (1) The operator of a school-based health center
531 for any of the thirty-six recommended sites for expanded mental health
532 services contained in the final report of the School-Based Health Center
533 Expansion Working Group, established pursuant to section 16 of public
534 act 21-35, and (2) the operator of a school-based health center for any of
535 the one hundred twenty-four recommended schools for expanded
536 school-based health center medical and mental health services
537 contained in the final report of the School-Based Health Center
538 Expansion Working Group, established pursuant to section 16 of public
539 act 21-35.] The department shall give priority to awarding a grant to

540 those operators of a school-based health center that will provide services
541 after regular school hours. Each such operator shall submit, in
542 collaboration with the local or regional board of education for the school
543 district in which the school-based health center is located, an application
544 for a grant under this section at such time and in such manner as
545 prescribed by the department.

546 Sec. 8. (NEW) (*Effective July 1, 2023*) On and after July 1, 2023, the
547 Department of Education shall make available on the department's
548 Internet web site all documents relating to the decisions of a due process
549 hearing required under 34 CFR 300.500 to 300.537, as amended from
550 time to time, and any corrective actions taken by the department in
551 response to a complaint, pursuant to 34 CFR 300.151 to 300.153, as
552 amended from time to time, regarding the provision of special
553 education and related services by a local or regional board of education
554 or other entity responsible for the provision of special education and
555 related services to a student. The department shall redact any personally
556 identifiable information of a student prior to making such decisions and
557 documents available.

558 Sec. 9. Subsection (i) of section 10-76d of the general statutes is
559 repealed and the following is substituted in lieu thereof (*Effective July 1,*
560 *2023*):

561 (i) (1) No local or regional board of education shall discipline,
562 suspend, terminate or otherwise punish any member of a planning and
563 placement team employed by such board who discusses or makes
564 recommendations concerning the provision of special education and
565 related services for a child during a planning and placement team
566 meeting for such child.

567 (2) No birth-to-three service coordinator or qualified personnel, as
568 those terms are defined in section 17a-248, who discusses or makes
569 recommendations concerning the provision of special education and
570 related services for a child during a planning and placement team
571 meeting for such child or in a transition plan, as required by section 17a-
572 248e, shall be subject to discipline, suspension, termination or other

573 punishment on the basis of such recommendations.

574 (3) No local or regional board of education shall discipline, suspend,
 575 terminate or otherwise punish any school employee, as defined in
 576 section 10-222d, who discusses or makes recommendations concerning
 577 the provision of services or accommodations for a student as part of a
 578 plan pursuant to Section 504 of the Rehabilitation Act of 1973, as
 579 amended from time to time.

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

Section 1	<i>from passage</i>	New section
Sec. 2	<i>July 1, 2023</i>	10-4w
Sec. 3	<i>from passage</i>	PA 21-95, Sec. 3
Sec. 4	<i>July 1, 2023</i>	10-76d(a)(10)(C)
Sec. 5	<i>July 1, 2023</i>	10-66bb(j)
Sec. 6	<i>July 1, 2023</i>	10-236b
Sec. 7	<i>July 1, 2023</i>	19a-6u
Sec. 8	<i>July 1, 2023</i>	New section
Sec. 9	<i>July 1, 2023</i>	10-76d(i)

ED *Joint Favorable Subst.*

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

OFA Fiscal Note

State Impact:

Agency Affected	Fund-Effect	FY 24 \$	FY 25 \$
Education, Dept.	GF - Potential Cost	See Below	See Below

Note: GF=General Fund

Municipal Impact:

Municipalities	Effect	FY 24 \$	FY 25 \$
Local and Regional School Districts	See Below	See Below	See Below

Explanation

The bill results in costs to the State Department of Education (SDE) and local and regional school districts by making several changes to special education statutes. These impacts are described below.

Section 1 exempts federal COVID-related education funding from use in the calculation of the Excess Cost grant. This would result in a cost to SDE if the Excess Cost grant is fully funded beginning in FY 24. The grant has not been fully funded since FY 09.

The impact to districts will vary significantly based on the per-pupil level of federal COVID-related education funding each district received. Districts with relatively high levels of federal COVID-related education funding will have a larger positive impact on their Excess Cost reimbursements (all other factors held constant). Other districts may receive less than they would have, without this provision.

Section 2 allows dual instruction when it is deemed necessary by a student's individualized education or Section 504 plan, beginning in FY

24. There is a cost, anticipated to be minimal, associated with any equipment a district would need to purchase to facilitate dual instruction (i.e., extra computers or monitors).

Section 3 expands the requirements of an existing task force studying special education funding in the state. This has no fiscal impact as it is not anticipated to increase the cost of completing the study.

Section 4 requires local and regional school districts to provide interpreters at planning and placement team meetings beginning in FY 24. 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%¹ 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 5 prohibits charter school student applications from inquiring about such students' need for or receipt of special education. This has no fiscal impact, as the provision would not impact the level of grant funding for charter schools.

Section 6 makes changes regarding the use of physical restraints and time out in schools, and the use of psychopharmacological medications. These changes have no fiscal impact, as they are not anticipated to change any cost associated with these practices.

Section 7 extends a Department of Public Health (DPH) school-based health center expansion grant program from the end of FY 23 to the start of FY 25, which prevents the agency from lapsing \$10 million in American Rescue Plan Act (ARPA) funding at the end of FY 23. It is anticipated that DPH will fully expend the program's ARPA funds in FY 24.

Section 8 requires SDE to make available on its Web site information

¹ This is the percentage of Hartford's October 1, 2022 enrollment classified as English Learners.

regarding certain complaint investigations. This has no fiscal impact as SDE has sufficient resources to post information online.

Section 9 prohibits local and regional school districts from disciplining employees who make recommendations concerning the provision of services to students with Section 504 plans. This has no fiscal impact.

The Out Years

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

OLR Bill Analysis**sSB 1200*****AN ACT CONCERNING SPECIAL EDUCATION.*****SUMMARY**

This bill makes the following unrelated changes in the special education laws relating to, among other things, funding, due process, choice school enrollment, and disciplinary interventions:

1. prohibits the State Department of Education (SDE) from calculating specified pandemic relief funds received by school districts when determining their special education excess cost grant amount (see COMMENT) (§ 1);
2. allows dual instruction as part of remote learning when needed to implement a student's individualized education program (IEP) or 504 plan (see BACKGROUND) (§ 2);
3. expands the charge and membership of the task force studying special education services and funding, and also extends its reporting deadline and termination date (§ 3);
4. grants parents, guardians, students, and surrogate parents the right to have translation services at planning and placement team (PPT) meetings (§ 4);
5. prohibits charter schools from asking about or considering an applicant student's need for or receipt of special education and related services, including as part of enrollment lottery criteria (§ 5);
6. creates new restrictions on the use of physical restraint, seclusion, and time out on students and imposes new monitoring, documentation, reporting, training, and parental notice

- requirements (§ 6);
7. limits the circumstances under which a psychopharmacologic agent may be used on a student non-consensually (§ 6);
 8. removes a reference to an obsolete pilot program that required SDE to examine incidents of physical restraint and seclusion in schools (§ 6);
 9. extends the school-based health center (SBHC) expansion grant program for two additional fiscal years, through FY 25, and broadens applicant eligibility (§ 7);
 10. requires SDE, beginning July 1, 2023, to post on its website (a) all special education due process decision documents and (b) any corrective actions taken in response to a complaint about a board of education or other entity's provision of special education and related services (§ 8); and
 11. prohibits local and regional boards of education from punishing a school employee for discussing or making recommendations about services or accommodations for a student's 504 plan (see BACKGROUND) (§ 9).

The bill also makes technical and conforming changes.

EFFECTIVE DATE: July 1, 2023, except the provisions on the special education excess cost grant calculation (§ 1) and the special education task force (§ 3) take effect upon passage.

§ 1 — SPECIAL EDUCATION EXCESS COST GRANT CALCULATION

By law, boards of education may receive state special education grants, within available appropriations, under the following circumstances:

1. when the reasonable costs of special education for a child exceeds 4.5 times the board's average per pupil educational costs (CGS §

10-76g(b)),

2. when the town's ratio of (a) net special education costs for the prior fiscal year to the (b) product of its total need students and the average regular program expenditures exceeds the statewide average for all of these ratios (CGS § 10-76g(c)), and
3. when the total amount of state special education grants payable to a board in a fiscal year exceeds the amount appropriated (CGS § 10-76g(d)).

The bill prohibits SDE from including federal COVID-19 relief funds when calculating a board's "net current expenditures per pupil" for determining the amount of these three special education grants (see COMMENT). Specifically, SDE must exclude from the calculation any funds received by a board under the following federal acts: the Coronavirus Aid, Relief, and Economic Security (CARES) Act (P.L. 116-136); the Coronavirus Response and Relief Supplemental Appropriations (CRRSA) Act (P.L. 116-260); and the American Rescue Plan Act of 2021 (ARPA) (P.L. 117-2).

§ 2 — REMOTE LEARNING USING DUAL INSTRUCTION

Existing law allows local and regional boards of education to authorize remote learning, limited by various conditions, for grades nine through 12 in the 2022-23 and 2023-24 school years. "Remote learning" is instruction using one or more internet-based software platforms as part of a remote learning model.

Current law prohibits boards that authorize remote learning from providing dual instruction as part of it. "Dual instruction" is simultaneous instruction by a teacher to students in-person in the classroom and students engaged in remote learning. The bill adds an exception to this prohibition, allowing dual instruction when it is required in, or necessary to implement, a student's IEP or 504 plan (see BACKGROUND). It also applies the exception beginning in the 2024-25 school year, when current law allows boards to authorize remote instruction for students in grades kindergarten through 12.

§ 3 — SPECIAL EDUCATION TASK FORCE***Expanded Scope***

By law, the task force must study the provision and funding of special education during the 2016-17 through 2020-21 school years. The bill adds the following to the scope of the task force's study:

1. the provision of services to gifted and talented students;
2. the cost of providing gifted and talented services and its effect on a board of education's minimum budget requirement;
3. the level of state reimbursement to boards for gifted and talented services;
4. school districts' methods for identifying students who are gifted and talented, including the criteria they are using and whether they are over- or under-identifying them;
5. the feasibility of authorizing independent special education evaluators, from either SDE or hired by a student's parent or guardian, to observe special education services being provided in the classroom;
6. delaying the age when a child requiring special education and related services receives a classification category for the services;
7. special education student-to-teacher ratios prescribed by case load policies, regulations, and formulas in effect in other states, focusing on the student numbers and intensity of services required; and
8. any other issues or topics relating to special education that the task force finds necessary.

Membership

The bill also adds the following members to the 15-member task force, bringing the total membership to 17: the Advisory Council for Special Education chairperson and a representative of the Connecticut

Association of Private Special Education Facilities.

Reporting and Termination

The bill extends the deadline by which the task force must report its findings and recommendations to the Education Committee by one month, from January to February 1, 2024. It also extends the task force's termination date from January to July 1, 2024, or when it submits the report, whichever is later.

§ 4 — TRANSLATION SERVICES

By law, parents, guardians, students, and surrogate parents have the right to attend PPT meetings, where the student's educational program is developed, reviewed, or revised. The bill grants them the right to have translation services provided at the meeting if their primary language is not English. The services may be 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.

§ 6 — PHYSICAL RESTRAINT, SECLUSION, AND TIME OUT

State law limits the types of allowable physical restraints or seclusion that may be used on students. The bill alters these terms' and related terms' definitions; creates new restrictions on using these interventions; and imposes new monitoring, documentation, reporting, training, and parental notice requirements.

Physical Restraint

Definition. The bill removes "mechanical restriction" from the definition of "physical restraint" in current law, limiting the definition to personal restriction that immobilizes or reduces the free movement of a person's arms, legs, or head, including carrying or forcibly moving a person from one location to another, with a list of exceptions.

Use. The bill adds two new restrictions to the one in current law that prohibits the use of physical restraint except as an emergency intervention under very specific circumstances involving a risk of

injury. Under the bill, school employees may not use physical restraint (1) that is contraindicated based on a student's disability, health care needs, or medical or psychiatric condition or (2) as a planned behavioral intervention in a student's behavioral intervention plan, IEP, or 504 plan (see BACKGROUND).

Monitoring. By law and unchanged by the bill, any student who is physically restrained must be continually monitored by a school employee, either through direct observation or by video monitoring from a location close enough to provide aid if needed.

Current law also requires a school employee to (1) regularly evaluate the restrained student for signs of physical distress and (2) enter each evaluation in the student's educational record. The bill requires a school mental health specialist to perform these evaluative tasks instead. (Presumably, the school mental health specialist can perform both the monitoring and the evaluating for physical distress.) Under the bill, a "school mental health specialist" is a school social worker, school psychologist, trauma specialist, behavior technician, board-certified behavior analyst, school counselor, licensed professional counselor, licensed marriage and family therapist, or any other person employed to provide mental health services to students.

Seclusion

Definition. As under existing law, the bill defines "seclusion" as involuntary confinement of a student in a room where the student is physically prevented from leaving, except for a "time out" (see below).

Monitoring. By law, any student who is involuntarily placed in seclusion must be frequently monitored, using either direct observation or observation by video monitoring from a location close enough to provide aid if needed. The bill requires that a school mental health specialist, rather than a school employee, perform this monitoring.

It also requires a school mental health specialist to regularly evaluate the student in seclusion for signs of physical distress. The specialist must enter this evaluation into the student's educational record.

Time Out

Definition. Current law identifies an “exclusionary time out” as a type of intervention that is not a form of physical restraint or seclusion, defining it as a temporary, continuously monitored separation of a student from an ongoing activity in a non-locked setting to calm or deescalate the student’s behavior. The bill removes the word “exclusionary” and instead defines “time out” as a behavior management technique that may involve the separation of the student from the group or classroom in a non-locked setting.

Use. The bill requires boards of education to make a policy about the use of time outs by January 1, 2024. This policy must contain the following elements, which are the same as current law requires for an “exclusionary time out” policy:

1. a prohibition against using time outs as a form of discipline;
2. a requirement that at least one school employee remain with the student or be immediately available to communicate verbally with the student throughout the time out;
3. a requirement that a clean, safe, sanitary, and appropriate space be used to calm or deescalate the student’s behavior;
4. a requirement that the time out period end as soon as possible; and
5. if the student requires special education or is being evaluated for it, a requirement that the student’s PPT convene as soon as practicable to determine alternative interventions or strategies.

Documentation. The bill requires local or regional boards of education and special education providers that contract with boards of education, including private providers, to document the use of time outs in the following ways:

1. record each instance when a student is placed in a time out,

2. specify the nature of the emergency that required using the time out, and
3. include this information in an annual compilation on its use of time out on students, which it must provide to SDE and the State Board of Education (SBE).

Additionally, the bill requires that any use of time out be documented in the student's educational record, similar to current law's requirement for physical restraint and seclusion. Specifically, the bill requires the following information to be documented:

1. the nature of the emergency;
2. any other steps, including attempts at verbal de-escalation, taken to prevent the emergency from arising if there were indications that it was likely to arise; and
3. a detailed description of the time out's nature, duration, and effect on the student's established educational plan.

Injury Reporting. The bill requires boards of education and contracted special education providers to report to SBE any time out that results in physical injury to a student. This mirrors the requirement in existing law for injuries resulting from restraint or seclusion. By law, SBE must report any incidence of serious injury or death to the nonprofit entity that serves as the Connecticut protection and advocacy system, as required under federal disability law, and, if appropriate, to the state's Office of the Child Advocate.

Monitoring and Internal Reporting. The bill requires boards of education to develop policies and procedures for monitoring and internally reporting the use of time outs on students. Boards must also make them available on their website and in their procedures manual, just as current law requires for their physical restraint and seclusion monitoring and reporting policies and procedures.

Notice and Meeting Requirements

The bill removes the 24-hour deadline that boards of education must meet when notifying a student's parent or guardian that the student was placed in physical restraint or seclusion. Instead, it maintains current law's requirement that boards make a reasonable effort to provide notification immediately after the placement begins. The bill also adds student placements in time out to this notice requirement.

In addition to the above notice requirement, the bill adds a new meeting requirement when a student (1) is placed in physical restraint or seclusion once or (2) has been placed in timeout three times over the past 30 days. When either of these placements occur, the board of education must meet with the student's parents or guardians in person, online, or by telephone within five days. The board must give them a detailed summary of events leading up to and during the placement, including the names of any witnesses; the witnesses' accounts of the events; and reasons for using the restraint, seclusion, or time outs.

Training

Current law allows boards of education to provide training about student physical restraint and seclusion to any teacher, administrator, school paraprofessional, or other school employee designated by the school principal who has direct contact with students. The bill adds any school mental health specialist to the list of optional training recipients. By law and unchanged by the bill, boards must provide this training to members of each school's crisis intervention team (see below).

Crisis Intervention Teams

By law, boards of education must require each school in their district to identify a crisis intervention team. This team must respond to any incident when physically restraining or secluding a student may be needed as an emergency intervention, specifically to prevent injury to a student or others.

The bill adds school mental health specialists to the team, which has the following members under current law: a teacher, an administrator, a school paraprofessional, or other school employee who has direct

contact with students and is chosen by the principal.

SBE Summary Report

By law, SBE must review each board of education's and each contracted special education provider's annual compilation of the use of restraint or seclusion on students and then produce its own annual summary report. The bill requires SBE to add the following data to its report: (1) the frequency of time out use on students, (2) whether any student subjected to a time out was a special education student, and (3) a disaggregation of the use of physical restraint on various student demographic subgroups. The bill requires SBE to annually include this additional data starting with the report it must submit to the Children's and Education committees by January 15, 2024.

Psychopharmacologic Agents

By law and unchanged by the bill, a "psychopharmacologic agent" is any medication that affects the central nervous system by influencing thinking, emotion, or behavior. Current law bans the non-consensual use of a psychopharmacologic agent on a student unless it is (1) an integral part of the student's established medical or behavioral support or education plan, (2) part of a licensed practitioner's initial orders, or (3) an emergency intervention to prevent immediate or imminent injury to the student or others. The bill removes this third exception. It also removes a requirement that this agent only be used in therapeutically appropriate doses and not as a substitute for other appropriate treatment.

§ 7 — SCHOOL-BASED HEALTH CENTER EXPANSION GRANT

By law, the Department of Public Health (DPH) must administer a program that awards grants to SBHC operators to expand the number of centers and the services they provide. Current law limits the grant program to FY 23, but the bill extends it by two years through FY 25.

Additionally, the bill makes any SBHC operator eligible for the grants; under current law, only two categories of operators are eligible:

1. those operating a center for any of the 36 sites recommended by

the SBHC Expansion Working Group for expanded mental health services and

2. those operating a center for any of the 124 schools recommended by the SBHC Expansion Working Group for expanded SBHC medical and mental health services.

By law and unchanged by the bill, when awarding grants, DPH must prioritize SBHC operators that will provide services after regular school hours.

§ 8 — DUE PROCESS TRANSPARENCY

Beginning July 1, 2023, the bill requires SDE to post on its website the following information under federal special education regulations: (1) all due process decision documents required under federal special education regulations and (2) any corrective actions taken in response to a complaint about a board of education or other entity's provision of special education and related services (see BACKGROUND). Before posting these decisions and documents online, the department must redact any personally identifiable student information.

§ 9 — 504 PLAN PARTICIPATION

The bill prohibits local or regional boards of education from disciplining, suspending, terminating, or punishing any school employee who discusses or makes recommendations about the services or accommodations for a student's 504 plan (see BACKGROUND). (The bill does not specify the circumstances or setting where the employee may discuss the 504 plan, unlike existing law, which limits the employee protection to those attending PPT meetings.)

BACKGROUND

IEP

An IEP is a written statement detailing the student's academic achievement level, goals for future achievement, and specialized educational services needed to reach the goals. Federal law requires school boards to develop IEPs for students eligible to receive special

education and related services (Individuals with Disabilities Education Act, 20 U.S.C. § 1400 et seq.).

504 Plan

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.”

Behavioral Intervention Plan

Neither state law nor regulation defines “behavioral intervention plan.” However, SDE’s current IEP guidance document instructs school districts to indicate in a student’s IEP whether a behavioral intervention plan has been developed because the student has exhibited behaviors that impede learning for self or others (*Connecticut IEP Manual*, October 2022).

Special Education Due Process and Corrective Action

Federal regulations set procedural safeguards to protect students’ and parents’ or guardians’ due process rights when seeking special education and related services. These safeguards outline the (1) due process procedures students, families, and school boards must follow in a special education dispute and (2) disciplinary procedures school boards must follow for a child with a disability who violates a code of student conduct (34 C.F.R. §§ 300.500-300.537).

Federal regulations require SDE to adopt written procedures for responding to special education complaints and addressing corrective actions when a student has been denied the appropriate services. These regulations establish the minimum complaint procedures the state must follow and the process for filing a written special education complaint against a public agency (34 C.F.R. §§ 300.151-300.153).

Related Bills

sSB 1166, favorably reported by the Education Committee, repeals

CGS § 10-222d, which this bill cites to for the statutory definition of “school employee.”

sHB 6883, § 13, favorably reported by the Education Committee, requires local or regional boards of education responsible for providing special education services to provide interpreters and translated documents to students, parents, or guardians when needed or upon request.

COMMENT

Incomplete Information

The bill prohibits SDE from including federal pandemic relief funds when calculating school boards’ state special education grant amounts. However, it specifies that the department must exclude the federal dollar amount from a board’s “net current expenditure per pupil.” Neither the bill nor existing law defines this term.

COMMITTEE ACTION

Education Committee

Joint Favorable Substitute

Yea 44 Nay 0 (03/24/2023)