



**Substitute House Bill No. 5001**

**Public Act No. 23-137**

**AN ACT CONCERNING RESOURCES AND SUPPORT SERVICES FOR PERSONS WITH AN INTELLECTUAL OR DEVELOPMENTAL DISABILITY.**

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

Section 1. (*Effective July 1, 2023*) (a) The Commissioner of Developmental Services shall produce a plan to establish a Transitional Life Skills College program to provide transitional tools and life skills development for persons with an intellectual disability or other developmental disabilities, who are at least twenty-two years of age and transitioning from (1) the kindergarten through grade twelve education system, or (2) living with parents or guardians to living independently or quasi-independently through a residential program administered by the Department of Developmental Services.

(b) The plan for a Transitional Life Skills College program shall include, but need not be limited to: (1) Utilization of unused property owned by the Department of Developmental Services for multiple campuses across the state, taking the population density and distribution of likely participants into account, (2) duration of enrollment depending on individual needs of participants, (3) a residential component for participants, (4) family-centered practices for participants with parents or guardians, (5) a nonresidential component

**Substitute House Bill No. 5001**

for parents and guardians to acclimate participants to residential programs administered by the department, and (6) oversight by the Department of Developmental Services, including, but not limited to, unannounced site inspections, an evaluation of cost effectiveness and audits of participant outcomes.

(c) Not later than January 1, 2025, the commissioner shall file a report on the plan to establish the Transitional Life Skills College program, in accordance with the provisions of section 11-4a of the general statutes, with the joint standing committees of the General Assembly having cognizance of matters relating to appropriations and the budgets of state agencies, human services and public health.

Sec. 2. (*Effective from passage*) (a) The Secretary of the Office of Policy and Management, in consultation with the Labor Commissioner, the Commissioners of Aging and Disability Services, Developmental Services, Economic and Community Development and Revenue Services, the Office of Workforce Strategy unit focusing on persons with disabilities, the Autism Spectrum Disorder Advisory Council, the Council on Developmental Disabilities and the Connecticut Business Industry Association, shall (1) identify and analyze existing employment assistance programs for persons with disabilities, including, but not limited to, persons with an intellectual disability or other developmental disabilities, and the capacity of and demand for such programs, (2) recommend financial incentives for businesses to employ a greater number of such persons, and (3) create a workforce plan that incentivizes businesses to provide training programs, offer modified interviews to accommodate the needs of such persons and reserve market-rate, full-time jobs.

(b) The secretary shall file a report, in accordance with the provisions of section 11-4a of the general statutes, on the results of the evaluation and recommendations not later than January 1, 2025, with the joint standing committees of the General Assembly having cognizance of

**Substitute House Bill No. 5001**

matters relating to appropriations and the budgets of state agencies, commerce, finance, revenue and bonding, human services, labor and public health. The report shall include the secretary's findings pursuant to subdivisions (1) to (3), inclusive, of subsection (a) of this section.

Sec. 3. (NEW) (*Effective July 1, 2023*) The Commissioner of Developmental Services, in consultation with the Commissioner of Social Services and the Secretary of the Office of Policy and Management, shall reduce waiting lists for services in Medicaid waiver programs established under Section 1915(c) of the Social Security Act and administered by the Department of Developmental Services. Not later than January 1, 2024, and annually thereafter, the staff person employed pursuant to section 14 of this act to help agencies coordinate programs and services for individuals who have an intellectual or developmental disability other than autism spectrum disorder shall file a report, in accordance with the provisions of section 11-4a of the general statutes and in consultation with the Commissioner of Developmental Services, on (1) the number of persons waiting for services in the waiver programs and the number of underserved persons waiting for additional services in the waiver programs, (2) the number of persons added to and subtracted from such waiting lists for the previous calendar year, and (3) whether such waiting lists have increased or decreased over the previous calendar year and, if so, by how many persons with the joint standing committees of the General Assembly having cognizance of matters relating to appropriations and the budgets of state agencies, human services and public health.

Sec. 4. (*Effective from passage*) (a) The Secretary of the Office of Policy and Management, in consultation with the Commissioners of Education, Social Services, Developmental Services, Aging and Disability Services and Public Health, the Council on Developmental Disabilities and the Autism Spectrum Disorder Advisory Council, shall (1) develop and recommend new state statutory definitions for

***Substitute House Bill No. 5001***

intellectual disability and developmental disabilities and identify related programs for persons with such disabilities that may need to be changed or redesignated in accordance with any new statutory definitions, (2) evaluate whether an Intelligence Quotient should be a factor in such definitions, and (3) evaluate the level-of-need assessment tool used by state agencies that serve persons with an intellectual disability or other developmental disabilities.

(b) In implementing the provisions of subsection (a) of this section, the secretary shall (1) examine statutory definitions for intellectual disability and developmental disabilities in states nation-wide, (2) analyze best practices for level-of-need assessment tools used by other states and services for persons with an intellectual disability or other developmental disabilities, (3) assess alternative tools, models or ways to capture an individual's service needs, (4) evaluate how funding levels for services and programs are determined for each individual within the state and in other states, and (5) determine best state service delivery models for allowing such persons or their representatives to direct services based on their needs.

(c) The Secretary of the Office of Policy and Management and the Commissioners of Education, Social Services, Developmental Services, Aging and Disability Services and Public Health, in consultation with the Council on Developmental Disabilities and the Autism Spectrum Disorder Advisory Council, shall solicit input from persons with an intellectual disability or other developmental disabilities, their families and caregivers in developing the recommendations.

(d) Not later than January 1, 2025, the secretary shall file a report, in accordance with the provisions of section 11-4a of the general statutes, with recommendations on (1) such statutory definitions, programs that may need to be redesignated in accordance with any new statutory definitions and qualifying criteria for services, (2) best practices in other states for providing services for persons with an intellectual disability

***Substitute House Bill No. 5001***

or other developmental disabilities, and (3) level-of-need assessment tool models with the joint standing committees of the General Assembly having cognizance of matters relating to appropriations and the budgets of state agencies, education, human services and public health. The report shall include a summary of the input obtained pursuant to subsection (c) of this section and how the input was incorporated.

Sec. 5. (NEW) (*Effective July 1, 2023*) (a) The Commissioner of Social Services, in consultation with the Secretary of the Office of Policy and Management and within available appropriations, shall expand the Medicaid waiver program for persons with autism spectrum disorder to reduce the number of persons on a waiting list to receive services under the program.

(b) Not later than January 1, 2024, and annually thereafter, the state-wide coordinator of programs and services provided by state agencies for individuals with autism spectrum disorder, appointed pursuant to section 14 of this act, shall file a report, in accordance with the provisions of section 11-4a of the general statutes and in consultation with the Commissioner of Social Services, on (1) the number of persons waiting for services in the program, (2) the number of underserved persons in the program waiting for additional services, (3) the number of persons added and subtracted from the waiting list in the previous calendar year, (4) whether such waiting list has increased or decreased over the previous calendar year and, if so, by how many persons, and (5) recommendations to further reduce the waiting list and associated costs with the joint standing committees of the General Assembly having cognizance of matters relating to appropriations and the budgets of state agencies and human services.

Sec. 6. Subsection (a) of section 29-1f of the general statutes is repealed and the following is substituted in lieu thereof (*Effective July 1, 2023*):

(a) The clearinghouse established under section 29-1e shall collect,

**Substitute House Bill No. 5001**

process, maintain and disseminate information to assist in the location of any missing person who (1) is eighteen years of age or older and has a mental impairment, [or] (2) is sixty-five years of age or older, or (3) on and after January 15, 2024, has an intellectual disability or other developmental disabilities, provided a missing person report prepared by the Department of Emergency Services and Public Protection has been filed by such missing person's relative, guardian, conservator or agent appointed by the missing person in accordance with sections 1-350 to 1-353b, inclusive, any health care representative appointed by the missing person in accordance with section 19a-576 or a nursing home administrator, as defined in section 19a-511, or, pursuant to section 17a-465b, by an employee of the Department of Mental Health and Addiction Services who is certified under the provisions of sections 7-294a to 7-294e, inclusive. Such relative, guardian, conservator, agent, health care representative, nursing home administrator or employee shall attest under penalty of perjury that the missing person (A) is eighteen years of age or older and has a mental impairment, [or] (B) is sixty-five years of age or older, or (C) has an intellectual disability or other developmental disabilities. No other proof shall be required in order to verify that the missing person meets the criteria to be eligible for assistance under this subsection. Such relative, guardian, conservator, agent, health care representative, nursing home administrator or employee who files a missing person report shall immediately notify the clearinghouse or law enforcement agency if the missing person's location has been determined.

Sec. 7. (NEW) (*Effective from passage*) (a) For purposes of this section, "emergency services" means law enforcement, fire fighting, medical, ambulance and other emergency services.

(b) Not later than January 1, 2024, the Department of Emergency Services and Public Protection shall, within available appropriations, develop a form for distribution by municipal police departments to

***Substitute House Bill No. 5001***

parents and guardians of children and adults with intellectual disabilities or other developmental disabilities, including, but not limited to, autism spectrum disorder, cognitive impairments and nonverbal learning disorders and adults with such disabilities not represented by a parent, guardian or other authorized representative. Such form shall record information that may assist emergency services personnel in their interactions with such individuals and shall contain a section in which a parent or guardian of such individual under the age of eighteen, such individuals age eighteen or older with legal decision-making capacity, or, if they lack legal decision-making capacity, a person with legal decision-making authority for such individual, may consent to release of information, including, but not limited to, the following:

(1) The individual's name, nickname, date of birth, sex, height, weight, eye color, hair color and address and any scars or identifying marks the individual has;

(2) The name of a person who may be contacted by such personnel in an emergency pertaining to the individual, and such person's telephone number;

(3) The individual's language and communication skills, including, but not limited to, whether the individual (A) is verbal or nonverbal, (B) speaks American Sign Language, and (C) can read or write, communicate by pointing to pictures, repeat questions or respond "yes" or "no" to questions;

(4) Whether the individual is sensitive to noise, touch, light, crowds or other stimuli;

(5) Conditions, circumstances or items the individual dislikes or avoids, including, but not limited to, eye contact, being wet or dirty, interacting with strangers and certain clothing or shoes;

***Substitute House Bill No. 5001***

(6) Atypical behaviors the individual exhibits, including, but not limited to, speaking loudly, self-injury, running if chased, vocal stimming, making high-pitched noises, disregarding or having no sense of danger and sensory seeking;

(7) Pertinent medical information, including, but not limited to, whether the individual is hearing or visually impaired or has a seizure disorder, motor or vocal tics or a high pain tolerance; and

(8) Methods such personnel may use to calm the individual, including, but not limited to, use of a calm and quiet voice or noise-canceling headphones, providing the individual with time alone or specific food items and asking the individual how such personnel can help the individual.

(c) Not later than July 1, 2024, the Department of Emergency Services and Public Protection shall publish the form developed pursuant to subsection (b) of this section on its Internet web site. On and after July 15, 2024, any municipal police department may make copies of such form available in a publicly accessible area of such department.

(d) If the municipal police department in a municipality in which a child or adult with an intellectual disability or other developmental disabilities, including, but not limited to, autism spectrum disorder, a cognitive impairment or nonverbal learning disorder resides has made copies of the form developed pursuant to subsection (b) of this section available pursuant to subsection (c) of this section, or maintains an electronic database pursuant to subsection (e) of this section, the parent or guardian of such child under the age of eighteen, adult age eighteen and older with legal decision-making capacity, or if such adult lacks legal decision-making capacity, a person with legal decision-making authority for such adult, may complete such form and return it to such department.



**Substitute House Bill No. 5001**

(e) Upon receipt of a completed form returned pursuant to subsection (d) of this section, including the signed consent section of such form pursuant to subsection (d) of this section, a participating municipal police department shall record the information provided on such form in a searchable electronic database maintained by such police department, and make such database available to (1) each police officer employed by such department for purposes of determining whether a child or adult with an intellectual disability or other developmental disabilities, including, but not limited to, autism spectrum disorder, a cognitive impairment or nonverbal learning disorder, resides at an address to which such police officer is responding, and (2) the public safety answering point established and operated by the municipality pursuant to section 28-25a of the general statutes in which such police department is located for use in accordance with section 8 of this act. A municipal police department shall remove information pertaining to (A) a child under the age of eighteen from such database, at the request of the parent or guardian of such child, or (B) an adult age eighteen and over from such database, at the request of such adult with legal decision-making capacity, or, if such adults lacks legal decision-making capacity, a person with legal decision-making authority for such adult.

(f) Not later than January 1, 2024, the Commissioner of Emergency Services and Public Protection, within available appropriations, shall establish a grant-in-aid program to provide funding to municipalities and local police departments to establish and implement a local voluntary registration system for residents with an intellectual disability or other developmental disabilities pursuant to subsection (d) of this section. The commissioner shall prescribe requirements and an application process for such program.

Sec. 8. (NEW) (*Effective from passage*) On and after July 15, 2024, each emergency dispatcher employed by a public safety answering point established and operated pursuant to section 28-25a of the general

***Substitute House Bill No. 5001***

statutes shall, when practicable, conduct a search of any electronic database made available to such public safety answering point pursuant to section 7 of this act, when dispatching law enforcement, fire fighting, medical, ambulance or other emergency services to a residential address, for the purposes of (1) determining whether a child or adult with an intellectual disability or other developmental disabilities, including, but not limited to, autism spectrum disorder, a cognitive impairment or nonverbal learning disorder resides at such address, and (2) communicating information concerning any such child or adult to any such responding emergency services personnel.

Sec. 9. (NEW) (*Effective from passage*) (a) For the purposes of this section, "emergency services" means law enforcement, fire fighting, medical, ambulance and other emergency services.

(b) Not later than December 31, 2023, the Departments of Developmental Services, Children and Families and Emergency Services and Public Protection shall jointly develop guidelines and best practices for municipalities for the creation and implementation of emergency services awareness programming for children and adults with autism spectrum disorder, cognitive impairments, nonverbal learning disorders, intellectual disabilities and other developmental disabilities. Such programming shall include, but need not be limited to, opportunities for such children and adults to observe and interact, in a setting that is suited to the developmental and sensory needs of such children and adults, with (1) uniformed emergency services personnel and vehicles used by such personnel, (2) flashing lights and sirens associated with such vehicles, and (3) mock traffic stops.

(c) Not later than January 1, 2024, the Departments of Developmental Services, Children and Families and Emergency Services and Public Protection shall publish the guidelines and best practices developed pursuant to subsection (b) of this section on said departments' Internet web sites.

***Substitute House Bill No. 5001***

Sec. 10. (NEW) (*Effective from passage*) (a) For the purposes of this section, "emergency services" means law enforcement, fire fighting, medical, ambulance and other emergency services.

(b) Not later than January 1, 2024, the Department of Administrative Services, in consultation with the E-911 Commission established pursuant to section 28-29a of the general statutes and the Coordinating Advisory Board established pursuant to section 29-1t of the general statutes, shall develop and procure sensory kits to be distributed by the Department of Emergency Services and Public Protection to emergency services personnel who, in the performance of their duties, interact with children and adults with autism spectrum disorder, cognitive impairments or nonverbal learning disorders. Such sensory kits shall (1) assist such children and adults in managing emotions and anxiety during interactions with such personnel and during emergencies to which such personnel respond, and (2) include, but need not be limited to, noise-canceling headphones, dark tinted glasses and tactile objects or toys used to reduce anxiety.

(c) On or before September 1, 2025, any municipality may apply to the Department of Emergency Services and Public Protection, in a form and manner prescribed by the department, to receive sensory kits developed and assembled pursuant to subsection (b) of this section, for use by emergency services personnel in such municipality. The department shall select not more than seventy-five municipalities to receive such kits, based on criteria developed by the department, which shall include, but need not be limited to, (1) whether a municipality created and implemented emergency services awareness programming pursuant to the guidelines and best practices published pursuant to subsection (c) of section 9 of this act, and (2) the demonstrated need for such kits in a municipality. The department shall determine the number of such kits to distribute to each selected municipality in accordance with a formula prescribed by the department, which shall consider the

**Substitute House Bill No. 5001**

population of each such municipality and the demonstrated need for such kits in each such municipality.

Sec. 11. (NEW) (*Effective July 1, 2023*) (a) The Chief Workforce Officer, appointed pursuant to section 4-124w of the general statutes, in consultation with the Labor Commissioner, the Commissioners of Social Services, Developmental Disabilities, Public Health and Aging and Disability Services, the Governor's Workforce Council, the executive director of the Office of Higher Education, the Council on Developmental Disabilities, the Autism Spectrum Disorder Advisory Council and regional workforce development boards, shall establish a Human Services Career Pipeline program to ensure a sufficient number of trained providers are available to serve the needs of persons in the state with an intellectual disability, other developmental disabilities, physical disabilities, cognitive impairment or mental illness and elderly persons. Such pipeline shall include training and certification for cardiopulmonary resuscitation, first aid, medication administration, job placement and incentives for retention in the human services labor sector upon successful completion of the program.

(b) The Chief Workforce Officer shall consult with the Labor Commissioner and the Commissioners of Aging and Disability Services, Developmental Services, Mental Health and Addiction Services and Social Services, the Council on Developmental Disabilities and the Autism Spectrum Disorder Advisory Council to determine: (1) The greatest needs for human services providers, and (2) barriers to hiring and retaining qualified providers. The Chief Workforce Officer shall assist local and regional boards of education in enhancing existing partnerships or establishing new partnerships with providers of human services and higher education institutions to provide a pathway to a diploma, credential, certificate or license and a job providing human services.

(c) The Chief Workforce Officer, in consultation with the Labor

**Substitute House Bill No. 5001**

Commissioner, shall develop a plan for the Human Services Career Pipeline program that includes, but is not be limited to: (1) A strategy to increase the number of state residents pursuing careers in human services, (2) recommended salary and working conditions necessary to retain an adequate number of human services providers to serve state residents, and (3) estimated funding needed to support the Human Services Career Pipeline program.

(d) The Chief Workforce Officer shall establish such career pipeline not later than July 1, 2024, and submit a report, in accordance with the provisions of section 11-4a of the general statutes, not later than January 1, 2026, and annually thereafter, regarding the development and implementation of the pipeline to the joint standing committees of the General Assembly having cognizance of matters relating to appropriations and the budgets of state agencies, aging, higher education and employment, human services, labor and public health. For purposes of this section, "human services labor sector" means persons trained to provide services to persons with an intellectual disability; other developmental disabilities, including, but not limited to, autism spectrum disorder; physical disabilities; cognitive impairment or mental illness; and elderly persons.

Sec. 12. (*Effective from passage*) The Commissioner of Developmental Services, in consultation with the Council on Developmental Disabilities, the Autism Spectrum Disorder Advisory Council and the Commissioner of Aging and Disability Services, shall review the rights of persons with an intellectual disability or other developmental disabilities, including, but not limited to, autism spectrum disorder, to determine whether (1) additions or changes are needed to section 17a-238 of the general statutes concerning rights of persons placed or treated under the supervision of the Commissioner of Developmental Services, and (2) additional statutory protections are needed to ensure the rights of all such persons and their ability to seek a remedy for violation of

***Substitute House Bill No. 5001***

such rights. Not later than December 1, 2023, the Commissioner of Developmental Services shall submit a report, in accordance with the provisions of section 11-4a of the general statutes, to the joint standing committees of the General Assembly having cognizance of matters relating to human services and public health with recommendations for (A) any changes necessary in section 17a-238 of the general statutes, and (B) any action needed to ensure the protection of all rights of all persons with an intellectual disability or other developmental disabilities.

Sec. 13. (NEW) (*Effective July 1, 2023*) The Secretary of the Office of Policy and Management, in consultation with the Departments of Administrative Services, Developmental Services, Social Services, Aging and Disability Services, Mental Health and Addiction Services, Education, Correction and Children and Families and the Office of Early Childhood, shall create a plan to develop a secure online portal to facilitate sharing of basic critical information across agencies in order to ensure efficient and safe delivery of services. The portal shall include a means for each agency to note when it has performed a site visit or has scheduled a site visit and shall give the individual performing the site visit the opportunity to record notes that can be shared across agencies. Such plan shall: (1) Review the feasibility of using current online portals already utilized by state agencies as well as a new online portal; (2) detail data sharing and privacy requirements for sharing such information across state agencies in accordance with federal and state law concerning data sharing and privacy; and (3) be submitted, in accordance with the provisions of section 11-4a of the general statutes, to the joint standing committees of the General Assembly having cognizance of matters relating to appropriations and the budgets of state agencies and human services not later than July 1, 2024. For purposes of this section, "site visit" means any meeting with a client or an inspection that occurs outside the physical offices of the state agency providing the service or conducting the inspection.

***Substitute House Bill No. 5001***

Sec. 14. (NEW) (*Effective from passage*) Not later than October 1, 2023, the Secretary of the Office of Policy and Management shall establish two new staff positions, (1) one of whom shall serve as state-wide coordinator of programs and services provided by state agencies for individuals with autism spectrum disorder, and (2) one of whom shall (A) identify programs and services provided by state agencies for individuals who have an intellectual or developmental disability other than autism spectrum disorder; and (B) help commissioners of such agencies to coordinate such programs and services.

Sec. 15. (*Effective July 1, 2023*) (a) The Connecticut Sentencing Commission, established pursuant to section 54-300 of the general statutes, shall study the experience of persons with an intellectual disability or other developmental disabilities, including, but not limited to, autism spectrum disorder, who are involved in the criminal justice system. Such study shall include, but need not be limited to, (1) rates of incarceration of such persons compared to the overall population of such persons in the state, (2) the advisability of behavioral assessments of such persons before sentencing and costs of such assessments, and (3) best practices of other states concerning such persons.

(b) In furtherance of its duties, the commission shall have access to: (1) Each database in the state-wide information technology system designed and implemented pursuant to section 54-142s of the general statutes; (2) any offender-based tracking system, as defined in section 54-142q of the general statutes, that has not been integrated into the state-wide information technology system; and (3) any other state or local criminal or judicial database that has not been integrated into the state-wide information technology system.

(c) The commission shall report the results of the study, in accordance with the provisions of section 11-4a of the general statutes, not later than December 31, 2025, to the joint standing committees of the General Assembly having cognizance of matters relating to human services,

***Substitute House Bill No. 5001***

public health and the judiciary. The report shall include the commission's recommendations for sentencing considerations for such persons.

Sec. 16. (NEW) (*Effective July 1, 2024*) (a) The Department of Administrative Services, in consultation with the Commissioner of Emergency Services and Public Protection and the Secretary of the Office of Policy and Management, shall, within available appropriations, establish a pool of funds not later than January 1, 2025, to allow private providers to apply for financial assistance to comply with fire regulation requirements that any group home be equipped with a five-thousand gallon water tank.

(b) The Commissioner of Administrative Services, in consultation with the Commissioner of Emergency Services and Public Protection, the Connecticut Council of Small Towns, the Connecticut Conference of Municipalities and the Connecticut Builders Trade Association, shall assess the level of need for such funds and review fire regulations for group homes in other states, including, but not limited to, New England states, California and Colorado, to determine whether any changes are necessary in state fire regulations for such group homes. The Commissioner of Administrative Services shall prescribe application requirements for the funding and post such requirements on the Internet web site of the Department of Administrative Services.

(c) Not later than October 1, 2024, the Commissioner of Administrative Services shall submit a report, in accordance with the provisions of section 11-4a of the general statutes, on level of need for the funds to the joint standing committees of the General Assembly having cognizance of matters relating to appropriations and the budgets of state agencies, finance, public safety, human services, planning and development and public health.

Sec. 17. Subsection (a) of section 10-29a of the general statutes is



**Substitute House Bill No. 5001**

amended by adding subdivision (108) as follows (*Effective from passage*):

(NEW) (108) The Governor shall proclaim May twenty-third of each year to be Intellectual and Developmental Disabilities Awareness and Advocacy Day to promote awareness of and advocacy for persons with an intellectual disability or other developmental disabilities. Suitable exercises shall be held in the State Capitol and in public schools on the day so designated or, if that day is not a school day, on the school day preceding, or on any such other day as the local or regional board of education prescribes.

Sec. 18. (*Effective July 1, 2023*) (a) The Commissioner of Social Services, in consultation with the state-wide coordinator of programs and services provided by state agencies for individuals with autism spectrum disorder, appointed pursuant to section 14 of this act, and within available appropriations, shall establish a two-year pilot program in partnership with a hospital licensed pursuant to chapter 368v of the general statutes to provide nonresidential outpatient day services for persons with autism spectrum disorder. The commissioner shall select a hospital not later than September 1, 2024, and the hospital shall start providing services not later than October 1, 2024.

(b) The Commissioner of Social Services shall prescribe services to be offered by a participating hospital and the qualifications of a hospital to participate in the program. Not later than January 1, 2025, the commissioner shall file a report, in accordance with the provisions of section 11-4a of the general statutes, on development and implementation of the program with the joint standing committees of the General Assembly having cognizance of matters relating to human services and public health.

Sec. 19. (*Effective from passage*) The Commissioner of Aging and Disability Services, in consultation with the Secretary of the Office of Policy and Management, the Commissioner of Public Health, the

***Substitute House Bill No. 5001***

Council on Developmental Disabilities and the Autism Spectrum Disorder Advisory Council, shall study the higher prevalence of Alzheimer's disease, dementia, and other related disorders in persons with an intellectual disability or other developmental disabilities and determine whether public or private programs adequately address such higher prevalence. Not later than June 1, 2024, the Commissioner of Aging and Disability Services shall report, in accordance with the provisions of section 11-4a of the general statutes, on such study to the joint standing committees of the General Assembly having cognizance of matters relating to appropriations and the budgets of state agencies, aging and human services.

Sec. 20. (*Effective from passage*) The Commissioner of Transportation, in collaboration with the Commissioner of Developmental Services and each transit district established under chapter 103a of the general statutes or any special act, shall study the demand and need for state-wide and local transportation services for persons with an intellectual disability or other developmental disabilities, including, but not limited to, autism spectrum disorder. Such study shall include, but need not be limited to: (1) Expanding the hours of operation, including the evening hours, for rail service on commuter railroad systems and public transit services funded by the state, (2) determining the daily transportation needs of such persons, including traveling to and from work, educational facilities, medical appointments, stores and other places in order to enjoy life's amenities, (3) determining how accessible using state-wide and local transportation services is for persons with an intellectual disability or other developmental disabilities, including, but not limited to, autism spectrum disorder, and (4) a specific analysis of the transit services provided by each transit district that identifies locations underserved by such transit district and specific routes for possible expansion to meet the demand and needs for such transit services and the costs associated with servicing such locations and expanding such routes. In conducting such study, the commissioner

**Substitute House Bill No. 5001**

shall consider the best practices of other states in providing transportation services for persons with an intellectual disability or other developmental disabilities, including, but not limited to, autism spectrum disorder, and consult with the Council on Developmental Services, established pursuant to section 17a-270 of the general statutes, and the Autism Spectrum Disorder Advisory Council, established pursuant to section 17a-215d of the general statutes. On or before January 1, 2025, the Commissioner of Transportation shall submit the results of such study and recommendations, in accordance with the provisions of section 11-4a of the general statutes, to the joint standing committees of the General Assembly having cognizance of matters relating to transportation, human services and public health.

Sec. 21. (*Effective from passage*) (a) The Commissioner of Transportation, in collaboration with the Commissioners of Developmental Services and Social Services, shall study methods to provide nonmedical transportation services to and from work, educational facilities, stores and other places for persons with an intellectual disability. Such methods shall include, but need not be limited to: (1) Issuing a request for proposals for the provision of state-wide nonmedical transportation services for such persons whose transportation needs are not currently serviced by public transportation in the state, (2) providing employers who arrange or pay for transportation to and from work for their employees with an intellectual disability or other developmental disabilities with incentives, such as grants or payments from the Department of Developmental Services or a business tax credit, (3) providing employees who arrange for transportation to and from work for their coworkers with an intellectual disability or other developmental disabilities with incentives, such as a payment from the Department of Developmental Services or a tax credit, and (4) issuing a request for proposals, or alternatively, requiring transit districts to issue requests for proposals, for owners of school buses to provide transportation for persons with an intellectual

**Substitute House Bill No. 5001**

disability or other developmental disabilities once or twice a week before and after regular school hours.

(b) Such study shall include, but need not be limited to: (1) An analysis of the initial capital costs and operational costs for the provisions of such nonmedical transportation services, (2) an operational feasibility assessment for each method identified to provide such nonmedical transportation services, (3) consideration of the reliability and convenience to such persons for each method identified to provide such nonmedical transportation services, and (4) an assessment of whether expanding each such method to provide nonmedical transportation services to other persons, including, but not limited to, persons with autism spectrum disorder and persons who are sixty years of age or older would increase the cost efficiency of each such method. In conducting such study, the commissioners shall consider the best practices of other states in providing transportation services for persons with an intellectual disability or other developmental disabilities, including, but not limited to, autism spectrum disorder, and consult with the Council on Developmental Services, established pursuant to section 17a-270 of the general statutes, and the Autism Spectrum Disorder Advisory Council, established pursuant to section 17a-215d of the general statutes.

(c) On or before July 1, 2025, the Commissioner of Transportation shall submit the results of such study and any recommendations, in accordance with the provisions of section 11-4a of the general statutes, to the joint standing committees of the General Assembly having cognizance of matters relating to transportation and human services.

Sec. 22. (NEW) (*Effective from passage*) (a) The Commissioner of Transportation and each transit district established under chapter 103a of the general statutes or any special act shall jointly develop a plan to modernize and maintain bus stops and shelters throughout the state. The plan shall: (1) Ensure all bus stops and shelters are constructed and

**Substitute House Bill No. 5001**

maintained in compliance with physical accessibility guidelines, as applicable, under the federal Americans with Disabilities Act, 42 USC 12101, et seq., as amended from time to time, (2) conveniently and safely serve users of all ages and abilities with the inclusion of sidewalks, appropriate curb cuts and ramps, shelter from weather conditions, lighting and signage that provides real-time information concerning transportation services, (3) consider the installation of solar photovoltaic systems at such bus stops and shelters to operate the lights and permit the charging of mobile electronic devices, and (4) include ways to ensure the maintenance and safety of such bus stops and shelters after construction. The commissioner shall submit the plan regarding bus stops and shelters owned by the Department of Transportation and the plan regarding bus stops and shelters owned by transit districts not later than July 1, 2024, with the joint standing committee of the General Assembly having cognizance of matters relating to transportation, in accordance with the provisions of section 11-4a of the general statutes.

(b) On and after July 1, 2024, each bus stop or shelter constructed by the Department of Transportation or a transit district shall (1) be in accordance with the plan developed pursuant to subsection (a) of this section, and (2) comply with physical accessibility guidelines, as applicable, under the federal Americans with Disabilities Act, 42 USC 12101, et seq., as amended from time to time.

Sec. 23. (*Effective from passage*) The Department of Developmental Services shall establish a pilot program, within available appropriations, to provide nonmedical transportation services to persons with an intellectual disability in the northwestern region of the state. The department shall issue a request for proposals not later than December 1, 2023, to select a transportation provider for the implementation and operation of such pilot program. Such nonmedical transportation services shall include transportation to and from work, educational facilities, stores and other places located within a twenty-mile radius of

**Substitute House Bill No. 5001**

the residence of a person with an intellectual disability, at least two days per week, provided one such day is on the weekend or includes evening hours. The selected transportation provider may expand the provision of such nonmedical transportation services to other persons, including persons with other developmental disabilities, including, but not limited to, autism spectrum disorder, and persons who are sixty years of age or older, provided the department approves any such expansion and determines any such expansion will not adversely affect the provision of nonmedical transportation services to persons with an intellectual disability. Not later than January 1, 2025, and annually thereafter until the pilot program is terminated, the department shall submit a report, in accordance with the provisions of section 11-4a of the general statutes, to the joint standing committees of the General Assembly having cognizance of matters relating to transportation, human services and public health concerning the operation of the pilot program and evaluating the utility of the program to persons with an intellectual disability.

Sec. 24. (NEW) (*Effective from passage*) Not later than January 1, 2024, the Department of Transportation shall develop, and thereafter revise as necessary, a notice concerning the availability of training programs funded by the department that provide instruction on how to safely use commuter railroad systems and public transit services and submit such notice to the Department of Developmental Services and the State Education Resource Center, established under section 10-357a of the general statutes. The Department of Developmental Services shall provide such notice to the department's service providers. The State Education Resource Center shall publish such notice on its Internet web site.

Sec. 25. Subsection (b) of section 14-44 of the general statutes is repealed and the following is substituted in lieu thereof (*Effective October 1, 2023*):

***Substitute House Bill No. 5001***

(b) (1) No operator's license bearing a public passenger endorsement shall be issued or renewed in accordance with the provisions of this section or section 14-36a, until the Commissioner of Motor Vehicles, or the commissioner's authorized representative, is satisfied that the applicant is a proper person to receive such an operator's license bearing an endorsement, holds a valid motor vehicle operator's license, or, if necessary for the class of vehicle operated, a commercial driver's license and is at least eighteen years of age. Each applicant for an operator's license bearing a public passenger endorsement or the renewal of such a license shall furnish the commissioner, or the commissioner's authorized representative, with satisfactory evidence, under oath, to prove that such person has no criminal record and has not been convicted of a violation of section 14-227a or 14-227m or subdivision (1) or (2) of subsection (a) of section 14-227n within five years of the date of application and that no reason exists for a refusal to grant or renew such an operator's license bearing a public passenger endorsement. Each applicant for such an operator's license bearing a public passenger endorsement shall submit with the application proof satisfactory to the commissioner that such applicant has passed a physical examination administered not more than ninety days prior to the date of application and meets the physical qualification standards set forth in 49 CFR 391, as amended from time to time. Each applicant for renewal of such license shall present evidence that such applicant is in compliance with the physical qualification standards established in 49 CFR 391, as amended from time to time. Each applicant for such an operator's license bearing a public passenger endorsement shall be fingerprinted before the license bearing a public passenger endorsement is issued.

(2) The Department of Motor Vehicles, in consultation with the Departments of Aging and Disability Services, Developmental Services, Mental Health and Addiction Services and Social Services, shall develop, and thereafter revise as needed, a video presentation providing instruction and best practices concerning ways to

**Substitute House Bill No. 5001**

appropriately interact with disabled persons who may be receiving services from the departments. In developing such video presentation, the departments may use materials and one or more video presentations developed by a governmental entity, independent contractor or any other party. The departments shall post such video presentation and any other training resources concerning ways to appropriately interact with persons with an intellectual disability or other developmental disabilities in a conspicuous location on their respective Internet web sites. On and after January 1, 2024, prior to issuing or renewing an operator's license bearing a public passenger endorsement, the Commissioner of Motor Vehicles shall require the applicant for such license to watch such video presentation.

Sec. 26. (NEW) (*Effective July 1, 2023*) (a) As used in this section and sections 30 and 31 of this act:

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

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

(3) "Public transition program" means a program operated by a local or regional board of education or a regional educational service center to provide transition services as recommended by the planning and placement team for a student who requires special education and is eighteen to twenty-two years of age, inclusive, based on the goals set forth in such student's individualized education program; and

(4) "Transition coordinator" means a director of pupil personnel or other person employed by a local or regional board of education, as designated by such director, who assists parents and students in the



***Substitute House Bill No. 5001***

school district governed by such board navigate the transition resources, transition services and public transition programs available for such students.

(b) The Department of Education shall employ a State-wide Transition Services Coordinator within the Bureau of Special Education. The State-wide Transition Services Coordinator shall (1) coordinate the provision of transition resources, transition services and public transition programs throughout the state in collaboration with the liaisons appointed by other state agencies pursuant to section 10-74m of the general statutes, as amended by this act, (2) establish minimum standards for public transition programs and metrics for measuring such standards, (3) perform unannounced site visits of public transition programs for the purpose of determining the effectiveness of and suggesting improvements to such programs and post data on the department's Internet web site related to how such public transition program measured against the minimum standards established pursuant to subdivision (2) of this subsection, (4) develop and make available on the department's Internet web site a course for educators and school staff who do not provide transition services to inform such educators and staff about transition services and programs, including, but not limited to, about the purpose, essential programming and deadlines of such programs, (5) establish minimum standards for the training of transition coordinators and maintain a record of each transition coordinator completing the training program developed by the Department of Education pursuant to section 31 of this act, and (6) establish best practices for the provision of transition services and distribute such best practices to each transition coordinator.

(c) The Commissioner of Education shall (1) hire at least one Assistant State-wide Transition Services Coordinator to assist with the duties of the State-wide Transition Services Coordinator as set forth in subsection (b) of this section, and (2) make available such staff as the needs of the

**Substitute House Bill No. 5001**

State-wide Transition Services Coordinator and such Assistant State-wide Transition Services Coordinator require.

Sec. 27. (NEW) (*Effective July 1, 2023*) The Department of Education's Bureau of Special Education shall develop by July 1, 2024, and update at least annually, a training program concerning the legal requirements and best practice recommendations for special education and transition services, as defined in section 26 of this act, to be delivered through on-demand online courses and, in the bureau's discretion, in person.

Sec. 28. Section 10-74m of the general statutes is repealed and the following is substituted in lieu thereof (*Effective July 1, 2023*):

(a) The Department of Education shall enter into memoranda of understanding with [the Bureau of Rehabilitation Services,] the Office of Early Childhood and the Departments of Developmental Services, Aging and Disability Services, Children and Families, Social Services and Correction regarding the provision of special education and related services to children, including, but not limited to, education, health care, [and] transition resources, transition services and public transition programs, as those terms are defined in section 26 of this act. Such memoranda of understanding shall account for current programs and services, utilize best practices and be updated or renewed at least every five years.

(b) The [Bureau of Rehabilitation Services, the] Office of Early Childhood and the Departments of Developmental Services, Aging and Disability Services, Children and Families, Social Services and Correction shall, as necessary, enter into memoranda of understanding regarding the provision of special education and related services to children as such services relate to one another. Such memoranda of understanding shall account for current programs and services, utilize best practices and be updated or renewed at least every five years.

***Substitute House Bill No. 5001***

(c) The Office of Early Childhood and the Departments of Developmental Services, Aging and Disability Services, Children and Families, the Labor Department, Mental Health and Addiction Services, Public Health, Social Services and Correction shall each appoint an employee to act as a liaison to the Department of Education's State-wide Transition Services Coordinator, established pursuant to section 26 of this act. Each liaison shall provide information and advice to such coordinator concerning the transition resources, transition services and public transition programs provided by the agency such liaison represents.

Sec. 29. Section 10-74n of the general statutes is repealed and the following is substituted in lieu thereof (*Effective January 1, 2024*):

(a) The State [Board of] Education Resource Center, established pursuant to section 10-357a, in collaboration with the [Bureau of Rehabilitation Services, the Department of] Departments of Education, Developmental Services, Social Services and Aging and Disability Services and the [Office] Offices of Workforce Strategy and Policy and Management, shall: (1) [Coordinate the provision of transition resources, services and programs to children requiring special education and related services, (2) create, and update as necessary, a fact sheet that lists the state agencies that provide transition resources, services and programs and a brief description of such transition resources, services and programs and disseminate such fact sheet to local and regional boards of education for distribution to parents, teachers, administrators and boards of education] Develop and maintain an easily accessible and navigable online listing of the transition resources, transition services and public transition programs, as those terms are defined in section 26 of this act, provided by each such center, department or office, including, but not limited to, for each resource, service and program (A) a plain language description, (B) eligibility requirements, and (C) application deadlines and instructions,

**Substitute House Bill No. 5001**

and [(3)] (2) annually collect information related to transition resources, programs and services provided by other state agencies. [and make such information available to parents, teachers, administrators and boards of education.] The Departments of Aging and Disability Services, Developmental Services and Social Services and the Office of Policy and Management shall each post a link to such online listing on an easily accessible location of said departments' Internet web sites.

(b) For the school year commencing July 1, [2016] 2024, and each school year thereafter, the [State Board of Education shall distribute the information described in subdivision (2) of subsection (a) of this section] Department of Education's State-wide Transition Services Coordinator, established pursuant to section 26 of this act, shall (1) ensure the online listing described in subdivision (1) of subsection (a) of this section is updated and accurate, (2) post a link to such online listing on an easily accessible location of the department's Internet web site, and (3) distribute a notice concerning such online listing to each local or regional board of education. Each local or regional board of education shall annually distribute such [information] notice to the parent of a child requiring special education and related services in grades six to twelve, inclusive, at a planning and placement team meeting for such child. As used in this section, "parent" means the parent or guardian of a child requiring special education or the surrogate parent or, in the case of a pupil who is an emancipated minor or eighteen years of age or older, the pupil.

Sec. 30. (NEW) (*Effective from passage*) (a) Not later than July 1, 2024, the Department of Education, in consultation with the Departments of Developmental Services and Aging and Disability Services and the regional educational service centers, shall develop a training program for transition coordinators, educators and school paraprofessionals. Such training program shall comply with the minimum standards established by the State-wide Transition Services Coordinator pursuant

***Substitute House Bill No. 5001***

to section 26 of this act.

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

Sec. 31. (NEW) (*Effective July 1, 2023*) (a) Not later than January 1, 2024, each local and regional board of education shall ensure that a transition coordinator has been designated, who may be the director of pupil personnel or another employee of such board appointed as transition coordinator by such director. Each transition coordinator shall (1) complete the training program developed by the Department of Education pursuant to subsection (a) of section 30 of this act, provided (A) each transition coordinator appointed prior to the date upon which the training program commences shall complete such training program during the three-year period immediately following such date, and (B) each new transition coordinator appointed after such date shall complete such training program not later than one year after being appointed, and (2) ensure that parents of students requiring special education receive information concerning transition resources, transition services or public transition programs in accordance with section 10-74n of the general statutes, as amended by this act, and are aware of the eligibility requirements and application details of such resources, services and programs that specifically apply to such student.

(b) Each educator and school paraprofessional who provides special education for students fourteen years of age or older shall complete the training program developed by the Department of Education pursuant to subsection (a) of section 30 of this act, provided (1) each such educator and school paraprofessional hired prior to the date upon which the training program commences shall complete such training program

**Substitute House Bill No. 5001**

during the five-year period immediately following such date, and (2) each such educator and school paraprofessional hired after such date shall complete such training program not later than one year from the date such educator or school paraprofessional is hired to provide such services.

Sec. 32. Subsection (b) of section 10-76d of the general statutes is repealed and the following is substituted in lieu thereof (*Effective July 1, 2023*):

(b) In accordance with the regulations of the State Board of Education, each local and regional board of education shall: (1) Provide special education for school-age children requiring special education who are described in subparagraph (A) of subdivision (5) of section 10-76a. The obligation of the school district under this subsection shall terminate when such child is graduated from high school or at the end of the school year during which such child reaches age [twenty-one] twenty-two, whichever occurs first; and (2) provide special education for children requiring special education who are described in subparagraph (A) or (C) of subdivision (5) of section 10-76a. The State Board of Education shall define the criteria by which each local or regional board of education shall determine whether a given child is eligible for special education pursuant to this subdivision, and such determination shall be made by the board of education when requested by a parent or guardian, or upon referral by a physician, clinic or social worker, provided the parent or guardian so permits. To meet its obligations under this subdivision, each local or regional board of education may, with the approval of the State Board of Education, make agreements with any private school, agency or institution to provide the necessary preschool special education program, provided such private facility has an existing program which adequately meets the special education needs, according to standards established by the State Board of Education, of the preschool children for whom such local or regional

**Substitute House Bill No. 5001**

board of education is required to provide such an education and provided such district does not have such an existing program in its public schools. Such private school, agency or institution may be a facility which has not been approved by the Commissioner of Education for special education, provided such private facility is approved by the commissioner as an independent school or licensed by the Office of Early Childhood as a child care center, group child care home or family child care home, as described in section 19a-77, or be both approved and licensed. The State Board of Education shall adopt or update regulations, in accordance with chapter 54, to implement the provisions of this subsection.

Sec. 33. Subsection (b) of section 10-76ll of the general statutes is repealed and the following is substituted in lieu thereof (*Effective July 1, 2023*):

(b) On or before July 1, 2015, the State Board of Education shall draft a written bill of rights for parents of children receiving special education services to guarantee that the rights of such parents and children are adequately safeguarded and protected during the provision of special education and related services until such children have graduated from high school or at the end of the school year during which such children reaches age twenty-two, whichever occurs first, under this chapter. Such bill of rights shall inform parents of: (1) The right to request consideration of the provision of transition services for a child receiving special education services who is eighteen [to twenty-one inclusive, years of age] until such child has graduated from high school or at the end of the school year during which such child reaches age twenty-two, whichever occurs first, (2) the right to receive transition resources and materials from the department and the local or regional board of education responsible for such child, (3) the requirement that the local or regional board of education responsible for such child shall create a student success plan for each student enrolled in a public school,

**Substitute House Bill No. 5001**

beginning in grade six, pursuant to subsection (j) of section 10-221a, and (4) the right of such child to receive realistic and specific postgraduation goals as part of such child's individualized education program.

Sec. 34. Subsection (a) of section 10-253 of the general statutes is repealed and the following is substituted in lieu thereof (*Effective July 1, 2023*):

(a) Children placed out by the Commissioner of Children and Families or by other agencies or persons, including offices of a government of a federally recognized Native American tribe, private child-caring or child-placing agencies licensed by the Department of Children and Families, and eligible residents of facilities operated by the Department of Mental Health and Addiction Services or by the Department of Public Health who are eighteen to twenty-one years of age or, for children requiring special education, when such child is graduated from high school or at the end of the school year during which such child reaches age twenty-two, whichever occurs first, shall be entitled to all free school privileges of the school district where they then reside as a result of such placement, except as provided in subdivision (4) of subsection (e) of section 10-76d. Except as provided in subsection (d) of this section and subdivision (4) of subsection (e) of section 10-76d, payment for such education shall be made by the board of education of the school district under whose jurisdiction such child would otherwise be attending school where such a school district is identified.

Sec. 35. Subdivision (3) of subsection (h) of section 10-253 of the general statutes is repealed and the following is substituted in lieu thereof (*Effective July 1, 2023*):

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



**Substitute House Bill No. 5001**

(A) All persons [under] twenty-two years of age or younger in justice system custody are promptly evaluated for eligibility for special education services to be provided until such child is graduated from high school or at the end of the school year during which such child reaches age twenty-two, whichever occurs first, pursuant to section 17a-65 and any other applicable law;

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

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

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

Sec. 36. Subdivision (2) of section 10-76a of the general statutes is repealed and the following is substituted in lieu thereof (*Effective July 1, 2023*):

(2) "Child" means any person [under] twenty-two years of age or younger or, for children requiring special education, until such child is graduated from high school or at the end of the school year during which such child reaches age twenty-two, whichever occurs first.

Sec. 37. Subsection (b) of section 10-76ff of the general statutes is repealed and the following is substituted in lieu thereof (*Effective July 1, 2023*):

(b) (1) The planning and placement team, as part of an initial

***Substitute House Bill No. 5001***

evaluation, if appropriate, and as part of any reevaluations, shall review existing evaluation data on the child, including evaluations and information provided by the parent or guardian or the child, classroom-based assessments and observations and teacher and related services provider observations. On the basis of such review, and input from the child's parent or guardian, the planning and placement team shall identify what additional data, if any, is needed to determine: (A) Whether the child has a particular category of disability, or in the case of a reevaluation, whether the child continues to have such a disability; (B) the present levels of performance and educational needs of the child; (C) whether the child needs special education and related services, or in the case of a reevaluation, whether the child continues to need special education and related services or whether the child is able to be served within the regular education program with existing supplemental services, available in the school district; and (D) whether any additions or modifications to the special education and related services are needed to enable the child to meet the measurable annual goals set out in the individualized education program of the child and to participate, as appropriate, in the general curriculum. (2) The local or regional board of education shall administer such tests and other evaluation materials as may be needed to produce the data identified by the planning and placement team pursuant to subdivision (1) of this subsection. (3) If the planning and placement team decides that no additional data is needed to determine that the child continues to be a child requiring special education and related services, the local or regional board of education shall notify the parent or guardian of the child of (A) the decision and the reasons for it, and (B) the right of the parent or guardian to request an assessment to determine whether the child continues to be a child requiring special education and related services. The local or regional board of education shall not be required to conduct such an assessment unless requested to do so by the parent or guardian of the child. (4) A local or regional board of education shall evaluate a child identified as requiring special education and related services, in accordance with this

***Substitute House Bill No. 5001***

section, prior to determining that such child no longer requires such special education or related services, except that such evaluation shall not be required before the termination of a child's eligibility for special education due to graduation from high school with a regular education diploma, or due to exceeding the age eligibility for a free appropriate public education. [pursuant to state regulations.] For a child whose eligibility for special education terminates due to graduation from high school with a regular high school diploma or such child exceeds the age of eligibility for a free appropriate public education, the local or regional board of education shall provide the child with a summary of the child's academic achievement and functional performance, which shall include recommendations on how to assist the child in meeting the child's postsecondary goals.

Sec. 38. (*Effective July 1, 2023*) The State Education Resource Center, established pursuant to section 10-357a of the general statutes, shall, under the supervision of the State Department of Education, review each public transition program, as defined in section 26 of this act. Such review shall examine aspects of each public transition program, including, but not limited to, the following: (1) The types of transition services, as defined in section 26 of this act, provided in such program, (2) the number and qualifications of the staff providing such transition services, (3) the location of such program relative to the residence of the student or the student's family, and (4) any metrics for measuring the performance of such program, such as student and family feedback and the placement of students in employment, postsecondary education or training or programs for adults. Not later than February 1, 2024, the State Education Resource Center shall submit, in accordance with the provisions of section 11-4a of the general statutes, to the joint standing committee of the General Assembly having cognizance of matters relating to education a report of its findings, including, but not limited to, a list of best practices and innovative programs.

**Substitute House Bill No. 5001**

Sec. 39. Subdivision (10) of subsection (a) of section 10-76d of the general statutes is repealed and the following is substituted in lieu thereof (*Effective July 1, 2023*):

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

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

(C) Such parent, guardian, pupil or surrogate parent shall (i) be given at least five school days' prior notice of any planning and placement team meeting conducted for such child or pupil, (ii) have the right to be present at and participate in all portions of such meeting at which an educational program for such child or pupil is developed, reviewed or revised, (iii) have the right to have (I) advisors of such person's own

**Substitute House Bill No. 5001**

choosing and at such person's own expense, (II) the school paraprofessional assigned to such child or pupil, if any, [and] (III) such child or pupil's birth-to-three service coordinator, if any, and (IV) a language interpreter, including a registered interpreter for persons who are deaf, hard of hearing or deafblind, who is present in person or available by telephone or through an online technology platform, or through an Internet web site or other electronic application approved by the State Board of Education, provided by the responsible local or regional board of education if there is an apparent need or upon the request of such parent, guardian, pupil or surrogate parent, who shall attend and participate or be available in all portions of such meeting at which an educational program for such child or pupil is developed, reviewed or revised, and (iv) have the right to have each recommendation made in such child or pupil's birth-to-three individualized transition plan, as required by section 17a-248e, as amended by this act, if any, addressed by the planning and placement team during such meeting at which an educational program for such child or pupil is developed.

(D) Immediately upon the formal identification of any child as a child requiring special education and at each planning and placement team meeting for such child, the responsible local or regional board of education shall inform the parent or guardian of such child or surrogate parent or, in the case of a pupil who is an emancipated minor or eighteen years of age or older, the pupil of (i) the laws relating to special education, (ii) the rights of such parent, guardian, surrogate parent or pupil under such laws and the regulations adopted by the State Board of Education relating to special education, including the right of a parent, guardian or surrogate parent to (I) withhold from enrolling such child in kindergarten, in accordance with the provisions of section 10-184, and (II) have advisors and the school paraprofessional assigned to such child or pupil attend and participate in all portions of such meeting at which an educational program for such child or pupil is developed,

***Substitute House Bill No. 5001***

reviewed or revised, in accordance with the provisions of subparagraph (C) of this subdivision, and (iii) any relevant information and resources relating to individualized education programs created by the Department of Education, including, but not limited to, information relating to transition resources and services for high school students. If such parent, guardian, surrogate parent or pupil does not attend a planning and placement team meeting, the responsible local or regional board of education shall mail such information to such person. Each responsible local or regional board of education shall provide a child or pupil's individualized education program, any documents relating to such program and all the information required pursuant to this subparagraph translated into the primary language spoken by such parent, guardian, surrogate parent or pupil if there is an apparent need or upon the request of the parent guardian, surrogate parent or pupil.

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

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

***Substitute House Bill No. 5001***

(ii) At the first planning and placement team meeting after a child who requires special education and related services reaches the age of fourteen, each responsible local or regional board of education shall provide information to the child and the parent, guardian or surrogate parent about the full range of decision-making supports, including alternatives to guardianship and conservatorship, and the online resource developed by the Department of Education pursuant to section 41 of this act. The responsible local or regional board of education shall continue to provide such information to the child and the parent, guardian or surrogate parent at least annually thereafter.

(iii) Each responsible local or regional board of education shall provide the notice created by the Mediation Services Coordinator pursuant to subdivision (7) of subsection (a) of section 45 of this act to each parent, guardian or surrogate parent of any child who requires special education by (I) distributing such notice to such parents, guardians or surrogate parents at the beginning of each school year, and (II) reading such notice out loud at the conclusion of the first planning and placement team meeting at the beginning of each school year.

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

(H) Each local or regional board of education shall monitor the development of each child who, pursuant to subsection (a) of section 17a-248e, as amended by this act, has been (i) referred for a registration on a mobile application designated by the Commissioner of Early Childhood, in partnership with such child's parent, guardian or surrogate parent, or (ii) provided a form for such child's parent,

***Substitute House Bill No. 5001***

guardian or surrogate parent to complete and submit to such local or regional board of education that screens for developmental and social-emotional delays using a validated screening tool, such as the Ages and Stages Questionnaire and the Ages and Stages Social-Emotional Questionnaire, or its equivalent. If such monitoring results in suspecting a child of having a developmental delay, the board shall schedule a planning and placement team meeting with such child's parent, guardian or surrogate parent for the purposes of identifying services for which such child may be eligible, including, but not limited to, a preschool program under Part B of the Individuals with Disabilities Act, 20 USC 1471 et seq. If a parent, guardian or surrogate parent of any child referred for a registration on the mobile application or provided a form to complete and submit, pursuant to subsection (a) of section 17a-248e, as amended by this act, fails to complete such registration or complete and submit such form after a period of six months from the date of such referral or provision of such form, the board shall send a reminder, in the form and manner determined by the board, to such parent, guardian or surrogate parent to complete such registration or complete and submit such form. The board shall send another reminder after a period of one year from such referral or provision of such form if such registration remains incomplete or such form is not submitted.

(I) Prior to any planning and placement team meeting for a child or pupil in which an educational program for such child or pupil is developed, reviewed or revised, if the parent, guardian, pupil or surrogate parent has requested that the school paraprofessional assigned to such child or pupil attend such meeting, then the responsible local or regional board of education shall provide (i) adequate notice of such meeting to such school paraprofessional so that such school paraprofessional may adequately prepare for such meeting, and (ii) training, upon request of such school paraprofessional, on the role of such school paraprofessional at such meeting. Following such meeting, such school paraprofessional, or any other paraprofessional



**Substitute House Bill No. 5001**

who is providing special education or related services to such child, shall be permitted to view such educational program in order to be able to provide special education or related services to such child or pupil in accordance with such educational program.

Sec. 40. Subdivision (9) of subsection (a) of section 10-76d of the general statutes is repealed and the following is substituted in lieu thereof (*Effective July 1, 2023*):

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

(B) At the first planning and placement team meeting when a child reaches the age of fourteen and has a statement of transition service needs included in such child's individualized education program pursuant to subparagraph (A) of this subdivision, the planning and placement team shall for each public transition program, as defined in

***Substitute House Bill No. 5001***

section 26 of this act, and each program for adults for which such child may be eligible after graduation, (i) upon the approval of the parent or guardian of such child, or a surrogate parent of such child appointed pursuant to section 10-94g, or such child if such child is an emancipated minor, notify the state agency that provides such program about the potential eligibility of such child, and (ii) provide such parent, guardian, surrogate parent or child a listing of such programs that includes, but is not limited to, (I) a plain language description of such program, (II) eligibility requirements for such program, and (III) deadlines and instructions for applications for such programs.

(C) Not later than the planning and placement team meeting that occurs approximately two years prior to a child's anticipated graduation from high school or the end of the school year in which a child will reach twenty-two years of age, whichever is expected to occur first based on such child's individualized education program, the planning and placement team shall (i) upon the approval of the parent or guardian of such child, or a surrogate parent of such child appointed pursuant to section 10-94g or such child if such child is an emancipated minor or eighteen years of age or older, (I) notify any state agency that provides a program for adults for which such child may be eligible about the potential eligibility of such child, (II) invite a representative from each such agency to attend the planning and placement team meeting for the purpose of establishing contact with and counseling the parent, guardian, surrogate parent or child on the process for the anticipated transfer of services upon such child graduating from high school or upon the end of the school year in which such child reaches twenty-two years of age, whichever is sooner, and (III) permit and facilitate contact and coordination between each such agency and such parent, guardian, surrogate parent or child for the purpose of easing the process for the transfer of services, (ii) provide such parent, guardian, surrogate parent or child a listing of each program for adults for which such child may be eligible that includes, but is not limited to, (I) a plain language

**Substitute House Bill No. 5001**

description of such program, (II) eligibility requirements for such program, and (III) deadlines and instructions for applications to such programs, and (iii) assist such parent, guardian, surrogate parent or child in completing an application to any such programs.

Sec. 41. (NEW) (*Effective July 1, 2023*) Not later than July 1, 2024, the Department of Education shall, in consultation with disability rights advocacy groups in the state, develop a plain-language online resource for students and parents, guardians or surrogate parents of a child who is age fourteen or older and requires special education and related services to provide information and training resources about decision-making options once such child reaches eighteen years of age. Such online resource shall include, but need not be limited to, information concerning the (1) rights of the child and parent upon such child reaching age eighteen pursuant to the Individuals with Disabilities Education Act, 20 USC 1415(m), and (2) alternatives to guardianship and conservatorship, including supported decision-making, powers of attorney, advance directives, and other decision-making alternatives. The department shall (A) post such online resource in an easily accessible location of its Internet web site, and (B) provide information concerning such online resource to (i) the State Education Resource Center, established pursuant to section 10-357a of the general statutes, for inclusion in the online listing developed pursuant to section 10-74n of the general statutes, as amended by this act, and (ii) each local and regional board of education for distribution to parents and guardians at a planning and placement team meeting in accordance with subparagraph (F) of subdivision (10) of subsection (a) of section 10-76d of the general statutes, as amended by this act. The department shall update such online resource as necessary. As used in this section, "supported decision-making" means a tool that is utilized by a person with a disability to retain decision-making authority through assistance from one or more persons of the individual's choosing in understanding the nature and consequences of potential personal and financial decisions

**Substitute House Bill No. 5001**

and in communicating such decisions.

Sec. 42. (NEW) (*Effective July 1, 2023*) Not later than July 1, 2024, and annually thereafter, the Department of Education shall report to each state agency that provides services and programs for adults with disabilities, including, but not limited to, the Departments of Developmental Services, Social Services and Aging and Disability Services, and, in accordance with section 11-4a of the general statutes, the joint standing committees of the General Assembly having cognizance of matters relating to appropriations and the budgets of state agencies, education, human services and public health, the aggregate number of students from all school districts who had planning and placement team meetings during the prior school year in which information concerning such services and programs was provided pursuant to the provisions of subparagraphs (B) and (C) of subdivision (9) of subsection (a) of section 10-76d of the general statutes, as amended by this act. Such aggregate number may be reduced, to the extent possible, to the number of students who may qualify for the services or programs provided by such agencies.

Sec. 43. (NEW) (*Effective July 1, 2023*) The Commissioner of Developmental Services shall employ, within available appropriations, a sufficient number of transition advisors to provide transition services, as defined in section 26 of this act, for children requiring special education who may be eligible to receive services from the Department of Developmental Services as determined through a planning and placement team meeting pursuant to subdivision (9) of subsection (a) of section 10-76d of the general statutes, as amended by this act.

Sec. 44. (NEW) (*Effective July 1, 2023*) The Commissioner of Aging and Disability Services shall employ, within available appropriations, a sufficient number of vocational rehabilitation staff to provide transition services, as defined in section 26 of this act, for children requiring special education who may be eligible to receive services from the Department

***Substitute House Bill No. 5001***

of Aging and Disability Services as determined through a planning and placement team meeting pursuant to subdivision (9) of subsection (a) of section 10-76d of the general statutes, as amended by this act.

Sec. 45. (NEW) (*Effective July 1, 2023*) (a) The Commissioner of Education shall employ a Mediation Services Coordinator within the Bureau of Special Education, which shall be a separate and distinct position from any investigatory or enforcement functions of the department. The Mediation Services Coordinator shall (1) facilitate the expansion of mediation services offered by the department in lieu of proceeding directly to a special education hearing pursuant to section 10-76h of the general statutes, as amended by this act, (2) oversee and coordinate such mediation services for each school district in the state, (3) maintain a list of special education mediators that meet the minimum training requirements set forth in subsection (b) of this section and are of a sufficient quantity to meet the needs of each school district in the state, (4) promote the benefits of mediation to each local or regional board of education, parents and guardians and special education advocacy groups, (5) solicit feedback from local and regional boards of education and parents and guardians about the mediation process through an annual open meeting, after the conclusion of any mediation and in any other manner as determined by such coordinator, (6) establish and publish on the Department of Education's Internet web site (A) a statement of the impartiality of mediators and the confidentiality of matters discussed in mediation, which shall, at a minimum, provide that no employee of the bureau or mediator on the list of special education mediators may share information from any mediation with an employee of the department tasked with investigatory or enforcement functions unless required by state or federal law, and (B) a plain language resource explaining the mediation process and how to request and prepare for a mediation, which shall be translated into the most commonly spoken languages in the state, and (7) create a brief notice of the availability of mediation services suitable

***Substitute House Bill No. 5001***

to be read out loud during a planning and placement team meeting pursuant to subdivision (10) of subsection (a) of section 10-76d of the general statutes, as amended by this act, that (A) includes the link to the plain language resource developed pursuant to subparagraph (B) of subdivision (6) of this subsection, and (B) is translated into the most commonly spoken languages in the state, for distribution by local or regional boards of education to parents, guardians and surrogate parents of children requiring special education pursuant to subparagraph (F)(iii) of subdivision (10) of subsection (a) of section 10-76d of the general statutes, as amended by this act.

(b) The Bureau of Special Education shall verify that each mediator included on the list of special education mediators maintained by the Mediation Services Coordinator completes (1) not less than forty hours of training in mediation skills through a module or course that has been approved by the Department of Education, and (2) training in special education law for a minimum number of hours prescribed by the bureau through a module or course provided by the Department of Education or by another provider approved by the bureau. The bureau may, in its discretion, (A) waive the mediation skills training requirement for any applicant for inclusion on the list of special education mediators who submits proof of completion of a forty-hour mediation skills training or an equivalent course of study related to mediation skills from an institution of higher education, or (B) waive the special education law training requirement for any applicant who has sufficient and direct professional experience in special education law or submits proof of completion of a comparable course of study related to special education law from an institution of higher education. Each mediator approved by the bureau for inclusion on the list of special education mediators shall complete at least two hours of continuing education every two years in subject areas prescribed by the bureau which may be provided by the Department of Education or any other organization approved by the bureau. Each mediator shall remain impartial and maintain the

***Substitute House Bill No. 5001***

confidentiality of any matter discussed during mediation.

(c) The Bureau of Special Education shall exempt not less than five mediators who conducted special education mediation for the Department of Education prior to July 1, 2023, from the initial training requirements set forth in subdivisions (1) and (2) of subsection (b) of this section and include such mediators on the list of special education mediators maintained by the Mediation Services Coordinator pursuant to subdivision (3) of subsection (a) of this section.

Sec. 46. (NEW) (*Effective July 1, 2023*) (a) A parent or guardian of a child requiring special education and related services, pursuant to sections 10-76a to 10-76g, inclusive, of the general statutes, as amended by this act, a child if such child is an emancipated minor or eighteen years of age or older requiring such services, a surrogate parent appointed pursuant to section 10-94g of the general statutes, the Commissioner of Children and Families, or a designee of said commissioner, on behalf of any such child in the custody of said commissioner or the local or regional board of education responsible for providing special education and related services for a child, may request a mediation through the Mediation Services Coordinator, employed pursuant to section 45 of this act, at any time for any matter related to the provision of special education for a child, including, but not limited to, identification, evaluation, educational placement or implementation of an individualized education program.

(b) Upon receipt of a request for a mediation, the Mediation Services Coordinator shall provide notification to the requester of such mediation and any other parties subject to the request of such mediation (1) that a conflict exists between such parties, (2) about the mediation process, including, but not limited to, stating that mediation is voluntary and facilitated by a neutral mediator, and (3) to invite all parties to participate in mediation. The coordinator shall provide language translation services provided (A) by an interpreter who is present in

**Substitute House Bill No. 5001**

person or available by telephone or through an online technology platform, or (B) through an Internet web site or other electronic application approved by the State Board of Education.

Sec. 47. Section 10-76h of the general statutes is repealed and the following is substituted in lieu thereof (*Effective July 1, 2023*):

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

(2) The local or regional board of education or the unified school district responsible for providing special education and related services for a child or pupil requiring such services under sections 10-76a to 10-76g, inclusive, as amended by this act, may request, upon written notice to the parent or guardian of such child, the pupil if such pupil is an emancipated minor or is eighteen years of age or older, the surrogate parent appointed pursuant to section 10-94g, or the Commissioner of Children and Families, or a designee of said commissioner, on behalf of any such child or pupil in the custody of said commissioner, a hearing concerning the decision of the planning and placement team established pursuant to section 10-76d, as amended by this act, whenever such board or district proposes or refuses to initiate or change the



***Substitute House Bill No. 5001***

identification, evaluation or educational placement of or the provision of a free appropriate public education placement to such child or pupil, including, but not limited to, refusal of the parent or guardian, pupil if such pupil is an emancipated minor or is eighteen years of age or older or the surrogate parent appointed pursuant to section 10-94g, to give consent for initial evaluation or reevaluation or the withdrawal of such consent. The local or regional board of education or unified school district shall provide a copy of the request to the Department of Education. In the event a planning and placement team proposes private placement for a child or pupil who requires or may require special education and related services and the parent, guardian, pupil if such pupil is an emancipated minor or is eighteen years of age or older or surrogate parent appointed pursuant to section 10-94g withholds or revokes consent for such placement, the local or regional board of education shall request a hearing in accordance with this section and may request mediation pursuant to subsection (f) of this section, provided such action may be taken only in the event such parent, guardian, pupil or surrogate parent has consented to the initial receipt of special education and related services and subsequent to the initial placement of the child, the local or regional board of education seeks a private placement. For purposes of this section, a "local or regional board of education or unified school district" includes any public agency which is responsible for the provision of special education and related services to children requiring special education and related services.

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

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

***Substitute House Bill No. 5001***

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

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

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

(2) Both parties shall participate in a prehearing conference to resolve the issues in dispute, if possible and narrow the scope of the issues. Each party to the hearing shall disclose, not later than five business days prior to the date the hearing commences, (A) documentary evidence such party plans to present at the hearing and a list of witnesses such party

**Substitute House Bill No. 5001**

plans to call at the hearing, and (B) all completed evaluations and recommendations based on the offering party's evaluations that the party intends to use at the hearing. Except for good cause shown, the hearing officer shall limit each party to such documentary evidence and witnesses as were properly disclosed and are relevant to the issues in dispute. A hearing officer may bar any party who fails to comply with the requirements concerning disclosure of evaluations and recommendations from introducing any undisclosed evaluation or recommendation at the hearing without the consent of the other party.

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

(d) (1) The hearing officer or board shall have the authority (A) to confirm, modify, or reject the identification, evaluation or educational placement of or the provision of a free appropriate public education to the child or pupil, (B) to determine the appropriateness of an educational placement where the parent or guardian of a child requiring special education or the pupil if such pupil is an emancipated minor or eighteen years of age or older, has placed the child or pupil in a program other than that prescribed by the planning and placement team, or (C)

***Substitute House Bill No. 5001***

to prescribe alternate special educational programs for the child or pupil. If the parent or guardian of such a child who previously received special education and related services from the district enrolls the child, or the pupil who previously received special education and related services from the district enrolls in a private elementary or secondary school without the consent of or referral by the district, a hearing officer may, in accordance with the Individuals with Disabilities Education Act, 20 USC 1400 et seq., as amended from time to time, require the district to reimburse the parents or the pupil for the cost of that enrollment if the hearing officer finds that the district had not made a free appropriate public education available to the child or pupil in a timely manner prior to that enrollment. In the case where a parent or guardian, or pupil if such pupil is an emancipated minor or is eighteen years of age or older, or a surrogate parent appointed pursuant to section 10-94g, has refused consent for initial evaluation or reevaluation, the hearing officer or board may order an initial evaluation or reevaluation without the consent of such parent, guardian, pupil or surrogate parent except that if the parent, guardian, pupil or surrogate parent appeals such decision pursuant to subdivision (4) of this subsection, the child or pupil may not be evaluated or placed pending the disposition of the appeal. The hearing officer or board shall inform the parent or guardian, or the emancipated minor or pupil eighteen years of age or older, or the surrogate parent appointed pursuant to section 10-94g, or the Commissioner of Children and Families, as the case may be, and the board of education of the school district or the unified school district of the decision in writing and mail such decision not later than forty-five days after the commencement of the hearing pursuant to the Individuals with Disabilities Education Act, 20 USC 1400 et seq., as amended from time to time, except that a hearing officer or board may grant specific extensions of such forty-five-day period in order to comply with the provisions of subsection (b) of this section. The hearing officer may include in the decision a comment on the conduct of the proceedings. The findings of fact, conclusions of law and decision shall be written

**Substitute House Bill No. 5001**

without personally identifiable information concerning such child or pupil, so that such decisions may be promptly indexed and published and available for public inspections pursuant to sections 4-167 and 4-180a.

(2) If the local or regional board of education or the unified school district responsible for providing special education for such child or pupil requiring special education does not take action on the findings or prescription of the hearing officer or board within fifteen days after receipt thereof, the State Board of Education shall take appropriate action to enforce the findings or prescriptions of the hearing officer or board. Such action may include application to the Superior Court for injunctive relief to compel such local or regional board or school district to implement the findings or prescription of the hearing officer or board without the necessity of establishing irreparable harm or inadequate remedy at law.

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

(4) Appeals from the decision of the hearing officer or board shall be taken in the manner set forth in section 4-183, except the court shall hear additional evidence at the request of a party. Notwithstanding the provisions of section 4-183, such appeal shall be taken to the judicial district wherein the child or pupil resides. In the event of an appeal, upon request and at the expense of the State Board of Education, said

***Substitute House Bill No. 5001***

board shall supply a copy of the transcript of the formal sessions of the hearing officer or board to the parent or guardian or the emancipated minor or pupil eighteen years of age or older or surrogate parent or said commissioner and to the board of education of the school district or the unified school district.

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

(f) (1) In lieu of proceeding directly to a hearing, pursuant to subsection (a) of this section, [the parties] any party may [agree in writing to request the Commissioner of Education to appoint a state mediator] request mediation through the Mediation Services Coordinator, employed pursuant to section 45 of this act. Upon the receipt of a [written] request for mediation, [signed by both parties, the commissioner shall] the coordinator shall, in accordance with the notification process pursuant to section 46 of this act, and, if all parties agree to mediate, appoint a mediator, [knowledgeable in the fields and areas significant to the review of the special educational needs of the child or pupil] and invite all parties to a mediation with a person selected from the list of special education mediators maintained by said coordinator. The mediator shall attempt to resolve the issues in a manner which is acceptable to the parties. The mediator shall certify in writing to the [Department of Education] Bureau of Special Education and to the parties whether the mediation was successful or unsuccessful.

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

(g) The Department of Education shall provide translations into the most commonly spoken languages in the state on its Internet web site of the plain language resources on such site explaining the process by which the department resolves complaints and the hearing process

**Substitute House Bill No. 5001**

established pursuant to this section.

Sec. 48. (NEW) (*Effective July 1, 2023*) The Department of Education shall conduct audits of special education programs in randomly selected school districts each year to oversee the implementation of the Individuals with Disabilities Education Act, 20 USC 1400 et seq., as amended from time to time. Such audits shall include, but need not be limited to, (1) interviewing teachers and staff who provide special education services and parents or guardians of children requiring special education, (2) conducting unannounced on-site visits to observe classroom practice and any other facet of the administration or provision of special education services in order to ensure compliance with individual education plans and all state and federal law and guidance, and (3) reviewing individualized education programs.

Sec. 49. Subsection (a) of section 10-220a of the general statutes is repealed and the following is substituted in lieu thereof (*Effective July 1, 2023*):

(a) Each local or regional board of education shall provide an in-service training program for its teachers, administrators and pupil personnel who hold the initial educator, provisional educator or professional educator certificate. Such program shall provide such teachers, administrators and pupil personnel with information on (1) the nature and the relationship of alcohol and drugs, as defined in subdivision (17) of section 21a-240, to health and personality development, and procedures for discouraging their abuse, (2) health and mental health risk reduction education that includes, but need not be limited to, the prevention of risk-taking behavior by children and the relationship of such behavior to substance abuse, pregnancy, sexually transmitted diseases, including HIV-infection and AIDS, as defined in section 19a-581, violence, teen dating violence, domestic violence and child abuse, (3) school violence prevention, conflict resolution, the prevention of and response to youth suicide and the identification and

**Substitute House Bill No. 5001**

prevention of and response to bullying, as defined in subsection (a) of section 10-222d, except that those boards of education that implement any evidence-based model approach that is approved by the Department of Education and is consistent with subsection (c) of section 10-145a, sections 10-222d, 10-222g and 10-222h, subsection (g) of section 10-233c and sections 1 and 3 of public act 08-160, shall not be required to provide in-service training on the identification and prevention of and response to bullying, (4) cardiopulmonary resuscitation and other emergency life saving procedures, (5) the requirements and obligations of a mandated reporter, (6) the detection and recognition of, and evidence-based structured literacy interventions for, students with dyslexia, as defined in section 10-3d, (7) culturally responsive pedagogy and practice, including, but not limited to, the video training module relating to implicit bias and anti-bias in the hiring process in accordance with the provisions of section 10-156hh, [and] (8) the principles and practices of social-emotional learning and restorative practices, (9) the laws governing the implementation of planning and placement team meetings and concerning plans pursuant to Section 504 of the Rehabilitation Act of 1973, as amended from time to time, and (10) an annual update of new state and federal policies concerning special education, recommendations and best practices. Each local or regional board of education may allow any school paraprofessional or noncertified employee to participate, on a voluntary basis, in any in-service training program provided pursuant to this section.

Sec. 50. Section 17a-248e of the general statutes is repealed and the following is substituted in lieu thereof (*Effective July 1, 2023*):

(a) Each eligible child and his or her family shall receive (1) a multidisciplinary assessment of the child's unique needs and the identification of services appropriate to meet such needs, (2) a written individualized family service plan developed by a multidisciplinary team, including the parent, within forty-five days after the referral, (3)



***Substitute House Bill No. 5001***

review of the individualized family service plan with the family at least every six months, with evaluation of the individualized family service plan at least annually, and (4) not later than two months after the date on which any child is determined to be ineligible for participation in preschool programs under Part B of the Individuals with Disabilities Act, 20 USC 1471 et seq., a referral to register for a mobile application designated by the Commissioner of Early Childhood for the purpose of continued screening for developmental and social-emotional delays in partnership with the local or regional board of education for the school district in which such child resides pursuant to subparagraph (H) of subdivision (10) of subsection (a) of section 10-76d, as amended by this act, provided a form used for screening for developmental and social-emotional delays using a validated screening tool, such as the Ages and Stages Questionnaire and the Ages and Stages Social-Emotional Questionnaire, or its equivalent, is provided to any family upon the request of such family for the purpose of completing and submitting such form to the local or regional board of education for the school district in which such child resides.

(b) The individualized family service plan shall be in writing and contain: (1) A statement of the child's present level of physical development, cognitive development, language and speech development and self-help skills, based on acceptable objective criteria; (2) a statement of the family's priority, resources and concerns relating to enhancing the development of the eligible child; (3) a statement of the major outcomes expected to be achieved for the child and the family and the criteria, procedures and timelines used to determine the degree to which progress toward achieving the outcomes are being made, and whether modifications or revisions of the outcomes are necessary; (4) a statement of specific early intervention services necessary to meet the unique needs of the eligible child and the family, including the frequency, intensity and the method of delivering services; (5) a statement of the natural environments in which the services shall be

**Substitute House Bill No. 5001**

provided; (6) the projected dates for initiation of services and the anticipated duration of such services; (7) the name of the approved comprehensive service provider that will provide or procure the services specified in the individualized family service plan; (8) the name of the individual service coordinator from the profession most immediately relevant to the eligible child's or the family's needs who will be responsible for the implementation of the plan and coordination with the other agencies and providers or an otherwise qualified provider selected by a parent; and (9) the steps to be taken to support the transition of the child who is eligible for participation in preschool programs under Part B of the Individuals with Disabilities Act, 20 USC 1471 et seq., as appropriate.

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

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

(e) The individual service coordinator for an eligible child shall, not later than three months prior to the third birthday of such child, notify the parent or guardian of such child that the parent or guardian may meet, upon request, with the coordinator to discuss the contact information for the person responsible for the administration or coordination of special education services for the school district in which such child resides. Not later than three months prior to the third

**Substitute House Bill No. 5001**

birthday of such child, the coordinator shall provide the person responsible for the administration or coordination of special education services for the school district in which such child resides with the individualized family service plan for such child.

Sec. 51. (NEW) (*Effective July 1, 2023*) Not later than January 1, 2024, the Department of Education shall develop an informational handout for students that explains what it means for a student to have an individualized education program or a plan pursuant to Section 504 of the Rehabilitation Act of 1973, including what rights such student is entitled to in the classroom under such program or plan. Such handout shall (1) be age-appropriate, (2) be prepared separately for students in grades (A) kindergarten to four, inclusive, (B) five to eight, inclusive, and (C) nine to twelve, inclusive, (3) be translated into multiple languages, including English, Spanish, Portuguese, French and Polish, and (4) include a glossary of the most common tools used in the implementation of such program or plan. The department shall make such handout available to local and regional boards of education and post such handout available on the department's Internet web site.

Sec. 52. Subparagraphs (D) and (E) of subdivision (10) of subsection (a) of section 10-76d of the general statutes are repealed and the following is substituted in lieu thereof (*Effective July 1, 2023*):

(D) Immediately upon the formal identification of any child as a child requiring special education and at each planning and placement team meeting for such child, the responsible local or regional board of education shall inform the parent or guardian of such child or surrogate parent or, in the case of a pupil who is an emancipated minor or eighteen years of age or older, the pupil of (i) the laws relating to special education, (ii) the rights of such parent, guardian, surrogate parent or pupil under such laws and the regulations adopted by the State Board of Education relating to special education, including the right of a parent, guardian or surrogate parent to (I) withhold from enrolling such

**Substitute House Bill No. 5001**

child in kindergarten, in accordance with the provisions of section 10-184, [and] (II) have advisors and the school paraprofessional assigned to such child or pupil attend and participate in all portions of such meeting at which an educational program for such child or pupil is developed, reviewed or revised, in accordance with the provisions of subparagraph (C) of this subdivision, (III) obtain the plain language resources available on the Department of Education's Internet web site pursuant to subsection (g) of section 10-76h, as amended by this act, explaining the hearing and appeals process, as provided in section 10-76h, as amended by this act, available to such child or pupil if there is a disagreement about the individualized education program, identification, evaluation or educational placement of or the provision of a free appropriate public education to such child or pupil, and (IV) receive information regarding free and low-cost legal assistance, and (iii) any relevant information and resources relating to individualized education programs created by the Department of Education, including, but not limited to, information relating to transition resources and services for high school students and the Parent's Guide to Special Education in Connecticut developed by the department. If such parent, guardian, surrogate parent or pupil does not attend a planning and placement team meeting, the responsible local or regional board of education shall mail such information to such person.

(E) Each local and regional board of education shall have in effect at the beginning of each school year an educational program for each child or pupil who has been identified as eligible for special education, and shall provide (i) the informational handout described in section 51 of this act to each child with an individualized education program or plan pursuant to Section 504 of the Rehabilitation Act of 1973, and (ii) the Parent's Guide to Special Education in Connecticut developed by the Department of Education and the rights and resources available to such child in the provision of special education and related services.

***Substitute House Bill No. 5001***

Sec. 53. (NEW) (*Effective July 1, 2023*) (a) The Commissioner of Developmental Services shall provide grants-in-aid to private nonprofit organizations for supportive housing for persons with an intellectual disability or other developmental disabilities, including, but not limited to, autism spectrum disorder. The commissioner shall give priority in disbursement of grants to a nonprofit organization which reserves fifty per cent or more of the initial residential capacity of a housing site for individuals with such disabilities who are on a waiting list maintained by the Department of Developmental Services or the Department of Social Services for supportive housing.

(b) The Commissioner of Developmental Services shall expend not more than five million dollars on the grant program established pursuant to this section in any one service region of the Department of Developmental Services. The commissioner may expend not more than two per cent of the funds allocated to the grant program established by this section on administrative expenses directly related to the grant program.

(c) The Commissioner of Developmental Services shall develop and publish guidelines for the award of grants under subsection (a) of this section and a uniform application form for such grants. The commissioner shall post such guidelines and application form on the Internet web site of the Department of Developmental Services not later than July 1, 2024.

(d) Any recipient of a grant pursuant to subsection (a) of this section shall report annually to the Commissioner of Developmental Services, on a form to be developed by the commissioner, how such grant funds have been expended. The commissioner shall submit a report on January 1, 2025, and annually thereafter, in accordance with the provisions of section 11-4a of the general statutes, concerning the expenditure of grant funds awarded pursuant to subsection (a) of this section to the joint standing committees of the General Assembly having

**Substitute House Bill No. 5001**

cognizance of matters relating to housing, human services and public health.

Sec. 54. (*Effective October 1, 2023*) The Commissioner of Developmental Services shall, in collaboration with the Commissioners of Housing and Correction and, within available appropriations, create a plan for a comprehensive program for community-based group homes for persons with an intellectual disability reentering society from the correctional system. Such program shall also provide supportive services for such persons, which may include, but need not be limited to, assistance with daily living tasks, transportation assistance, medical care and job training. Not later than January 1, 2024, the commissioner shall submit such plan, in accordance with the provisions of section 11-4a of the general statutes, to the joint standing committees of the General Assembly having cognizance of matters relating to housing, human services, public health and public safety.

Sec. 55. Subsection (a) of section 8-30j of the general statutes is repealed and the following is substituted in lieu thereof (*Effective October 1, 2023*):

(a) (1) Not later than June 1, 2022, and at least once every five years thereafter, each municipality shall prepare or amend and adopt an affordable housing plan for the municipality and shall submit a copy of such plan to the Secretary of the Office of Policy and Management. Such plan shall specify how the municipality intends to (A) increase the number of affordable housing developments in the municipality, and (B) for any affordable housing plan submitted after October 1, 2023, improve the accessibility of affordable housing units for individuals with an intellectual disability or other developmental disabilities.

(2) If, at the same time the municipality is required to submit to the Secretary of the Office of Policy and Management an affordable housing plan pursuant to subdivision (1) of this subsection, the municipality is

**Substitute House Bill No. 5001**

also required to submit to the secretary a plan of conservation and development pursuant to section 8-23, such affordable housing plan may be included as part of such plan of conservation and development. The municipality may, to coincide with its submission to the secretary of a plan of conservation and development, submit to the secretary an affordable housing plan early, provided the municipality's next such submission of an affordable housing plan shall be five years thereafter.

Sec. 56. Subdivision (1) of subsection (b) of section 3-39k of the general statutes is repealed and the following is substituted in lieu thereof (*Effective October 1, 2023*):

(b) (1) Under the program established pursuant to subdivision (1) of subsection (a) of this section: (A) The State Treasurer shall administer individual ABLE accounts to encourage and assist eligible individuals and their families in saving private funds to provide support for eligible individuals, [and] (B) a person may make contributions to an individual ABLE account to meet the qualified disability expenses of the designated beneficiary of the account, and (C) the State Treasurer shall designate a director of outreach for the ABLE program from among the existing employees of the office of the State Treasurer, who shall coordinate outreach and marketing efforts concerning ABLE accounts.

Sec. 57. Subparagraph (B) of subdivision (20) of subsection (a) of section 12-701 of the general statutes is repealed and the following is substituted in lieu thereof (*Effective January 1, 2024, and applicable to taxable years commencing on or after January 1, 2024*):

(B) There shall be subtracted therefrom:

(i) To the extent properly includable in gross income for federal income tax purposes, any income with respect to which taxation by any state is prohibited by federal law;

(ii) To the extent allowable under section 12-718, exempt dividends

***Substitute House Bill No. 5001***

paid by a regulated investment company;

(iii) To the extent properly includable in gross income for federal income tax purposes, the amount of any refund or credit for overpayment of income taxes imposed by this state, or any other state of the United States or a political subdivision thereof, or the District of Columbia;

(iv) To the extent properly includable in gross income for federal income tax purposes and not otherwise subtracted from federal adjusted gross income pursuant to clause (x) of this subparagraph in computing Connecticut adjusted gross income, any tier 1 railroad retirement benefits;

(v) To the extent any additional allowance for depreciation under Section 168(k) of the Internal Revenue Code for property placed in service after September 27, 2017, was added to federal adjusted gross income pursuant to subparagraph (A)(ix) of this subdivision in computing Connecticut adjusted gross income, twenty-five per cent of such additional allowance for depreciation in each of the four succeeding taxable years;

(vi) To the extent properly includable in gross income for federal income tax purposes, any interest income from obligations issued by or on behalf of the state of Connecticut, any political subdivision thereof, or public instrumentality, state or local authority, district or similar public entity created under the laws of the state of Connecticut;

(vii) To the extent properly includable in determining the net gain or loss from the sale or other disposition of capital assets for federal income tax purposes, any gain from the sale or exchange of obligations issued by or on behalf of the state of Connecticut, any political subdivision thereof, or public instrumentality, state or local authority, district or similar public entity created under the laws of the state of Connecticut,



***Substitute House Bill No. 5001***

in the income year such gain was recognized;

(viii) Any interest on indebtedness incurred or continued to purchase or carry obligations or securities the interest on which is subject to tax under this chapter but exempt from federal income tax, to the extent that such interest on indebtedness is not deductible in determining federal adjusted gross income and is attributable to a trade or business carried on by such individual;

(ix) Ordinary and necessary expenses paid or incurred during the taxable year for the production or collection of income which is subject to taxation under this chapter but exempt from federal income tax, or the management, conservation or maintenance of property held for the production of such income, and the amortizable bond premium for the taxable year on any bond the interest on which is subject to tax under this chapter but exempt from federal income tax, to the extent that such expenses and premiums are not deductible in determining federal adjusted gross income and are attributable to a trade or business carried on by such individual;

(x) (I) For taxable years commencing prior to January 1, 2019, for a person who files a return under the federal income tax as an unmarried individual whose federal adjusted gross income for such taxable year is less than fifty thousand dollars, or as a married individual filing separately whose federal adjusted gross income for such taxable year is less than fifty thousand dollars, or for a husband and wife who file a return under the federal income tax as married individuals filing jointly whose federal adjusted gross income for such taxable year is less than sixty thousand dollars or a person who files a return under the federal income tax as a head of household whose federal adjusted gross income for such taxable year is less than sixty thousand dollars, an amount equal to the Social Security benefits includable for federal income tax purposes;

***Substitute House Bill No. 5001***

(II) For taxable years commencing prior to January 1, 2019, for a person who files a return under the federal income tax as an unmarried individual whose federal adjusted gross income for such taxable year is fifty thousand dollars or more, or as a married individual filing separately whose federal adjusted gross income for such taxable year is fifty thousand dollars or more, or for a husband and wife who file a return under the federal income tax as married individuals filing jointly whose federal adjusted gross income from such taxable year is sixty thousand dollars or more or for a person who files a return under the federal income tax as a head of household whose federal adjusted gross income for such taxable year is sixty thousand dollars or more, an amount equal to the difference between the amount of Social Security benefits includable for federal income tax purposes and the lesser of twenty-five per cent of the Social Security benefits received during the taxable year, or twenty-five per cent of the excess described in Section 86(b)(1) of the Internal Revenue Code;

(III) For the taxable year commencing January 1, 2019, and each taxable year thereafter, for a person who files a return under the federal income tax as an unmarried individual whose federal adjusted gross income for such taxable year is less than seventy-five thousand dollars, or as a married individual filing separately whose federal adjusted gross income for such taxable year is less than seventy-five thousand dollars, or for a husband and wife who file a return under the federal income tax as married individuals filing jointly whose federal adjusted gross income for such taxable year is less than one hundred thousand dollars or a person who files a return under the federal income tax as a head of household whose federal adjusted gross income for such taxable year is less than one hundred thousand dollars, an amount equal to the Social Security benefits includable for federal income tax purposes; and

(IV) For the taxable year commencing January 1, 2019, and each taxable year thereafter, for a person who files a return under the federal

***Substitute House Bill No. 5001***

income tax as an unmarried individual whose federal adjusted gross income for such taxable year is seventy-five thousand dollars or more, or as a married individual filing separately whose federal adjusted gross income for such taxable year is seventy-five thousand dollars or more, or for a husband and wife who file a return under the federal income tax as married individuals filing jointly whose federal adjusted gross income from such taxable year is one hundred thousand dollars or more or for a person who files a return under the federal income tax as a head of household whose federal adjusted gross income for such taxable year is one hundred thousand dollars or more, an amount equal to the difference between the amount of Social Security benefits includable for federal income tax purposes and the lesser of twenty-five per cent of the Social Security benefits received during the taxable year, or twenty-five per cent of the excess described in Section 86(b)(1) of the Internal Revenue Code;

(xi) To the extent properly includable in gross income for federal income tax purposes, any amount rebated to a taxpayer pursuant to section 12-746;

(xii) To the extent properly includable in the gross income for federal income tax purposes of a designated beneficiary, any distribution to such beneficiary from any qualified state tuition program, as defined in Section 529(b) of the Internal Revenue Code, established and maintained by this state or any official, agency or instrumentality of the state;

(xiii) To the extent allowable under section 12-701a, contributions to accounts established pursuant to any qualified state tuition program, as defined in Section 529(b) of the Internal Revenue Code, established and maintained by this state or any official, agency or instrumentality of the state;

(xiv) To the extent properly includable in gross income for federal

***Substitute House Bill No. 5001***

income tax purposes, the amount of any Holocaust victims' settlement payment received in the taxable year by a Holocaust victim;

(xv) To the extent properly includable in gross income for federal income tax purposes of an account holder, as defined in section 31-51ww, interest earned on funds deposited in the individual development account, as defined in section 31-51ww, of such account holder;

(xvi) To the extent properly includable in the gross income for federal income tax purposes of a designated beneficiary, as defined in section 3-123aa, interest, dividends or capital gains earned on contributions to accounts established for the designated beneficiary pursuant to the Connecticut Homecare Option Program for the Elderly established by sections 3-123aa to 3-123ff, inclusive;

(xvii) To the extent properly includable in gross income for federal income tax purposes, any income received from the United States government as retirement pay for a retired member of (I) the Armed Forces of the United States, as defined in Section 101 of Title 10 of the United States Code, or (II) the National Guard, as defined in Section 101 of Title 10 of the United States Code;

(xviii) To the extent properly includable in gross income for federal income tax purposes for the taxable year, any income from the discharge of indebtedness in connection with any reacquisition, after December 31, 2008, and before January 1, 2011, of an applicable debt instrument or instruments, as those terms are defined in Section 108 of the Internal Revenue Code, as amended by Section 1231 of the American Recovery and Reinvestment Act of 2009, to the extent any such income was added to federal adjusted gross income pursuant to subparagraph (A)(xi) of this subdivision in computing Connecticut adjusted gross income for a preceding taxable year;

***Substitute House Bill No. 5001***

(xix) To the extent not deductible in determining federal adjusted gross income, the amount of any contribution to a manufacturing reinvestment account established pursuant to section 32-9zz in the taxable year that such contribution is made;

(xx) To the extent properly includable in gross income for federal income tax purposes, (I) for the taxable year commencing January 1, 2015, ten per cent of the income received from the state teachers' retirement system, (II) for the taxable years commencing January 1, 2016, to January 1, 2020, inclusive, twenty-five per cent of the income received from the state teachers' retirement system, and (III) for the taxable year commencing January 1, 2021, and each taxable year thereafter, fifty per cent of the income received from the state teachers' retirement system or, for a taxpayer whose federal adjusted gross income does not exceed the applicable threshold under clause (xxi) of this subparagraph, the percentage pursuant to said clause of the income received from the state teachers' retirement system, whichever deduction is greater;

(xxi) To the extent properly includable in gross income for federal income tax purposes, except for retirement benefits under clause (iv) of this subparagraph and retirement pay under clause (xvii) of this subparagraph, for a person who files a return under the federal income tax as an unmarried individual whose federal adjusted gross income for such taxable year is less than seventy-five thousand dollars, or as a married individual filing separately whose federal adjusted gross income for such taxable year is less than seventy-five thousand dollars, or as a head of household whose federal adjusted gross income for such taxable year is less than seventy-five thousand dollars, or for a husband and wife who file a return under the federal income tax as married individuals filing jointly whose federal adjusted gross income for such taxable year is less than one hundred thousand dollars, (I) for the taxable year commencing January 1, 2019, fourteen per cent of any pension or

***Substitute House Bill No. 5001***

annuity income, (II) for the taxable year commencing January 1, 2020, twenty-eight per cent of any pension or annuity income, (III) for the taxable year commencing January 1, 2021, forty-two per cent of any pension or annuity income, and (IV) for the taxable year commencing January 1, 2022, and each taxable year thereafter, one hundred per cent of any pension or annuity income;

(xxii) The amount of lost wages and medical, travel and housing expenses, not to exceed ten thousand dollars in the aggregate, incurred by a taxpayer during the taxable year in connection with the donation to another person of an organ for organ transplantation occurring on or after January 1, 2017;

(xxiii) To the extent properly includable in gross income for federal income tax purposes, the amount of any financial assistance received from the Crumbling Foundations Assistance Fund or paid to or on behalf of the owner of a residential building pursuant to sections 8-442 and 8-443;

(xxiv) To the extent properly includable in gross income for federal income tax purposes, the amount calculated pursuant to subsection (b) of section 12-704g for income received by a general partner of a venture capital fund, as defined in 17 CFR 275.203(l)-1, as amended from time to time;

(xxv) To the extent any portion of a deduction under Section 179 of the Internal Revenue Code was added to federal adjusted gross income pursuant to subparagraph (A)(xiv) of this subdivision in computing Connecticut adjusted gross income, twenty-five per cent of such disallowed portion of the deduction in each of the four succeeding taxable years;

(xxvi) To the extent properly includable in gross income for federal income tax purposes, for a person who files a return under the federal

***Substitute House Bill No. 5001***

income tax as an unmarried individual whose federal adjusted gross income for such taxable year is less than seventy-five thousand dollars, or as a married individual filing separately whose federal adjusted gross income for such taxable year is less than seventy-five thousand dollars, or as a head of household whose federal adjusted gross income for such taxable year is less than seventy-five thousand dollars, or for a husband and wife who file a return under the federal income tax as married individuals filing jointly whose federal adjusted gross income for such taxable year is less than one hundred thousand dollars, (I) for the taxable year commencing January 1, 2023, twenty-five per cent of any distribution from an individual retirement account other than a Roth individual retirement account, (II) for the taxable year commencing January 1, 2024, fifty per cent of any distribution from an individual retirement account other than a Roth individual retirement account, (III) for the taxable year commencing January 1, 2025, seventy-five per cent of any distribution from an individual retirement account other than a Roth individual retirement account, and (IV) for the taxable year commencing January 1, 2026, and each taxable year thereafter, any distribution from an individual retirement account other than a Roth individual retirement account; [and]

(xxvii) To the extent properly includable in gross income for federal income tax purposes, for the taxable year commencing January 1, 2022, the amount or amounts paid or otherwise credited to any eligible resident of this state under (I) the 2020 Earned Income Tax Credit enhancement program from funding allocated to the state through the Coronavirus Relief Fund established under the Coronavirus Aid, Relief, and Economic Security Act, P.L. 116-136, and (II) the 2021 Earned Income Tax Credit enhancement program from funding allocated to the state pursuant to Section 9901 of Subtitle M of Title IX of the American Rescue Plan Act of 2021, P.L. 117-2; and

(xxviii) Contributions to an ABLE account established pursuant to

**Substitute House Bill No. 5001**

sections 3-39k to 3-39q, inclusive, as amended by this act, not to exceed five thousand dollars for each individual taxpayer or ten thousand dollars for taxpayers filing a joint return.

Sec. 58. (NEW) (*Effective January 1, 2024, and applicable to income years and taxable years commencing on or after January 1, 2024*) (a) (1) There shall be allowed a credit against the tax imposed under chapter 208 or 229 of the general statutes, other than the liability imposed by section 12-707 of the general statutes, for contributions made by taxpayers into the ABLE accounts of employees who are employed by such taxpayers. For purposes of this section, "ABLE account" has the same meaning as provided in section 3-39j of the general statutes.

(2) The amount of the credit shall be equal to the amount of the contributions made by the taxpayer into the ABLE accounts of employees of such taxpayer during the income or taxable year, provided the amount of credit allowed for any income or taxable year with respect to a specific employee shall not exceed two thousand five hundred dollars.

(b) If the taxpayer is an S corporation or an entity treated as a partnership for federal income tax purposes, the credit may be claimed by the shareholders or partners of the taxpayer. If the taxpayer is a single member limited liability company that is disregarded as an entity separate from its owner, the credit may be claimed by such limited liability company's owner, provided such owner is a person subject to the tax imposed under chapter 208 or 229 of the general statutes.

Sec. 59. Subsection (a) of section 17b-95 of the general statutes is repealed and the following is substituted in lieu thereof (*Effective October 1, 2023*):

(a) Upon the death of any person who has at any time been a beneficiary of the Medicaid program, the state shall have a claim against



**Substitute House Bill No. 5001**

such person's estate for all amounts paid on behalf of such person under the Medicaid program for which the state has not been reimbursed and that the state is required to recover under federal law, provided such claim shall not include, to the extent permissible under federal law, moneys invested in an individual ABLE account established pursuant to section 3-39k, as amended by this act. The claim of the state shall only be to the extent that the amount which the surviving spouse, parent or dependent children of the decedent would otherwise take from such estate is not needed for their support.

Sec. 60. (NEW) (*Effective from passage*) (a) As used in this section, (1) "legally responsible relative" means a spouse, parent or legal guardian of a person enrolled in a Medicaid waiver program, and (2) "Medicaid waiver program" means any of the three programs established under Section 1915(c) of the Social Security Act to provide home and community-based services to clients of the Department of Developmental Services.

(b) Not later than November 1, 2023, the Commissioner of Social Services, in consultation with the Commissioner of Developmental Services, shall apply for a Medicaid waiver to authorize, subject to the approval of the Centers for Medicare and Medicaid Services, compensation for family caregivers providing personal care assistance services to participants in the Medicaid waiver programs, including, but not limited to, family caregivers who are legally responsible relatives. For purposes of this section, "family caregiver" means a caregiver related by blood or marriage or a legal guardian of a participant in a Medicaid waiver program.

Sec. 61. Section 32-7t of the general statutes is repealed and the following is substituted in lieu thereof (*Effective January 1, 2024, and applicable to taxable years commencing on or after January 1, 2024*):

(a) As used in this section:

***Substitute House Bill No. 5001***

(1) "Commissioner" means the Commissioner of Economic and Community Development;

(2) "Discretionary FTE" means an FTE that is paid qualified wages and does not meet the threshold wage requirements to be a qualified FTE but is approved by the commissioner pursuant to subdivision (4) of subsection (c) of this section;

(3) "Distressed municipality" has the same meaning as provided in section 32-9p;

(4) "Full-time equivalent" or "FTE" means the number of employees employed at a qualified business, calculated in accordance with subsection (d) of this section;

(5) "Full-time job" means a job in which an employee is required to work at least thirty-five or more hours per week. "Full-time job" does not include a temporary or seasonal job;

(6) "Intellectual disability" has the same meaning as provided in section 1-1g;

[(6)] (7) "Median household income" means the median annual household income for residents in a municipality as calculated from the U.S. Census Bureau's five-year American Community Survey or another data source, at the sole discretion of the commissioner;

[(7)] (8) "New employee" means a person or persons hired by the qualified business to fill a full-time equivalent position. A new employee does not include a person who was employed in this state by a related person with respect to the qualified business within twelve months prior to a qualified business' application to the commissioner for a rebate allocation notice for a job creation rebate pursuant to subsection (c) of this section;

**Substitute House Bill No. 5001**

[(8)] (9) "New FTEs" means the number of FTEs that (A) did not exist in this state at the time of a qualified business' application to the commissioner for a rebate allocation notice for a job creation rebate pursuant to subsection (c) of this section, (B) are not the result of FTEs acquired due to a merger or acquisition, (C) are filled by a new employee, (D) are qualified FTEs, and (E) are not FTEs hired to replace FTEs that existed in the state after January 1, 2020. The commissioner may issue guidance on the implementation of this definition;

[(9)] (10) "New FTEs created" means the number of new FTEs that the qualified business is employing at a point-in-time at the end of the relevant time period;

[(10)] (11) "New FTEs maintained" means the total number of new FTEs employed throughout a relevant time period;

[(11)] (12) "Opportunity zone" means a population census tract that is a low-income community that is designated as a "qualified opportunity zone" pursuant to the Tax Cuts and Jobs Act of 2017, P.L. 115-97, as amended from time to time;

[(12)] (13) "Part-time job" means a job in which an employee is required to work less than thirty-five hours per week. "Part-time job" does not include a temporary or seasonal job;

[(13)] (14) "Qualified business" means a person that is (A) engaged in business in an industry related to finance, insurance, manufacturing, clean energy, bioscience, technology, digital media or any similar industry, as determined by the sole discretion of the commissioner, and (B) subject to taxation under chapter 207, 208 or 228z;

[(14)] (15) "Qualified FTE" means an FTE who is paid qualified wages of at least eighty-five per cent of the median household income for the location where the FTE position is primarily located, scaled in proportion to the FTE fraction, or thirty-seven thousand five hundred

**Substitute House Bill No. 5001**

dollars, scaled in proportion to the FTE fraction, whichever is greater;

[(15)] (16) "Qualified wages" means wages sourced to this state pursuant to section 12-705;

[(16)] (17) "Rebate period" means the calendar years in which a tax rebate provided for in this section is to be paid pursuant to a contract executed pursuant to subsection (c) of this section; and

[(17)] (18) "Related person" means (A) a corporation, limited liability company, partnership, association or trust controlled by the qualified business, (B) an individual, corporation, limited liability company, partnership, association or trust that is in control of the qualified business, (C) a corporation, limited liability company, partnership, association or trust controlled by an individual, corporation, limited liability company, partnership, association or trust that is in control of the qualified business, or (D) a member of the same controlled group as the qualified business. For the purposes of this subdivision, "control" means (i) ownership, directly or indirectly, of stock possessing fifty per cent or more of the total combined voting power of all classes of the stock of a corporation entitled to vote, (ii) ownership, directly or indirectly, of fifty per cent or more of the capital or profits interest in a partnership, limited liability company or association, or (iii) ownership, directly or indirectly, of fifty per cent or more of the beneficial interest in the principal or income of a trust. The ownership of stock in a corporation, of a capital or profits interest in a partnership, of a limited liability company or association or of a beneficial interest in a trust shall be determined in accordance with the rules for constructive ownership of stock provided in Section 267(c) of the Internal Revenue Code of 1986, or any subsequent corresponding internal revenue code of the United States, as amended from time to time, other than paragraph (3) of said section.

(b) There is established a JobsCT tax rebate program under which

***Substitute House Bill No. 5001***

qualified businesses that create jobs in this state, in accordance with the provisions of this section, may be allowed a tax rebate, which shall be treated as a credit against the tax imposed under chapter 208 or 228z or as an offset of the tax imposed under chapter 207.

(c) (1) To be eligible to claim a rebate under this section, a qualified business shall apply to the commissioner in accordance with the provisions of this subsection. The application shall be on a form prescribed by the commissioner and may require information, including, but not limited to, the number of new FTEs to be created by the qualified business, the number of current FTEs employed by the qualified business, feasibility studies or business plans for the increased number of FTEs, projected state and local revenue that may reasonably derive as a result of the increased number of FTEs and any other information necessary to determine whether there will be net benefits to the economy of the municipality or municipalities in which the qualified business is primarily located and the state.

(2) Upon receipt of an application, the commissioner shall determine (A) whether the qualified business making the application will be reasonably able to meet the FTE hiring targets and other metrics as presented in such application, (B) whether such qualified business' proposed job growth would provide a net benefit to economic development and employment opportunities in the state, and (C) whether such qualified business' proposed job growth will exceed the number of jobs at the business that existed prior to January 1, 2020. The commissioner may require the applicant to submit additional information to evaluate an application. Each qualified business making an application shall satisfy the requirements of this subdivision, as determined by the commissioner, to be eligible for the JobsCT tax rebate program.

(3) The commissioner, upon consideration of an application and any additional information, may approve an application in whole or in part

***Substitute House Bill No. 5001***

or may approve an application with amendments. If the commissioner disapproves an application, the commissioner shall identify the defects in such application and explain the specific reasons for the disapproval. The commissioner shall render a decision on an application not later than ninety days after the date of its receipt by the commissioner.

(4) The commissioner may approve an application in whole or in part by a qualified business that creates new discretionary FTEs or may approve such an application with amendments if a majority of such new discretionary FTEs are individuals who (A) because of a disability, are receiving or have received services from the Department of Aging and Disability Services; (B) are receiving employment services from the Department of Mental Health and Addiction Services or participating in employment opportunities and day services, as defined in section 17a-226, operated or funded by the Department of Developmental Services; (C) have been unemployed for at least six of the preceding twelve months; (D) have been convicted of a misdemeanor or felony; (E) are veterans, as defined in section 27-103; (F) have not earned any postsecondary credential and are not currently enrolled in an postsecondary institution or program; or (G) are currently enrolled in a workforce training program fully or substantially paid for by the employer that results in such individual earning a postsecondary credential.

(5) The commissioner may combine approval of an application with the exercise of any of the commissioner's other powers, including, but not limited to, the provision of other financial assistance.

(6) The commissioner shall enter into a contract with an approved qualified business, which shall include, but need not be limited to, a requirement that the qualified business consent to the Department of Economic and Community Development's access of data compiled by other state agencies, including, but not limited to, the Labor Department, for the purposes of audit and enforcement and, if a

**Substitute House Bill No. 5001**

qualified business is approved by the commissioner in accordance with subdivision (4) of this subsection, the required wage such business shall pay new discretionary FTEs to qualify for the tax rebates provided for in subsection (f) of this section.

(7) Upon signing a contract with an approved qualified business, the commissioner shall issue a rebate allocation notice stating the maximum amount of each rebate available to such business for the rebate period and the specific terms that such business shall meet to qualify for each rebate. Such notice shall certify to the approved qualified business that the rebates may be claimed by such business if it meets the specific terms set forth in the notice.

(d) For the purposes of this section, the FTE of a full-time job or part-time job is based on the hours worked or expected to be worked by an employee in a calendar year. A job in which an employee worked or is expected to work one thousand seven hundred fifty hours or more in a calendar year equals one FTE. A job in which an employee worked or is expected to work less than one thousand seven hundred fifty hours equals a fraction of one FTE, where the fraction is the number of hours worked in a calendar year divided by one thousand seven hundred fifty. The commissioner shall have the discretion to adjust the calculation of FTE.

(e) (1) In each calendar year of the rebate period, a qualified business approved by the commissioner pursuant to subdivision (3) of subsection (c) of this section that employs at least twenty-five new FTEs in this state or, if at least one of the new FTEs is an individual with intellectual disability, fifteen new FTEs in this state by December thirty-first of the calendar year that is two calendar years prior to the calendar year in which the rebate is being claimed shall be allowed a rebate equal to the greater of the following amounts:

(A) The sum of:

**Substitute House Bill No. 5001**

(i) The lesser of (I) the new FTEs created in an opportunity zone or distressed municipality on December thirty-first of the calendar year that is two calendar years prior to the calendar year in which the rebate is being claimed, [or] (II) the new FTEs maintained in an opportunity zone or distressed municipality in the previous calendar year, (III) the new FTEs created by a qualified business employing at least one new FTE who is an individual with intellectual disability, or (IV) the new FTEs maintained by a qualified business employing at least one new FTE who is an individual with intellectual disability, multiplied by fifty per cent of the income tax that would be paid on the average wage of the new FTEs, as determined by the applicable marginal rate set forth in chapter 229 for an unmarried individual based solely on such wages; and

(ii) The lesser of (I) the new FTEs created on December thirty-first of the calendar year that is two calendar years prior to the calendar year in which the rebate is being claimed, or (II) the new FTEs maintained in a location other than an opportunity zone or distressed municipality in the previous calendar year, multiplied by twenty-five per cent of the income tax that would be paid on the average wage of the new FTEs, as determined by the applicable marginal rate set forth in chapter 229 for an unmarried individual based solely on such wages; or

(B) The greater of:

(i) One thousand dollars multiplied by the lesser of (I) the new FTEs created by December thirty-first of the calendar year that is two calendar years prior to the calendar year in which the rebate is being claimed, or (II) the new FTEs maintained in the calendar year immediately prior to the calendar year in which the rebate is being claimed; or

(ii) For tax credits earned, claimed or payable prior to January 1, 2024, two thousand dollars multiplied by the lesser of (I) the new FTEs created by December 31, 2022, or (II) the new FTEs maintained in the calendar



**Substitute House Bill No. 5001**

year immediately prior to the calendar year in which the rebate is being claimed.

(2) In no event shall the rebate under this subsection exceed in any calendar year of the rebate period five thousand dollars multiplied by the lesser of (A) the new FTEs created by December thirty-first of the calendar year that is two calendar years prior to the calendar year in which the rebate is being claimed, or (B) the new FTEs maintained in the calendar year immediately prior to the calendar year in which the rebate is being claimed.

(3) In no event shall an approved qualified business receive a rebate under this subsection in any calendar year of the rebate period if such business has not maintained, in the calendar year immediately prior to the calendar year in which the rebate is being claimed, at least (A) twenty-five new FTEs, [in the calendar year immediately prior to the calendar year in which the rebate is being claimed] or (B) fifteen new FTEs, if at least one of the new FTEs is an individual with intellectual disability.

(f) (1) In each calendar year of the rebate period, a qualified business approved by the commissioner pursuant to subdivision (4) of subsection (c) of this section that employs at least twenty-five new discretionary FTEs in this state by December thirty-first of the calendar year that is two calendar years prior to the calendar year in which the rebate is being claimed shall be allowed a rebate equal to the sum of the amount calculated pursuant to subdivision (1) of subsection (e) of this section and the greater of the following:

(A) The sum of:

(i) The lesser of the new discretionary FTEs (I) created in an opportunity zone or distressed municipality on December thirty-first of the calendar year that is two calendar years prior to the calendar year in

***Substitute House Bill No. 5001***

which the rebate is being claimed, or (II) maintained in an opportunity zone or distressed municipality in the previous calendar year, multiplied by fifty per cent of the income tax that would be paid on the average wage of the new discretionary FTEs, as determined by the applicable marginal rate set forth in chapter 229 for an unmarried individual based solely on such wages; and

(ii) The lesser of the new discretionary FTEs (I) created on December thirty-first of the calendar year that is two calendar years prior to the calendar year in which the rebate is being claimed, or (II) maintained in a location other than an opportunity zone or distressed municipality in the previous calendar year, multiplied by twenty-five per cent of the income tax that would be paid on the average wage of the new discretionary FTEs, as determined by the applicable marginal rate set forth in chapter 229 for an unmarried individual based solely on such wages; or

(B) The greater of:

(i) Seven hundred fifty dollars multiplied by the lesser of the new discretionary FTEs (I) created by December thirty-first of the calendar year that is two calendar years prior to the calendar year in which the rebate is being claimed, or (II) maintained in the calendar year immediately prior to the calendar year in which the rebate is being claimed; or

(ii) For tax credits earned, claimed or payable prior to January 1, 2024, one thousand five hundred dollars multiplied by the lesser of (I) the new FTEs created by December 31, 2022, or (II) the new FTEs maintained in the calendar year immediately prior to the calendar year in which the rebate is being claimed.

(2) In no event shall the rebate under this section exceed in any calendar year of the rebate period five thousand dollars multiplied by

***Substitute House Bill No. 5001***

the lesser of the new discretionary FTEs (A) created by December thirty-first of the calendar year that is two calendar years prior to the calendar year in which the rebate is being claimed, or (B) maintained in the calendar year immediately prior to the calendar year in which the rebate is being claimed.

(3) In no event shall an approved qualified business receive a rebate under this subsection in any calendar year of the rebate period if such business has not maintained at least twenty-five new discretionary FTEs in the calendar year immediately prior to the calendar year in which the rebate is being claimed.

(g) (1) Notwithstanding the provisions of subdivisions (3) and (4) of subsection (c) of this section, the commissioner may not approve an application in whole or in part if the full amount of rebates that such applicant may be paid pursuant to subsection (e) or (f) of this section would result in the aggregate amount of rebates issued to all approved qualified businesses under this section exceeding forty million dollars in any fiscal year.

(2) Notwithstanding the provisions of subdivision (4) of subsection (c) of this section, the commissioner may not approve an application in whole or in part if the full amount of rebates that such applicant may be paid pursuant to subsection (f) of this section would result in the aggregate amount of rebates issued pursuant to subsection (f) of this section exceeding [ten] fifteen million dollars in any fiscal year.

(h) (1) A rebate under this section may be granted to an approved qualified business for not more than seven successive calendar years. A rebate shall not be granted until at least twenty-four months after the commissioner's approval of a qualified business' application.

(2) An approved qualified business that has fewer than twenty-five new FTEs or, if at least one of the new FTEs is an individual with

***Substitute House Bill No. 5001***

intellectual disability, fewer than fifteen new FTEs, created in each of two consecutive calendar years or, if such business is approved by the commissioner pursuant to subdivision (4) of subsection (c) of this section, fewer than twenty-five new discretionary FTEs in each of two consecutive calendar years shall forfeit all remaining rebate allocations, unless the commissioner recognizes mitigating circumstances of a regional or national nature, including, but not limited to, a recession.

(i) Not later than January thirty-first of each year during the rebate period, each approved qualified business shall provide information to the commissioner regarding the number of new FTEs or new discretionary FTEs created or maintained during the prior calendar year and the qualified wages of such new employees. Any information provided under this subsection shall be subject to audit by the Department of Economic and Community Development.

(j) Not later than March fifteenth of each year during the rebate period, the Department of Economic and Community Development shall issue the approved qualified business a rebate voucher that sets forth the amount of the rebate, as calculated pursuant to subsections (e) and (f) of this section, and the taxable year against which such rebate may be claimed. The approved qualified business shall claim such rebate as a credit against the taxes due under chapter 208 or 228z or as an offset of the tax imposed under chapter 207. The commissioner shall annually provide to the Commissioner of Revenue Services a report detailing all rebate vouchers that have been issued under this section.

(k) Beginning on January 1, 2023, and annually thereafter, the commissioner, in consultation with the office of the State Comptroller and the Auditors of Public Accounts, shall submit a report to the Office of Policy and Management on the expenses of the JobsCT tax rebate program and the number of FTEs and discretionary FTEs created and maintained.

***Substitute House Bill No. 5001***

(l) Not later than January 1, 2024, the commissioner shall post, on the Department of Economic and Community Development's Internet web site, information on the JobsCT tax rebate program established under this section, including, but not limited to, information concerning tax rebates available for qualified businesses that, in accordance with the provisions of this section, employ individuals with intellectual disability in this state.

Sec. 62. Subsection (c) of section 4a-59 of the general statutes is repealed and the following is substituted in lieu thereof (*Effective October 1, 2023*):

(c) All open market orders or contracts shall be awarded to (1) the lowest responsible qualified bidder, the qualities of the articles to be supplied, their conformity with the specifications, their suitability to the requirements of the state government and the delivery terms being taken into consideration and, at the discretion of the Commissioner of Administrative Services, life-cycle costs and trade-in or resale value of the articles may be considered where it appears to be in the best interest of the state, (2) the highest scoring bidder in a multiple criteria bid, in accordance with the criteria set forth in the bid solicitation for the contract, or (3) the proposer whose proposal is deemed by the awarding authority to be the most advantageous to the state, in accordance with the criteria set forth in the request for proposals, including price and evaluation factors. Notwithstanding any provision of the general statutes to the contrary, each state agency awarding a contract through competitive negotiation shall include price as an explicit factor in the criteria in the request for proposals and for the contract award. In considering past performance of a bidder for the purpose of determining the "lowest responsible qualified bidder" or the "highest scoring bidder in a multiple criteria bid", the commissioner shall evaluate the skill, ability and integrity of the bidder in terms of the bidder's fulfillment of past contract obligations and the bidder's

***Substitute House Bill No. 5001***

experience or lack of experience in delivering supplies, materials, equipment or contractual services of the size or amount for which bids have been solicited. In determining the lowest responsible qualified bidder for the purposes of this section, the commissioner may give a price preference of up to ten per cent for (A) the purchase of goods made with recycled materials or the purchase of recyclable or remanufactured products if the commissioner determines that such preference would promote recycling or remanufacturing. As used in this subsection, "recyclable" means able to be collected, separated or otherwise recovered from the solid waste stream for reuse, or for use in the manufacture or assembly of another package or product, by means of a recycling program which is reasonably available to at least seventy-five per cent of the state's population, "remanufactured" means restored to its original function and thereby diverted from the solid waste stream by retaining the bulk of components that have been used at least once and by replacing consumable components and "remanufacturing" means any process by which a product is remanufactured; (B) the purchase of motor vehicles powered by a clean alternative fuel; (C) the purchase of motor vehicles powered by fuel other than a clean alternative fuel and conversion equipment to convert such motor vehicles allowing the vehicles to be powered by either the exclusive use of clean alternative fuel or dual use of a clean alternative fuel and a fuel other than a clean alternative fuel. As used in this subsection, "clean alternative fuel" means natural gas, electricity, hydrogen or propane when used as a motor vehicle fuel; [or] (D) the purchase of goods or services from a micro business, except that, in the case of a veteran-owned micro business, the commissioner may give a price preference of up to fifteen per cent. As used in this subsection, "micro business" means a business with gross revenues not exceeding three million dollars in the most recently completed fiscal year, "veteran-owned micro business" means a micro business of which at least fifty-one per cent of the ownership is held by one or more veterans and "veteran" has the same meaning as provided in section 27-103; or (E) the purchase of goods or

**Substitute House Bill No. 5001**

services from a business that, at the time when a bid or proposal is submitted, employs a workforce of which not less than ten per cent consists of individuals with intellectual disability, as defined in section 1-1g. All other factors being equal, preference shall be given to supplies, materials and equipment produced, assembled or manufactured in the state and services originating and provided in the state. Except with regard to contracts that may be paid for with United States Department of Transportation funds, if any such bidder refuses to accept, within ten days, a contract awarded to such bidder, such contract may be awarded to the next lowest responsible qualified bidder or the next highest scoring bidder in a multiple criteria bid, whichever is applicable, and so on until such contract is awarded and accepted. Except with regard to contracts that may be paid for with United States Department of Transportation funds, if any such proposer refuses to accept, within ten days, a contract awarded to such proposer, such contract shall be awarded to the next most advantageous proposer, and so on until the contract is awarded and accepted. There shall be a written evaluation made of each bid. This evaluation shall identify the vendors and their respective costs and prices, document the reason why any vendor is deemed to be nonresponsive and recommend a vendor for award. A contract valued at one million dollars or more shall be awarded to a bidder other than the lowest responsible qualified bidder or the highest scoring bidder in a multiple criteria bid, whichever is applicable, only with written approval signed by the Commissioner of Administrative Services and by the Comptroller. The commissioner shall post on the department's Internet web site all awards made pursuant to the provisions of this section.

Sec. 63. (NEW) (*Effective July 1, 2023*) (a) (1) The Commissioner of Economic and Community Development shall, within available resources, establish a workforce development program to provide grants to nonprofit organizations that employ individuals with intellectual disability, as defined in section 1-1g of the general statutes.

**Substitute House Bill No. 5001**

Such grants shall be awarded for infrastructure expenditures, start-up costs or expansion costs.

(2) Any nonprofit organization that employs, at the time of application, a workforce of which not less than ten per cent consists of individuals with intellectual disability, as defined in section 1-1g of the general statutes, may apply for a grant under the program.

(3) Grants awarded pursuant to this section shall not exceed:

(A) Twenty-five thousand dollars per nonprofit organization employing a workforce of which between ten and thirty per cent, inclusive, consists of individuals with intellectual disability; and

(B) Seventy-five thousand dollars per nonprofit organization employing a workforce of which more than thirty per cent consists of individuals with intellectual disability.

(b) The Department of Economic and Community Development may enter into an agreement, pursuant to chapter 55a of the general statutes, with a person, firm, corporation or other entity to operate the program established pursuant to this section.

(c) The commissioner shall prescribe the form and manner of the application and such application procedure shall include a competitive award process.

Sec. 64. Subsection (c) of section 46b-84 of the general statutes is repealed and the following is substituted in lieu thereof (*Effective October 1, 2023*):

(c) (1) The court may make appropriate orders of support of any child with intellectual disability, as defined in section 1-1g, or a mental disability, as defined in section 46a-51, or [physical disability] who is physically disabled, as defined in [subdivision (15) of] section 46a-51,



**Substitute House Bill No. 5001**

who resides with a parent and is principally dependent upon such parent for maintenance until such child attains the age of twenty-one. [The child support guidelines established pursuant to section 46b-215a shall not apply to orders entered under this subsection.] The provisions of this [subsection] subdivision shall apply only in cases where the decree of dissolution of marriage, legal separation or annulment is entered on or after October 1, 1997, and before October 1, 2023, or where the initial support orders in actions not claiming any such decree are entered on or after October 1, 1997, and before October 1, 2023. (2) The court may make appropriate orders of support of any child with intellectual disability, as defined in section 1-1g, or a mental disability, as defined in section 46a-51, or who is physically disabled, as defined in section 46a-51, who resides with a parent and is principally dependent upon such parent for maintenance until such child attains the age of twenty-six. The provisions of this subdivision shall apply only in cases where the decree of dissolution of marriage, legal separation or annulment is entered on or after October 1, 2023, or where the initial support orders in actions not claiming any such decree are entered on or after October 1, 2023. (3) The child support guidelines established pursuant to section 46b-215a shall not apply to any order entered under this subsection.

Sec. 65. Subsection (a) of section 8-3e of the general statutes is repealed and the following is substituted in lieu thereof (*Effective October 1, 2023*):

(a) No zoning regulation shall treat the following in a manner different from any single family residence: (1) Any community residence that houses [six] eight or fewer persons with intellectual disability and necessary staff persons and that is licensed under the provisions of section 17a-227, (2) any child-care residential facility that houses [six] eight or fewer children with mental or physical disabilities and necessary staff persons and that is licensed under sections 17a-145

**Substitute House Bill No. 5001**

to 17a-151, inclusive, (3) any community residence that houses [six] eight or fewer persons receiving mental health or addiction services and necessary staff persons paid for or provided by the Department of Mental Health and Addiction Services and that has been issued a license by the Department of Public Health under the provisions of section 19a-491, if a license is required, or (4) any residence that provides licensed hospice care and services to [six] eight or fewer persons, provided such residence is (A) managed by an organization that is tax exempt under Section 501(c)(3) of the Internal Revenue Code of 1986, or any subsequent corresponding internal revenue code of the United States, as from time to time amended; (B) located in a city with a population of more than one hundred thousand and within a zone that allows development on one or more acres; (C) served by public sewer and water; and (D) constructed in accordance with applicable building codes for occupancy by [six] eight or fewer persons who are not capable of self-preservation.

Sec. 66. Section 8-3f of the general statutes is repealed and the following is substituted in lieu thereof (*Effective October 1, 2023*):

No (1) community residence, except a community residence that (A) houses eight or fewer persons with intellectual disability and necessary staff persons and that is licensed under the provisions of section 17a-227, or (B) houses eight or fewer persons receiving mental health or addiction services and necessary staff persons paid for or provided by the Department of Mental Health and Addiction Services that has been issued a license by the Department of Public Health under the provisions of section 19a-491; or (2) child-care residential facility, except for a child-care residential facility that houses eight or fewer children with mental or physical disabilities and necessary staff persons and that is licensed under sections 17a-145 to 17a-151, inclusive, established pursuant to section 8-3e, as amended by this act, shall be established within one thousand feet of any other such community residence or

**Substitute House Bill No. 5001**

child-care residential facility without the approval of the body exercising zoning powers within the municipality in which such residence is proposed to be established.

Sec. 67. Section 19a-507a of the general statutes is repealed and the following is substituted in lieu thereof (*Effective October 1, 2023*):

As used in this section, section 8-3g and sections 19a-507a to 19a-507d, inclusive, as amended by this act: (1) ["Mentally ill adult"] "Adult impacted by mental health disorder" means any adult who [has experiences symptoms of, or is in remission from, a mental or emotional condition [which has substantial adverse effects on his ability to function] that has a clinically significant impact on one or more areas of such adult's functioning and who requires care and treatment but shall not mean any adult who is dangerous to [himself or herself] such adult or others, as defined in section 17a-495, or who is an alcohol-dependent person or a drug-dependent person, as defined in section 17a-680, or who has been placed in any community-based residential home by order of the Superior Court or has been released to any community-based residential home by the Department of Correction or any person found not competent to stand trial for any crime pursuant to section 54-56d or committed pursuant to sections 17a-580 to 17a-602, inclusive; and (2) "community residence" means a facility which houses the staff of such facility and eight or fewer [mentally ill adults which] adults impacted by mental health disorders that is licensed by the Commissioner of Public Health and which provides supervised, structured group living activities and psychosocial rehabilitation and other support services to [mentally ill] adults impacted by mental health disorders who are discharged from a state-operated or licensed facility or referred by a licensed physician specializing in psychiatry or a licensed psychologist.

Sec. 68. Subsection (a) of section 19a-507b of the general statutes is repealed and the following is substituted in lieu thereof (*Effective October*

**Substitute House Bill No. 5001**

1, 2023):

(a) No (1) community residence, except a community residence that (A) houses eight or fewer persons with intellectual disability and necessary staff persons and that is licensed under the provisions of section 17a-227, or (B) houses eight or fewer persons receiving mental health or addiction services and necessary staff persons paid for or provided by the Department of Mental Health and Addiction Services that has been issued a license by the Department of Public Health under the provisions of section 19a-491; or (2) child-care residential facility, except for a child-care residential facility that houses eight or fewer children with mental or physical disabilities and necessary staff persons and that is licensed under sections 17a-145 to 17a-151, inclusive, established pursuant to section 8-3e, as amended by this act, shall be established [on or after July 1, 1984,] within one thousand feet of any other community residence. If more than one community residence is proposed to be established in any municipality, the total capacity of all community residences in the municipality in which such residence is proposed to be established shall not exceed one-tenth of one per cent of the population of such municipality.

Approved June 27, 2023