
OLR Bill Analysis

HB 5001 (as amended by House "A")*

AN ACT CONCERNING THE QUALITY AND DELIVERY OF SPECIAL EDUCATION SERVICES IN CONNECTICUT.

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§ 26 — PRIVATE PROVIDER ENROLLMENT REPORT

Requires special education private providers to submit an annual report to SDE regarding their enrollment beginning January 1, 2026

BACKGROUND

SUMMARY

This bill makes numerous changes to special education laws and funding. A section-by-section analysis follows.

EFFECTIVE DATE: July 1, 2025, unless otherwise noted below.

*House Amendment “A” strikes the underlying bill, which required a study on special education in the state, and replaces it with the provisions summarized below.

§ 1 — DEFINITION OF “CHILD REQUIRING SPECIAL EDUCATION” AND OTHER TERMS

Allows children with developmental delays to qualify for special education through age eight without falling under a specific disability category and defines certain terms

The bill allows children with developmental delays to qualify for special education through age eight without falling under a specific disability category under the federal Individuals with Disabilities Education Act (IDEA).

Under current law, a “child requiring special education” includes children age three through five that are experiencing a developmental delay; the bill increases the maximum age to eight. By law, a developmental delay means a significant delay in physical, communication, cognitive, social-emotional, or adaptive development measured by appropriate diagnostic methods.

The IDEA requires states to provide special education to qualifying students that fall within specified disability categories (see *Background – IDEA*). It also allows states, at their discretion, to include three-through nine-year-olds (or any subset of that age range) with developmental delays in their definition of children requiring special education (20 U.S.C. § 1401 (3)(B)). States that do so agree to provide a free appropriate public education (FAPE) to these students and comply with the IDEA’s requirements and can count these students as children with a disability for the purpose of determining IDEA grants.

The bill also defines other terms explained below in context.

Background — IDEA

The IDEA is the main federal law governing special education (20 U.S.C. § 1400 et seq.; 34 C.F.R. § 300.1 et seq.). It authorizes grants to states and school districts and attaches a series of conditions to funding, which states agree to adhere to by accepting funding. The IDEA guarantees students with qualifying disabilities the right to a FAPE tailored to their unique needs and implemented under a planning document called an Individualized Education Program (IEP). It also requires school districts to identify and evaluate students who may need special education, educate students with disabilities with their nondisabled peers as much as possible, and follow certain procedural safeguards, among other things.

The IDEA’s definition of disability is categorical and education-specific. To be a “child with a disability” under the IDEA (and so qualify for special education services), a child must (1) have a disability that falls under one of the listed categories and (2) need special education and related services because of it. The categories are autism, deaf-blindness, hearing impairment (including deafness), intellectual disability, developmental delay (for certain ages), orthopedic impairment, serious emotional disturbance, specific learning disability, speech or language impairment, traumatic brain injury, vision impairment, multiple disabilities, and other health impairment (20 U.S.C. § 1401 (3); 34 C.F.R. § 300.8(c)).

§ 2 — PROHIBITION ON INCREASING CHARGES FOR SPECIAL EDUCATION SERVICES DURING THE SCHOOL YEAR

Generally prohibits a charging entity from increasing its costs to a school board for special education services beginning with the 2025-26 school year; permits increases in certain situations if approved by SDE

Beginning with the 2025-26 school year, the bill generally prohibits a charging entity (see below) from increasing its charges to a local or regional board of education (“school board”) for special education services (i.e. services required under a student’s IEP), except in response to a change in the student’s IEP.

Under the bill, the State Department of Education (SDE) may permit, upon request, a charging entity to increase the amount it charges a

school board for special education services if there is a substantial increase in costs for (1) the services being provided for a student or (2) the charging entity's operation. The education commissioner must determine the process for these requests, including any required documentation proving the increase. The commissioner must review each request and give a written decision approving or denying them within 60 days of receipt.

The bill defines "charging entity" as an approved private provider of special education services, a regional educational service center (RESC), a magnet school operator, a state charter school, an educational cooperative agreement, a school board operating an outplacement program, or a special education transportation services provider, or as part of the Open Choice Program.

§§ 3 & 24 — ESTABLISHING A RATE SCHEDULE FOR DIRECT SPECIAL EDUCATION SERVICES AND REQUIRING PRIVATE CONTRACTS TO CONFORM TO THE SCHEDULE

Requires SDE to set rates that special education and related services providers can charge to school boards for services; sets separate paths to set rates for (1) private special education providers and (2) public special education providers and any provider of related services

The bill establishes (1) one path to determine the rates for special education services provided by private providers and (2) another path to determine the rates for related services provided by either a public or private provider ("charging entity," see above) and for special education services provided by a public provider.

Related Services and Public Provider Special Education Services

The bill requires SDE, in consultation with the Office of Policy and Management (OPM), to set a rate schedule by January 1, 2028, for (1) special education services, excluding special education transportation, provided by a public special education services provider, and (2) related services that a charging entity provides under an IEP. By January 1, 2028, SDE must notify each school board of the rate schedule and post it on the department's website. The rate schedule then becomes effective on July 1, 2028.

Under the bill (1) related services are developmental, corrective, and other supportive services as needed to help a special education student benefit from special education and includes speech, behavioral, and occupational therapies but excludes special education transportation services and (2) special education transportation services are transportation services to and from special education outplacements provided by a provider of special education transportation services.

In establishing this rate schedule, SDE must (1) consult with stakeholders and education officials in other states experienced in rate setting and (2) take into account provider operating expenses, the costs that school boards pay, the educator-to-student ratio, staff professional qualifications, and any other considerations the department finds relevant.

The rate schedule must include billing standards that describe how the charging entity's operational expenses should be proportionally and appropriately attributed to the services. The department will, at least biennially, review the rate schedule and billing standards and may revise them as necessary.

By December 31, 2027, SDE must set individual rates for each special education and related service. However, the bill allows SDE to do so as early as July 1, 2025.

If the rates are set earlier than the bill's deadline, the bill requires SDE to notify each school board of the rate. SDE must post it on the department's website no later than January 1 of the year after they were set, and the posted rate will become effective on the following July 1. Otherwise, the department must post the rates and complete these notifications before January 1, 2028, and the rates go into effect July 1, 2028.

Service Charges Must Align With Established Rates

If SDE sets rates for public provider special education services and related services from a charging entity prior to the bill's deadline, the charged rates must align with the rates SDE sets provided they were

posted on or before January 1 of the prior school year. Otherwise, starting with the 2028-29 school year, the rates must align with the rates SDE sets provided rates were posted on or before January first of the prior school year.

Any amount charged to and paid by a school board for direct services over the rate schedule amount is ineligible for an excess cost grant reimbursement or the bill's new special education expansion development grant (see § 7).

Private Provider Special Education Services and General Assembly Approval

The bill establishes a separate process to develop rates for private special education service providers that includes proposed rates being submitted to the General Assembly for a vote.

The bill requires the education commissioner to consult with approved nonprofit and approved for-profit private special education service providers to develop proposed individual rates for each special education service, excluding transportation services. As with the process stated above for public providers, SDE has a required deadline of December 31, 2027, to develop rates, but may develop these rates as early as July 1, 2025.

In addition to consulting with providers, the commissioner must follow the same process mentioned above including (1) consulting with stakeholders and education officials in other states experienced in rate setting and (2) taking into account specified data. Billing standards must accompany the rates.

Once rates are developed, the commissioner must submit all proposed rates by January 1 to the General Assembly for approval or disapproval. If the General Assembly fails to approve or disapprove the proposed rates on or before the March 15 following submission, they will be deemed approved. Any proposed rate that the General Assembly approves or is deemed approved becomes effective on following July 1.

Reporting Requirements

The bill sets reporting requirements for the provider rates. For the window during which SDE has discretion to set rates, the department must submit a report of any rates that have been established under the bill by January 1, 2026, and by January 1, 2027, to the Appropriations and Education committees. By January 1, 2028, and annually after that, SDE must submit the required rate schedule to the same two committees.

Contracts Must Conform to Rate Schedule (§ 24)

The bill requires that any contract between a private provider and a school board entered into or amended on or after July 1, 2026, that is subject to the bill's rate setting requirements, be in alignment with the rates or rate schedule as appropriate.

§ 4 — BILLING STANDARDS FOR SPECIAL EDUCATION TRANSPORTATION COSTS

Requires SDE to develop and update billing standards for the costs that special education transportation providers charge; beginning with the 2027-28 school year, requires all costs that transportation service providers charge for special education transportation services to align with SDE's billing standards

By January 1, 2027, the bill requires SDE to develop, and update as necessary, billing standards for the costs that special education transportation service providers charge to school boards for special education transportation services to and from outplacements. The department must notify each school board of the billing standards and post the standards on the SDE website.

Beginning with the 2027-28 school year, all costs that special education transportation service providers charge to school boards for special education transportation services to and from outplacements must align with the SDE's billing standards.

Annually, beginning by January 1, 2027, SDE must submit the billing standards to the Education Committee.

§ 5 — DEFINING REASONABLE COSTS FOR SPECIAL EDUCATION SERVICES

Provides that, beginning July 1, 2026, “reasonable costs” for special education services are the permitted charges under the rate schedule the bill creates; beginning July 1, 2025, prohibits the presumption that “reasonable costs” are the actual cost incurred by special education providers

Under the bill, beginning July 1, 2026, the “reasonable costs” of providing special education and related services called for under a student’s IEP is the amount that can be charged to a school board by a charging entity under the bill’s rate schedule (see § 3).

The bill specifies that the definition applies when determining the reasonable costs of providing special education and related services under the following laws:

1. charter school operators when determining what the school can charge back to the school district where the student lives (CGS § 10-66ee(d)(7)),
2. special education private providers when determining what the school district will pay the private provider (CGS § 10-76d(d)),
3. excess cost grant calculations when determining the grant eligibility threshold (CGS § 10-76g),
4. expenses of Advisory Board for Special Education members (CGS § 10-76i(a)),
5. state agency placement for non-special education reasons (CGS § 10-253(b)),
6. magnet school operators when determining what the school can charge back to the school district where the student lives (CGS § 10-264l(h), and
7. Open Choice Program when determining what the receiving school district can charge back to the school district where the student lives (sending school district) (CGS § 10-266aa(i)).

Also, beginning July 1, 2025, the bill prohibits a presumption that

“reasonable costs” means the actual cost incurred for providing special education and related services under a student’s IEP.

§ 6 — EXEMPTS NEW SPECIAL EDUCATION GRANT FROM A TOWN’S MINIMUM BUDGET REQUIREMENT

Exempts the special education and expansion development grant from a district’s minimum budget requirement calculation

By law when a town or school district receives additional state funding for education over what it received in the previous year, it must be added to the town’s minimum budget requirement (MBR) for education. Generally, a town is prohibited from decreasing its MBR for education from one year to the next and an increase in state grant funds cannot be used to decrease the town’s financial support for education (there are certain statutory exceptions and flexibilities to this).

Beginning with FY 26, the bill exempts a school district from including the amount it receives for the special education and expansion development grant (see § 7) in its MBR calculation for the following fiscal year. So, this grant will not increase a town’s MBR.

§ 7 — NEW SPECIAL EDUCATION GRANT

Entitles each school board to a new special education and expansion development grant; imposes restrictions on how the funds must be used; creates a penalty for improper use; requires school boards to annually report on how grant funds are spent

Beginning with FY 26, the bill entitles each school board to a special education and expansion development grant the bill creates. Each district is entitled to its fully-funded grant based on a formula. However, if the total amount of the grant calculation for FY 26 exceeds the amount appropriated in the budget, then the amounts payable to a school board will be reduced proportionately.

Under the bill, the grants are paid directly to school boards and the funds must be expended only for special education purposes. If a school board gets an increase in its special education grant over the previous year, it must increase its budgeted special education appropriation by the amount of the increase. Funds from the grant cannot be used to replace previously existing special education funding.

The bill defines “special education purposes” as (1) directly

providing special education and related services to students; (2) Tier 2 interventions (targeted interventions for students who need help but usually have not been identified as needing special education); (3) academic and behavioral interventions; (4) hiring and salaries for special education teachers, paraeducators, and behavioral and reading specialists who work directly with students; (5) equipment purchases and maintenance; and (6) curriculum materials. The bill specifically excludes (1) administrative functions or operating expenses related to providing special education and related services or (2) services provided by a third-party contractor.

Grant Calculation

The fully funded grant for each school district results from multiplying the foundation amount by the base aid ratio by the special education needs student count for the fiscal year before the year in which the grant is to be paid. (This method is similar to the Education Cost Sharing (ECS) grant that every town receives.) Beginning in FY 26, each school district is entitled to the new special education grant in an amount equal to its fully funded grant.

Specifically, the factors in calculating the grant include the:

1. foundation amount of \$11,525 per student (the same figure used in the ECS formula);
2. base aid ratio for each town, which is a measurement of town property and income wealth (the same formula used in ECS, see *Background – Base Aid Ratio*); and
3. special education needs student count, which is 50% of the number of resident students (students enrolled in public schools in a town as of October 1 at the town's expense) who are special education students.

The grant must be calculated using the data of record as of the December 1 before the fiscal year the grant is to be paid, adjusted for the difference between the final entitlement for the prior fiscal year and the preliminary entitlement for that same year (as calculated using the data

of record as of the December 1 before the fiscal year when the grant was paid).

Grant Payment Schedule

Under the bill, the comptroller must pay grants to school boards, upon certification by the education commissioner, in installments during the fiscal year as follows: 25% of the grant in October, 25% in January, and the balance generally in April. The balance must be paid in March rather than April to any board that has not adopted the uniform fiscal year and that would not otherwise get the final payment within its fiscal year.

Penalty for Failing to Follow Grant Requirements

The bill sets penalties for school boards that do not (1) use the funds exclusively for special education or (2) increase their budgeted appropriation for special education from one year to the next by their offset grant increase amount. A school board is also subject to penalties for using grant funds to replace other existing special education funding.

Upon SBE's determination that a school board failed in any fiscal year to meet these requirements, the board must forfeit two times the amount of the shortfall. SDE must withhold the amount forfeited from the grant payable to the school board in the second fiscal year immediately following the failure by deducting the amount from the board's special education and expansion development grant payment. But the bill allows SBE to waive the forfeiture upon agreement with the school board that the board must increase its special education appropriation during the fiscal year in which the forfeiture would occur by an amount at least equal to the forfeiture, or for other good cause shown.

Required Reporting

The bill requires school boards getting grants to annually submit, with the first one due July 15, 2026, an expenditure report to the education commissioner with a summary and itemization of how grant funds were spent during the prior fiscal year to directly provide special education and related services to students. It must include whether the

grant was used to hire any new special education teachers, paraeducators, or behavioral or reading specialists. Boards getting grants less than \$10,000 in a fiscal year are exempt from the reporting requirement for that year.

Background — Base Aid Ratio

By law, the base aid ratio is a measure of town wealth (measured by property wealth and income level) used in the ECS formula. There is a minimum of 10% base aid ratio for alliance districts and priority school districts and a minimum 1% base aid ratio for all other towns.

§ 8 — LICENSURE STANDARDS FOR PRIVATE SPECIAL EDUCATION PROVIDERS

Requires SDE to develop licensure standards for private special education providers and submit them to the Education Committee by January 1, 2026

The bill requires SDE to develop licensure standards for private special education providers in the state. These standards must include, at a minimum:

1. the application and review process for getting licensed;
2. defined periods for both initial licensure and license renewal;
3. minimum requirements tailored to the specific types of special education services provided; and
4. licensure fees, set at \$5,000 for each initial application and \$1,500 for each renewal.

By January 1, 2026, SDE must submit the licensure standards and any legislative recommendations necessary for implementation to the Education Committee.

Under current law, the education commissioner approves private special education providers in the state. The approval process is detailed in state regulations and (1) includes a site visit by SDE staff and (2) requires the provider to, among other things, (a) agree to implement each student's IEP, (b) participate in and contribute to the PPT for each student, (c) complete periodic reviews and evaluations of each student,

and (d) have various policies and procedures, including to permit staff of the sending school board to visit the facility and observe the students. The regulations also give SBE or the education commissioner, when acting on behalf of the board, the power to suspend or revoke approvals.

§ 9 — UNANNOUNCED ON-SITE VISITS OF SPECIAL EDUCATION PROVIDERS

Requires SDE to do unannounced on-site visits of RESCs and private special education providers; the education commissioner must notify the providers of the site visit findings and any required corrective actions; providers must show proof of compliance within 30 days after receiving the finding; a school board will be fined up to \$100 a day for each day of noncompliance; SDE must notify school boards of the findings and necessary compliance proof

Beginning July 1, 2027, the bill requires SDE to do annual unannounced on-site visits of randomly selected sites in the state of RESC special education programs or private special education providers providing services under a contract with a school board. The private providers are included whether or not they are approved by the education commissioner.

Each site visit must at least include:

1. reviewing documentation of employee qualifications and compliance with certification and in-service training requirements relevant to each employee,
2. reviewing compliance with criminal history and child abuse and neglect registry checks for each employee as required under state law (see § 21 that expands who must undergo these checks),
3. administering a service quality questionnaire to the parents or legal guardians of students receiving services from the RESC or the private provider, and
4. reviewing student outcomes, including attendance data and restraint and seclusion rates.

Site Visit Findings and Corrective Actions

Within 10 business days following the site visit, the education commissioner must notify the RESC or private provider in writing of

the site visit findings and any required corrective actions.

Each RESC or private provider that receives written findings with required corrective actions must submit written proof of compliance with the corrective actions to SDE within 30 days of receiving the findings. The bill prohibits school boards from placing any additional students with a RESC or private provider while it is noncompliant.

Penalties for Failing to Provide Proof of Compliance

Under the bill, any RESC or private provider that does not submit proof of compliance by the deadline will be fined up to \$100 per day for each day of noncompliance with the bill's requirements. The bill prohibits a school board from knowingly placing any additional special education students with a noncompliant RESC or private provider. (Presumably, the fine is paid to SDE, but the bill does not indicate that. It also does not provide an appeals process for a provider to dispute the fine.)

Further, within 15 days after the submission or receipt of the written records required under the bill, SDE must, in a way that complies with the student record confidentiality requirements of the Family Educational Rights and Privacy Act (FERPA, 20 U.S.C. § 1232g), post the written records to SDE's online public database. It must also send them to each school board that has placed a student with the RESC or private provider.

§ 10 — TRANSFERRING OUT-OF-DISTRICT SPECIAL EDUCATION STUDENTS

Prohibits entities from further transferring out-of-district special education students except in certain circumstances

The bill prohibits entities that receive an out-of-district placement of a special education student through an agreement or contract with a sending school board from transferring the student to any other school or facility, unless certain conditions are met. These entities include school boards, interdistrict magnet school operators, state or local charter school governing councils, and private providers of special education services. Under the bill, if one of these entities receives an out-of-district placement, a further transfer is allowed only if the:

1. sending school board initiates a planning and placement team (PPT) meeting on the issue, or the student's parent or guardian requests it (or the student requests it directly, if over age 18 or emancipated), and
2. PPT finds that the transfer better fits the student's educational needs.

Under the bill, a representative of the entity that received the out-of-district placement must be invited to attend and participate in the PPT meeting but cannot request that a PPT meeting be held for this purpose.

§ 11 — MODEL CONTRACTS FOR STUDENT PLACEMENT WITH PRIVATE SPECIAL EDUCATION PROVIDER OR RESC

Requires SDE to establish model contracts to be used when placing a student with an approved private special education provider or with a RESC; requires SDE to make the model contracts available to school boards by July 1, 2026

The bill requires SDE to establish model contracts for placing a student with an education commissioner-approved private special education provider or with a RESC. By July 1, 2026, SDE must make the model contracts available to school boards for their use.

Under current law and the bill, there are requirements for contracts with private providers, including an explanation of how the tuition or costs for services are calculated and a description of the child's educational program with a statement of goals and objectives.

§ 12 — REPORT ON SPECIAL EDUCATION STUDENT PLACEMENTS

Requires school boards to annually report on information related to special education student placements where the board is paying any portion of the cost

Beginning by June 30, 2026, the bill requires each local and regional school board to annually report to SDE each special education student placement where the board is paying any portion of the cost.

The report must include:

1. whether the placement resulted from a PPT decision, a settlement agreement, or a special education hearing;

2. whether the placement is with an approved or nonapproved special education services private provider, a regional educational service center, an interdistrict magnet school program operator, a state charter school, a cooperative agreement, a school board operating an outplacement program, or part of the Open Choice Program;
3. the amount being paid by the board;
4. the special education services provided;
5. the location of the facility where the services are being provided;
6. the total number of agreements on special education nondisclosure or waiver of rights (that is, rights under the federal IDEA) the board enters with a student, parent, or guardian during the prior school year; and
7. any other information SDE requests.

Under the bill, SDE must disaggregate the information and annually post it on the department's special education data system, in a way that complies with FERPA.

EFFECTIVE DATE: Upon passage

§ 13 — FUNCTIONAL BEHAVIOR ASSESSMENTS BEFORE OUT-OF-DISTRICT PLACEMENT

Generally requires school boards to do a functional behavior assessment and develop or update a behavioral intervention plan before placing a student out of-district

Beginning September 1, 2025, the bill generally requires school boards to do a functional behavior assessment and make or update a behavioral intervention plan for students with challenging behavior before placing them out-of-district.

The bill (1) exempts a board from the assessment and plan requirements if the time to do them would be a safety risk to any student or staff member at the school and (2) requires SDE by September 1, 2025, to develop guidance for boards to determine the circumstances under

which this exemption applies. No later than two business days after deciding that the exemption applies, the school boards must file a notice to SDE describing the reasons behind their decision.

Under the bill, functional behavior assessments involve gathering and analyzing data to identify the reasons for a student's behavior that negatively impacts school climate or interferes, or is at risk of interfering, with an individual's learning or safety at the school.

§ 14 — REPORT ON BEHAVIORAL HEALTH ISSUES AFFECTING SPECIAL EDUCATION STUDENTS

Requires the Transforming Children's Behavioral Health Policy and Planning Committee to submit a report to the Education Committee and Committee on Children on behavioral health issues affecting special education students

By January 1, 2027, the bill requires the Transforming Children's Behavioral Health Policy and Planning Committee to submit to the Education Committee and Committee on Children a report that examines and makes recommendations about behavioral health issues affecting special education students (see *Background*). To accomplish this, the bill requires SDE to give, compliantly with FERPA, the committee all data and information it requests for the report.

Under the bill, the report must include the (1) behavioral intervention methods special education private providers use and (2) feasibility and effect of requiring them to use proactive, highly individualized evidence-based interventions like the Assessment of Lagging Skills and Unsolved Problems. It must specifically include the feasibility and effect of requiring the providers' staff to be trained on the interventions, emphasizing problem-solving as a main goal.

Additionally, the bill requires the report to have best practices for SDE to monitor and randomly audit the use of physical restraint and seclusion on special education students. It specifically requires best practices on how to:

1. ensure the accuracy and consistency of the annual incident compilation reports SDE receives from school boards;
2. intervene in schools and special education programs that report

- a high number of incidents;
3. enforce related laws, such as through site visits and reviewing reports and parental notifications;
 4. train staff and administrators to reduce reliance on these interventions; and
 5. develop uniform rules or regulations for using the interventions on any student.

Background — Transforming Children’s Behavioral Health Policy and Planning Committee

By law, the Transforming Children’s Behavioral Health Policy and Planning Committee evaluates the prevention, early intervention, and behavioral health treatment services available to children from birth to age 18 and makes recommendations on the administration of the behavioral health care system for children. Its members include, among others, certain legislative committee chairpersons and ranking members, executive branch officials, and legislatively-appointed members with certain qualifications (CGS § 2-137).

§ 15 — BUILDING EDUCATIONAL RESPONSIBILITY WITH GREATER IMPROVEMENT NETWORKS COMMISSION

Creates new study requirements for the BERGIN Commission related to special education; generally extends the commission’s end date to July 1, 2030; adds 20 additional members to the commission

PA 23-167 created the Building Educational Responsibility with Greater Improvement Networks (BERGIN) Commission to study education funding, accountability measures, financial reporting adequacy, and financial impact to school boards, interdistrict magnet school programs, charter schools, and the statewide interdistrict public school attendance program. Currently, its members include the House speaker, Senate president pro tempore, SDE commissioner, and OPM secretary (or their designees) and 16 members appointed by legislative leaders.

The bill expands the commission’s study responsibilities to include the following special education-related topics: the need for new

programs and services, peer review of special education programs, Tier 2 interventions, the Connecticut Special Education Data System (CT-SEDS), respite care access, delivery effectiveness and acknowledgment of meeting standards, the proposed statewide workload analysis model, and service qualification under Medicaid and private insurance. Under the bill, reports on these studies are due by December 1, 2026, and must include findings and recommendations. The bill allows the committee to form subcommittees to meet these new responsibilities.

The bill also extends the due dates of two reports related to the commission's existing study requirements. Specifically, it extends the following from:

1. February 1, 2024, to January 15, 2026, the submission deadline to the Appropriations and Education committees of the report on education funding for school boards, charter schools, and interdistrict magnet schools; and
2. January 15, 2025, to January 15, 2026, the deadline to submit the report on alliance districts and charter schools to the Education Committee.

Under the bill, SDE must comply with all data and information requests made by the commission to make the reports required by the bill and existing law.

Corresponding to the bill's new and extended reporting requirements, the bill postpones the commission's end date to the later of when it submits its last report or July 1, 2030, instead of the later of the last report's submission or July 1, 2025.

Lastly, the bill adds 20 more members to the BERGIN commission, including various professionals in the special education field, to be appointed by legislative leaders and the SDE commissioner within 30 days after the bill's passage.

EFFECTIVE DATE: Upon passage

New Special Education Studies and Related Reports

Needs-Based Special Education. The bill requires the commission to do a needs-based study to determine if additional special education programs and services are required to meet statewide demand. It also requires the commission to develop and recommend a new methodology for SDE, in consultation with OPM, to use when reviewing and approving applications from special education private providers to become approved providers (e.g., application and applicant criteria).

To make the determination about additional programs and services, the bill requires the commission to review approved and nonapproved public and private special education schools and their offered programs and services, including whether they have a waitlist for these services. Additionally, SDE must comply with the commission's data and information requests.

The bill requires a report on the study to be submitted to OPM, SDE, and the Appropriations and Education committees.

Peer Review Processes for Special Education. The bill requires the commission to study and consider recommendations for creating a peer review process for the special education program in each school district. The process would assess each district periodically and identify best practices for use in other districts with similar special education and student needs. The report for this study must be submitted to SDE and the Education Committee.

Tier 2 Interventions. The bill requires the commission to (1) examine the use and implementation of Tier 2 interventions of multitiered systems of supports and scientific research-based interventions in public schools, (2) identify the potential benefits of, or barriers to, implementing them, and (3) make recommendations on improving the implementation. Tier 2 interventions are for students who fail to accomplish the learning benchmarks of Tier 1 (foundational academic) instruction. They consist of short-term, specialized, and typically research-based supports, in addition to Tier I instruction.

As part of the examination, the commission must consider at least the following:

1. requiring SDE to revise existing guidelines to include current research and best practices;
2. requiring mandated training and certification of staff supervising and using these interventions;
3. requiring reading intervention, if the main issue is reading-related, before a special education placement is made; and
4. methods to incentivize school boards to hire more reading intervention teachers.

A report on the study must be submitted to SDE and the Appropriations and Education committees.

Changes to CT-SEDS. The commission must also review and recommend changes to CT-SEDS, including considering its (1) accessibility and usability by educators, parents, guardians, and students and (2) requirements that exceed statutory and regulatory requirements for individualized education programs (IEPs). The recommendations can be developed, in part, based on the findings of SDE's report on CT-SEDS (see § 17 below). The commission must report on the review to SDE and the Education Committee.

Respite Care Access. The bill requires the commission to (1) study the access to respite care for families of children with disabilities and (2) submit a report about it to SDE and the Education and Public Health committees. Under the bill, the report must (1) assess current respite services availability, (2) identify access and delivery gaps, and (3) evaluate how respite care supports families in keeping children with disabilities safe at home and in their communities.

Delivery Effectiveness and Acknowledgment of Meeting Standards. The bill requires the commission to make recommendations for (1) standards for measuring special education delivery standards by school boards and (2) how to publicly acknowledge school districts that

consistently meet or exceed these standards, and those that fail to do so.

A report on the study must be submitted to SDE and the Education Committee.

Statewide Workload Analysis Model. The bill requires the commission to review and make recommendations for legislation on the implementation of the proposed statewide special education workload analysis model (see § 16 below).

A report on the study must be submitted to the Education Committee.

Service Qualification Under Medicaid and Private Insurance. The bill requires the commission, in consultation with Office of Health Strategy (OHS), Office of the Healthcare Advocate (OHA) and Department of Social Services (DSS) to do a study on whether certain special education services can be billed to Medicaid or other private insurance.

A report on the study must be submitted to the Human Services, Insurance and Real Estate, and Education committees.

Additions to the Commission's Membership

The bill adds 20 more members to the BERGIN Commission's membership, who must be appointed within 30 days of the bill's passing. These additional members include:

1. three appointed by the House speaker, including a parent of a child receiving special education services, a Disability Rights Connecticut representative, and an individual who can be a General Assembly member;
2. three appointed by the Senate president pro tempore, including a parent of a child receiving special education services, a Connecticut Association of Public School Superintendents (CAPSS) representative, and an individual who can be a General Assembly member;

3. three appointed by the House majority leader, including a parent of a child receiving special education services, a special education teacher who is also a Connecticut Education Association member, and an individual who can be a General Assembly member;
4. three appointed by the Senate majority leader, including a special education teacher who is also an American Federation of Teachers-Connecticut member, a Connecticut Council of Administrators of Special Education representative, and an individual who can be a General Assembly member;
5. three appointed by the House minority leader, including a parent of a child receiving special education services, a special education teacher who is also an American Federation of Teachers-Connecticut member, and an individual who can be a General Assembly member;
6. three appointed by the Senate minority leader, including a Connecticut Association of Private Special Education Facilities representative, a special education teacher who is also a Connecticut Education Association member, and an individual who can be a General Assembly member; and
7. two designated by the SDE commissioner.

§ 16 — SPECIAL EDUCATION WORKLOAD ANALYSIS MODEL

Requires SDE to develop a proposed statewide special education workload analysis model for teachers and school service providers and submit it to the BERGIN Commission and Appropriations and Education committees by July 1, 2026

The bill requires SDE, in consultation with the BERGIN Commission and the OPM secretary, to develop a proposed statewide special education workload analysis model for teachers and school service providers implementing student IEPs. “Workload” means the number of students with an IEP for which a teacher or provider is responsible and the time required to implement each one.

The model must set standards that limit the teachers’ and providers’

workloads and have provisions on the:

1. severity of the student's needs in the IEP;
2. level and frequency of services needed for a student to meet the IEP's goals and objectives; and
3. time required for planning services, evaluations (including classroom observations), coordination of services, staff development, follow-up, and traveling to and from different locations to provide special education and related services.

By July 1, 2026, SDE must submit the proposed statewide workload analysis model to the BERGIN Commission and the Appropriations and Education committees. It must also, by September 1, 2026, make the proposed model available through CT-SEDS.

§ 17 — SDE REPORT ON CT-SEDS

Requires SDE to develop a report on the functions of CT-SEDS and submit it to the BERGIN Commission and Education Committee by January 1, 2026

The bill requires SDE to develop a report on CT-SEDS's functions. The report must:

1. explain each field in the data system's purpose, how the data and information in each field is used, and how each field relates to student outcomes; and
2. identify which fields or collected data and information in the system exceed the requirements of the federal Individuals with Disabilities Education Act.

By January 1, 2026, SDE must submit the report to the BERGIN Commission and the Education Committee.

§§ 18 & 19 — DUE PROCESS HEARINGS

Makes several changes on due process hearings, including (1) generally requiring all claims to be disclosed before the start of the hearing, (2) requiring hearing officers to consider all evaluations presented, (3) generally limiting hearings to four days' duration, and (4) requiring hearing officers' written decisions to include specific findings of fact related to educating students with disabilities with their nondisabled peers

Overview

The federal IDEA and related regulations and state statute and regulations establish procedures for resolving special education-related disputes between school districts and parents or guardians, including the right to request and receive a due process hearing before an SDE-appointed impartial hearing officer.

Parents or guardians may make a written request for one of these hearings if a school district (1) proposes or initiates a change in a child's identification, evaluation, or educational placement or refuses to change or initiate such a change or (2) refuses or fails to provide FAPE to the child. School boards may similarly request this hearing, including for instances when a parent or guardian refuses consent for special education evaluations (34 C.F.R. § 300.507(a) and CGS § 10-76h(a) & (b)). The bill makes several changes to due process hearing procedures.

Disclosure in Prehearing Conferences

Under existing law, parties in a dispute must (1) participate in a prehearing conference to resolve the issues, if possible, and to narrow the scope and (2) disclose specified information at least five business days before the hearing date.

Current law requires parties to disclose (1) documentary evidence they will present at the hearing, (2) a list of witnesses they plan to call at the hearing, and (3) all completed evaluations and recommendations based on the offering party's evaluations that they will use at the hearing. The bill also requires the parties to disclose all claims they will raise at the hearing and allows a hearing officer to bar parties from raising those they did not.

Weighing Evaluations

By law, hearing officers must hear all testimony relevant to the dispute by the party requesting the hearing and any other directly involved party. Officers may hear additional testimony they deem relevant. The bill specifies that the hearing officers must consider all evaluations presented and used during the hearing.

Length of Hearing

The bill requires hearing officers to limit the time period for offering testimony and arguments to four days, unless there is good cause for presenting additional testimony or arguments. The hearing officer must issue a written decision to allow additional testimony or arguments.

Hearing Officer Decision

Under existing state law, a due process hearing officer has the authority to do the following:

1. confirm, modify, or reject a student's identification, evaluation, or educational placement or the provision of FAPE to the student;
2. determine the appropriateness of educational placements where the parent or guardian (or child, in some circumstances) has placed the student in a program other than the one prescribed by the PPT (known as "unilateral placement"); or
3. prescribe alternative special education programs for the student.

The federal IDEA requires hearing officers to make decisions on substantive grounds based on a determination as to whether the student received FAPE (20 U.S.C. § 1415 (f)(3)(E)(i)), and state law requires the decision to be issued in writing, generally within 45 days after the hearing begins. The bill requires this written decision to include specific findings of fact which generally relate to IDEA's requirement that a student be educated in the least restrictive environment (LRE, see *Background*). Specifically, the decision must contain findings of fact determining:

1. whether the district has made reasonable efforts to accommodate the child in a regular classroom;
2. the educational benefits available to the child in a regular classroom (with appropriate supplementary aids and services), compared to the benefits of being in a special education classroom;

3. whether the child's inclusion in the classroom may have negative effects on classmates' education; and
4. whether the school has included the child in programs with nondisabled students to the maximum extent appropriate.

Background—Least Restrictive Environment

IDEA requires that students with disabilities be educated with their nondisabled peers to the maximum extent appropriate; this is known as the least restrictive environment (LRE) requirement. Special classes, separate schooling, or other removal of students with disabilities may happen only if the nature or severity of a student's disability makes it so that education in a regular classroom environment cannot be achieved satisfactorily with supplementary aids and services (20 U.S.C. § 1412 (a)(5)).

§ 20 — SBE SUPERVISION OF SPECIAL EDUCATION PROGRAMS

Specifies that the education commissioner supervises approved private special education providers

Under current law the education commissioner approves and supervises programs and facilities in any agency or school that provides training for children requiring special education and that receive state funds. The bill specifies that this includes the commissioner supervising approved special education private providers. It also makes conforming changes.

§ 21 — CHANGES TO THE IEP FORM

Requires SDE to remove the portion of the state's IEP form that is used to list the people who will implement the IEP

The bill requires SDE, by January 1, 2026, to update the state's IEP form to remove the requirement to list the people who will implement the IEP.

§ 22 — SPECIAL EDUCATION AND EXCESS COST GRANT PROJECTIONS DATA REPORTING

Requires SDE to (1) annually make certain disaggregated, student-level, and statewide data available on its website and (2) annually submit excess cost grant projections to the Appropriations and Education committees and the Office of Fiscal Analysis, on January 30 and March 30

Data Posting

Starting by February 28, 2026, the bill requires SDE to annually make certain disaggregated, student-level, and statewide data available on its website. The bill specifies that the data must exclude any personally identifiable information and comply with the FERPA.

The bill requires SDE to post disaggregated data on the special education and expansion development grant the bill creates (see § 8 above), specifically the (1) total number of special education students statewide and in each district, (2) state aid percentage, and (3) total grant each school board received.

SDE must post student-level data on students included in each school board's December 1 filing for the excess cost grant. The data must include, at a minimum:

1. the school district;
2. its net current expenditures per pupil threshold and total anticipated costs above this threshold;
3. the total anticipated costs for transportation, tuition, and room and board (if any);
4. the facility code; and
5. grant type category.

SDE must also post statewide student population data on students included in the excess cost grant filings, including the:

1. number of students by multilingual learner status, qualifying primary disability, and facility;
2. number of students in the age categories of (a) 3 and 4, (b) 5 to 12, (c) 13 to 18, and (d) 19 and older;
3. average number of tuition days.

Excess Cost Grant Projections

The bill requires SDE to annually submit excess cost grant projections to the Appropriations and Education committees and the Office of Fiscal Analysis, on January 30 and March 30, with the first submissions due in 2026. Specifically, it must submit:

1. the total amount each school board is eligible to be paid under the excess cost grant program;
2. each board's net current expenditures per pupil threshold, tier reimbursement percentage, and capped payment amount;
3. the number of students with expenses projected to exceed 4.5 times the net current expenditures per pupil threshold, for each board and statewide; and
4. the number of students with expenses projected to exceed three times the board's net current expenditures per pupil threshold for each child the board previously outplaced, but for whom the board is now providing direct in-district special education and related services without the assistance of a third-party contractor who is not employed by the board.

The bill specifies that the data must exclude any personally identifiable information and be FERPA compliant.

§ 23 — DYSLEXIA REPORT

Requires the Office of Dyslexia and Reading Disabilities to report to the Education Committee on recent developments and best practices on dyslexia evaluations, interventions, and student outcomes and on teacher preparation capacity

The bill requires the Office of Dyslexia and Reading Disabilities within SDE to develop a report on recent developments and evidence-based best practices pertaining to dyslexia evaluations, interventions, and student outcomes in the state and capacity of in-state public and independent higher education institutions to prepare current and aspiring elementary school educators with structured literacy teaching skills. The commissioner must submit the report to the Education Committee by February 1, 2026.

§ 25 — TRANSITIONAL COLLEGE READINESS AND REMEDIAL SUPPORT PROGRAM OFFERINGS AT HIGHER EDUCATION INSTITUTIONS

Requires the Board of Regents for Higher Education to continue offering transitional college readiness, embedded remedial support, and intensive remedial support programs at the state's public higher education institutions

The bill requires the Board of Regents for Higher Education to continue offering, for the fall 2025, spring 2026, and each following semester, every transitional college readiness, embedded remedial support, and intensive remedial support program that they offered at public higher education institutions in the fall 2024 and spring 2025 semesters.

§ 26 — PRIVATE PROVIDER ENROLLMENT REPORT

Requires special education private providers to submit an annual report to SDE regarding their enrollment beginning January 1, 2026

Beginning January 1, 2026, the bill requires approved special education private providers to annually submit a report to SDE on their enrollment, including:

1. the total number of enrolled students;
2. the total number of enrolled students organized by each student's state of residence, or prior residence in the case of a residential facility; and
3. the special education services sought organized by state of residence.

Additionally, if the provider has a waiting list, the provider must report similar information as described above for students on the waiting list.

Under the bill, beginning by February 1, 2026, SDE must annually submit to OPM, Office of Fiscal Analysis (OFA), and the Government Oversight, Education, and Appropriations committees the enrollment data compiled from the reports.

BACKGROUND***Related Bills***

sHB 7277 (File 920), favorably reported by the Select Committee on Special Education and the Appropriations Committee, and sSB 1561 (File 918), favorably reported by the Select Committee on Special Education and the Education Committee, contain substantially similar provisions.

COMMITTEE ACTION

Education Committee

Joint Favorable Change of Reference - APP

Yea 30 Nay 15 (03/24/2025)

Appropriations Committee

Joint Favorable

Yea 41 Nay 13 (04/24/2025)