



General Assembly

January Session, 2025

Raised Bill No. 7219

LCO No. 6264



Referred to Committee on EDUCATION

Introduced by:
(ED)

AN ACT PROTECTING 504 PLAN ACCOMMODATIONS FOR STUDENTS IN CONNECTICUT.

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

1 Section 1. (NEW) (*Effective from passage*) (a) As used in this section and
2 section 2 of this act:

3 (1) "Program or activity" means all of the operations of a local or
4 regional board of education, the Technical Education and Career
5 System, the Department of Education, the Office of Early Childhood or
6 other instrumentality of the state or of a local government.

7 (2) "Facility" means all or any portion of buildings, structures,
8 equipment, roads, walks, parking lots or other real or personal property
9 or interest in such property.

10 (3) "Handicapped student" means any student who (A) has a physical
11 or mental impairment that substantially limits one or more major life
12 activities, (B) has a record of such an impairment, or (C) is regarded as
13 having such an impairment.

14 (4) "Physical or mental impairment" means (A) any physiological
15 disorder or condition, cosmetic disfigurement or anatomical loss
16 affecting one or more of the following body systems: (i) Neurological,
17 (ii) musculoskeletal, (iii) special sense organs, (iv) respiratory, including
18 speech organs, (v) cardiovascular, (vi) reproductive, (vii) digestive, (viii)
19 genito-urinary, (ix) hemic, (x) lymphatic, (xi) skin, and (xii) endocrine,
20 or (B) any mental or psychological disorder, such as intellectual
21 disability, organic brain syndrome, emotional or mental illness and
22 specific learning disabilities.

23 (5) "Major life activities" means functions such as caring for one's self,
24 performing manual tasks, walking, seeing, hearing, speaking,
25 breathing, learning and working.

26 (6) "Has a record of such an impairment" means has a history of, or
27 has been misclassified as having, a mental or physical impairment that
28 substantially limits one or more major life activities.

29 (7) "Is regarded as having an impairment" means (A) has a physical
30 or mental impairment that does not substantially limit major life
31 activities but that is treated by a local or regional board of education, the
32 Technical Education and Career System, the Department of Education
33 or the Office of Early Childhood as constituting such a limitation, (B)
34 has a physical or mental impairment that substantially limits major life
35 activities only as a result of the attitudes of others toward such
36 impairment, or (C) has none of the impairments described in
37 subdivision (4) of this subsection but is treated by a local or regional
38 board of education, the Technical Education and Career System, the
39 Department of Education or the Office of Early Childhood as having
40 such an impairment.

41 (8) "Qualified handicapped student" means, with respect to public
42 preschool, elementary, secondary or adult educational services, a
43 handicapped student (A) of an age during which nonhandicapped
44 persons are provided such services, (B) of any age during which it is

45 mandatory under state law to provide such services to handicapped
46 students, or (C) to whom the state is required to provide a free
47 appropriate public education under section 612 of the Individuals with
48 Disabilities Education Act, 20 USC 1419, as amended from time to time.

49 (9) "Handicap" means any condition or characteristic that renders a
50 student a handicapped student.

51 (b) No qualified handicapped student shall, solely by reason of such
52 qualified handicapped student's disability, be excluded from the
53 participation in, be denied the benefits of or be subjected to
54 discrimination under any program or activity provided by a local or
55 regional board of education or any program or activity conducted by
56 the Technical Education and Career System, the Department of
57 Education or the Office of Early Childhood. The State Board of
58 Education may adopt regulations, in accordance with the provisions of
59 chapter 54 of the general statutes, as may be necessary to carry out the
60 provisions of this section and section 2 of this act.

61 (c) (1) No qualified handicapped student shall, on the basis of
62 handicap, be excluded from participation in, be denied the benefits of or
63 otherwise be subjected to discrimination under any program or activity.

64 (2) (A) A local or regional board of education, the Technical
65 Education and Career System, the Department of Education or the
66 Office of Early Childhood, in providing any aid, benefit or service, may
67 not, directly or through contractual, licensing or other arrangements, on
68 the basis of handicap:

69 (i) Deny a qualified handicapped student the opportunity to
70 participate in or benefit from the aid, benefit or service;

71 (ii) Afford a qualified handicapped student an opportunity to
72 participate in or benefit from the aid, benefit or service that is not equal
73 to that afforded nonhandicapped students;

74 (iii) Provide a qualified handicapped student with an aid, benefit or
75 service that is not as effective as that provided to nonhandicapped
76 students;

77 (iv) Provide different or separate aid, benefits or services to qualified
78 handicapped students or to any class of qualified handicapped students
79 unless such action is necessary to provide qualified handicapped
80 students with aid, benefits or services that are as effective as those
81 provided to nonhandicapped students;

82 (v) Aid or perpetuate discrimination against a qualified handicapped
83 student by providing significant assistance to an agency, organization
84 or person that discriminates on the basis of handicap in providing any
85 aid, benefit or service to beneficiaries of the program or activity;

86 (vi) Deny a qualified handicapped student the opportunity to
87 participate as a member of planning or advisory boards; or

88 (vii) Otherwise limit a qualified handicapped student in the
89 enjoyment of any right, privilege, advantage or opportunity enjoyed by
90 nonhandicapped students receiving an aid, benefit or service.

91 (B) For purposes of this section and section 2 of this act, aids, benefits
92 and services, to be equally effective, are not required to produce the
93 identical result or level of achievement for qualified handicapped
94 students and nonhandicapped students, but shall afford qualified
95 handicapped students equal opportunity to obtain the same result, to
96 gain the same benefit or to reach the same level of achievement, in the
97 most integrated setting appropriate to the qualified handicapped
98 student's needs.

99 (C) Despite the existence of separate or different aid, benefits or
100 services provided in accordance with this section and section 2 of this
101 act, a local or regional board of education, the Technical Education and
102 Career System, the Department of Education or the Office of Early
103 Childhood may not deny a qualified handicapped student the

104 opportunity to participate in such aid, benefits or services that are not
105 separate or different.

106 (D) A local or regional board of education, the Technical Education
107 and Career System, the Department of Education or the Office of Early
108 Childhood may not, directly or through contractual or other
109 arrangements, utilize criteria or methods of administration that (i) have
110 the effect of subjecting qualified handicapped students to
111 discrimination on the basis of handicap, (ii) have the purpose or effect
112 of defeating or substantially impairing accomplishment of the objectives
113 of the board, system, department or office's program or activity with
114 respect to qualified handicapped students, or (iii) perpetuate the
115 discrimination of another board of education if both boards are subject
116 to common administrative control.

117 (E) In determining the site or location of a facility, a local or regional
118 board of education, the Technical Education and Career System, the
119 Department of Education or the Office of Early Childhood may not
120 select a site that (i) has the effect of excluding qualified handicapped
121 students from, denying them the benefits of or otherwise subjecting
122 them to discrimination under any program or activity, or (ii) has the
123 purpose or effect of defeating or substantially impairing the
124 accomplishment of the objectives of the program or activity with respect
125 to qualified handicapped students.

126 (F) As used in this subsection, the aid, benefit or service provided
127 under a program or activity includes any aid, benefit or service
128 provided in or through a facility that has been constructed, expanded,
129 altered, leased or rented, or otherwise acquired, in whole or in part, with
130 state or federal financial assistance, including pursuant to chapter 173
131 of the general statutes.

132 (3) The exclusion of nonhandicapped students from aid, benefits or
133 services limited by federal statute or executive order to handicapped
134 students or the exclusion of a specific class of handicapped students

135 from aid, benefits or services limited by federal statute or executive
136 order to a different class of handicapped persons is not prohibited by
137 this section or section 2 of this act.

138 (d) (1) A local or regional board of education, the Technical Education
139 and Career System, the Department of Education or the Office of Early
140 Childhood shall submit an assurance, on a form specified by the
141 Commissioner of Education, that the program or activity will be
142 operated in compliance with this section and section 2 of this act.

143 (2) (A) In the case of state or federal financial assistance extended in
144 the form of real property or to provide real property or structures on the
145 property, the assurance shall obligate the local or regional board of
146 education, Technical Education and Career System, Department of
147 Education or Office of Early Childhood, or, in the case of a subsequent
148 transfer, the transferee, for the period during which the real property or
149 structures are used for the purpose for which state or federal financial
150 assistance is extended or for another purpose involving the provision of
151 similar services or benefits.

152 (B) In the case of state or federal financial assistance extended to
153 provide personal property, the assurance shall obligate the local or
154 regional board of education, Technical Education and Career System,
155 Department of Education or Office of Early Childhood for the period
156 during which it retains ownership or possession of the property.

157 (C) In all other cases the assurance will obligate the local or regional
158 board of education, Technical Education and Career System,
159 Department of Education or Office of Early Childhood for the period
160 during which state or federal financial assistance is extended.

161 (3) (A) Where state or federal financial assistance is provided in the
162 form of real property or interest in the property, the instrument effecting
163 or recording this transfer shall contain a covenant running with the land
164 to assure nondiscrimination for the period during which the real
165 property is used for a purpose for which the state or federal financial

166 assistance is extended or for another purpose involving the provision of
167 similar services or benefits.

168 (B) Where no transfer of property is involved but property is
169 purchased or improved with state or federal financial assistance, the
170 recipient shall agree to include the covenant described in subparagraph
171 (B) of subdivision (2) of subsection (d) of this section, in the instrument
172 effecting or recording any subsequent transfer of the property.

173 (C) Where state or federal financial assistance is provided in the form
174 of real property or interest in the property, the covenant shall also
175 include a condition coupled with a right to be reserved by the state to
176 revert title to the property in the event of a breach of the covenant. If a
177 transferee of real property proposes to mortgage or otherwise encumber
178 the real property as security for financing construction of new, or
179 improvement of existing, facilities on the property for the purposes for
180 which the property was transferred, the Commissioner of Education
181 may, upon request of the transferee and if necessary to accomplish such
182 financing and upon such conditions as the commissioner deems
183 appropriate, agree to forbear the exercise of such right to revert title for
184 so long as the lien of such mortgage or other encumbrance remains
185 effective.

186 (e) (1) (A) If the Commissioner of Education finds that a local or
187 regional board of education has discriminated against students on the
188 basis of handicap in violation of this section or section 2 of this act, such
189 board shall take such remedial action as the commissioner deems
190 necessary to overcome the effects of the discrimination.

191 (B) Where a local or regional board of education is found to have
192 discriminated against students on the basis of handicap in violation of
193 this section or section 2 of this act, and where another board of education
194 exercises control over the board of education that has discriminated, the
195 commissioner, where appropriate, may require either or both boards to
196 take remedial action.

197 (C) The commissioner may, where necessary to overcome the effects
198 of discrimination in violation of this section or section 2 of this act,
199 require a local or regional board of education to take remedial action (i)
200 with respect to qualified handicapped students who are no longer
201 participants in such board's program or activity but who were
202 participants in the program or activity when such discrimination
203 occurred, or (ii) with respect to qualified handicapped students who
204 would have been participants in the program or activity had the
205 discrimination not occurred.

206 (2) A local or regional board of education may take steps, in addition
207 to any action that is required by this section, to overcome the effects of
208 conditions that resulted in limited participation in such board's program
209 or activity by qualified handicapped students.

210 (3) (A) A local or regional board of education shall, not later than one
211 year after the effective date of this section:

212 (i) Evaluate, with the assistance of interested persons, including
213 handicapped students or organizations representing handicapped
214 students, its current policies and practices and the effects thereof that do
215 not or may not meet the requirements of this section or section 2 of this
216 act;

217 (ii) Modify, after consultation with interested persons, including
218 handicapped students or organizations representing handicapped
219 students, any policies and practices that do not meet the requirements
220 of this section or section 2 of this act; and

221 (iii) Take, after consultation with interested persons, including
222 handicapped students or organizations representing handicapped
223 students, appropriate remedial steps to eliminate the effects of any
224 discrimination that resulted from adherence to such policies and
225 practices.

226 (B) A local or regional board of education shall, for at least three years

227 following completion of the evaluation required under subparagraph
228 (A) of subdivision (3) of this subsection, maintain on file, make available
229 for public inspection and provide to the commissioner upon request (i)
230 a list of the interested persons consulted, (ii) a description of areas
231 examined and any problems identified, and (iii) a description of any
232 modifications made and of any remedial steps taken.

233 (f) (1) Each local and regional board of education shall designate at
234 least one person to coordinate such board's efforts to comply with the
235 provisions of this section and section 2 of this act.

236 (2) Each local and regional board of education shall adopt grievance
237 procedures that incorporate appropriate due process standards and that
238 provide for the prompt and equitable resolution of complaints alleging
239 any action prohibited by this section or section 2 of this act.

240 (g) (1) A local or regional board of education shall take appropriate
241 initial and continuing steps to notify the parents and guardians of
242 students enrolled in a school under the jurisdiction of such board that it
243 does not discriminate on the basis of handicap in violation of this section
244 or section 2 of this act. The notification shall state, where appropriate,
245 that the board does not discriminate in admission or access to, or
246 treatment in, its program or activity. The notification shall also include
247 an identification of the responsible employee designated pursuant to
248 subdivision (1) of subsection (f) of this section. A local or regional board
249 of education shall make the initial notification required by this
250 subdivision not later than ninety days after the effective date of this
251 section. Methods of initial and continuing notification may include the
252 posting of notices, publication in newspapers and magazines,
253 placement of notices in such board's publication and distribution of
254 memoranda or other written communications.

255 (2) If a local or regional board of education publishes or uses
256 recruitment materials or publications containing general information
257 that it makes available to participants, beneficiaries, applicants or

258 employees, it shall include in those materials or publications a statement
259 of the policy described in subdivision (1) of this subsection. A local or
260 regional board of education may meet the requirement of this
261 subdivision either by including appropriate inserts in existing materials
262 and publications or by revising and reprinting the materials and
263 publications.

264 (h) The obligation to comply with this section or section 2 of this act
265 is not obviated or alleviated by the existence of any other state or local
266 law or other requirement that, on the basis of handicap, imposes
267 prohibitions or limits upon the eligibility of qualified handicapped
268 students to receive services.

269 Sec. 2. (NEW) (*Effective from passage*) (a) The provisions of this section
270 and section 1 of this act apply to preschool, elementary, secondary and
271 adult education programs or activities provided or offered by a local or
272 regional board of education, the Technical Education and Career
273 System, the Department of Education or the Office of Early Childhood.

274 (b) A local or regional board of education that operates a program or
275 activity shall annually (1) undertake to identify and locate every
276 qualified handicapped student residing in such board's jurisdiction who
277 is not receiving a public education, and (2) take appropriate steps to
278 notify handicapped students and their parents or guardians of such
279 board's duty under this section.

280 (c) (1) A local or regional board of education that operates a program
281 or activity shall provide a free appropriate public education to each
282 qualified handicapped student who is in such board's jurisdiction,
283 regardless of the nature or severity of the student's handicap.

284 (2) (A) For the purpose of this section, the provision of an appropriate
285 education is the provision of regular or special education and related
286 aids and services that (i) are designed to meet individual educational
287 needs of handicapped students as adequately as the needs of
288 nonhandicapped students are met, and (ii) are based upon adherence to

289 procedures that satisfy the requirements of subsections (d) to (f),
290 inclusive, of this section.

291 (B) Implementation of an individualized education program
292 developed in accordance with the Individuals with Disabilities
293 Education Act, 20 USC 1419, as amended from time to time, is one
294 means of meeting the standard established in subparagraph (A) of
295 subdivision (1) of this subsection.

296 (C) A local or regional board of education may place a handicapped
297 student or refer such student for aid, benefits or services other than
298 those that it operates or provides as its means of carrying out the
299 requirements of this section, provided such board remains responsible
300 for ensuring that the requirements of this section are met with respect
301 to any handicapped student so placed or referred.

302 (3) (A) For the purpose of this subsection, the provision of a free
303 education is the provision of educational and related services without
304 cost to the handicapped student or to such student's parents or
305 guardian, except for those fees that are imposed on nonhandicapped
306 students or their parents or guardian. It may consist either of the
307 provision of free services or, if a local or regional board of education
308 places a handicapped student or refers such handicapped student for
309 aid, benefits or services not operated or provided by such board as its
310 means of carrying out the requirements of this section, of payment for
311 the costs of the aid, benefits or services. Funds available from any public
312 or private agency may be used to meet the requirements of this section.
313 Nothing in this subsection shall be construed to relieve an insurer or
314 similar third party from an otherwise valid obligation to provide or pay
315 for services provided to a handicapped student.

316 (B) If a local or regional board of education places a handicapped
317 student or refers such handicapped student for aid, benefits or services
318 not operated or provided by such board as its means of carrying out the
319 requirements of this section, such board shall ensure that adequate

320 transportation to and from the aid, benefits or services is provided at no
321 greater cost than would be incurred by such handicapped student or
322 such handicapped student's parents or guardian if such handicapped
323 student were placed in the aid, benefits or services operated by such
324 board of education.

325 (C) If a public or private residential placement is necessary to provide
326 a free appropriate public education to a handicapped student because
327 of such student's handicap, the placement, including nonmedical care
328 and room and board, shall be provided at no cost to such student or such
329 student's parents or guardian.

330 (D) If a local or regional board of education has made available, in
331 conformance with the requirements of this subsection and subsection
332 (d) of this section, a free appropriate public education to a handicapped
333 student and such handicapped student's parents or guardian choose to
334 place such handicapped student in a private school, such board is not
335 required to pay for such handicapped student's education in the private
336 school. Disagreements between a parent or guardian and a local or
337 regional board of education regarding whether such board has made a
338 free appropriate public education available or otherwise regarding the
339 question of financial responsibility are subject to the due process
340 procedures of subsection (f) of this section.

341 (4) A local or regional board of education may not exclude any
342 qualified handicapped student from a public elementary or secondary
343 education.

344 (d) (1) A local or regional board of education to which this section
345 applies shall educate, or shall provide for the education of, each
346 qualified handicapped student in its jurisdiction with nonhandicapped
347 students to the maximum extent appropriate to the needs of the
348 qualified handicapped student. A local or regional board of education
349 shall place a handicapped student in the regular educational
350 environment operated by such board unless it is demonstrated by such

351 board that the education of the qualified handicapped student in the
352 regular environment with the use of supplementary aids and services
353 cannot be achieved satisfactorily. Whenever a local or regional board of
354 education places a qualified handicapped student in a setting other than
355 the regular educational environment pursuant to this subsection, it shall
356 take into account the proximity of the alternate setting to the qualified
357 handicapped student's home.

358 (2) In providing or arranging for the provision of nonacademic and
359 extracurricular services and activities, including meals, recess periods
360 and the services and activities set forth in subparagraph (B) of
361 subdivision (1) of subsection (g) of this section, a local or regional board
362 of education shall ensure that qualified handicapped students
363 participate with nonhandicapped students in such activities and
364 services to the maximum extent appropriate to the needs of the qualified
365 handicapped student in question.

366 (3) If a local or regional board of education, in compliance with
367 subdivision (1) of this subsection, operates a facility that is identifiable
368 as being for qualified handicapped students, such board shall ensure
369 that the facility and the services and activities provided in the facility
370 are comparable to the other facilities, services and activities of such
371 board.

372 (e) (1) A local or regional board of education that operates a public
373 elementary or secondary education program or activity shall conduct an
374 evaluation in accordance with the requirements of subdivision (2) of this
375 subsection of any student who, because of handicap, needs or is
376 believed to need special education or related services before taking any
377 action with respect to the initial placement of the student in regular or
378 special education and any subsequent significant change in placement.

379 (2) A local or regional board of education to which this section applies
380 shall establish standards and procedures for the evaluation and
381 placement of students who, because of handicap, need or are believed

382 to need special education or related services that ensure that:

383 (A) Tests and other evaluation materials have been validated for the
384 specific purpose for which they are used and are administered by
385 trained personnel in conformance with the instructions provided by
386 their producer;

387 (B) Tests and other evaluation materials include those tailored to
388 assess specific areas of educational need and not merely those that are
389 designed to provide a single general intelligence quotient; and

390 (C) Tests are selected and administered so as best to ensure that,
391 when a test is administered to a student with impaired sensory, manual
392 or speaking skills, the test results accurately reflect the student's
393 aptitude or achievement level or whatever other factor the test purports
394 to measure, rather than reflecting the student's impaired sensory,
395 manual or speaking skills, except where such skills are the factors that
396 the test purports to measure.

397 (3) In interpreting evaluation data and in making placement
398 decisions, a local or regional board of education shall (A) draw upon
399 information from a variety of sources, including aptitude and
400 achievement tests, teacher recommendations, physical condition, social
401 or cultural background and adaptive behavior, (B) establish procedures
402 to ensure that information obtained from all such sources is documented
403 and carefully considered, (C) ensure that the placement decision is made
404 by a group of persons, including persons knowledgeable about the
405 student, the meaning of the evaluation data and the placement options,
406 and (D) ensure that the placement decision is made in conformity with
407 subsection (d) of this section.

408 (4) A local or regional board of education shall establish procedures,
409 in accordance with subdivision (2) of this subsection, for periodic
410 reevaluation of students who have been provided special education and
411 related services, which may include, but are not limited to, a
412 reevaluation procedure consistent with the Individuals with Disabilities

413 Education Act, 20 USC 1419, as amended from time to time.

414 (f) A local or regional board of education that operates a public
415 elementary or secondary education program or activity shall establish
416 and implement, with respect to actions regarding the identification,
417 evaluation or educational placement of students who, because of
418 handicap, need or are believed to need special instruction or related
419 services, a system of procedural safeguards that includes notice, an
420 opportunity for the parents or guardian of the student to examine
421 relevant records, an impartial hearing with opportunity for
422 participation by such student's parents or guardian and representation
423 by counsel and a review procedure, which may include, but are not
424 limited to, compliance with the procedural safeguards of the
425 Individuals with Disabilities Education Act, 20 USC 1419, as amended
426 from time to time.

427 (g) (1) (A) A local or regional board of education shall provide
428 nonacademic and extracurricular services and activities in such manner
429 as is necessary to afford qualified handicapped students an equal
430 opportunity for participation in such services and activities.

431 (B) Nonacademic and extracurricular services and activities may
432 include counseling services, physical recreational athletics,
433 transportation, health services, recreational activities, special interest
434 groups or clubs sponsored by the local or regional board of education,
435 referrals to agencies that provide assistance to qualified handicapped
436 students and employment of qualified handicapped students, including
437 both employment by such board and assistance in making available
438 outside employment.

439 (2) A local or regional board of education that provides personal,
440 academic or vocational counseling, guidance or placement services to
441 its students shall provide such services without discrimination on the
442 basis of handicap. Such board shall ensure that qualified handicapped
443 students are not counseled toward more restrictive career objectives

444 than are nonhandicapped students with similar interests and abilities.

445 (3) (A) In providing physical education courses and athletics and
 446 similar aid, benefits or services to any of its students, a local or regional
 447 board of education may not discriminate on the basis of handicap. A
 448 local or regional board of education that offers physical education
 449 courses or that operates or sponsors interscholastic, club or intramural
 450 athletics shall provide to qualified handicapped students an equal
 451 opportunity for participation.

452 (B) A local or regional board of education may offer to qualified
 453 handicapped students physical education and athletic activities that are
 454 separate or different from those offered to nonhandicapped students
 455 only if separation or differentiation is consistent with the requirements
 456 of subsection (d) of this section and only if no qualified handicapped
 457 student is denied the opportunity to compete for teams or to participate
 458 in courses that are not separate or different.

459 (h) A local or regional board of education that provides preschool
 460 education or child care services, as described in section 19a-77 of the
 461 general statutes, or adult education may not, on the basis of handicap,
 462 exclude qualified handicapped students and shall take into account the
 463 needs of such qualified handicapped students in determining the aid,
 464 benefits or services to be provided.

This act shall take effect as follows and shall amend the following sections:		
Section 1	<i>from passage</i>	New section
Sec. 2	<i>from passage</i>	New section

Section 1	<i>from passage</i>	New section
Sec. 2	<i>from passage</i>	New section

Statement of Purpose:

To codify the provisions of Section 504 of the Rehabilitation Act of 1973 and those relevant accompanying regulations.

[Proposed deletions are enclosed in brackets. Proposed additions are indicated by underline, except that when the entire text of a bill or resolution or a section of a bill or resolution is new, it is not underlined.]