



General Assembly

**Substitute Bill No. 7219**

January Session, 2025



**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.

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

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

12 (4) "Physical or mental impairment" means (A) any physiological  
13 disorder or condition, cosmetic disfigurement or anatomical loss  
14 affecting one or more of the following body systems: (i) Neurological,  
15 (ii) musculoskeletal, (iii) special sense organs, (iv) respiratory, including  
16 speech organs, (v) cardiovascular, (vi) reproductive, (vii) digestive, (viii)  
17 genito-urinary, (ix) hemic, (x) lymphatic, (xi) skin, and (xii) endocrine,

18 or (B) any mental or psychological disorder, such as intellectual  
19 disability, organic brain syndrome, emotional or mental illness and  
20 specific learning disabilities.

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

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

27 (7) "Is regarded as having an impairment" means (A) has a physical  
28 or mental impairment that does not substantially limit major life  
29 activities but that is treated by a local or regional board of education as  
30 constituting such a limitation, (B) has a physical or mental impairment  
31 that substantially limits major life activities only as a result of the  
32 attitudes of others toward such impairment, or (C) has none of the  
33 impairments described in subdivision (4) of this subsection but is  
34 treated by a local or regional board of education as having such an  
35 impairment.

36 (8) "Qualified student with a disability" means, with respect to public  
37 preschool, elementary, secondary or adult educational services, a  
38 student with a disability (A) of an age during which students who are  
39 not disabled are provided such services, (B) of any age during which it  
40 is mandatory under state law to provide such services to students with  
41 a disability, or (C) to whom the state is required to provide a free  
42 appropriate public education under Section 612 of the Individuals with  
43 Disabilities Education Act, 20 USC 1419, as amended from time to time.

44 (9) "Disability" means any condition or characteristic that renders a  
45 student a student with a disability.

46 (b) No qualified student with a disability shall, solely by reason of  
47 such qualified student's disability, be excluded from the participation  
48 in, be denied the benefits of or be subjected to discrimination under any

49 program or activity provided by a local or regional board of education.  
50 The State Board of Education may adopt regulations, in accordance with  
51 the provisions of chapter 54 of the general statutes, as may be necessary  
52 to carry out the provisions of this section and section 2 of this act.

53 (c) (1) No qualified student with a disability shall, on the basis of  
54 disability, be excluded from participation in, be denied the benefits of  
55 or otherwise be subjected to discrimination under any program or  
56 activity.

57 (2) (A) A local or regional board of education, in providing any aid,  
58 benefit or service, may not, directly or through contractual, licensing or  
59 other arrangements, on the basis of disability:

60 (i) Deny a qualified student with a disability the opportunity to  
61 participate in or benefit from the aid, benefit or service;

62 (ii) Afford a qualified student with a disability an opportunity to  
63 participate in or benefit from the aid, benefit or service that is not equal  
64 to that afforded to students who do not have a disability;

65 (iii) Provide a qualified student with a disability with an aid, benefit  
66 or service that is not as effective as that provided to students who do not  
67 have a disability;

68 (iv) Provide different or separate aid, benefits or services to qualified  
69 students with a disability or to any class of qualified students with a  
70 disability unless such action is necessary to provide qualified students  
71 with a disability with aid, benefits or services that are as effective as  
72 those provided to students who do not have a disability;

73 (v) Aid or perpetuate discrimination against a qualified student with  
74 a disability by providing significant assistance to an agency,  
75 organization or person that discriminates on the basis of disability in  
76 providing any aid, benefit or service to beneficiaries of the program or  
77 activity; or

78 (vi) Otherwise limit a qualified student with a disability in the

79 enjoyment of any right, privilege, advantage or opportunity enjoyed by  
80 students who do not have a disability receiving an aid, benefit or service.

81 (B) For purposes of this section and section 2 of this act, aids, benefits  
82 and services, to be equally effective, are not required to produce the  
83 identical result or level of achievement for qualified students with a  
84 disability and students who do not have a disability, but shall afford  
85 qualified students with a disability equal opportunity to obtain the same  
86 result, to gain the same benefit or to reach the same level of achievement,  
87 in the most integrated setting appropriate to the needs of qualified  
88 students with a disability.

89 (C) Despite the existence of separate or different aid, benefits or  
90 services provided in accordance with this section and section 2 of this  
91 act, a local or regional board of education may not deny a qualified  
92 student with a disability the opportunity to participate in such aid,  
93 benefits or services that are not separate or different.

94 (D) A local or regional board of education may not, directly or  
95 through contractual or other arrangements, utilize criteria or methods  
96 of administration that (i) have the effect of subjecting qualified students  
97 with a disability to discrimination on the basis of disability, (ii) have the  
98 purpose or effect of defeating or substantially impairing  
99 accomplishment of the objectives of the board's program or activity with  
100 respect to qualified students with a disability, or (iii) perpetuate the  
101 discrimination of another board of education if both boards are subject  
102 to common administrative control.

103 (E) In determining the site or location of a facility, a local or regional  
104 board of education may not select a site that (i) has the effect of  
105 excluding qualified students with a disability from, denying them the  
106 benefits of or otherwise subjecting them to discrimination under any  
107 program or activity, or (ii) has the purpose or effect of defeating or  
108 substantially impairing the accomplishment of the objectives of the  
109 program or activity with respect to qualified students with a disability.

110 (3) The exclusion of students who do not have a disability from aid,

111 benefits or services limited by the Americans with Disabilities Act, 42  
112 USC 12101 et seq., the Individuals with Disabilities Education Act, 20  
113 USC 1400 et seq., as amended from time to time, or state law to qualified  
114 students with a disability or the exclusion of a specific class of qualified  
115 students with a disability from aid, benefits or services limited by said  
116 Americans with Disabilities Act, Individuals with Disabilities Education  
117 Act or state law to a different class of qualified students with a disability  
118 is not prohibited by this section or section 2 of this act.

119 (d) A local or regional board of education shall submit an annual  
120 assurance, on a form specified by the Commissioner of Education, that  
121 the programs or activities of such board will be operated in compliance  
122 with this section and section 2 of this act.

123 (e) (1) (A) If the Commissioner of Education finds that a local or  
124 regional board of education has discriminated against students on the  
125 basis of disability in violation of this section or section 2 of this act, such  
126 board shall take such remedial action as the commissioner deems  
127 necessary to overcome the effects of the discrimination.

128 (B) Where a local or regional board of education is found to have  
129 discriminated against students on the basis of disability in violation of  
130 this section or section 2 of this act, and where another board of education  
131 exercises control over the board of education that has discriminated, the  
132 commissioner, where appropriate, may require either or both boards to  
133 take remedial action.

134 (C) The commissioner may, where necessary to overcome the effects  
135 of discrimination in violation of this section or section 2 of this act,  
136 require a local or regional board of education to take remedial action (i)  
137 with respect to qualified students with a disability who are no longer  
138 participants in such board's program or activity but who were  
139 participants in the program or activity when such discrimination  
140 occurred, or (ii) with respect to qualified students with a disability who  
141 would have been participants in the program or activity had the  
142 discrimination not occurred.

143       (2) A local or regional board of education may take steps, in addition  
144 to any action that is required by this section, to overcome the effects of  
145 conditions that resulted in limited participation in such board's program  
146 or activity by qualified students with a disability.

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

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

154       (g) A local or regional board of education shall take appropriate  
155 initial and continuing steps to notify the parents and guardians of  
156 students enrolled in a school under the jurisdiction of such board that it  
157 does not discriminate on the basis of disability in violation of this section  
158 or section 2 of this act. The notification shall state that the board does  
159 not discriminate in admission or access to, or treatment in, its program  
160 or activity. The notification shall also include an identification of the  
161 responsible employee designated pursuant to subdivision (1) of  
162 subsection (f) of this section. Methods of notification may include the  
163 posting of such information on the Internet web site of the board and in  
164 all student handbooks and parent handbooks or manuals.

165       (h) The obligation to comply with this section or section 2 of this act  
166 is not obviated or alleviated by the existence of any other state or local  
167 law or other requirement that, on the basis of disability, imposes  
168 prohibitions or limits upon the eligibility of qualified students with a  
169 disability to receive services.

170       Sec. 2. (NEW) (*Effective from passage*) (a) The provisions of this section  
171 and section 1 of this act apply to preschool, elementary, secondary and  
172 adult education programs or activities provided or offered by a local or  
173 regional board of education.

174 (b) A local or regional board of education that operates a program or  
175 activity shall annually (1) undertake to identify and locate every  
176 qualified student with a disability residing in such board's jurisdiction  
177 who is not receiving a public education, and (2) take appropriate steps  
178 to notify such qualified students with a disability and their parents or  
179 guardians of such board's duty under this section.

180 (c) (1) A local or regional board of education that operates a program  
181 or activity shall provide a free appropriate public education to each  
182 qualified student with a disability who is in such board's jurisdiction,  
183 regardless of the nature or severity of the student's disability.

184 (2) (A) For the purpose of this section, the provision of an appropriate  
185 education is the provision of regular or special education and related  
186 aids and services that (i) are designed to meet individual educational  
187 needs of qualified students with a disability as adequately as the needs  
188 of students who do not have a disability are met, and (ii) are based upon  
189 adherence to procedures that satisfy the requirements of subsections (d)  
190 to (f), inclusive, of this section.

191 (B) Implementation of an individualized education program  
192 developed in accordance with the Individuals with Disabilities  
193 Education Act, 20 USC 1419, as amended from time to time, and sections  
194 10-76a to 10-76g, inclusive, of the general statutes, is one means of  
195 meeting the standard established in subparagraph (A) of this  
196 subdivision.

197 (C) A local or regional board of education may place a qualified  
198 student with a disability or refer such qualified student with a disability  
199 for aid, benefits or services other than those that it operates or provides  
200 as its means of carrying out the requirements of this section, provided  
201 such board remains responsible for ensuring that the requirements of  
202 this section are met with respect to any qualified student with a  
203 disability so placed or referred.

204 (3) (A) For the purpose of this subsection, the provision of a free  
205 education is the provision of educational and related services without

206 cost to the qualified student with a disability or to the parents or  
207 guardian of such qualified student with a disability, except for those fees  
208 that are imposed on students who do not have a disability or their  
209 parents or guardian. It may consist either of the provision of free  
210 services or, if a local or regional board of education places a qualified  
211 student with a disability or refers such qualified student with a  
212 disability for aid, benefits or services not operated or provided by such  
213 board as its means of carrying out the requirements of this section, of  
214 payment for the costs of the aid, benefits or services. Funds available  
215 from any public or private agency may be used to meet the requirements  
216 of this section. Nothing in this subsection shall be construed to relieve  
217 an insurer or similar third party from an otherwise valid obligation to  
218 provide or pay for services provided to a qualified student with a  
219 disability.

220 (B) If a local or regional board of education places or refers a qualified  
221 student with a disability for aid, benefits or services not operated or  
222 provided by such board as its means of carrying out the requirements  
223 of this section, such board shall ensure that adequate transportation to  
224 and from the aid, benefits or services is provided at no greater cost than  
225 would be incurred by such qualified student with a disability or the  
226 parents or guardian of such qualified student with a disability if such  
227 qualified student with a disability were placed in the aid, benefits or  
228 services operated by such board of education.

229 (C) If a public or private residential placement is necessary to provide  
230 a free appropriate public education to a qualified student with a  
231 disability because of such qualified student's disability, the placement,  
232 including nonmedical care and room and board, shall be provided at no  
233 cost to such qualified student with a disability or the parents or  
234 guardian of such qualified student with a disability.

235 (D) If a local or regional board of education has made available, in  
236 conformance with the requirements of this subsection and subsection  
237 (d) of this section, a free appropriate public education to a qualified  
238 student with a disability, and the parents or guardian of such qualified



239 student with a disability choose to place such qualified student with a  
240 disability in a private school, such board is not required to pay for such  
241 qualified student's education in the private school. Disagreements  
242 between a parent or guardian and a local or regional board of education  
243 regarding whether such board has made a free appropriate public  
244 education available or otherwise regarding the question of financial  
245 responsibility are subject to the due process procedures of subsection (f)  
246 of this section.

247 (4) A local or regional board of education may not exclude any  
248 qualified student with a disability from a public elementary or  
249 secondary education.

250 (d) (1) A local or regional board of education to which this section  
251 applies shall educate, or shall provide for the education of, each  
252 qualified student with a disability in its jurisdiction with students who  
253 do not have a disability to the maximum extent appropriate to the needs  
254 of the qualified student with a disability. A local or regional board of  
255 education shall place a qualified student with a disability in the regular  
256 educational environment operated by such board unless it is  
257 demonstrated by such board that the education of the qualified student  
258 with a disability in the regular environment with the use of  
259 supplementary aids and services cannot be achieved satisfactorily.  
260 Whenever a local or regional board of education places a qualified  
261 student with a disability in a setting other than the regular educational  
262 environment pursuant to this subsection, it shall take into account the  
263 proximity of the alternate setting to the home of such qualified student  
264 with a disability.

265 (2) In providing or arranging for the provision of nonacademic and  
266 extracurricular services and activities, including meals, recess periods  
267 and the services and activities set forth in subparagraph (B) of  
268 subdivision (1) of subsection (g) of this section, a local or regional board  
269 of education shall ensure that qualified students with a disability  
270 participate with students who do not have a disability in such activities  
271 and services to the maximum extent appropriate to the needs of the

272 qualified student with a disability in question.

273 (3) If a local or regional board of education, in compliance with  
274 subdivision (1) of this subsection, operates a facility that is identifiable  
275 as being for qualified students with a disability, such board shall ensure  
276 that the facility and the services and activities provided in the facility  
277 are comparable to the other facilities, services and activities of such  
278 board.

279 (e) (1) A local or regional board of education that operates a public  
280 elementary or secondary education program or activity shall conduct an  
281 evaluation in accordance with the requirements of subdivision (2) of this  
282 subsection of any student who, because of disability, needs or is  
283 believed to need special education or related services before taking any  
284 action with respect to the initial placement of the student in regular or  
285 special education and any subsequent significant change in placement.

286 (2) A local or regional board of education to which this section applies  
287 shall establish standards and procedures for the evaluation and  
288 placement of students who, because of disability, need or are believed  
289 to need special education or related services that ensure that:

290 (A) Tests and other evaluation materials have been validated for the  
291 specific purpose for which they are used and are administered by  
292 trained personnel in conformance with the instructions provided by  
293 their producer;

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

297 (C) Tests are selected and administered so as best to ensure that,  
298 when a test is administered to a student with impaired sensory, manual  
299 or speaking skills, the test results accurately reflect the student's  
300 aptitude or achievement level or whatever other factor the test purports  
301 to measure, rather than reflecting the student's impaired sensory,  
302 manual or speaking skills, except where such skills are the factors that

303 the test purports to measure.

304 (3) In interpreting evaluation data and in making placement  
305 decisions, a local or regional board of education shall (A) draw upon  
306 information from a variety of sources, including aptitude and  
307 achievement tests, teacher recommendations, physical condition, social  
308 or cultural background and adaptive behavior, (B) establish procedures  
309 to ensure that information obtained from all such sources is documented  
310 and carefully considered, (C) ensure that the placement decision is made  
311 by a group of persons, including persons knowledgeable about the  
312 student, the meaning of the evaluation data and the placement options,  
313 and (D) ensure that the placement decision is made in conformity with  
314 subsection (d) of this section.

315 (4) A local or regional board of education shall establish procedures,  
316 in accordance with subdivision (2) of this subsection, for periodic  
317 reevaluation of students who have been provided special education and  
318 related services, which may include, but are not limited to, a  
319 reevaluation procedure consistent with the Individuals with Disabilities  
320 Education Act, 20 USC 1419, as amended from time to time.

321 (f) A local or regional board of education that operates a public  
322 elementary or secondary education program or activity shall establish  
323 and implement, with respect to actions regarding the identification,  
324 evaluation or educational placement of students who, because of  
325 disability, need or are believed to need special instruction or related  
326 services, a system of procedural safeguards that includes notice, an  
327 opportunity for the parents or guardian of the student to examine  
328 relevant records, an impartial hearing with opportunity for  
329 participation by such student's parents or guardian and representation  
330 by counsel and a review procedure, which may include, but are not  
331 limited to, compliance with the procedural safeguards of the  
332 Individuals with Disabilities Education Act, 20 USC 1419, as amended  
333 from time to time.

334 (g) (1) (A) A local or regional board of education shall provide

335 nonacademic and extracurricular services and activities in such manner  
336 as is necessary to afford qualified students with a disability an equal  
337 opportunity for participation in such services and activities.

338 (B) Nonacademic and extracurricular services and activities may  
339 include counseling services, physical recreational athletics,  
340 transportation, health services, recreational activities, special interest  
341 groups or clubs sponsored by the local or regional board of education,  
342 referrals to agencies that provide assistance to qualified students with a  
343 disability and employment of qualified students with a disability,  
344 including both employment by such board and assistance in making  
345 available outside employment.

346 (2) A local or regional board of education that provides personal,  
347 academic or vocational counseling, guidance or placement services to  
348 its students shall provide such services without discrimination on the  
349 basis of disability. Such board shall ensure that qualified students with  
350 a disability are not counseled toward more restrictive career objectives  
351 than are students who do not have a disability with similar interests and  
352 abilities.

353 (3) (A) In providing physical education courses and athletics and  
354 similar aid, benefits or services to any of its students, a local or regional  
355 board of education may not discriminate on the basis of disability. A  
356 local or regional board of education that offers physical education  
357 courses or that operates or sponsors interscholastic, club or intramural  
358 athletics shall provide to qualified students with a disability an equal  
359 opportunity for participation.

360 (B) A local or regional board of education may offer to qualified  
361 students with a disability physical education and athletic activities that  
362 are separate or different from those offered to students who do not have  
363 a disability only if separation or differentiation is consistent with the  
364 requirements of subsection (d) of this section and only if no qualified  
365 student with a disability is denied the opportunity to compete for teams  
366 or participate in courses that are not separate or different.

367       (h) A local or regional board of education that provides preschool  
368 education or child care services, as described in section 19a-77 of the  
369 general statutes, or adult education may not, on the basis of disability,  
370 exclude qualified students with a disability and shall take into account  
371 the needs of such qualified students with a disability in determining the  
372 aid, 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

**ED**       *Joint Favorable Subst.*