



General Assembly

Amendment

January Session, 2025

LCO No. 9672



Offered by:
REP. KHAN, 5th Dist.

To: House Bill No. 5001

File No. 828

Cal. No. 529

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

1 Strike everything after the enacting clause and substitute the
2 following in lieu thereof:

3 "Section 1. Section 10-76a of the general statutes is repealed and the
4 following is substituted in lieu thereof (*Effective July 1, 2025*):

5 Whenever used in sections 10-76a to 10-76i, inclusive, as amended by
6 this act:

7 (1) "Commissioner" means the Commissioner of Education.

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

12 (3) An "exceptional child" means a child who deviates either
13 intellectually, physically or emotionally so markedly from normally

14 expected growth and development patterns that he or she is or will be
15 unable to progress effectively in a regular school program and needs a
16 special class, special instruction or special services.

17 (4) "Special education" means specially designed instruction
18 developed in accordance with the regulations of the commissioner,
19 subject to approval by the State Board of Education offered at no cost to
20 parents or guardians, to meet the unique needs of a child with a
21 disability, including instruction conducted in the classroom, in the
22 home, in hospitals and institutions, and in other settings and instruction
23 in physical education and special classes, programs or services,
24 including related services, designed to meet the educational needs of
25 exceptional children.

26 (5) "A child requiring special education" means any exceptional child
27 who (A) meets the criteria for eligibility for special education pursuant
28 to the Individuals With Disabilities Education Act, 20 USC 1400, et seq.,
29 as amended from time to time, (B) has extraordinary learning ability or
30 outstanding talent in the creative arts, the development of which
31 requires programs or services beyond the level of those ordinarily
32 provided in regular school programs but which may be provided
33 through special education as part of the public school program, or (C) is
34 age three to [five] eight, inclusive, and is experiencing developmental
35 delay that causes such child to require special education.

36 (6) "Developmental delay" means significant delay in one or more of
37 the following areas: (A) Physical development; (B) communication
38 development; (C) cognitive development; (D) social or emotional
39 development; or (E) adaptive development, as measured by appropriate
40 diagnostic instruments and procedures and demonstrated by scores
41 obtained on an appropriate norm-referenced standardized diagnostic
42 instrument.

43 (7) "Related services" means related services, as defined in the
44 Individuals With Disabilities Education Act, 20 USC 1400 et seq., as
45 amended from time to time.

46 (8) "Extraordinary learning ability" and "outstanding creative talent"
47 shall be defined by regulation by the commissioner, subject to the
48 approval of the State Board of Education, after consideration by said
49 commissioner of the opinions of appropriate specialists and of the
50 normal range of ability and rate of progress of children in the
51 Connecticut public schools.

52 (9) "Charging entity" means an approved private provider of special
53 education services, regional educational service center, operator of an
54 interdistrict magnet school program, state charter school, a cooperative
55 arrangement pursuant to section 10-158a, a local or regional board of
56 education operating an outplacement program or as part of the state-
57 wide interdistrict public school attendance program pursuant to section
58 10-266aa, or a provider of special education transportation services.

59 (10) "Provider of special education transportation services" means an
60 entity that contracts with a local or regional board of education to
61 provide transportation for students receiving special education and
62 related services in an educational placement or facility that is not under
63 the jurisdiction of such board of education, to and from the location of
64 such educational placement or facility.

65 (11) "Private provider of special education services" has the same
66 meaning as provided in section 10-91g.

67 Sec. 2. (NEW) (*Effective July 1, 2025*) (a) Except as otherwise provided
68 in subsection (b) of this section, for the school year commencing July 1,
69 2025, and each school year thereafter, a charging entity, as defined in
70 section 10-76a of the general statutes, as amended by this act, shall not
71 increase the amount charged to a local or regional board of education
72 for a service provided pursuant to an individualized education program
73 for a student during said school year, except a charging entity may
74 increase or lower the total amount charged to such board if the charging
75 entity adds or decreases the services provided pursuant to a change in
76 such student's individualized education program.

77 (b) For the school year commencing July 1, 2025, and each school year
78 thereafter, the Department of Education may permit, upon request, a
79 charging entity to increase the amount it charges for special education
80 services to a local or regional board of education if there is a substantial
81 increase in costs (1) for the services being provided for a student, or (2)
82 of the operation of such charging entity. The Commissioner of
83 Education shall prescribe the form and manner in which a charging
84 entity may make such request, including any documentation such
85 charging entity is to provide showing such substantial increase in costs.
86 The commissioner shall review each request and provide a written
87 decision approving or denying such request not later than sixty days
88 after receiving such request.

89 Sec. 3. (NEW) (*Effective July 1, 2025*) (a) As used in this section:

90 (1) "Related services" has the same meaning as provided in section
91 10-76a of the general statutes, as amended by this act, except it does not
92 include special education transportation services;

93 (2) "Charging entity" has the same meaning as provided in section 10-
94 76a of the general statutes, as amended by this act;

95 (3) "Public provider of special education services" means a regional
96 educational service center, operator of an interdistrict magnet school
97 program, state charter school, a cooperative arrangement pursuant to
98 section 10-158a of the general statutes, or a local or regional board of
99 education operating an outplacement program or as part of the state-
100 wide interdistrict public school attendance program pursuant to section
101 10-266aa of the general statutes; and

102 (4) "Special education transportation services" means transportation
103 services to and from special education outplacements provided by a
104 provider of special education transportation services.

105 (b) Not later than January 1, 2028, the Department of Education, in
106 consultation with the Office of Policy and Management, shall establish
107 a rate schedule for: (1) Related services provided by a charging entity

108 pursuant to an individualized education program, including, but not
109 limited to, speech, behavioral and occupational therapies; and (2) all
110 costs charged to a local or regional board of education related to the
111 provision of special education services, excluding special education
112 transportation services, provided by a public provider of special
113 education services. In establishing such rate schedule, the department
114 shall (A) consult with stakeholders and education officials in other states
115 with experience in establishing rates or rate schedules for the provision
116 of special education and related services, and (B) take into account the
117 operating expenses of the charging entities, the costs paid by local and
118 regional boards of education, the educator-to-student ratio of the
119 environment in which the special education or related service is being
120 delivered, the professional qualifications of the service provider and any
121 other considerations the department deems relevant. The rate schedule
122 shall be accompanied by standards for billing that describe how the
123 charging entity's operational expenses should be proportionally and
124 appropriately attributed to the services provided to individual students.
125 The department shall, at least biennially, review such rate schedule and
126 billing standards and may revise such rate schedule and billing
127 standards as necessary.

128 (c) (1) Not later than December 31, 2027, the department shall
129 establish the individual rates for each special education and related
130 service, in accordance with the provisions of subsection (b) of this
131 section, except for the period commencing July 1, 2025, until December
132 31, 2027, the department may establish individual rates for each special
133 education and related service, in accordance with the provisions of
134 subsection (b) of this section. Following the establishment of each such
135 rate, the department shall notify each local and regional board of
136 education of such rate and post such rate on the department's Internet
137 web site not later than the January first following such establishment.
138 Any such rate shall become effective on the July first following such
139 posting.

140 (2) On or before January 1, 2028, the department shall notify each

141 local and regional board of education of the full rate schedule and post
142 such rate schedule on the department's Internet web site. The full rate
143 schedule shall become effective on July 1, 2028.

144 (d) (1) For the school years commencing July 1, 2026, and July 1, 2027,
145 all amounts charged to a local or regional board of education by a (A)
146 charging entity related to the provision of related services, or (B) public
147 provider of special education services for special education services,
148 shall be in accordance with any rates established by the department
149 pursuant to subsection (c) of this section, provided such rates were
150 posted on or before January first of the prior school year.

151 (2) For the school year commencing July 1, 2028, and each school year
152 thereafter, all amounts charged to a local or regional board of education
153 by a (A) charging entity related to the provision of related services, or
154 (B) public provider of special education services for special education
155 services, shall be in accordance with the rate schedule established
156 pursuant to this section, provided such rate schedule was posted on or
157 before January first of the prior school year.

158 (3) Any amount charged to and paid by a local or regional board of
159 education for such special education and related services that exceeds
160 the amount established pursuant to this section shall not be eligible for
161 reimbursement under section 10-76g of the general statutes and shall be
162 deemed to be an expenditure that does not constitute a special education
163 purpose for purposes of the special education and expansion
164 development grant under section 7 of this act.

165 (e) (1) Not later than January 1, 2026, and January 1, 2027, the
166 department shall submit a report of all the rates that have been
167 established under this section to the joint standing committees of the
168 General Assembly having cognizance of matters relating to education
169 and appropriations, in accordance with the provisions of section 11-4a
170 of the general statutes.

171 (2) Not later than January 1, 2028, and annually thereafter, the

172 department shall submit the rate schedule established under this section
173 to the joint standing committees of the General Assembly having
174 cognizance of matters relating to education and appropriations, in
175 accordance with the provisions of section 11-4a of the general statutes.

176 (f) The Commissioner of Education shall consult with approved
177 nonprofit private providers of special education services and approved
178 for-profit private providers of special education services for the purpose
179 of developing proposed rates for special education services, excluding
180 transportation services, for all approved private providers of special
181 education services. Not later than December 31, 2027, the commissioner
182 shall develop proposed individual rates for each special education
183 service, excluding transportation services, for all approved private
184 providers of special education services, in accordance with the
185 provisions of subsection (b) of this section, except for the period
186 commencing July 1, 2025, until December 31, 2027, the commissioner
187 may develop such individual rates for each special education service, in
188 accordance with the provisions of subsection (b) of this section.
189 Following the development of any such proposed rates, the
190 commissioner shall submit all such proposed rates not later than
191 January first following such development to the General Assembly for
192 approval or disapproval. If the General Assembly fails to approve or
193 disapprove such proposed rates on or before the March fifteenth after
194 such submission, such proposed rates shall be deemed approved. Any
195 such proposed rate that is approved by the General Assembly or
196 deemed approved shall become effective on the July first following such
197 approval.

198 Sec. 4. (NEW) (*Effective July 1, 2025*) (a) Not later than January 1, 2027,
199 the Department of Education shall develop, and update as necessary,
200 billing standards for the costs charged to local and regional boards of
201 education for special education transportation services to and from
202 special education outplacements provided by providers of special
203 education transportation services. The department shall notify each
204 local and regional board of education of such billing standards and post

205 such billing standards on the department's Internet web site.

206 (b) For the school year commencing July 1, 2027, and each school year
207 thereafter, all costs for special education transportation services to and
208 from special education outplacements provided by providers of special
209 education transportation services charged to a local or regional board of
210 education shall be in accordance with the billing standards developed
211 under this section.

212 (c) Not later than January 1, 2027, and annually thereafter, the
213 department shall submit such billing standards to the joint standing
214 committee of the General Assembly having cognizance of matters
215 relating to education, in accordance with the provisions of section 11-4a
216 of the general statutes.

217 Sec. 5. (NEW) (*Effective July 1, 2025*) For purposes of determining the
218 reasonable costs associated with the provision of special education and
219 related services pursuant to subdivision (7) of subsection (d) of section
220 10-66ee of the general statutes, subsection (d) of section 10-76d of the
221 general statutes, section 10-76g of the general statutes, subsection (a) of
222 section 10-76i of the general statutes, subsection (b) of section 10-253 of
223 the general statutes, subsection (h) of section 10-264~~l~~ of the general
224 statutes and subsection (i) of section 10-266aa of the general statutes, (1)
225 on and after July 1, 2026, "reasonable costs" means the amount allowed
226 to be charged to a local or regional board of education by a charging
227 entity, as defined in section 10-76a of the general statutes, as amended
228 by this act, under the individualized special education and related
229 services rate schedule established pursuant to section 3 of this act for the
230 provision of special education and related services pursuant to a
231 student's individualized education program, and (2) on and after July 1,
232 2025, there shall be no presumption that "reasonable costs" means the
233 actual cost incurred for the provision of special education and related
234 services pursuant to a student's individualized education program.

235 Sec. 6. Section 10-262j of the general statutes is amended by adding
236 subsection (j) as follows (*Effective July 1, 2025*):

237 (NEW) (j) For the fiscal year ending June 30, 2026, and each fiscal year
238 thereafter, any district that has received a special education and
239 expansion development grant under section 7 of this act during the prior
240 fiscal year shall not be required to include the amount of such grant in
241 the calculation of such district's budgeted appropriation for education
242 for the subsequent fiscal year.

243 Sec. 7. (NEW) (*Effective July 1, 2025*) (a) As used in this section:

244 (1) "Base aid ratio" has the same meaning as provided in section 10-
245 262f of the general statutes.

246 (2) "Foundation" has the same meaning as provided in section 10-262f
247 of the general statutes.

248 (3) "Resident students" has the same meaning as provided in section
249 10-262f of the general statutes.

250 (4) "Special education need students" means fifty per cent of the
251 number of resident students who are children requiring special
252 education and related services, as such terms are defined in section 10-
253 76a of the general statutes, as amended by this act.

254 (5) "Fully funded grant" means the product of a town's base aid ratio,
255 the foundation and the town's special education need students for the
256 fiscal year prior to the year in which the grant is to be paid.

257 (b) For the fiscal year ending June 30, 2026, and each fiscal year
258 thereafter, each board of education for a town maintaining public
259 schools according to law shall be entitled to a special education and
260 expansion development grant in an amount equal to its fully funded
261 grant.

262 (c) For the fiscal year ending June 30, 2026, and each fiscal year
263 thereafter, the board of education for a town shall be paid a special
264 education and expansion development grant equal to the amount such
265 board is entitled to receive under the provisions of subsection (b) of this

266 section. Such grant shall be calculated using the data of record as of the
267 December first prior to the fiscal year such grant is to be paid, adjusted
268 for the difference between the final entitlement for the prior fiscal year
269 and the preliminary entitlement for such fiscal year as calculated using
270 the data of record as of the December first prior to the fiscal year when
271 such grant was paid.

272 (d) The amount due each board of education pursuant to the
273 provisions of subsection (c) of this section shall be paid by the
274 Comptroller, upon certification of the Commissioner of Education, to
275 the board of education for each town entitled to such aid in installments
276 during the fiscal year as follows: Twenty-five per cent of the grant in
277 October, twenty-five per cent of the grant in January and the balance of
278 the grant in April. The balance of the grant due boards under the
279 provisions of this subsection shall be paid in March rather than April to
280 any board that has not adopted the uniform fiscal year and that would
281 not otherwise receive such final payment within the fiscal year of such
282 board.

283 (e) (1) All aid distributed to a board of education pursuant to the
284 provisions of this section shall be expended for special education
285 purposes only. For the fiscal year ending June 30, 2026, and each fiscal
286 year thereafter, if a board receives an increase in funds pursuant to this
287 section over the amount it received for the prior fiscal year, such
288 increase shall not be used to supplant funding for special education
289 purposes. The budgeted appropriation for special education for any
290 board receiving an increase in funds pursuant to this section shall be not
291 less than the amount appropriated for special education for the prior
292 year plus such increase in funds. For purposes of this subsection,
293 "special education purposes" means the direct provision of special
294 education and related services to students, Tier 2 interventions,
295 academic and behavioral interventions, the hiring and salaries of special
296 education teachers, paraeducators and behavioral and reading
297 specialists who work directly with students, equipment purchases and
298 maintenance and curriculum materials. "Special education purposes"

299 does not include any (A) administrative functions or operating expenses
300 related to the provision of special education and related services, or (B)
301 special education and related services provided by any third-party
302 contractor.

303 (2) Upon a determination by the State Board of Education that a local
304 or regional board of education failed in any fiscal year to meet the
305 requirements pursuant to subdivision (1) of this subsection, the board
306 of education shall forfeit an amount equal to two times the amount that
307 was not expended for special education purposes. The amount so
308 forfeited shall be withheld by the Department of Education from the
309 grant payable to the board of education in the second fiscal year
310 immediately following such failure by deducting such amount from the
311 board of education's special education and expansion development
312 grant payment pursuant to this section. Notwithstanding the provisions
313 of this subdivision, the State Board of Education may waive such
314 forfeiture upon agreement with the board of education that the board of
315 education shall increase its appropriation for special education during
316 the fiscal year in which the forfeiture would occur by an amount not less
317 than the amount of said forfeiture or for other good cause shown.

318 (f) Not later than July 15, 2026, and annually thereafter, each local and
319 regional board of education shall submit an annual expenditure report
320 to the Commissioner of Education, except any board of education that
321 receives a grant under this section that is less than ten thousand dollars
322 in any fiscal year shall not be responsible for submitting such report for
323 such fiscal year. Such report shall include a summary and itemization of
324 how grant funds received pursuant to this section were expended
325 during the prior fiscal year for the direct provision of special education
326 and related services to students, including whether such grant was used
327 to hire any new special education teachers, paraeducators or behavioral
328 or reading specialists.

329 (g) Notwithstanding the provisions of this section, for the fiscal year
330 ending June 30, 2026, the amount of grants payable to local or regional
331 boards of education under this section shall be reduced proportionately

332 if the total of such grants in such year exceeds the amount appropriated
333 for such grants for such year.

334 Sec. 8. (*Effective July 1, 2025*) (a) The Department of Education shall
335 develop licensure standards for private providers of special education
336 services in the state that shall include, but need not be limited to, (1) the
337 application and review process for such licensure, (2) periods for initial
338 licensure and license renewal, (3) minimum requirements based on the
339 type of special education services provided, and (4) a fee of five
340 thousand dollars for each application for initial licensure and one
341 thousand five hundred dollars for each application for a license renewal.

342 (b) Not later than January 1, 2026, the Department of Education shall
343 submit, in accordance with the provisions of section 11-4a of the general
344 statutes, to the joint standing committee of the General Assembly
345 having cognizance of matters relating to education the licensure
346 standards developed pursuant to subsection (a) of this section and any
347 legislative recommendations to implement such standards.

348 Sec. 9. Section 10-74u of the general statutes is repealed and the
349 following is substituted in lieu thereof (*Effective July 1, 2025*):

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

362 (b) (1) On and after July 1, 2027, the Department of Education shall

363 conduct annual unannounced on-site visits of randomly selected sites
364 located in the state at which a regional educational service center is
365 providing special education services or a private provider of special
366 education services, as defined in section 10-91g, is providing special
367 education services pursuant to a contract with a local or regional board
368 of education for such school year, whether or not such private provider
369 of special education services is approved by the Commissioner of
370 Education pursuant to the provisions of subsection (d) of section 10-76d.
371 Such site visit shall include, but need not be limited to, (A) review of
372 documentation of employee qualifications and compliance with
373 certification and in-service training requirements relevant to each
374 employee, (B) review of proof of completion of a criminal history and
375 child abuse and neglect registry check for each employee pursuant to
376 sections 10-221d or 10-232a to 10-232d, inclusive, (C) administration of
377 a questionnaire to the parents or legal guardians of students receiving
378 special education services from such regional educational service center
379 or private provider of special education services concerning the quality
380 of such services, and (D) review of student outcomes, including
381 attendance data and rates of restraint and seclusion.

382 (2) Not later than ten business days following such site visit, the
383 Commissioner of Education shall notify such regional educational
384 service center or private provider of special education services in
385 writing of the findings from such site visit and any required corrective
386 actions.

387 (3) Each regional educational service center or private provider of
388 special education services that receives written findings of a site visit
389 with required corrective actions shall submit to the department written
390 proof of compliance with such corrective actions not later than thirty
391 days following receipt of such written findings. Any regional
392 educational service center or private provider of special education
393 services that does not submit such proof of compliance by such deadline
394 shall be fined not more than one hundred dollars per day for each day
395 of noncompliance with the provisions of this subdivision.

396 (4) No local or regional board of education shall knowingly place any
397 additional students who require special education services with a
398 regional educational service center or private provider of special
399 education services that is not in compliance with the provisions of
400 subdivision (3) of this subsection.

401 (5) Not later than fifteen days following the submission or receipt of
402 the written records required pursuant to this subsection, the department
403 shall, in a manner that complies with the requirements of the Family
404 Educational Rights and Privacy Act, 20 USC 1232g, as amended from
405 time to time, post such written record to the online public database
406 maintained by the department on its Internet web site and send such
407 written record to the Child Advocate and each local or regional board
408 of education that has placed a student for the provision of special
409 education services with the regional educational service center or the
410 private provider of special education services that is the subject of such
411 written record.

412 Sec. 10. Section 10-76d of the general statutes is amended by adding
413 subsection (j) as follows (*Effective July 1, 2025*):

414 (NEW) (j) No local or regional board of education, interdistrict
415 magnet school operator, governing council of a state or local charter
416 school or private provider of special education services, as defined in
417 section 10-91g, that receives an out-of-district placement of a student
418 who receives special education services through an agreement or
419 contract with a sending local or regional board of education pursuant to
420 subsection (d) of this section or section 10-91j, as amended by this act,
421 shall transfer such student to any other school or facility unless (1) upon
422 initiation of the sending local or regional board of education or upon the
423 request of a parent or guardian of such student, or such student if such
424 student is eighteen years of age or older or an emancipated minor, such
425 sending local or regional board of education holds a planning and
426 placement team meeting for the purpose of determining the
427 appropriateness of such transfer, and (2) the planning and placement
428 team determines that such transfer is more appropriate for the

429 educational needs of such student than the current out-of-district
430 placement. A representative of the local or regional board of education,
431 interdistrict magnet school operator, governing council of a state or local
432 charter school or private provider of special education services that has
433 received such out-of-district student placement shall be invited to
434 attend and participate in such planning and placement team meeting,
435 but may not request that such planning and placement team meeting be
436 held.

437 Sec. 11. (NEW) (*Effective July 1, 2025*) (a) The Department of Education
438 shall establish a model contract for the placement of a student with a
439 private provider of special education services, as defined in section 10-
440 91g of the general statutes, approved by the Commissioner of Education
441 for special education. Not later than July 1, 2026, the department shall
442 make such model contract available to local and regional boards of
443 education in the state for use by such boards to enter into a contract with
444 such private provider of special education services pursuant to section
445 10-76d of the general statutes, as amended by this act, or 10-91j of the
446 general statutes, as amended by this act.

447 (b) The Department of Education shall establish a model contract for
448 the placement of a student with a regional educational service center.
449 Not later than July 1, 2026, the department shall make such model
450 contract available to local and regional boards of education in the state
451 for use by such boards to enter into a contract with a regional
452 educational service center.

453 Sec. 12. (NEW) (*Effective from passage*) Not later than June 30, 2026,
454 and annually thereafter, each local and regional board of education shall
455 report to the Department of Education each placement of a student
456 receiving special education services for which such board is paying any
457 portion of the cost. Such report shall include, but need not be limited to,
458 (1) whether such placement is a result of a decision of a planning and
459 placement team meeting, a settlement agreement or a special education
460 hearing pursuant to section 10-76h of the general statutes, as amended
461 by this act, (2) whether such placement is with an approved or

462 nonapproved private provider of special education services, regional
463 educational service center, operator of an interdistrict magnet school
464 program, state charter school, a cooperative arrangement pursuant to
465 section 10-158a of the general statutes, a local or regional board of
466 education operating an outplacement program or as part of the state-
467 wide interdistrict public school attendance program pursuant to section
468 10-266aa of the general statutes, (3) the amount being paid by such
469 board, (4) the special education services being provided, (5) the location
470 of the facility at which such special education services are being
471 provided, (6) the total number of any agreements such board enters into
472 with a student, parent or guardian during the preceding school year that
473 includes provisions for nondisclosure of special education services or a
474 waiver of the rights to which such student, parent or guardian is entitled
475 pursuant to the Individuals with Disabilities Education Act, 20 USC
476 1400 et seq., as amended from time to time, and (7) any other
477 information requested by the department. The department shall
478 disaggregate and annually report such information, in a manner that
479 complies with the requirements of the Family Educational Rights and
480 Privacy Act, 20 USC 1232g, as amended from time to time, on the special
481 education data system maintained by the department.

482 Sec. 13. (NEW) (*Effective July 1, 2025*) (a) As used in this section:

483 (1) "Functional behavior assessment" means a systematic process of
484 gathering and analyzing data to identify the reasons for a student's
485 challenging behavior; and

486 (2) "Challenging behavior" has the same meaning as provided in
487 section 10-222aa of the general statutes.

488 (b) (1) Except as otherwise provided in subdivision (2) of this
489 subsection, on and after September 1, 2025, prior to placing any student
490 in an out-of-district placement due to the challenging behavior of such
491 student, each local and regional board of education shall conduct a
492 functional behavior assessment of such student and develop or update
493 a behavioral intervention plan for such student.

494 (2) A functional behavior assessment and a behavioral intervention
495 plan shall not be required if the time required to conduct such
496 assessment or develop or update such plan would put the safety of such
497 student, any other student or any staff at such student's school at risk.
498 Not later than two business days following the decision to not conduct
499 such assessment or develop or update such plan for such student, the
500 local or regional board of education shall file a notice with the
501 Department of Education of the reasons that such assessment was not
502 conducted or such plan was not developed or updated.

503 (c) Not later than September 1, 2025, the Department of Education
504 shall develop guidance for local and regional boards of education to
505 determine circumstances in which the time required to conduct a
506 functional behavior assessment and develop or update a behavioral
507 intervention plan would put at risk the safety of any student or school
508 staff.

509 Sec. 14. Section 2-137 of the general statutes is amended by adding
510 subsection (n) as follows (*Effective July 1, 2025*):

511 (NEW) (n) (1) Not later than January 1, 2027, the Transforming
512 Children's Behavioral Health Policy and Planning Committee shall
513 submit a report, in accordance with the provisions of section 11-4a, to
514 the joint standing committees of the General Assembly having
515 cognizance of matters relating to education and children. Such report
516 shall consist of the committee's examination of and recommendations
517 for behavioral health issues impacting students in the state receiving
518 special education that includes, but is not limited to, the following:

519 (A) The behavioral intervention methods utilized by private
520 providers of special education services and the feasibility and impact of
521 requiring such private providers to utilize evidence-based interventions
522 that are proactive and highly individualized, such as the Assessment of
523 Lagging Skills and Unsolved Problems, including, but not limited to, the
524 feasibility and impact of requiring staff at such private providers to be
525 trained in such evidence-based interventions with an emphasis on

526 problem-solving as the primary goal; and

527 (B) Best practices for the monitoring and random audits by the
528 Department of Education of the use of physical restraint and seclusion
529 pursuant to section 10-236b for students receiving special education,
530 including, but not limited to, best practices for (i) ensuring the accuracy
531 and consistency of the annual compilation of incidents of physical
532 restraint and seclusions reported to the department pursuant to
533 subsection (l) of said section, (ii) intervention by the department in
534 schools and special education programs that report a high incidence of
535 physical restraint and seclusion, (iii) enforcement of the laws relating to
536 physical restraint and seclusion, such as through site visits of seclusion
537 spaces and review of incident reports and parental notifications, (iv)
538 mandatory training of staff and administrators to reduce reliance on
539 physical restraint and seclusion, and (v) development of uniform rules
540 or regulations applicable to physical restraint and seclusion of any
541 student.

542 (2) The Department of Education shall submit, in a manner that
543 complies with the requirements of the Family Educational Rights and
544 Privacy Act, 20 USC 1232g, as amended from time to time, all data and
545 information requested by the committee in compiling the report.

546 Sec. 15. Section 36 of public act 23-167 is repealed and the following
547 is substituted in lieu thereof (*Effective from passage*):

548 (a) There is established the Building Educational Responsibility with
549 Greater Improvement Networks Commission. The commission shall
550 study (1) issues relating to education funding entitled to local and
551 regional boards of education, charter schools and operators of
552 interdistrict magnet school programs under the provisions of section 10-
553 262h of the general statutes, and section 10-66ee of the general statutes,
554 (2) accountability measures for (A) alliance districts, (B) charter schools,
555 and (C) interdistrict magnet school programs, (3) the adequacy of
556 financial reporting by (A) local and regional boards of education,
557 including financial reporting associated with participation in the state-

558 wide interdistrict public school attendance program, established
559 pursuant to section 10-266aa of the general statutes, (B) the governing
560 councils of state and local charter schools and charter management
561 organizations, and (C) operators of interdistrict magnet school
562 programs, and (4) the financial impact of interdistrict magnet school
563 programs, charter schools and the state-wide interdistrict public school
564 attendance program on local and regional boards of education,
565 including, but not limited to, equalization aid grant amounts,
566 transportation costs, special education services and other general
567 educational costs for children who reside in the school district but do
568 not attend a school under the jurisdiction of the board of education for
569 such school district. The commission may form subcommittees, as
570 necessary, in order to perform its responsibilities under subsection (c) of
571 this section.

572 (b) (1) The portion of such study regarding issues relating to
573 education funding entitled to local and regional boards of education,
574 charter schools and interdistrict magnet schools shall include, but need
575 not be limited to, an analysis of and recommendations relating to (A)
576 the compensation, benefits, retention and recruitment of teachers,
577 paraprofessionals and social workers, (B) restrictions on the use of any
578 additional funds received pursuant to section 10-262h of the general
579 statutes, (C) reporting requirements for school districts receiving
580 additional funds provided under the provisions of section 10-262h of the
581 general statutes, (D) optimal class sizes, and (E) the inclusion of special
582 education as a need factor in the equalization aid grant formula under
583 section 10-262h of the general statutes.

584 (2) The portion of such study regarding alliance districts shall
585 include, but need not be limited to, (A) an analysis of the process by
586 which alliance district plans are developed by boards of education and
587 are reviewed and approved by the Commissioner of Education, and
588 recommendations for narrowing the focus of or replacing such plans,
589 (B) a consideration of the removal of the withholding of a portion of an
590 alliance district's equalization aid grant under section 10-262u of the

591 general statutes, as amended by [this act] public act 23-167, (C) the
592 feasibility of creating independent financial audits of the expenditures
593 under the entire budget of boards of education for alliance districts, (D)
594 the feasibility of requiring boards of education for alliance districts to
595 hold hearings on interventions and make annual evaluations of any new
596 programming established in the school district, (E) a consideration of
597 establishing guidelines for the hiring of nonclassroom personnel, and
598 (F) a consideration of interventions that the Department of Education
599 may take in regard to the operations of an alliance district.

600 (3) The portion of such study regarding charter schools shall include,
601 but need not be limited to, (A) the feasibility of allowing for a full grade
602 expansion of existing charters, including grade expansion, (B) an
603 examination of the impact of moratoriums on the granting of new
604 charters, as well as the approval of new interdistrict magnet school
605 programs, (C) a consideration of the duration of the length of a charter's
606 validity, and (D) an examination of the charter renewal process,
607 including the standards used by the State Board of Education during its
608 determination of whether to renew a charter and the creation of an
609 accountability scale.

610 (4) The portion of such study regarding interdistrict magnet schools
611 shall include, but need not be limited to, oversight policies for
612 interdistrict magnet school programs operated by regional education
613 service centers relating to tuition increases, enrollment and funding
614 caps.

615 (c) (1) The commission shall conduct a needs-based study to
616 determine if additional special education programs and services are
617 required in the state to meet student demand. In conducting such needs-
618 based study, the commission shall review approved and nonapproved
619 public and private special education schools and the programs and
620 services provided by such schools, including whether such schools
621 maintain a waitlist for such services. The Department of Education shall
622 comply with all data and information requests made by the commission.
623 The commission shall develop and recommend a new methodology that

624 the Department of Education, in consultation with the Office of Policy
625 and Management, shall use when reviewing applications submitted by
626 a private provider of special education services to become an approved
627 private provider of special education services, including application and
628 applicant criteria.

629 (2) The commission shall study and consider recommendations for
630 the creation of a peer review process for the special education program
631 in each school district that will review each school district periodically
632 in an effort to share best practices to duplicate or model in other school
633 districts with similar special education and student needs.

634 (3) The commission shall examine the current utilization and
635 implementation of Tier 2 interventions of multitiered systems of
636 supports and scientific research-based interventions in public schools,
637 and identify any potential benefits of implementing Tier 2 interventions
638 and any barriers to such implementation and make recommendations
639 to improve such implementation of Tier 2 interventions. As part of such
640 examination, the commission shall consider, at a minimum, (A)
641 requiring the Department of Education to revise existing guidelines
642 concerning multitiered systems of support, response to intervention,
643 and scientific research-based interventions to include current research
644 and best practices, (B) requiring mandated training and certification of
645 the staff supervising and implementing Tier 2 interventions, (C)
646 requiring reading intervention before a special education placement is
647 made if the primary reason for the placement is reading-related, and (D)
648 methods of incentivizing boards of education to hire additional reading
649 intervention teachers. The Department of Education shall comply with
650 all data and information requests made by the commission.

651 (4) The commission shall review and recommend changes to the
652 Department of Education's Connecticut Special Education Data System
653 (CT-SEDS). Such review shall, at a minimum, consider the accessibility
654 and usability of CT-SEDS by educators and parents and guardians of
655 students and any requirements of CT-SEDS that exceed statutory and
656 regulatory requirements for individualized education programs. Such

657 recommendations may be developed, in part, on the findings of the
658 report described in section 17 of this act regarding the purpose of each
659 CT-SEDS field.

660 (5) The commission shall conduct a study concerning access to respite
661 care for families of children with disabilities in the state. Such study
662 shall assess the current availability of respite services, identify gaps in
663 access or delivery and evaluate how respite care supports families in
664 keeping children with disabilities safely at home and within their
665 communities.

666 (6) The commission shall develop recommendations for (A)
667 standards for measuring the effectiveness of the delivery of special
668 education services by local and regional boards of education, and (B) a
669 system of publicly acknowledging those school districts that are
670 consistently (i) meeting or exceeding such standards, and (ii) not
671 meeting or are below such standards.

672 (7) The commission shall review and make recommendations for
673 legislation concerning the implementation of the proposed state-wide
674 special education workload analysis model, developed pursuant to
675 section 16 of this act.

676 (8) The commission, in consultation with the Office of Health
677 Strategy, Office of the Healthcare Advocate and Department of Social
678 Services, shall conduct a study to determine if certain special education
679 services can be billed to Medicaid or other private insurance.

680 [(c)] (d) The commission shall consist of the following initial
681 members:

682 (1) The speaker of the House of Representatives, or the speaker's
683 designee;

684 (2) Two appointed by the speaker of the House of Representatives,
685 one of whom is a representative of the Connecticut Association of Public
686 School Superintendents and one of whom is a representative of the

687 RESC Alliance;

688 (3) The president pro tempore of the Senate, or the president pro
689 tempore's designee;

690 (4) Two appointed by the president pro tempore of the Senate, one of
691 whom is a representative of Special Education Equity for Kids and one
692 of whom is a representative of the Center for Children's Advocacy;

693 (5) Three appointed by the majority leader of the House of
694 Representatives, one of whom is a representative of the Connecticut
695 School Counselor Association, one of whom is a representative of the
696 Connecticut Education Association and one of whom is a representative
697 of the Connecticut Voices for Children;

698 (6) Three appointed by the majority leader of the Senate, one of whom
699 is a representative of the American Federation of Teachers-Connecticut,
700 one of whom is a representative of ConnCAN and one of whom is a
701 representative of the School and State Finance Project;

702 (7) Three appointed by the minority leader of the House of
703 Representatives, one of whom is a representative of the Connecticut
704 Association of School Administrators and one of whom is a
705 representative of the Connecticut Association of School Business
706 Officials, and one of whom is a member of a local or regional board of
707 education for an alliance district, in consultation with the Connecticut
708 Association of Boards of Education;

709 (8) Three appointed by the minority leader of the Senate, one of
710 whom is a representative of the Connecticut Charter School Association,
711 one of whom is the executive director of an agricultural science and
712 technology education center and one of whom is a representative of the
713 Connecticut Council of Administrators of Special Education;

714 (9) The Commissioner of Education, or the commissioner's designee;
715 and

716 (10) The Secretary of the Office of Policy and Management, or the
717 secretary's designee.

718 (e) The commission shall consist of the following additional
719 members:

720 (1) Three appointed by the speaker of the House of Representatives,
721 one of whom is a parent of a child receiving special education services
722 in the state, one of whom is a representative of Disability Rights
723 Connecticut and one of whom is an individual who may be a member
724 of the General Assembly;

725 (2) Three appointed by the president pro tempore of the Senate, one
726 of whom is a parent of a child receiving special education services in the
727 state, one of whom is a representative of the Connecticut Association of
728 Public School Superintendents and one whom is an individual who may
729 be a member of the General Assembly;

730 (3) Three appointed by the majority leader of the House of
731 Representatives, one of whom is a parent of a child receiving special
732 education services in the state, one of whom is a special education
733 teacher in the state and a member of the Connecticut Education
734 Association and one of whom is an individual who may be a member of
735 the General Assembly;

736 (4) Three appointed by the majority leader of the Senate, one of whom
737 is a special education teacher in the state and a member of the American
738 Federation of Teachers-Connecticut, one of whom is a representative of
739 the Connecticut Council of Administrators of Special Education and one
740 of whom is an individual who may be a member of the General
741 Assembly;

742 (5) Three appointed by the minority leader of the House of
743 Representatives, one of whom is a parent of a child receiving special
744 education services in the state, one of whom is a special education
745 teacher in the state and a member of the American Federation of
746 Teachers-Connecticut and one of whom is an individual who may be a

747 member of the General Assembly;

748 (6) Three appointed by the minority leader of the Senate, one of
749 whom is a representative of the Connecticut Association of Private
750 Special Education Facilities, one of whom is a special education teacher
751 in the state and a member of the Connecticut Education Association and
752 one of whom is an individual who may be a member of the General
753 Assembly; and

754 (7) Two designated by the Commissioner of Education.

755 [(d)] (f) (1) All initial appointments to the commission pursuant to
756 subsection (d) of this section shall be made not later than [thirty days
757 after the effective date of this section] July 28, 2023. Any vacancy shall
758 be filled by the appointing authority.

759 (2) All additional appointments to the commission pursuant to
760 subsection (e) of this section shall be made not later than thirty days after
761 the effective date of this section. Any vacancy shall be filled by the
762 appointing authority.

763 [(e)] (g) The speaker of the House of Representatives and the
764 president pro tempore of the Senate, or their designees, shall serve as
765 the chairpersons of the commission and shall schedule the first meeting
766 of the commission, which shall be held not later than sixty days after the
767 effective date of this section.

768 [(f)] (h) The administrative staff of the joint standing committee of the
769 General Assembly having cognizance of matters relating to education
770 shall serve as administrative staff of the commission.

771 (i) The Department of Education shall comply with all data and
772 information requests made by the commission for purposes of this
773 section.

774 [(g)] (j) (1) Not later than [February 1, 2024] January 15, 2026, the
775 commission shall submit a report on the portion of the study described

776 in subdivision (1) of subsection (b) of this section, in accordance with the
777 provisions of section 11-4a of the general statutes, on its findings and
778 recommendations to the joint standing committees of the General
779 Assembly having cognizance of matters relating to education and
780 appropriations.

781 (2) Not later than January 15, [2025] 2026, the commission shall
782 submit a report on the portion of the study described in subdivisions (2)
783 and (3) of subsection (b) of this section, in accordance with the
784 provisions of section 11-4a of the general statutes, on its findings and
785 recommendations to the joint standing committee of the General
786 Assembly having cognizance of matters relating to education.

787 (3) Not later than December 1, 2026, the commission shall submit a
788 report on the needs-based study described in subdivision (1) of
789 subsection (c) of this section, in accordance with the provisions of
790 section 11-4a of the general statutes, on its findings and
791 recommendations to the Secretary of the Office of Policy and
792 Management, the Commissioner of Education and the joint standing
793 committees of the General Assembly having cognizance of matters
794 relating to education and appropriations.

795 (4) Not later than December 1, 2026, the commission shall submit a
796 report on the study described in subdivision (2) of subsection (c) of this
797 section, in accordance with the provisions of section 11-4a of the general
798 statutes, on its findings and recommendations to the Commissioner of
799 Education and the joint standing committee of the General Assembly
800 having cognizance of matters relating to education.

801 (5) Not later than December 1, 2026, the commission shall submit a
802 report on the examination described in subdivision (3) of subsection (c)
803 of this section, in accordance with the provisions of section 11-4a of the
804 general statutes, on its findings and recommendations to the
805 Commissioner of Education and the joint standing committees of the
806 General Assembly having cognizance of matters relating to education
807 and appropriations.

808 (6) Not later than December 1, 2026, the commission shall submit a
809 report on the review and recommendations described in subdivision (4)
810 of subsection (c) of this section, in accordance with the provisions of
811 section 11-4a of the general statutes, on its findings and
812 recommendations to the Commissioner of Education and the joint
813 standing committee of the General Assembly having cognizance of
814 matters relating to education.

815 (7) Not later than December 1, 2026, the commission shall submit a
816 report on the study described in subdivision (5) of subsection (c) of this
817 section, in accordance with the provisions of section 11-4a of the general
818 statutes, on its findings and recommendations to the Commissioner of
819 Education and the joint standing committee of the General Assembly
820 having cognizance of matters relating to education and public health.

821 (8) Not later than December 1, 2026, the commission shall submit its
822 recommendations described in subdivision (6) of subsection (c) of this
823 section, in accordance with the provisions of section 11-4a of the general
824 statutes, to the Commissioner of Education and the joint standing
825 committee of the General Assembly having cognizance of matters
826 relating to education.

827 (9) Not later than December 1, 2026, the commission shall submit its
828 review and recommendations described in subdivision (7) of subsection
829 (c) of this section, in accordance with the provisions of section 11-4a of
830 the general statutes, to the joint standing committee of the General
831 Assembly having cognizance of matters relating to education.

832 (10) Not later than December 1, 2026, the commission shall submit a
833 report on the study described in subdivision (8) of subsection (c) of this
834 section, in accordance with the provisions of section 11-4a, on its
835 findings and recommendations to the joint standing committees of the
836 General Assembly having cognizance of matters relating to education,
837 human services and insurance.

838 [(3)] (k) The commission shall terminate on the date that it submits

839 the last of such reports or July 1, [2025] 2030, whichever is later.

840 Sec. 16. (*Effective July 1, 2025*) (a) The Commissioner of Education, in
841 consultation with the Building Educational Responsibility with Greater
842 Improvement Networks Commission, established pursuant to section
843 36 of public act 23-167, as amended by this act, and the Secretary of the
844 Office of Policy and Management, shall develop a proposed state-wide
845 special education workload analysis model for teachers and school
846 service providers implementing a student's individualized education
847 program in the provision of special education and related services. Such
848 proposed state-wide special education workload analysis model shall
849 establish standards that limit the workload of such teachers and school
850 service providers, and include, but need not be limited to, provisions
851 addressing (1) the severity of the needs of the student contained in such
852 student's individualized education program, (2) the level and frequency
853 of services necessary for a student to achieve the goals and objectives
854 contained in such student's individualized education program, and (3)
855 the time required for (A) planning services, (B) evaluations, including
856 classroom observations, (C) coordination of services required by a
857 student's individualized education program, (D) staff development, (E)
858 follow-up, and (F) traveling to and from different locations in the
859 provision of special education and related services. For purposes of this
860 section, "workload" means the number of students with an
861 individualized education program for which a teacher or school service
862 provider is responsible and the time required to effectively implement
863 each individualized education program.

864 (b) The commissioner shall (1) not later than July 1, 2026, submit the
865 proposed state-wide special education workload analysis model to the
866 Building Educational Responsibility with Greater Improvement
867 Networks Commission, established pursuant to section 36 of public act
868 23-167, as amended by this act, and the joint standing committees of the
869 General Assembly having cognizance of matters relating to education
870 and appropriations and the budgets of state agencies, in accordance
871 with the provisions of section 11-4a of the general statutes, and (2) not

872 later than September 1, 2026, make such proposed state-wide special
873 education workload analysis model available through the Connecticut
874 Special Education Data System.

875 Sec. 17. (*Effective July 1, 2025*) (a) The Commissioner of Education
876 shall develop a report on the functions of the Connecticut Special
877 Education Data System. Such report shall (1) provide explanations
878 regarding (A) the purpose of each field in the data system, (B) how the
879 data and information in each field is used, and (C) how each field relates
880 to student outcomes, and (2) identify which field or data and
881 information collected by the data system exceeds the requirements of
882 the Individuals with Disabilities Education Act, 20 USC 1400 et seq., as
883 amended from time to time.

884 (b) Not later than January 1, 2026, the commissioner shall submit the
885 report to the Building Educational Responsibility with Greater
886 Improvement Networks Commission, established pursuant to section
887 36 of public act 23-167, as amended by this act, and the joint standing
888 committee of the General Assembly having cognizance of matters
889 relating to education.

890 Sec. 18. Subsection (c) of section 10-76h of the general statutes is
891 repealed and the following is substituted in lieu thereof (*Effective July 1,*
892 *2025*):

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

904 school district under review, shall be a hearing officer or a member of a
905 hearing board.

906 (2) Both parties shall participate in a prehearing conference to resolve
907 the issues in dispute, if possible and narrow the scope of the issues. Each
908 party to the hearing shall disclose, not later than five business days prior
909 to the date the hearing commences, (A) documentary evidence such
910 party plans to present at the hearing and a list of witnesses such party
911 plans to call at the hearing, [and] (B) all completed evaluations and
912 recommendations based on the offering party's evaluations that the
913 party intends to use at the hearing, and (C) all claims such party will
914 raise at the hearing. Except for good cause shown, the hearing officer
915 shall limit each party to such documentary evidence and witnesses as
916 were properly disclosed and are relevant to the issues in dispute. A
917 hearing officer may bar any party who fails to comply with the
918 requirements concerning disclosure of (i) evaluations and
919 recommendations from introducing any undisclosed evaluation or
920 recommendation at the hearing without the consent of the other party,
921 and (ii) all claims from raising any such claims.

922 (3) The hearing officer or board shall hear testimony relevant to the
923 issues in dispute offered by the party requesting the hearing and any
924 other party directly involved, and may hear any additional testimony
925 the hearing officer or board deems relevant. The hearing officer or board
926 shall consider all evaluations presented and used during the hearing.
927 The hearing officer or board shall hear the testimony offered by the local
928 or regional board of education or the unified school district responsible
929 for providing special education to a child or pupil first in any dispute
930 concerning the provision of free appropriate public education. The
931 hearing officer or board may require a complete and independent
932 evaluation or prescription of educational programs by qualified
933 persons, the cost of which shall be paid by the board of education or the
934 unified school district. The hearing officer or board shall cause all formal
935 sessions of the hearing and review to be recorded in order to provide a
936 verbatim record. The hearing officer or board shall limit the amount of

937 time for the offering of testimony or arguments to four days, unless
938 there is good cause for the presentation of additional testimony or
939 arguments. The hearing officer or board shall issue a written decision to
940 permit such additional testimony or arguments.

941 Sec. 19. Subdivision (1) of subsection (d) of section 10-76h of the
942 general statutes is repealed and the following is substituted in lieu
943 thereof (*Effective July 1, 2025*):

944 (d) (1) The hearing officer or board shall have the authority (A) to
945 confirm, modify, or reject the identification, evaluation or educational
946 placement of or the provision of a free appropriate public education to
947 the child or pupil, (B) to determine the appropriateness of an
948 educational placement where the parent or guardian of a child requiring
949 special education or the pupil if such pupil is an emancipated minor or
950 eighteen years of age or older, has placed the child or pupil in a program
951 other than that prescribed by the planning and placement team, or (C)
952 to prescribe alternate special educational programs for the child or
953 pupil. If the parent or guardian of such a child who previously received
954 special education and related services from the district enrolls the child,
955 or the pupil who previously received special education and related
956 services from the district enrolls in a private elementary or secondary
957 school without the consent of or referral by the district, a hearing officer
958 may, in accordance with the Individuals with Disabilities Education Act,
959 20 USC 1400 et seq., as amended from time to time, require the district
960 to reimburse the parents or the pupil for the cost of that enrollment if
961 the hearing officer finds that the district had not made a free appropriate
962 public education available to the child or pupil in a timely manner prior
963 to that enrollment. In the case where a parent or guardian, or pupil if
964 such pupil is an emancipated minor or is eighteen years of age or older,
965 or a surrogate parent appointed pursuant to section 10-94g, has refused
966 consent for initial evaluation or reevaluation, the hearing officer or
967 board may order an initial evaluation or reevaluation without the
968 consent of such parent, guardian, pupil or surrogate parent except that
969 if the parent, guardian, pupil or surrogate parent appeals such decision

970 pursuant to subdivision (4) of this subsection, the child or pupil may not
971 be evaluated or placed pending the disposition of the appeal. The
972 hearing officer or board shall inform the parent or guardian, or the
973 emancipated minor or pupil eighteen years of age or older, or the
974 surrogate parent appointed pursuant to section 10-94g, or the
975 Commissioner of Children and Families, as the case may be, and the
976 board of education of the school district or the unified school district of
977 the decision in writing and mail such decision not later than forty-five
978 days after the commencement of the hearing pursuant to the Individuals
979 with Disabilities Education Act, 20 USC 1400 et seq., as amended from
980 time to time, except that a hearing officer or board may grant specific
981 extensions of such forty-five-day period in order to comply with the
982 provisions of subsection (b) of this section. Such written decision shall
983 include specific findings of fact determining (i) whether the district has
984 made reasonable efforts to accommodate the child in a regular
985 classroom, (ii) the educational benefits available to the child in a regular
986 classroom, with appropriate supplementary aids and services, as
987 compared to the benefits provided in a special education classroom, (iii)
988 the possible negative effects on the provision of education to other
989 students in a classroom if the child is included in such classroom, and
990 (iv) whether the school has included the child in school programs with
991 nondisabled students to the maximum extent appropriate. The hearing
992 officer may include in the decision a comment on the conduct of the
993 proceedings. The findings of fact, conclusions of law and decision shall
994 be written without personally identifiable information concerning such
995 child or pupil, so that such decisions may be promptly indexed and
996 published and available for public inspections pursuant to sections 4-
997 167 and 4-180a.

998 Sec. 20. Subsection (a) of section 10-76b of the general statutes is
999 repealed and the following is substituted in lieu thereof (*Effective July 1,*
1000 *2025*):

1001 (a) The State Board of Education shall provide for the development
1002 and supervision of the educational programs and services for children

1003 requiring special education and may regulate curriculum, conditions of
1004 instruction, including the use of physical restraint and seclusion
1005 pursuant to section 10-236b, physical facilities and equipment, class
1006 composition and size, admission of students, and the requirements
1007 respecting necessary special services and instruction to be provided by
1008 local and regional boards of education. The approval and supervision of
1009 approved private providers of special education services and the
1010 educational aspects of all programs and instructional facilities in any
1011 day or residential child-caring agency or school which provides training
1012 for children requiring special education and which receives funding
1013 from the state or is paid with funds distributed under the provisions of
1014 sections 10-76a to 10-76g, inclusive, as amended by this act, or section 7
1015 of this act, shall be subject to the approval and supervision of the
1016 commissioner in accordance with regulations adopted by the State
1017 Board of Education, in accordance with the provisions of chapter 54,
1018 concerning requirements for such programs and accommodations.

1019 Sec. 21. Section 10-76mm of the general statutes is repealed and the
1020 following is substituted in lieu thereof (*Effective July 1, 2025*):

1021 (a) The Commissioner of Education, in consultation with the
1022 Individualized Education Program Advisory Council established
1023 pursuant to section 10-76nn, shall develop a new individualized
1024 education program form that is easier for practitioners to use and easier
1025 for parents and students to understand. Such individualized education
1026 program form shall include a brief description of, and contact
1027 information for, the parent training and information center for
1028 Connecticut established pursuant to the Individuals with Disabilities
1029 Education Act, 20 USC 1400 et seq., as amended from time to time, and
1030 the Bureau of Special Education within the Department of Education in
1031 a conspicuous place on the first page of the individualized education
1032 program form using at least twelve-point Times New Roman font.

1033 (b) Not later than January 1, 2017, the commissioner shall submit the
1034 new individualized education program form developed pursuant to
1035 this section to the joint standing committee of the General Assembly

1036 having cognizance of matters relating to education, in accordance with
1037 the provisions of section 11-4a.

1038 (c) Not later than January 1, 2026, the commissioner shall update the
1039 individualized education program form to remove the list of the
1040 individuals who will be implementing the individualized education
1041 program.

1042 Sec. 22. (NEW) (*Effective July 1, 2025*) (a) Not later than February 28,
1043 2026, and annually thereafter, the Commissioner of Education shall
1044 make the following available on the Internet web site of the Department
1045 of Education:

1046 (1) Data relating to the special education and expansion development
1047 grant under section 7 of this act, disaggregated by the (A) total number
1048 of special education students statewide and by each school district, (B)
1049 state aid percentage, and (C) total grant paid to each local and regional
1050 board of education.

1051 (2) Student-level data relating to those students who are included in
1052 a board's December first filing described in subsection (a) of section 10-
1053 76g of the general statutes, including, but not limited to, the (A) school
1054 district, (B) net current expenditures per pupil threshold for each school
1055 district, (C) total anticipated costs above a school district's net current
1056 expenditures per pupil threshold, (D) total anticipated costs for (i)
1057 transportation, (ii) tuition, and (iii) any room and board, (E) facility
1058 code, and (F) grant type category, such as a grant under section 10-76g
1059 of the general statutes, section 7 of this act or any other state or federal
1060 grant, provided such data does not contain any personally identifiable
1061 information of such students and is in accordance with the Family
1062 Educational Rights and Privacy Act of 1974, 20 USC 1232g, as amended
1063 from time to time.

1064 (3) State-wide student population data relating to those students who
1065 are included in a board's December first filing described in subsection
1066 (a) of section 10-76g of the general statutes, including, but not limited to,

1067 the (A) number of students by (i) status as a multilingual learner, (ii)
1068 qualifying primary disability, (iii) the age categories of (I) ages three and
1069 four, (II) ages five to twelve, inclusive, (III) ages thirteen to eighteen,
1070 inclusive, and (IV) ages nineteen and older, and (iv) each facility, and
1071 (B) average number of tuition days, provided such data does not contain
1072 any personally identifiable information of such students and is in
1073 accordance with the Family Educational Rights and Privacy Act of 1974,
1074 20 USC 1232g, as amended from time to time.

1075 (b) Not later than January 30, 2026, and March 30, 2026, and each
1076 January thirtieth and March thirtieth thereafter, the commissioner shall
1077 submit the following information concerning annual projections for
1078 grants to be paid to each local and regional board of education under
1079 section 10-76g of the general statutes to the joint standing committees of
1080 the General Assembly having cognizance of matters relating to
1081 education and appropriations and the Office of Fiscal Analysis, in
1082 accordance with the provisions of section 11-4a of the general statutes:
1083 (1) The total amount a local or regional board is eligible to be paid under
1084 section 10-76g of the general statutes, (2) the board's net current
1085 expenditures per pupil threshold, (3) the board's tiered reimbursement
1086 percentage under section 10-76g of the general statutes, (4) the capped
1087 amount to be paid to the board, (5) the number of students with
1088 expenses projected to exceed four and one-half times the net current
1089 expenditures per pupil threshold for the board, (6) the total number of
1090 students statewide with expenses projected to exceed four and one-half
1091 times the net current expenditures per pupil threshold for the board
1092 responsible for such student, and (7) the number of students with
1093 expenses projected to exceed three times the net current expenditures
1094 per pupil threshold for the board for each child who was previously
1095 outplaced by such board and for whom such board is now providing
1096 direct in-district special education and related services without the
1097 assistance of any third-party contractor who is not an employee of such
1098 board provided all such data does not contain any personally
1099 identifiable information of such students and is in accordance with the
1100 Family Educational Rights and Privacy Act of 1974, 20 USC 1232g, as

1101 amended from time to time.

1102 Sec. 23. (*Effective July 1, 2025*) The Office of Dyslexia and Reading
1103 Disabilities, established pursuant to section 10-14z of the general
1104 statutes, shall develop a report on recent developments and evidence-
1105 based best practices regarding dyslexia evaluations, interventions and
1106 student outcomes in the state and the capacity of public and
1107 independent institutions of higher education in the state to prepare
1108 current and aspiring elementary school educators with structured
1109 literacy teaching skills. Not later than February 1, 2026, the
1110 commissioner shall submit such report to the joint standing committee
1111 of the General Assembly having cognizance of matters relating to
1112 education, in accordance with the provisions of section 11-4a of the
1113 general statutes.

1114 Sec. 24. Section 10-91j of the general statutes is repealed and the
1115 following is substituted in lieu thereof (*Effective July 1, 2026*):

1116 (a) [Any] Subject to the provisions of subdivision (2) of this
1117 subsection, any agreement entered into or amended on or after July 1,
1118 2018, but prior to June 30, 2019, or any contract entered into or amended
1119 on or after July 1, 2019, pursuant to section 10-76d, as amended by this
1120 act, between a local or regional board of education and a private
1121 provider of special education services, as defined in section 10-91g, shall
1122 include an explanation of how the tuition or costs for services provided
1123 under the agreement or contract are to be calculated. Any such
1124 agreement or contract may include the following provisions: (1) A
1125 requirement that such private provider of special education services
1126 submit monthly or quarterly reports to such board regarding the
1127 specific services and frequency of such services being provided by such
1128 private provider of special education services to students under the
1129 agreement or contract, and (2) authorization for such board to (A)
1130 review and reconcile such reports to the contracted services described
1131 in the agreement or contract, or (B) conduct periodic site visits at the
1132 location where such private provider of special education services
1133 provides services.

1134 (2) Any contract entered into or amended on or after July 1, 2026,
1135 pursuant to section 10-76d, as amended by this act, between a local or
1136 regional board of education and a private provider of special education
1137 services that is subject to the provisions of section 3 of this act, shall be
1138 in accordance with the rates or the rate schedule, as the case may be,
1139 established pursuant to section 3 of this act.

1140 (b) On and after July 1, [2019] 2026, a local or regional board of
1141 education shall not be eligible for reimbursement pursuant to subsection
1142 (b) of section 10-76g for any costs of special education paid by such
1143 board of education to a private provider of special education services
1144 unless such board of education has entered into a written contract with
1145 such private provider of special education services for the provision of
1146 such special education services. The individualized education program
1147 of a child shall not be considered a contract between a local or regional
1148 board of education and a private provider of special education services
1149 for purposes of this section. Nothing in this subsection shall be
1150 construed to limit or interrupt the provision of special education and
1151 related services to a child by a local or regional board of education or
1152 private provider of special education services.

1153 Sec. 25. Section 10a-157a of the general statutes is amended by adding
1154 subsection (h) as follows (*Effective July 1, 2025*):

1155 (NEW) (h) For the fall semester of 2025 and spring semester 2026, and
1156 each semester thereafter, the Board of Regents for Higher Education
1157 shall continue to offer each transitional college readiness program,
1158 embedded remedial support program and intensive remedial support
1159 program that said board offered at each public institution of higher
1160 education during the fall semester of 2024 and spring semester of 2025,
1161 respectively.

1162 Sec. 26. (NEW) (*Effective July 1, 2025*) (a) Not later than January 1,
1163 2026, and annually thereafter, each private provider of special education
1164 services, as defined in section 10-91g of the general statutes, that is
1165 approved by the Commissioner of Education shall submit to the

1166 Department of Education a report concerning enrollment at such private
 1167 provider of special education services that specifies (1) the total number
 1168 of enrolled students, (2) the total number of enrolled students by each
 1169 student's state of residence or, for a residential facility, by the state in
 1170 which each student resided prior to placement in such residential
 1171 facility, (3) the total number of enrolled students by residence in
 1172 accordance with subdivision (2) of this subsection and the types of
 1173 special education services provided, and (4) if such private provider of
 1174 special education services maintains a waitlist, (A) the total number of
 1175 students on the waitlist, (B) the total number of students on the waitlist
 1176 by such student's state of residence, and (C) the total number of students
 1177 on the waitlist by state of residence and the special education services
 1178 sought.

1179 (b) Not later than February 1, 2026, and annually thereafter, the
 1180 Department of Education shall submit, in accordance with the
 1181 provisions of section 11-4a of the general statutes, to the Office of Policy
 1182 and Management, the legislative Office of Fiscal Analysis and the joint
 1183 standing committees of the General Assembly having cognizance of
 1184 matters relating to government oversight, education and appropriations
 1185 and the budgets of state agencies the enrollment data compiled from the
 1186 reports received pursuant to subsection (a) of this section."

This act shall take effect as follows and shall amend the following sections:		
Section 1	July 1, 2025	10-76a
Sec. 2	July 1, 2025	New section
Sec. 3	July 1, 2025	New section
Sec. 4	July 1, 2025	New section
Sec. 5	July 1, 2025	New section
Sec. 6	July 1, 2025	10-262j(j)
Sec. 7	July 1, 2025	New section
Sec. 8	July 1, 2025	New section
Sec. 9	July 1, 2025	10-74u
Sec. 10	July 1, 2025	10-76d(j)
Sec. 11	July 1, 2025	New section

Sec. 12	<i>from passage</i>	New section
Sec. 13	<i>July 1, 2025</i>	New section
Sec. 14	<i>July 1, 2025</i>	2-137(n)
Sec. 15	<i>from passage</i>	PA 23-167, Sec. 36
Sec. 16	<i>July 1, 2025</i>	New section
Sec. 17	<i>July 1, 2025</i>	New section
Sec. 18	<i>July 1, 2025</i>	10-76h(c)
Sec. 19	<i>July 1, 2025</i>	10-76h(d)(1)
Sec. 20	<i>July 1, 2025</i>	10-76b(a)
Sec. 21	<i>July 1, 2025</i>	10-76mm
Sec. 22	<i>July 1, 2025</i>	New section
Sec. 23	<i>July 1, 2025</i>	New section
Sec. 24	<i>July 1, 2026</i>	10-91j
Sec. 25	<i>July 1, 2025</i>	10a-157a(h)
Sec. 26	<i>July 1, 2025</i>	New section