OLR Bill Analysis

sHB 7277

AN ACT CONCERNING THE PROVISION OF SPECIAL EDUCATION IN CONNECTICUT.

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§ 35 — REVIEW OF THE PREPARATION AND EXAMINATION REQUIREMENTS FOR SPECIAL EDUCATION PARAEDUCATORS

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

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§ 48 — OFFICE OF THE EDUCATIONAL OMBUDSPERSON

Establishes the Office of the Educational Ombudsperson to serve students and families from early childhood to adult education; places the office under the direction of a commissioner-appointed ombudsperson and requires the office, among other duties, to receive, review, and attempt to resolve any complaints from students and their families

§§ 49 & 50 — INSTRUCTIONAL SUPPORT TEACHERS

Requires school boards to hire or designate an instructional support teacher in every school beginning in the 2026-27 school year; gives instructional support teachers various responsibilities to support teaching staff and students with disabilities and specifies how much time they must spend performing this position's duties; requires SDE to provide quarterly instructional support teacher trainings

§ 51 — BEHAVIORAL HEALTH SUPPORT SERVICES GRANT PROGRAM

Requires SDE to establish a grant program to help school boards provide support services for special education students that have experienced trauma or have behavioral health needs

BACKGROUND

SUMMARY

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

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

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

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

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

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

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

The bill also defines other terms explained below in context.

Background — IDEA

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

nondisabled peers as much as possible, and follow certain procedural safeguards, among other things.

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

§ 2 — ANALYSIS OF SPECIAL EDUCATION COSTS

Requires OPM, in consultation with SDE and OCA, to collect and analyze the tuition, rates, and other fees for special education charged to school boards, including how operating expenses are incorporated into these charges

The bill requires the Office of Policy and Management (OPM), in consultation with the state Department of Education (SDE) and the Child Advocate (OCA), to collect and analyze the tuition, rates, and other fees for special education and related services ("special education services") charged to local and regional boards of education ("school boards") by a charging entity. The bill defines charging entity as an approved private provider of special education services, a regional educational service center (RESC), a magnet school operator, a state charter school, an educational cooperative agreement, a school board operating an outplacement program, or a special education transportation services provider, or as part of the Open Choice Program.

In analyzing the tuition, rates, and other fees, OPM must examine the charging entities' operating expenses and determine how they are incorporating these expenses into the tuition, rates, and fees. The office and department must determine what data will be collected and how often it will be collected.

As part of collecting and analyzing this information, OPM may

request the Auditors of Public Accounts (APA) to share any findings resulting from APA audits. By law, the APA acts as an agent of a school board for the purpose of conducting an audit to examine the records and accounts of any private provider of special education services under contract with the board or receiving public funds (CGS § 10-91g).

EFFECTIVE DATE: Upon passage for the cost analysis

§§ 3 & 46 — ESTABLISHING A RATE SCHEDULE FOR DIRECT SPECIAL EDUCATION SERVICES AND REQUIRING PRIVATE CONTRACTS TO CONFORM TO THE SCHEDULE

Requires OPM, in consultation with SDE, to set a schedule for the rates that charging entities can charge to school boards for direct special education services; requires SDE to notify school boards of new rate schedules for each year; requires, beginning July 1, 2026, any contract between a school board and a private special education provider to conform with the rate schedule; requires the education commissioner to revoke the approval of any private provider that fails to charge for services according to the rate schedule

The bill requires OPM, in consultation with SDE, to set a rate schedule for direct services that a charging entity provides under an IEP, including speech, behavioral and occupational therapies. The rate schedule must be developed using the information collected under the bill (see § 2). The schedule must include an individualized rate for each direct service provided under an IEP, including speech, behavioral and occupational therapies, and standards for how a charging entity can include its operating expenses into the costs for services charged to a school board. OPM, in consultation with the department, must at least biennially review the rate schedule and modify it as necessary.

Under the bill, a charging entity can only charge a school board an amount for direct services under an IEP that matches the OPM rate schedule. (It is not clear how this will be implemented in situations where there is an existing services contract with fees that do not match the new rate schedule.) Any amount charged to and paid by a school board for direct services over the rate schedule amount is ineligible for an excess cost grant reimbursement or the bill's new special education offset grant (see § 8). Additionally, if a charging entity's charges are higher than the rate schedule amounts, it cannot accept any more students from school boards until the its charges comply with the schedule.

Under the bill, SDE must notify each school board of the rate schedule for the following school year before July 1. If the rate schedule is modified, an updated notification must be given within 30 days of the modification.

SDE must post on its website the current rate schedule and the one that will go into effect on July 1 of the following school year.

Private Provider Contracts Must Conform to New Rate Schedule (§ 46)

Under the bill, any contract entered into or amended between a school board and a private special education provider on or after July 1, 2026, must conform with the rate schedule in the bill.

The bill also requires the education commissioner to revoke the approval and license of any private special education provider that does not (1) charge for special education services according to the rate schedule or (2) comply with these contract requirements (or related provisions under existing law). By law, SDE has a process for approving private special education providers, but SDE does not license them (some providers may be licensed by other agencies (e.g., the Department of Children and Families) and those respective agencies would have the authority to revoke a license).

Beginning July 1, 2026, the bill requires that a school board have a written contract with the private special education provider to be eligible for the special education offset grant (see § 8) for costs the board pays to the private provider.

EFFECTIVE DATE: July 1, 2025, except the contract requirement is effective July 1, 2026.

§ 4 — PROHIBITION ON INCREASING CHARGE FOR SERVICES DURING THE 2025-26 SCHOOL YEAR

Generally prohibits a charging entity from increasing its costs to a school board for special education services during the 2025-26 school year; permits the OPM secretary to grant an increase during the year if certain conditions are met

For the 2025-26 school year, the bill generally prohibits a charging entity from increasing its charges to a school board for special education

services, but it also creates an option for a charging entity to seek permission from the state for an increase under certain conditions.

Under the bill, the OPM secretary may permit, upon request, a charging entity to increase the amount it charges a school board for special education services if there is a substantial increase in costs for (1) the services being provided for a student or (2) the charging entity's operation. The secretary must determine the process for these requests, including any required documentation of the increase. The secretary must review each request and give a written decision approving or denying them within 45 days of receipt.

§ 5 — PRIVATE SPECIAL EDUCATION PROVIDER CONTRACT APPROVALS

Requires OPM approval for private special education provider contracts with school boards; requires school boards to show how private services are more appropriate for the child than any public school services; authorizes placements in nonapproved facilities under certain conditions and specifies when these placements are eligible for state reimbursement

Current law allows a school board, in order to meet its obligations to provide special education, to enter into (1) a contract with a private special education provider or (2) an agreement with another school board to provide special education services. Separately, it requires a contract with the private provider to have certain provisions so the school board will be eligible for state reimbursement for certain costs under that contract (i.e. the state excess cost grant, see § 7 below). The bill adds new requirements for these contracts and agreements.

Under existing law, a private special education provider is any private school or private agency or institution, including a group home, that receives, directly or indirectly, any state or local funds for providing special education services to any student with an IEP or for whom an individual services plan has been written by the local or regional board of education ("school board") responsible for the student.

The bill requires that OPM approve a contract with a private special education provider or an agreement with another school board. (To the extent that this requirement means OPM can approve or deny already existing contracts, it may be subject to claims that it violates the

Contracts Clause of the U.S. Constitution, which generally bars states from passing any law that impairs the obligation of existing contracts.)

Requirements for State Reimbursement Grants

Under existing law, for the school district to be eligible for a state reimbursement grant, the education commissioner must approve the contract with the private provider after determining that public school arrangements cannot meet the child's educational needs. And she must consider the (1) child's particular needs, (2) appropriateness and efficacy of the private program, and (3) economic feasibility of comparable alternatives. Also, the education commissioner generally must approve the private provider as a special education provider.

The bill adds a requirement beginning with the 2026-27 school year that a school board must submit to the commissioner the board's documentation that showed the private provider is more appropriate for the child's educational needs than any public school arrangement.

Private Provider Contract Language

The bill also changes the required contract language for private providers. Under current law the contract must include an explanation of how the tuition or costs for services provided under the agreement or contract are calculated. The bill specifies the explanation to be about tuition, rates, and fees, rather than tuition and costs. It also requires they be calculated following the rate schedule developed under the bill (see § 3).

By law, the contract must also include (1) a description of the child's educational program with a statement of goals and objectives and (2) an estimated schedule for returning the child to the community or transferring the child to another appropriate facility.

Nonapproved Facilities

The bill allows a child placed in a nonapproved facility to stay there as long as the planning and placement team (PPT), a hearing officer, or court determine that (1) the placement is appropriate and (2) there is not another charging entity (as defined in § 1) able to offer the child a

placement that provides an appropriate public education.

Under the bill, expenses incurred by a school board for a placement in a nonapproved facility by a PPT will not be reimbursed under the state's excess cost grant or the special education offset grant created under the bill (see § 8). But such placement through a hearing officer or court order can receive funding under those two grants.

§ 6 — DEFINING REASONABLE COSTS FOR SPECIAL EDUCATION SERVICES

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

Under the bill, beginning July 1, 2026, the "reasonable costs" of providing special education and related services to a student is the amount allowed to be charged to a school board by a charging entity under the bill's rate schedule (see below). The bill defines "charging entity" as an approved private provider of special education services, a RESC, a magnet school operator, a state charter school, an educational cooperative agreement, a school board operating an outplacement program, or a special education transportation services provider, or as part of the Open Choice Program. Under current law, "reasonable costs" are not defined.

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

1. charter school operators when determining what the school can charge back to the school district where the student lives (CGS § 10-66ee(d)(7)),

2. special education private providers when determining what the school district will pay the private provider (CGS § 10-76d(d)),

3. excess cost grant calculations when determining the grant eligibility threshold (CGS § 10-76g),

4. expenses of Advisory Board for Special Education members (These expenses are not related to providing services to students. The reason for their inclusion is unclear.) (CGS § 10-76i(a)),

5. state agency placement for non-special education reasons (CGS § 10-253(b)),

6. magnet school operators when determining what the school can charge back to the school district where the student lives (CGS § 10-264*l*(h), and

7. Open Choice Program when determining what the receiving school district can charge back to the school district where the student lives (sending school district) (CGS § 10-266aa(i)).

Also, beginning July 1, 2025, the bill prohibits a presumption that "reasonable costs" means the actual cost incurred for providing special education and related services under a student's IEP.

§ 7 — EXCESS COST GRANT

Lowers the state grant reimbursement threshold for students who were formerly outplaced and are now receiving special education services in-district

Under the excess cost grant, the State Board of Education (SBE) reimburses school districts for special education costs that are more than four and a half times the school district's net current expenditures per student within certain conditions. The bill creates an exception to this beginning July 1, 2025, where the reimbursement threshold is lowered to three times the district's net current expenditures per student for two fiscal years for certain students. Specifically, the exception applies to each student who the school district previously outplaced (placed in a specialized program outside the district where they live) and the district is now providing the student with direct, in-district special education and related services without the assistance of any third-party contractor. This means that qualifying students will trigger a reimbursement starting at a lower cost (three times the per student expenditure), which increases the state grant to the school district.

§ 8 — SPECIAL EDUCATION OFFSET GRANT

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

Beginning with FY 26, the bill entitles each school board to a special education offset grant the bill creates. Each district is entitled to its fully-funded grant based on a formula.

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

The bill defines "special education purposes" as (1) directly providing special education and related services to students; (2) academic and behavioral interventions; (3) hiring and salaries for special education teachers, paraeducators, and behavioral and reading specialists who work directly with students; (4) equipment purchases and maintenance; and (5) curriculum materials. The bill specifically excludes (1) administrative functions or operating expenses related to providing special education and related services or (2) services provided by a third-party contractor.

Grant Calculation

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

Specifically, the factors in calculating the grant include the:

1. foundation amount of $11,525 per student (same figure as used in the ECS formula);

2. base aid ratio for each town, which is a measurement of town property and income wealth (i.e. the same formula used in ECS, see *Background — Base Aid Ratio*); and

3. special education needs student count, which is 50% of the number of resident students (students enrolled in public schools in a town as of October 1 at the town's expense) who are special education students.

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

Grant Payment Schedule

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

Penalty for Failing to Follow Grant Requirements

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

Upon SBE's determination that a school board failed in any fiscal year to meet these requirements, the board must forfeit two times the amount of the shortfall. SDE must withhold the amount forfeited from the grant payable to the school board in the second fiscal year immediately

following the failure by deducting the amount from the board's special education offset grant payment. But the bill allows SBE to waive the forfeiture upon agreement with the school board that the board must increase its special education appropriation during the fiscal year in which the forfeiture would occur by an amount at least equal to the forfeiture, or for other good cause shown.

Required Reporting

The bill requires school boards getting grants to annually submit, with the first one due July 15, 2026, an expenditure report to the education commissioner with a summary and itemization of how grant funds were spent during the prior fiscal year to directly provide special education and related services to students. It must include whether the grant was used to hire any new special education teachers, paraeducators, or behavioral or reading specialists. Boards getting grants less than $10,000 in a fiscal year are exempt from the reporting requirement for that year.

Background — Base Aid Ratio

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

§§ 9 & 10 — SPECIAL EDUCATION TRANSPORTATION GRANT PROGRAM

Establishes a grant program to reimburse school boards for special education transportation costs and appropriates $50 million from the STF in each of FYs 26 & 27 for the program

Starting with FY 26, the bill requires OPM to administer a special education transportation grant program to reimburse school boards in an amount proportional to the amount of each board's special education transportation costs. (It is unclear how the board's proportional share is calculated.) School boards may apply for grants, as OPM prescribes, and OPM may request any information it needs from the Department of Transportation (DOT) or from school boards that get a grant.

Under the bill, OPM must annually distribute $50 million in

reimbursement grants to school boards. However, the bill allows OPM to spend less than this if it shows savings through contracting consolidation, cost-saving measures, or other efficiencies. (It is unclear whether this means savings incurred by school districts or OPM itself and whether the savings must relate to special education transportation. It is also unclear to whom OPM must show the savings.)

The bill appropriates $50 million from the Special Transportation Fund (STF) in each of FYs 26 & 27 for OPM to administer the grant program (see *Background — Special Transportation Fund*).

Background — Special Transportation Fund

By law, the STF's resources are pledged first to paying transportation bonds (special tax obligation, or STO bonds), and remaining funds must be used for (1) debt service on certain general obligation bonds used for transportation purposes, (2) DOT and Department of Motor Vehicles appropriations, and (3) Department of Energy and Environmental Protection boating enforcement expenses (CGS § 13b-69(b)). The state constitution and the general statutes require the STF to be spent solely for "transportation purposes," but does not further define the term (Conn. Const., amend. XXXII; CGS § 13b-68(b)).

§ 11 — DOT COORDINATION OF SPECIAL EDUCATION OUTPLACEMENT BUS ROUTES

Charges DOT with developing recommended coordinated bus routes for all special education students traveling to and from special education outplacements in the state

The bill charges DOT with developing recommended coordinated bus routes for all special education students traveling to and from special education outplacements in the state. The recommended routes must maximize efficiency, reduce special education and related services expenses, and comply with federal and state law.

The bill requires school boards to give DOT any data it needs to develop the routes, and school districts that fail to do so are ineligible for a special education transportation grant (see § 9 above). School boards may work together to help DOT develop the routes.

The bill specifies that school boards are not required to use DOT-

recommended routes as part of their statutory special education obligations.

§ 12 — NEW COMPETITIVE GRANT TO SUPPORT IN-DISTRICT OR REGIONAL SPECIAL EDUCATION PROGRAMS

Starting in FY 27, creates a new competitive grant program to support in-district and regional special education programs; allows school boards to use funds to, among other things, improve existing in-district programs or create new in-district or regional programs for students currently enrolled with private special education providers

Purpose

Starting with FY 27, the bill creates a new competitive grant program, which SDE must administer within available appropriations, to support in-district and regional special education programs. School boards may use grant funds to:

1. enhance and improve existing in-district special education programs and services,

2. cover start-up costs for creating in-district or regional programs and services for students enrolled with a private provider of special education services,

3. fund planning and operational expenses related to in-district or regional special education programs and services, and

4. provide early intervention for students with dyslexia and multilingual learners (it is unclear whether this refers to all multilingual learners or just those who qualify for special education).

The bill explicitly prohibits spending grant funds on special education programs or services provided through a contract with a third party or a private provider of special education services.

Application

Under the bill, a school board seeking a grant must apply as SDE prescribes. SDE must develop an application form which must include descriptions of (1) the program's location, (2) the student population who will be served, (3) the program's staffing and professional

development needs, (4) any needed assistive technology and materials or capital improvements, and (5) the program budget allocation.

Criteria

SDE must develop the criteria for reviewing and approving grants. It must be based on (1) increasing students' access to high-quality general education instruction and (2) enhancing in-district or regional programming for students with intensive needs, including prioritizing applications from school boards for a town designated as an alliance district.

Reporting Requirements

Annually, beginning by September 30, 2027, the bill requires any school board that received a grant in the previous fiscal year to submit to SDE a report assessing the grant's impact on student outcomes and district expenditures, and including any other information SDE requests.

Additionally, beginning December 31, 2027, SDE must annually submit a report on the program's progress to the Education Committee.

Background — Related Bill

sSB 1244 (File 848), favorably reported by the Appropriations and Education committees, establishes a substantially similar grant program, among its other provisions.

§§ 13-15 — SCHOOL CONSTRUCTION GRANTS FOR SPECIAL EDUCATION SPACE

Establishes a new 15 percentage-point-reimbursement rate bonus for certain school construction projects that expand or create in-district special education programs; allows non-priority list school construction grants for minor capital improvements to portions of qualifying existing schools that will be used for special education; requires DAS to notify school boards about the non-priority list grants

Bonus Reimbursement Rate (§ 13)

The bill establishes a new 15 percentage-point-reimbursement rate bonus for new buildings or renovation or expansion school construction projects that include plans for expanding or creating in-district special education programs and services. The rate increase applies to the portion of the project used primarily for this purpose. To be eligible, the

portion must be part of a school building (1) used for general education programs to non-special education students and (2) that is being built, renovated, or expanded.

Additionally, under the bill, any additional funding a school board receives because of or related to, including the plans for expanding or creating in-district special education programs and services, must be spent for the construction, renovation, or expansion. The bill specifies that the bonus rate cannot cause the project's total reimbursement rate to exceed 100%.

Non-Priority List School Construction Grants (§§ 14 & 15)

The bill expands the types of projects eligible for non-priority list grants. (Unlike priority list projects, these do not require legislative approval.) By law, these grants can be made for certain reasons, such as correcting safety, health, and other code violations; replacing roofs; and making repairs due to fire or another catastrophe. Starting July 1, 2026, the bill additionally allows these grants for school boards to make minor capital improvements to portions of existing schools that will be used primarily to provide special education and related services in the least restricted environment. To get a grant, the existing school must also be used to provide general education to non-special education students.

By January 1, 2026, the bill requires the Department of Administrative Services (DAS) to (1) develop criteria for prioritizing applications for the non-priority list grants for minor capital improvements for special education space and (2) notify each school board that they may apply for these grants and include the criteria in the notice.

EFFECTIVE DATE: July 1, 2025, except the requirements for DAS about non-priority list grants are effective upon passage.

Background — Related Bill

SB 1393 (File 338), favorably reported by the Education and Finance, Revenue and Bonding committees, establishes 15-point reimbursement rate bonuses for (1) new or expansion school construction projects that

include a designated space for special education programs and (2) buildings or facilities to be used exclusively for special education programs.

§ 16 — RETURNING FUNDS TO FINANCIALLY RESPONSIBLE DISTRICT FOR TRANSFERS BACK

Requires a special education service provider to return a prorated portion of funds to the financially responsible school board when a student leaves the provider's program and returns to a school under that board or another board

The bill requires that any special education service provider for a student that another school board is financially responsible for, must return to the financially responsible board a prorated portion of funds the board paid for the student's special education services if, during the school year, the student leaves the provider's program. This applies if the student transitions out of, or withdraws from, the special education service provider's program and enrolls in a school under the financially responsible board or in another school district. The returned funds must be prorated to the end of the school year.

The bill specifies this applies to the following providers: a local or regional school board, a RESC, a magnet school operator, a state charter school governing authority, a state-approved special education services private provider, or any other entity authorized to provide special education services.

§ 17 — PLANNING AND PLACEMENT TEAM TRANSITION MEETING

Requires a student's PPT to meet before the student transitions out of, or withdraws from, a special education program to ensure the student continues receiving the services in his or her IEP

The bill requires any entity providing a student with special education services to convene a meeting of the student's PPT before the student transitions out of, or withdraws from, a special education program and related services. The PPT must discuss the student's transition or withdrawal to ensure that the student's IEP continues to have the supports and services the student needs to access a FAPE in the least restrictive environment.

The requirement applies to school boards, RESCs, magnet school

operators, state charter school governing authorities, state-approved private special education providers, technical education or career schools, or any other entity providing special education.

§ 18 — CREATION OF SPECIAL EDUCATION PROGRAMS LIST

Requires OPM to create, and annually update, a list of certain special education programs throughout the state, to be posted on SDE's public database

The bill requires OPM, in consultation with SDE and OCA, to develop a list of certain special education programs in the state by December 1, 2026, and update it annually after that. The list must include all programs that are offered by a:

1. RESC,
2. SDE-approved special education private provider, or
3. local or regional board of education that accepts out-of-district placements.

The list must have each program's physical location and describe the services provided.

Under the bill, SDE must post the current list to its online public database and send it to each local and regional board of education (BOE) in the state beginning by January 15, 2027.

§ 19 — LICENSURE STANDARDS FOR PRIVATE SPECIAL EDUCATION PROVIDERS

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

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

1. the application and review process for getting licensed;
2. defined periods for both initial licensure and license renewal;
3. minimum requirements tailored to the specific types of special education services provided; and

4. licensure fees, set at $5,000 for each initial application and $1,500 for each renewal.

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

Under current law, the education commissioner approves private special education providers in the state. The approval process is detailed in state regulations and (1) includes a site visit by SDE staff and (2) requires the provider to, among other things, agree to implement each student's IEP, participate and contribute to the PPT for each student, complete periodic reviews and evaluations of each student, and have various policies and procedures including to permit staff of the sending school board to visit the facility and observe the students. The regulations also give SBE or the commissioner, when acting on behalf of the board, the power to suspend or revoke approvals.

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

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

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

Each site visit must at least include:

1. reviewing documentation of employee qualifications and compliance with certification and in-service training requirements relevant to each employee,

2. reviewing compliance with criminal history and child abuse and

neglect registry checks for each employee as required under state law (see § 21 that expands who must undergo these checks), and

3. administering a service quality questionnaire to the parents or legal guardians of students receiving services from the RESC or the private provider.

Site Visit Findings and Corrective Actions

Within 10 business days following the site visit, the education commissioner must notify the RESC or private provider in writing of the site visit findings and any required corrective actions.

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

Penalties for Failing to Provide Proof of Compliance

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

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

the written findings of the site visit and the written proof of compliance.)

§ 21 — CRIMINAL BACKGROUND CHECKS FOR PRIVATE PROVIDER EMPLOYEES

Requires private special education providers to do employee and prospective employee criminal background checks and take related steps

The bill adds private special education providers to the list of "nongovernmental school operators" that must require their employees and prospective employees to undergo a check of the Department of Children and Families' child abuse and neglect registry and submit to state and national criminal history records checks. The criminal history records checks must be done following state law and the federal National Child Protection Act of 1993 and the federal Volunteers for Children Act of 1998. Among other things, the law allows a nongovernmental school operator to dismiss or terminate an employee if the background check reveals a conviction that the employee had not disclosed.

By law, nongovernmental school operators already include magnet school operators that are not school boards, charter schools, endowed academies that act as public schools, and special education facilities approved by the education commissioner. Approved special education facilities include many private providers, but some private providers are not approved.

§ 22 — STAFFING CHANGES NOTIFICATION

Requires RESCs and private special education providers to notify parents or legal guardians, school boards, and SDE of certain special education staffing changes

The bill requires RESCs and private special education providers to notify (1) an affected student' parent or legal guardian; (2) the school board that placed a student with the RESC or private provider; and (3) SDE of any staffing changes, including vacancies, long-term (i.e. more than 10 consecutive school days) absences, and assignment of long-term substitutes, that impact how they provide special education services. This notification must be made in writing within five business days after the staffing change occurs and include information on (1) changes in services provided by specialists, (2) any change to student-to-teacher ratios, and (3) a plan to mitigate the staffing change's impact on

students.

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

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

The bill prohibits entities that receive an out-of-district placement of a special education student through an agreement or contract with a sending local or regional BOE from transferring the student to any other school or facility, unless certain conditions are met. These entities include local or regional BOEs, interdistrict magnet school operators, state or local charter school governing councils, and private providers of special education services.

Under the bill, if one of these entities receives an out-of-district placement, a further transfer is allowed only if the:

1. student's parent or guardian requests that the sending BOE hold a PPT on the issue (or the student requests it directly, if over age 18 or emancipated), and

2. PPT finds that the transfer better fits the student's educational needs.

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

§ 24 — MODEL CONTRACT FOR THE PLACEMENT OF A STUDENT WITH A PRIVATE SPECIAL EDUCATION PROVIDER

Requires SDE to establish a model contract to place a student with an approved private special education provider; requires SDE to make the model contract available to school boards by July 1, 2026

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

Under current law and the bill, there are requirements for contracts

with private providers, including an explanation of how the tuition or costs for services are calculated and a description of the child's educational program with a statement of goals and objectives (see § 5).

§ 25 — ADDITIONS TO SDE'S SPECIAL EDUCATION DATA SYSTEM

Requires SDE, in consultation with OCA, to post information on residential facility placements and school inclusion relating to special education students on SDE's data system

The bill requires SDE, in consultation with OCA, to develop and post the following on the department's special education data system by January 1, 2026:

1. guidance for local and regional BOEs on when a residential facility placement is appropriate for a student who requires services in addition to special education services, and

2. information and resources for special education students' parents and legal guardians on school inclusion.

§ 26 — REPORT ON SPECIAL EDUCATION STUDENT PLACEMENTS

Requires local and regional BOEs to annually report on information related to special education student placements where the board is paying any portion of the cost

Beginning by July 1, 2025, the bill requires each local and regional BOE to annually report to SDE each special education student placement where the board is paying any portion of the cost.

The report must include:

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

2. whether the placement is with an approved or nonapproved special education services private provider, a regional educational service center, an interdistrict magnet school program operator, a state charter school, a cooperative agreement, a local or regional BOE operating an outplacement program, or part of the Open Choice Program;

3. the amount being paid by the board;

4. the special education services provided;

5. the facility's location where the services are being provided; and

6. any other information SDE requests.

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

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

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

The bill generally requires local and regional BOEs to do a functional behavior assessment and develop or update a behavioral intervention plan for students exhibiting challenging behavior before placing them out-of-district.

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

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

§ 28 — IEP BEHAVIORAL GOALS

Requires IEPs to specify services to help a child achieve a listed behavioral goal

Beginning by September 1, 2025, if a child's IEP lists a behavioral goal, the bill requires it to specify at least one service to help the child achieve the goal.

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

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

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

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

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

1. ensure the accuracy and consistency of the annual incident compilation reports SDE receives from BOEs;

2. intervene in schools and special education programs that report a high number of incidents;

3. enforce related laws, such as through site visits and reviewing reports and parental notifications;

4. train staff and administrators to reduce reliance on these interventions; and

5. develop uniform rules or regulations for using the interventions

on any student.

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

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

§ 30 — BUILDING EDUCATIONAL RESPONSIBILITY WITH GREATER IMPROVEMENT NETWORKS COMMISSION

Creates new study requirements for the BERGIN Commission related to special education; generally extends the commission's end date to July 1, 2030

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

The bill expands the commission's study responsibilities to include the following special education-related topics: the need for new programs and services, peer review of special education programs, an IEP manager job classification, Tier 2 interventions, and respite care access. Under the bill, reports on these studies are due by January 1, 2027, and must include findings and recommendations.

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

1. February 1, 2024, to January 15, 2026, the submission deadline to

the Appropriations and Education committees of the report on education funding for BOEs, charter schools, and interdistrict magnet schools; and

2. January 15, 2025, to January 15, 2026, the deadline to submit the report on alliance districts and charter schools to the Education Committee.

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

New Special Education Studies and Related Reports

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

To make the determination about additional programs and services, the bill requires the commission to review approved and nonapproved public and private special education schools, programs, and services. Additionally, SDE must comply with the commission's data and information requests. The bill allows the commission to form a subcommittee to do the study.

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

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

student needs. The report for this study must be submitted to SDE and the Education Committee.

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

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

1. requiring SDE to revise existing guidelines to include current research and best practices;

2. requiring mandated training and certification of staff supervising and using these interventions;

3. requiring reading intervention, if the main issue is reading-related, before a special education placement is made; and

4. methods to incentivize BOEs to hire more reading intervention teachers.

Under the bill, SDE must comply with all data and information requests made by the commission, and the commission may form a subcommittee to do the study. A report on the study must be submitted to SDE and the Appropriations and Education committees.

IEP Manager Job Classification. The bill requires the commission to (1) study creating a new job classification for IEP managers, (2) review SDE's Connecticut Special Education Data System (CT-SEDS), and (3) submit a report about the study and review to SDE and the Education Committee.

Under the bill, the IEP manager role must be a non-teaching position responsible for completing IEP form sections that do not require specific input from the classroom teacher or other school personnel directly working with the student. The bill specifically requires the study to examine what training the position may require (e.g., training on relevant legal topics).

The commission must also review and recommend changes to CT-SEDS, including considering its (1) accessibility and usability by educators, parents, guardians, and students and (2) requirements that exceed statutory and regulatory requirements for IEPs. The recommendations can be developed, in part, based on the findings of SDE's report on CT-SEDS (see § 36 below).

Under the bill, SDE must comply with all commission requests for data and information, and the commission may form a subcommittee to do the study and review.

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

§ 31 — SPECIAL EDUCATION FAMILY GUIDE

Requires SDE, in consultation with the Connecticut Parent Advocacy Center, to develop a guide to help families understand special education laws and processes

The bill requires SDE, by July 1, 2026, and in consultation with the Connecticut Parent Advocacy Center, to develop and post on its website a special education family guide to help parents and guardians understand special education laws and process. The guide must explain the following:

1. the allowable number of days to diagnose a student as requiring special education or related services and hold an initial PPT meeting,

2. the consequences if a school district fails to (a) meet deadlines for diagnosing a student and holding a PPT meeting or (b) include appropriate administrators in the PPT process, and

3. recourses available for parents and guardians if an in-home tutor does not attend tutoring sessions.

§ 32 — SPECIAL EDUCATION TRAINING, EDUCATION AND TESTING COMPETITIVE GRANT PROGRAM

Establishes, and requires SDE to annually administer, the special education training, education, and testing competitive grant program to give grants to educators and paraeducators who commit to working in an alliance district school for three years

Beginning in FY 27, the bill requires SDE to administer a competitive grant program to help educators and paraeducators cover the costs associated with professional training, education, and testing requirements related to providing special education and related services.

In administering the program, SDE must develop:

1. criteria for awarding grants that consider the applicant's financial need, prioritizing those with the greatest need, and

2. repayment criteria for grantees who do not work for three years at an alliance district school (see *Grant Coverage and Criteria*). Under the bill, all repaid amounts must be deposited in the General Fund.

Applicant Eligibility

Educators and paraeducators, including those enrolled in a teacher preparation program, educator professional certification candidates, teachers and paraeducators employed by a local or regional BOE, and prospective paraeducators are eligible to get a grant under this program.

Under the bill, to be eligible for a grant, the recipient must commit to three years of providing special education and related services in a school in an alliance district.

Grant Coverage and Criteria

Under this program, a grant may be used toward covering the following:

1. tuition or other fees associated with enrolling in a teacher preparation program offered at the Connecticut State Colleges and Universities,

2. getting or renewing professional certification with an endorsement in special education,

3. paraeducator testing,

4. continuing education credits, and

5. any other education or testing requirements relating to providing special education and related services.

§ 33 — NON-ENGLISH PARAEDUCATOR EXAMINATION STUDY

Requires SDE to do a study on the availability of paraeducator examinations offered in a non-English language

The bill requires SDE to do a study on the availability of paraeducator examinations offered in a non-English language. The study must include a review on whether there are other examinations or testing vendors that offer paraeducator examinations in a non-English language and, if there are, SDE must:

1. analyze whether these other examinations are comparable to the examinations the department currently uses, and

2. determine if these other examinations can be changed to meet the requirements for a paraeducator examination as set by the department.

SDE must submit a report with its findings and any legislative recommendations to the Education Committee by January 1, 2026.

EFFECTIVE DATE: Upon passage

§ 34 — REVIEW OF THE PREPARATION AND CERTIFICATION REQUIREMENTS FOR A COMPREHENSIVE SPECIAL EDUCATION ENDORSEMENT

Requires the Connecticut Educator Preparation and Certification Board to review, and make recommendations as needed on, the preparation and certification requirements for individuals seeking or holding a comprehensive special education endorsement

The bill requires the Connecticut Educator Preparation and Certification Board to review, and make recommendations as needed on, the preparation and certification requirements for people pursuing or holding a comprehensive special education endorsement. This review must analyze whether these people should be required to pass the foundations of reading examination.

Under the bill, SDE must comply with all information requests from the board regarding this review.

The board must submit a report on its review and recommendations to the Education Committee by February 1, 2026.

§ 35 — REVIEW OF THE PREPARATION AND EXAMINATION REQUIREMENTS FOR SPECIAL EDUCATION PARAEDUCATORS

Requires the School Paraeducator Advisory Council to review, and make recommendations as needed on, the preparation and examination requirements for paraeducators who assist in delivering special education and related services

The bill requires the School Paraeducator Advisory Council (see *Background — School Paraeducator Advisory Council*) to review, and make recommendations as needed on, the preparation and examination requirements for paraeducators who assist in delivering special education and related services.

Under the bill, SDE must comply with all information requests from the council regarding this review.

The council must submit a report on its review and recommendations to the Education Committee by February 1, 2026.

Background — School Paraeducator Advisory Council

By law, the School Paraeducator Advisory Council advises the SDE commissioner, and provides recommendations to the Education Committee, on various topics related to paraeducators, including

professional development and training, the effectiveness of existing training, and staffing strategies.

§ 36 — SDE REPORT ON CT-SEDS

Requires SDE to develop a report on the functions of CT-SEDS and submit it to the BERGIN Commission and Education Committee by September 1, 2025

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

1. explain each field in the data system's purpose, how the data and information in each field is used, and how each field relates to student outcomes; and

2. identify which fields or collected data and information in the system exceed the requirements of the federal Individuals with Disabilities Education Act.

By September 1, 2025, SDE must submit the report to the BERGIN Commission and the Education Committee.

§§ 37 & 38 — SPECIAL EDUCATION WORKLOAD ANALYSIS MODEL

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

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

The model must set standards that limit the teachers' and providers' workloads and have provisions addressing the:

1. severity of the student's needs contained in the IEP;

2. level and frequency of services needed for a student to achieve the IEP's goals and objectives; and

3. time required for planning services, evaluations (including classroom observations), coordination of services, staff development, follow-up, and traveling to and from different locations to provide special education and related services.

By January 1, 2026, SDE must submit the proposed statewide workload analysis model to the BERGIN Commission and the Appropriations and Education committees. It must also, by January 15, 2026, make the proposed model available through CT-SEDS.

By January 1, 2027, the BERGIN Commission must review the model and make legislative recommendations for implementing it. The commission must also submit its recommendations to the Education Committee.

§§ 39-41 — DUE PROCESS HEARINGS

Makes several changes on due process hearings, including (1) generally requiring all claims to be disclosed prior to the start of the hearing, (2) shifting the burden of proof in unilateral placement cases, (3) requiring hearing officers to weigh all evaluations equally, (4) generally limiting hearings to three days' duration, and (5) limiting hearing officers' discretion by requiring the consideration of certain placement options and establishing a preference for certain service providers

Overview

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

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

Disclosure in Prehearing Conferences

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

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

Burden of Proof in Unilateral Placement Hearings

The bill generally codifies existing regulations on burden of proof at due process hearings but changes the burden of proof when it comes to unilateral placement. The bill defines "unilateral placement" as an educational placement for a child requiring special education and related services (1) that is not made by the responsible school board but instead by a parent or guardian (or child, in some circumstances); (2) that is made without the approval of a PPT because of a belief that the school board is not able to provide FAPE; and (3) for which the parent, guardian, or child seeks reimbursement.

Under state regulations, the public agency (e.g., school district) has the burden of proving the appropriateness of a child's current program or placement or the agency's proposed program or placement. The bill changes the burden of proof for cases involving unilateral placement. Under the bill, the party who filed for due process for a unilateral placement (almost always a parent or guardian) has the burden of proving the appropriateness of the (1) agency's proposed program or placement and (2) unilateral placement. (It is unclear how this requirement will apply in practice, as these are typically opposing and conflicting positions defended by separate parties.) Under current regulations, the public agency has the initial burden of proving its proposed placement or program is appropriate. If a hearing officer finds that it is not appropriate, only then must the party seeking

reimbursement for the unilateral placement prove the placement is appropriate.

Under existing regulations, not codified in the bill, hearing officers have the authority to bifurcate unilateral placement hearings. If the hearing officer determines that the public agency's placement is appropriate, the hearing does not need to proceed to arguments about the unilateral placement.

Under existing state regulations and the bill, the burden of proof must be met by preponderance of the evidence, except for hearings held pursuant to 34 C.F.R. § 300.521 (this federal regulation has been repealed, so it is unclear what this exception applies to). The bill requires SBE, by July 1, 2027, to adopt regulations regarding the burden of proof in unilateral placements.

Order of Testimony

Under current law, hearing officers must hear the school district's offered testimony first in any dispute involving FAPE. The bill makes an exception to this requirement for cases involving unilateral placement, in which case the hearing officer must first hear testimony offered by the party with the burden of proof (which under the bill, would almost always be the parent, guardian, or child, as described above).

Weighing Evaluations

By law, hearing officers must hear all testimony relevant to the dispute by the party requesting the hearing and any other directly involved party. Officers may hear additional testimony they deem relevant. The bill specifies that the hearing officers must give equal weight and consideration to all evaluations presented and used during the hearing. (It is unclear whether, under the bill, the hearing officer could take into account things like evaluation quality or evaluator expertise in weighing evaluations. Further, it is unclear if the hearing officer could disregard evaluations that do not meet IDEA standards (34 C.F.R. §§ 300.301-300.306).)

Length of Hearing

The bill requires hearing officers to limit the offering of testimony and arguments to three days but allows them to extend the hearing's duration if necessary.

Hearing Officer Authority

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

1. confirm, modify, or reject a student's identification, evaluation, or educational placement or the provision of FAPE to the student;

2. determine the appropriateness of educational placements where the parent or guardian (or child, in some circumstances) has placed the student in a program other than the one prescribed by the PPT (it appears that this would qualify as a unilateral placement under the bill); or

3. prescribe alternative special education programs for the student.

The bill limits the hearing officer's discretion in instances where he or she determines that the school district's plan to provide special education and related services does not provide FAPE to the student. In these cases, the hearing officer must consider options in the following order: (1) district-provided services and (2) services by a charging entity (e.g., RESCs and approved private providers, see above). If neither provide FAPE, the hearing officer may consider placement in a nonapproved private provider. (It is unclear which party or entity is responsible for providing information on the available services or programs.)

The bill also appears to limit the hearing officer's authority to determine the appropriateness of placements made by a parent or guardian. The bill requires the hearing officer, when determining the placement's appropriateness, to consider all programs capable of providing FAPE to a child in the least restrictive environment. (It is unclear which party or entity is responsible for providing information on the other available programs.)

§ 42 — CHANGES TO THE IEP FORM

Requires SDE to remove certain components from the state's IEP form

The bill requires SDE, by January 1, 2026, to update the state's IEP form to remove the (1) statement of short-term instructional objectives derived from measurable annual goals and (2) list of people who will implement the IEP.

Federal law sets specific requirements for IEP components, including requiring the inclusion of short term objectives or benchmarks in IEPs for students who take alternate assessments aligned to alternate academic achievement standards (34 C.F.R. § 300.320(a)(2)(ii)).

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

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

Data Posting

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

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

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

1. the school district;

2. its net current expenditures per pupil threshold and total anticipated costs above this threshold;

3. the total anticipated costs for transportation, tuition, and room and board (if any);

4. the facility code; and

5. grant type category.

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

1. number of students by multilingual learner status, qualifying primary disability, and facility;

2. number of students in the age categories of (a) 3 and 4, (b) 5 to 12, (c) 13 to 18, and (d) 19 and older;

3. average number of tuition days.

Excess Cost Grant Projections

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

1. the total amount each school board is eligible to be paid under the excess cost grant program;

2. each board's net current expenditures per pupil threshold, tier reimbursement percentage, and capped payment amount; and

3. the number of students with expenses projected to exceed 4.5 times the net current expenditures per pupil threshold, for each board and statewide.

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

§ 44 — DYSLEXIA REPORT

Requires SDE to report to the Education Committee on recent developments and best practices on dyslexia evaluations and interventions

The bill requires SDE, by February 1, 2026, to report to the Education Committee on recent developments and best practices on dyslexia evaluations and interventions.

§ 45 — SPECIAL EDUCATION SUPPORT LICENSE PLATES

Requires DMV to establish a special education support license plate to support special education students, families, and educators in the state and fund the special education offset grant the bill establishes

Beginning July 1, 2026, the bill requires the Department of Motor Vehicles (DMV) to design and issue special education support license plates to support special education students, families, and educators in the state and fund the special education offset grant (see § 8).

The bill requires a $60 fee for this plate, in addition to the regular fees for registering a motor vehicle. The bill directs:

1. $15 of the fee to a DMV-controlled account to cover production, issuance, renewal, and replacement costs; and

2. $45 of the fee to the special education support account the bill creates.

The plates must have numbers and letters selected by DMV, but the commissioner may charge a higher fee for license plates that (1) have the numbers and letters from a previously issued plate or (2) have letters instead of numbers or are low number plates, in addition to the fees set for these registrations by law. The bill requires that no additional fee be charged for (1) renewing this license plate or (2) transferring an existing registration to or from a registration with a special education support plate.

The bill creates the special education support account as a separate, nonlapsing account. It must contain any money required by law to be deposited in it, and OPM must use it to fund the special education offset grant (see § 8). The OPM secretary may also receive private donations for the account and must deposit them there.

The bill prohibits using the plates for anything other than official registration marker plates but allows DMV to reproduce or market the

plate's image on clothing, recreational equipment, posters, mementos, or other products or programs that the commissioner sees fit to support the special education support account. Any money received from this marketing must be deposited into the account.

The bill also allows DMV to adopt regulations setting standards and procedures for issuing, renewing, or replacing the plates.

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

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

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

§ 48 — OFFICE OF THE EDUCATIONAL OMBUDSPERSON

Establishes the Office of the Educational Ombudsperson to serve students and families from early childhood to adult education; places the office under the direction of a commissioner-appointed ombudsperson and requires the office, among other duties, to receive, review, and attempt to resolve any complaints from students and their families

The bill establishes an Office of the Educational Ombudsperson, within SDE for administrative purposes only, under the direction of an educational ombudsperson who the SDE commissioner appoints. The ombudsperson must have expertise and experience in educational advocacy, special education, and educational law.

The new office must serve students and their families in the pursuit of preschool, elementary and secondary education, special education, vocational education, and adult education.

The bill details the office's specific duties including:

1. receiving, reviewing, and attempting to resolve (including through collaboration with schools and educators) any

complaints from students and families;

2. compiling and analyzing data on students and young people, through available data systems, including the Connecticut Preschool through Twenty and Workforce Information Network;

3. assisting school boards' employees involved in PPT meetings;

4. giving information to the public, agencies, legislators, and others on the students' issues and concerns and making recommendations to resolve them;

5. analyzing and monitoring the development and implementation of federal, state, and local laws, regulations, and policies relating to students and recommending any changes the ombudsperson deems necessary;

6. distributing information on the availability of the office to assist students and their families, as well as school boards with educational resource concerns; and

7. taking any other actions necessary to fulfill the duties of the office and the ombudsperson as described in the bill.

By January 1, 2026, and then annually, the ombudsperson must submit a report to the Office of Governmental Accountability and the Children and Education committees. The report must address (1) the implementation of the office's creation, (2) the ombudsperson position's overall effectiveness, and (3) additional steps that need to be taken for the ombudsperson to be more effective.

§§ 49 & 50 — INSTRUCTIONAL SUPPORT TEACHERS

Requires school boards to hire or designate an instructional support teacher in every school beginning in the 2026-27 school year; gives instructional support teachers various responsibilities to support teaching staff and students with disabilities and specifies how much time they must spend performing this position's duties; requires SDE to provide quarterly instructional support teacher trainings

Beginning with the 2026-27 school year, the bill requires school boards to hire or designate a current employee to serve as an instructional support teacher in each school under the school board's

jurisdiction. Under the bill, an instructional support teacher's responsibilities include:

1. assisting school-based personnel to improve the quality of teaching and student learning for students with disabilities;

2. learning about and applying appropriate curriculum and instructional programs for students with disabilities that comply with state and federal laws and SDE and district policies;

3. collaborating with parents and school personnel regarding instructional decision-making for students with disabilities;

4. planning and delivering professional learning activities to staff, parents, and others to increase students with disabilities' achievement;

5. providing coaching and follow-up to support district initiatives, including effective literacy and math instruction, personalized learning, and individualized instruction for students with disabilities;

6. implementing effective instructional methods and behavioral supports to assist teachers to improve classroom management and climate; and

7. consulting with school-based instructional staff on IEP development, extended school year, behavioral interventions, and transition plans for students with disabilities.

The bill requires anyone hired or designated as a school's instructional support teacher to increase the time he or she spends performing the position's duties until performing them full time in the 2028-29 school year and all years following. In the 2026-27 school year, instructional support teachers must spend at least 50% of their time performing the position's duties, and they must spend at least 75% of their time on these duties in the 2027-28 school year.

The bill also requires SDE to provide at least quarterly trainings for

instructional support teachers. The training must address (1) effective literacy and math instruction, (2) personalized learning and individualized instruction for students with disabilities, (3) improving classroom management, (4) effective instructional methods and behavioral supports, and (5) transition plans for students with disabilities.

§ 51 — BEHAVIORAL HEALTH SUPPORT SERVICES GRANT PROGRAM

Requires SDE to establish a grant program to help school boards provide support services for special education students that have experienced trauma or have behavioral health needs

The bill requires SDE, beginning with FY 26, to establish a grant program to help school boards provide support services for special education students who have experienced trauma or have behavioral health needs. The grant must be available to each school board that partners with a community services provider, including a family service center, to give special education students and their families support services such as trauma-informed care coordination and family outreach. Under the bill, the SDE commissioner must determine the grants' amounts.

By September 1, 2025, SDE must post on its website (1) a description of the grant program and funding available for each grant made under it and (2) the grant program's application form.

BACKGROUND

Related Special Education Bill

sSB 1561, favorably reported by the Select Committee on Special Education, is identical to this bill.

COMMITTEE ACTION

Select Committee on Special Education

Joint Favorable Substitute
Yea 8 Nay 7 (04/30/2025)