
OLR Bill Analysis

sSB 424

AN ACT CONCERNING OVERSIGHT OF PLANS PURSUANT TO SECTION 504 OF THE REHABILITATION ACT OF 1973 AND SPECIAL EDUCATION NEEDS IN THE STATE.

SUMMARY

This bill transfers jurisdiction over certain claims alleging disability discrimination in a public school from the Commission on Human Rights and Opportunity (CHRO) to the Office of the Educational Ombudsperson (OEO) (§§ 3-5). PA 25-93, § 27, established this office, effective July 1, 2025, but it has not yet been established in practice.

The transfer applies only to complaints concerning a student with an individualized education program (IEP) or a Section 504 plan that allege a violation of state law prohibiting discrimination based on an intellectual, mental, or physical disability. It does not apply to alleged violations of the federal laws governing these plans (the Individuals with Disabilities Education Act (IDEA) or Section 504, see BACKGROUND).

Under current law, in addition to various public outreach duties, OEO can receive, review, and attempt to resolve complaints from students and their families, including by collaborating with schools and educators. The bill appears to give OEO additional responsibility for processing legal complaints (for example, by holding hearings and subpoenaing witnesses), but it does not specify a process for filing complaints with the office or authorize the ombudsperson to order any remedies or relief. It is unclear what recourse people will have for these state discrimination law violations if OEO is not established by the date enforcement responsibility shifts from CHRO to OEO (October 1, 2026).

The bill also requires the State Department of Education (SDE) to:

1. post data on students with 504 plans on its website (and requires

- school boards to submit specified 504 plan data to SDE) (§§ 1 & 7),
2. create a working group to review how school boards are providing accommodations under Section 504 plans (§ 2),
 3. modify the special education data system (CT-SEDS) to better adapt for Section 504 plan use (§ 6),
 4. increase oversight and coordination with school boards to support students with 504 plans (§ 8), and
 5. determine the number of social workers and school counselors needed to get to an ideal ratio of counselors and social workers to students with IEPs or 504 plans (§ 9).

The bill also requires the (1) Department of Social Services (DSS) to identify services schools provide that might be eligible for Medicaid reimbursement (§ 10) and (2) Office of Workforce Strategy to develop and report a strategic assessment plan to increase the capacity of school social workers and school counselors (§ 11).

EFFECTIVE DATE: Various, see below.

§§ 1 & 7 — SHARING 504 PLAN DATA

Starting in FY 27, the bill requires SDE to post on its website the number of students with 504 plans in grades kindergarten to 12, organized by district. School boards must give SDE any information it needs to compile the data, and SDE must disaggregate the data and make sure it complies with the federal Family Educational Rights and Privacy Act (FERPA). The bill also requires SDE to track trends in this data.

The bill requires, starting by July 1, 2027, each school board to submit to SDE the (1) number of students with 504 plans by grade, (2) types of supports given to these students, and (3) number of complaints made by students with the plans. (It is unclear what constitutes a “complaint.”)

EFFECTIVE DATE: July 1, 2026

§ 2 — WORKING GROUP ON 504 PLANS

The bill requires SDE, within available appropriations, to create a working group to review how school boards are providing accommodations for students through Section 504 plans. The review must include the use of staff and the amount of staff time dedicated to developing and implementing the plans.

The group must include, at a minimum, representatives from the:

1. Connecticut Education Association,
2. Connecticut School Counselor Association,
3. American Federation of Teachers-Connecticut,
4. Connecticut Association of Boards of Education,
5. Connecticut Association of Public School Superintendents,
6. Connecticut Chapter of the National Association of Social Workers, and
7. Connecticut Association of School Psychologists.

By January 1, 2027, SDE must report to the Education and Government Oversight committees. The report must include (1) best practices for Section 504 plans, (2) any recommended statutory changes, and (3) a summary and analysis of 504 plans' impact and usages since 2020.

EFFECTIVE DATE: July 1, 2026

§§ 3-5 — DISABILITY DISCRIMINATION COMPLAINTS CONCERNING STUDENTS WITH AN IEP OR 504 PLAN

Existing law prohibits (1) discriminating against, segregating, or separating someone based on his or her intellectual, mental, or physical disability and (2) denying someone full and equal accommodation in a place of public accommodation because of these disabilities. CHRO has

jurisdiction over state anti-discrimination laws and is charged with following statutory procedures for processing complaints alleging violations of the laws.

The bill requires OEO, rather than CHRO, to receive, investigate, and “attempt to resolve” complaints concerning a student with an IEP or a 504 plan that claim discrimination based on an intellectual, mental, or physical disability in a public school. Unlike the law on CHRO, the bill does not create a formal complaint process, give OEO specific enforcement powers, or specify how an OEO decision is appealed. Thus, it appears that OEO lacks the powers and procedures necessary to adjudicate the claims the bill makes it responsible for.

Scope of Jurisdiction Transfer

The transfer of jurisdiction applies only to complaints from students with IEP or 504 plans alleging violations of state discrimination law; it does not apply to complaints about a student’s 504 plan or IEP. Neither CHRO nor OEO has the authority to enforce Section 504 (because it is federal law), and federal and state law generally make SDE responsible for initially hearing IDEA-related complaints. The IDEA and state case law generally require students with disabilities who are seeking relief available under IDEA (such as additional services or a change in placement) to exhaust administrative remedies under IDEA before filing a complaint under other discrimination laws (see BACKGROUND).

It also appears that, under the bill, CHRO would retain jurisdiction over some complaints involving discrimination against students with disabilities in public school. For example, the bill does not transfer jurisdiction over claims of discrimination based on learning disability (such as dyslexia or dysgraphia), and it does not appear to apply in instances where a student without an IEP or a 504 plan is denied a requested accommodation.

Additional OEO Powers and Duties

PA 25-93 (§ 27) places OEO within the Office of Governmental Accountability for administrative purposes only. The governor must

appoint an ombudsperson, who must have expertise and experience in educational advocacy, special education, and educational law. (The ombudsperson has not yet been appointed and the office has not been established.)

Under current law, the office is not charged with investigating violations of law; instead, it is required to assist students and families with resolving education-related concerns. The law requires the office to (1) receive and review complaints from students and families related to preschool, elementary and secondary education, special education, vocational education, and adult education and (2) attempt to resolve any complaints it receives, including by collaborating with schools and educators.

The bill expands the duties of the educational ombudsperson, giving them various powers and duties related to investigating legal complaints. Specifically, the bill requires the ombudsperson to:

1. employ legal staff and legal counsel necessary to receive, review, and attempt to resolve complaints from students and their families (the scope of the expansion of the office's authority to investigate legal complaints, other than the discrimination claims the bill specifically transfers to it, is unclear);
2. hold hearings, subpoena witnesses and compel their attendance, administer oaths and take testimony, and require parties to turn over any books or papers relating to an investigation so they may be examined;
3. require written answers to interrogatories under oath that relate to disability discrimination complaints that the bill places under the office's jurisdiction;
4. adopt regulations on the procedure for issuing interrogatories and complying with interrogatory requests; and
5. use voluntary and uncompensated services from private individuals, agencies, and organizations to carry out the office's

duties.

Complaint Procedures. The bill specifically exempts the discrimination claims transferred to the ombudsperson's jurisdiction under the bill from procedures for filing and adjudicating complaints with CHRO, but it does not establish any complaint procedures for OEO. It is also unclear (1) who would decide cases filed with OEO or (2) whether the office has the authority to order any remedies.

Annual Report. The bill also requires the ombudsperson, as part of the office's annual report, to include the number of complaints it received during the year, how many were substantiated or unsubstantiated, whether corrective action was taken, and the average time to process complaints. Under existing law, OEO's annual report must be submitted to the Children and Education committees.

EFFECTIVE DATE: October 1, 2026

§ 6 — CT-SEDS CHANGES FOR 504 PLANS

The bill requires SDE to modify the special education data system (CT-SEDS) to better align it with Section 504 plans, which have different requirements compared to IEPs. (In practice, CT-SEDS has two separate processes within the system, one for IEPs and one for 504 plans.)

The changes must limit the components required for Section 504 plans to:

1. student demographic information;
2. the evaluation period;
3. behavioral, social, and emotional needs identification;
4. accommodation types;
5. requirements related to case management or social workers;
6. additional testing performed;
7. identification of accessibility technology used; and

8. any other information required by laws that generally apply to IEPs.

EFFECTIVE DATE: Upon passage

§ 8 — OVERSIGHT BY THE BUREAU OF SPECIAL EDUCATION

The bill requires SDE to increase oversight and coordination with school boards to support students with 504 plans. (The bill does not further specify what this entails.)

EFFECTIVE DATE: July 1, 2026

§ 9 — SCHOOL SOCIAL WORKER AND COUNSELOR NEEDS ASSESSMENT

Under the bill, SDE must determine, through a needs assessment, the number of social workers and school counselors needed to get to an ideal ratio of counselors and social workers to students with IEPs or 504 plans. By January 1, 2027, SDE must report on the needs assessment to the Education and Government Oversight committees, including the ideal student to counselor and social worker ratios for elementary school, middle school, and high school.

EFFECTIVE DATE: Upon passage

§ 10 — MEDICAID REIMBURSEMENT FOR SERVICES

The bill requires the DSS commissioner to identify services that school boards provide that might be eligible for Medicaid reimbursement to leverage federal funding for school or support services. By December 31, 2026, DSS must submit a detailed listing of any services identified to the Appropriations, Government Oversight, and Human Services committees.

EFFECTIVE DATE: Upon passage

§ 11 — PLAN TO INCREASE SCHOOL COUNSELORS' AND SOCIAL WORKERS' CAPACITY

By December 31, 2026, the Office of Workforce Strategy's chief workforce officer must develop and report a strategic assessment plan to increase the capacity of school social workers and school counselors

in the state. (Presumably, this is their capacity to provide core services.)

EFFECTIVE DATE: Upon passage

BACKGROUND

IDEA Compared to Section 504

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. IDEA guarantees students with qualifying disabilities the right to a free appropriate public education (FAPE) that is tailored to their unique needs and implemented under a planning document called an IEP. It also requires school districts to identify and evaluate students who may need special education, educate students with disabilities with their nondisabled peers to the maximum extent possible, and follow certain procedural safeguards, among other things.

Section 504 of the Rehabilitation Act of 1973 (29 U.S.C. § 794; 34 C.F.R. § 104.1 et seq.) protects individuals with disabilities from discrimination in programs and activities that receive federal financial assistance, including public schools. Unlike under IDEA, Section 504 does not require schools to write down the accommodations or modifications it will provide students in a formal plan; however, in practice, Connecticut schools develop “504 plans” to ensure compliance with the law.

Resolving Violations of Federal IDEA and Section 504 Rights

Under IDEA, states must establish procedures for resolving disputes between parents and school districts over the provision of a FAPE (including evaluation, identification, and educational placement). Connecticut has adopted an SDE-administered process that conforms to federal law (CGS § 10-76h). Further, federal law specifies that parents and students must exhaust administrative remedies available under IDEA before filing a complaint under federal discrimination laws (such as Section 504) if the relief they seek is available through the IDEA administrative process (20 U.S.C. § 1415). The Connecticut Supreme Court has held that a similar requirement applies to the denial of a FAPE

under state law (*Graham v. Friedlander*, 334 Conn. 564 (2020)).

There is no state-level enforcement procedure for Section 504. Under Section 504, schools must adopt due process standards to provide for prompt and equitable resolution of complaints. These must include an opportunity for parents to examine relevant records, an impartial hearing opportunity, and a review procedure (34 C.F.R. § 104.36). Federal regulations allow individuals aggrieved by violations of Section 504 to file a complaint with the applicable federal agency (for discrimination in schools, the U.S. Department of Education’s Office of Civil Rights (OCR)) (29 U.S.C. § 794a(a)(2)).

COMMITTEE ACTION

Government Oversight Committee

Joint Favorable

Yea 9 Nay 3 (03/17/2026)