

BLOOMFIELD PUBLIC SCHOOLS
Bloomfield, Connecticut

BOARD POLICY

No. 6171(a)

RE: Special Education

Approved: Date

The Bloomfield Board of Education accepts its legal duties and responsibilities for providing special education for the students of the school district.

The district shall provide a free appropriate public education and necessary related services to all children requiring special education, as defined in PA 25-67 Section 1, residing within the district, required under the Individuals with Disabilities Education Act ("IDEA"), Section 504 of the Rehabilitation Act of 1973, the Americans with Disabilities Act, and Connecticut Statutes.

It is the intent of the District to ensure that students who are disabled within the definition of Section 504 of the Rehabilitation Act of 1973 are identified, evaluated, and provided a free appropriate public education and equal access to educational opportunities. Students may be disabled under Section 504 of the Rehabilitation Act even though they do not require services pursuant to the IDEA.

For students eligible for services under IDEA, the District shall follow procedures for identification, evaluation, placement, and delivery of services to children with disabilities provided in state and federal statutes that govern special education. For those students who are not eligible for services under IDEA, but because of a disability as defined by Section 504 of the Rehabilitation Act of 1973, need or are believed to need accommodations to receive equal access to educational opportunities, the District shall establish and implement a system of procedural safeguards. The safeguards shall cover students' identification, evaluation, and educational placement. This system shall include notice, an opportunity for the student's parent(s)/guardian(s)/surrogate parent to examine relevant records, an impartial hearing with opportunity for participation by the student's parent(s)/guardians(s), representation by counsel, and a review procedure.

Effective July 1, 2023, all students remain eligible for special education services under the Individuals with Disabilities Education Act (IDEA) through the end of the school year during which the student turns age 22, or until the student graduates from high school with a regular high school diploma, whichever occurs first. Pursuant to the Connecticut General Statutes §[10-259](#), school year is defined as July 1 through June 30. A free appropriate public education (FAPE) must be provided to any child requiring special education beginning on or after the child's third birthday, whether that birthday occurs during the regular school year.

In making a determination of eligibility for special education and related services, through use of a variety of assessment tools and strategies designed to gather relevant functional, developmental, and academic information, a student shall not be determined to be a disabled student if the dominant factor for such a determination is a lack of appropriate instruction in reading, including in the essential components of reading instruction, as defined in the Every Student Succeeds Act, lack of instruction in math or limited English proficiency or evidence that a child's behavior repeatedly violated disciplinary policy.

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Further, the District is not required to take into consideration whether a student has a severe discrepancy between achievement and intellectual ability in oral expression, listening

comprehension, written expression, basic reading skills, reading comprehension or mathematical calculation or reasoning. A child may become eligible for special education services on his or her third birthday.

In determining whether a child has a specific learning disability, the District may use a process that determines if the student responds to scientific, research-based intervention as a part of the evaluation procedures to determine eligibility. The program to which each student with a disability is assigned shall provide an appropriate education, seek to assure success in learning, and offer the least restrictive environment, in accordance with federal and state regulations. No student with a disability shall be denied, because of disability, participation in activities, programs, or services offered or recognitions rendered to District students, unless participation is not possible because of the disability.

Each student requiring special education, as defined in PA 25-67 section 1, who is a resident of the district shall be provided quality education programs and services that meet the student's needs for educational, instructional, transitional and related services. The special education program shall be designed to comply with federal and state law; conform to district goals; and integrate programs of special education with the regular instructional programs of the schools, consistent with the interests of the student requiring special education and other students. If necessary and as determined by the PPT, students requiring special education may be placed in an approved public or private programs. Students with disabilities are required by federal law to be included in State and District-wide assessments, with appropriate accommodations where necessary.

In accordance with the regulations of the State Board of Education, each local and regional Board of Education shall:

1. Provide special education for children requiring special education, as defined in PA 25-67 section 1.
2. The obligation of the school district under this subsection shall terminate when such child graduates from high school or at the end of the school year during which such child reaches age twenty-two, whichever occurs first.
3. Report to the Department of Education on each placement of a student receiving special education services for which the board is paying a portion of the cost:

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- a. Whether such placement is a result of a decision of a planning and placement team meeting, a settlement agreement, or a special education hearing pursuant to section [10](#)-76h of the general statutes;
- b. Whether such placement is with an approved or nonapproved private provider of special education services, regional educational service center, operator of an interdistrict magnet school program, state charter school, a cooperative arrangement pursuant to section [10](#)-158a of the general statutes, a local or regional board of education operating an outplacement program or as part of the statewide interdistrict public school attendance program pursuant to section [10](#)-266aa of the general statutes;
- c. The amount being paid by the Board;
- d. The special education services being provided;
- e. The location of the facility at which such special education services are being provided;
- f. The total number of any agreements such Board enters into with a student, parent, or guardian during the preceding school year that includes provisions for nondisclosure of special education services or a waiver of the rights to which such student, parent, or guardian is entitled pursuant to the Individuals with Disabilities Education Act, 20 USC 1400 et seq;
- g. Any other information requested by the Department.

The District shall also take steps to make the public aware that all children and youth from birth through the end of the school year during which the student turns age 22, and suspected of having a disability, have a right to a formal determination as to whether they have such a condition or disability.

The Board shall determine the facilities, programs, services, and staff that will be provided by the District for the instruction of students requiring special education. To maintain an effective special education plan, the Board may participate in special education programs of other school districts or those offered by a RESC.

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Evaluation of Special Education Program

On or after June first, but prior to September thirtieth annually, the superintendent shall provide, at a regularly scheduled meeting of the Board of Education, an annual report concerning the special education programs of the school district with the following information:

1. The number and names of all community-based organizations with whom the board of education has executed a formal memorandum of understanding, memorandum of agreement, or contract to provide support services to students in the school district, disaggregated by school and type of support service provided;
2. The workforce development programs offered by the board of education to students in which the board has partnered with an outside entity, including, but not limited to, cooperatives, internships, in-school job training programs provided by businesses, and in-school workforce board presentations, and
3. Attrition data for certified and noncertified staff, disaggregated by school and subject, not including in-district transfers.

The report shall also include recommendations of the Superintendent and staff, and by any advisory groups, for improvement in the program.

In addition to the annual report, the Superintendent shall make interim reports whenever any phase of the program is significantly less satisfactory than was expected so that necessary adjustments may be made.

The Superintendent shall make certain that the individualized education plan of each student is reviewed periodically, or at least annually.

The Superintendent of Schools or his/her designee is directed to develop a comprehensive plan for compliance with all the requirements of federal and state law for the education of students with disabilities residing in or attending school in the school district. The Board of Education requests that the plan be in harmony with the school district's financial abilities, with the availability of special facilities needed, and the availability of trained and certified personnel.

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Legal Reference: Connecticut General Statutes

[10-76a](#) Definitions. (as amended by PA 00-48 and PA 06-18)

[10-76b](#) State supervision of special education programs and services. (as amended by PA 12-173)

[10-76c](#) Receipt and use of money and personal property.

[10-76d](#) Duties and powers of boards of education to provide special education programs and services. (as amended by PA 97-114, PA 00-48, PA 06-18 and June Special Session PA 15-5, Section 277)

[10-76e](#) School construction grant for cooperative regional special education facilities.

[10-76f](#) Definition of terms used in formula for state aid for special education.

[10-76ff](#) Procedures for determining if a child requires special education (as amended by PA 06-18)

[10-76g](#) State aid for special education.

[10-76h](#) Special education hearing and review procedure. Mediation of disputes. (as amended by PA 00-48)

[10-76i](#) Advisory council for special education.

[10-76j](#) Five-year plan for special education.

[10-76k](#) Development of experimental educational programs.
PA 06-18 An Act Concerning Special Education
State Board of Education Regulations.

[10-76m](#) Auditing claims for special education assistance.

[10-76a-1 et seq.](#) Definitions. (as amended by PA 00-48)

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[10-76b-1](#) through [10-76b-4](#) Supervision and administration.

[10-76d-1](#) through [10-76d-19](#) Conditions of instruction.

[10-76h-1](#) through [10-76h-2](#) Due process.

[10-76l-1](#) Program Evaluation.

[10-145a-24](#) through [10-145a-31](#) Special Education (re teacher certification).

[10-264l](#) Grants for the operation of interdistrict magnet school programs.

P.A. 12-173, An Act Concerning Individualized Education Programs and Other Issues Relating to Special Education

34 C.F.R. 3000 Assistance to States for Education for Handicapped Children.

American with Disabilities Act, 42 U.S.C. §12101 et seq.

Individuals with Disabilities Education Act, 20 U.S.C. §1400 et seq.

Rehabilitation Act of 1973, Section 504, 29 U.S.C. § 794.

P.L. 108-446 The 2004 Reauthorization of the Individuals with Disabilities Act

Bd of Ed of the City School District of the City of New York v. Tom F. 128S.Ct. 1, 76 U.S.L.W. 3197 (2008)

Rowley v. Board of Education, 485 U.S.-176 (1982)

Endrew F. v. Douglas County School District RE-1, 15-827 U.S. (2017)

A.M. v. N.Y. City Department of Education, 845F.3d 523, 541 (2d Cir.1997)

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Mrs. B., v. Milford Board of Education 103 F. 3d 1114, 1121 (2d Cir. 1997)

Public Act 25-67 An Act Concerning the Quality and Delivery of Special Education Services in Connecticut (Sec 1 & 12)

Public Act 25-93 An Act Increasing Resources for Students, Schools and Special Education (Section 32)