

Instruction

Special Education

The _____ 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 with appropriate educational services. Students may be disabled within the meaning of Section 504 of the Rehabilitation Act, even if they do not require services under 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, as provided in state and federal statutes governing 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 special instruction or related services, 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), and 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 standard high school diploma aligned with state standards, whichever occurs first. Pursuant to the Connecticut General Statutes §10-259, the 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 or not 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.

Instruction

Special Education (continued)

Further, the District is not required to consider 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 shall 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 be one that provides an appropriate education, seeks to assure success in learning, and offers 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 with 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 special education programs with the regular instructional programs of the schools, consistent with the interests of the students requiring special education and other students. If necessary, students requiring special education may also be placed in private school education facilities. 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 is graduated 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 each placement of a student receiving special education services for which the board is paying a portion of the cost:
 - 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.

Instruction

Special Education (continued)

- 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 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 22 who are suspected of having a disability have a right to a formal determination of whether they have such a condition.

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. In order 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.

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.

Instruction

Special Education

Evaluation of Special Education Program (continued)

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.
3. Attrition data for certified and noncertified staff, disaggregated by school and subject, not including in-district transfers.

The report shall also include recommendations from the Superintendent and staff, as well as from any advisory groups, for improving 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 ensure that each student's individualized education plan is reviewed periodically, at least annually.

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

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)

Instruction

Special Education

Legal Reference: Connecticut General Statutes (continued)

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)
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)
Andrew 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)
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)

Policy adopted: