

*An optional policy to consider.*

## **Instruction**

### **Special Education**

#### **Placement of Special Education Students (Out-of-District)**

In accordance with Connecticut law, when proper placement in local schools is not possible, the **New Fairfield Public Schools** will provide financial support and transportation for students with disabilities to attend approved out-of-district special education programs.

Placement of students with disabilities in out-of-district special education programs that, according to state and/or federal law, require financial support from the **New Fairfield Public Schools** will be based upon the student's Individualized Education Plans (IEP's). The specific placement will be recommended by the Planning and Placement Team (PPT) in consultation with the Director of Special Services, parents, and District and/or non-district diagnosticians.

The Superintendent shall provide the Board of Education (Board) with a ~~monthly~~ report on the number of students placed outside the District.

#### **Private Providers of Special Education**

A "private provider of special education services" means any private school or private agency or institution, including a group home, that receives any state or local funds as a result of providing special education services to any student with an Individualized Education Program (IEP) or for whom an individual services plan has been written by the Board of Education responsible for educating such student.

The Board of Education, if it has entered into an agreement or contract pursuant to C.G.S. 10-76d or C.G.S. 10-91j, as amended, with a provider of special education services, shall submit to an audit conducted by the Auditors of Public Accounts for the purposes of examining the Board's monitoring of student attendance at such provider of special education services to ensure that proper services are being provided and costs are controlled. The Board will provide access to all records and accounts necessary to said auditors for purposes of conducting the audit.

Any agreement entered into or amended on or after July 1, 2018, but prior to June 30, 2019, or any contract entered into or amended on or after July 1, 2019, pursuant to C.G.S. 10-76d, as amended, between the Board and a private provider of special education services shall include an explanation of how the tuition or costs for services provided under the agreement or contract are to be calculated. Any such agreement or contract may include the following provisions: (1) A requirement that such private provider of special education services submit monthly or quarterly reports to the Board regarding the specific services and frequency of such services being provided by such private provider of special education services to students under the agreement or contract, and (2) authorization for the Board to (A) review and reconcile such reports to the contracted services described in the agreement or contract, or (B) conduct periodic site visits at the location where such private provider of special education services provides services.

## **Instruction**

### **Special Education**

#### **Placement of Special Education Students (Out-of-District)**

##### **Private Providers of Special Education** (continued)

The Board shall not be eligible, after July 1, 2019, for reimbursement pursuant to C.G.S. 10-76g for any costs of special education paid by the Board to a private provider of special education services unless the Board has entered into a written contract with the private provider of special education services for the provision of special education services. The Individualized Education Program (IEP) of a child shall not be considered a contract between the Board and a private provider of special education services. Nothing in this section of the policy shall be construed to limit or interrupt the provision of special education and related services to a child by a Board of Education or private provider of special education services.

Legal Reference:      Connecticut General Statutes  
                                 10-76a Definitions. (as amended by PA 00-48)  
                                 10-76b State supervision of special education programs and services.  
                                 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  
                                 and PA 17-68)  
                                 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.  
                                 10-76g State aid for special education.  
                                 10-76d-1 through 10-76d-19 Conditions of instruction.  
                                 10-76h-1 through 10-76h-2 Due process.  
                                 10-76l-1 Program Evaluation.  
                                 10-91j Agreements between boards of education and private providers of  
                                 special education services (as amended by PA 18-183)  
                                 10-145a-24 through 10-145a-31 Special Education (re teacher  
                                 certification).  
                                 10-264l Grants for the operation of interdistrict magnet school programs.  
                                 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

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