

Instruction

Individualized Education Program/Special Education Program

Any child, whether a student of the school district, of pre-school age, or between the ages of three and 22 years of age, inclusive, but not attending district schools, who is identified as being in need of a special program shall be referred to a "special education planning and placement team" (PPT) which shall make an evaluative study to determine whether the child is a child with a disability as defined in state and federal statutes and if special education is required and to establish the scope of the special education program.

Students receiving special education services under the Individuals with Disabilities Act (IDEA) remain eligible for such services up until their 22nd birthday or until they graduate from high school with a regular high school diploma, whichever comes first. The adult student or his/her parent/guardian will be asked by the District if the student wishes to receive the special education and related services outlined in their individualized education program (IEP) until they turn 22 years of age or they graduate with a regular high school diploma, whichever comes first.

A parent of a child, the State Department of Education, other state agencies available to the District may initiate a request for an initial evaluation to determine if the child is a child with a disability. Initial evaluations, using a variety of assessment tools and measures to gather relevant functional, developmental and academic information, must be completed within 45 school days of the receipt of written parental consent, for the initial evaluation; or implement the student's IEP within 45 school days of a referral, (not counting the time necessary to obtain written parental consent to conduct the initial evaluation or to begin providing special education). The 45-school day requirement begins after the District receives a completed and signed PPT referral form or letter requesting a referral to the PPT process or per a timeline determined by the State. Exceptions to this timeframe include children moving between school districts and parental refusal to make a child available for evaluation, as provided by law. Assessments for disabled children who are transfer students shall be coordinated between the sending or receiving district in an expeditious manner.

The District will provide parents/guardians with State Department of Education information and resources relating to IEPs as soon as a child is identified as requiring special education.

Planning and Placement Team or Individualized Education Program Team

The term "individualized education program team" or "IEP Team" means a group of individuals composed of -

- (i) the parents of a child with a disability
- (ii) not less than one regular education teacher of such child (if the child is, or may be, participating in the regular education environment);
- (iii) not less than one special education teacher, or where appropriate, not less than one special education provider of such child;
- (iv) a representative of the local educational agency who –

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Planning and Placement Team or Individualized Education Program Team (Cont'd)

- (I) is qualified to provide, or supervise the provision of, specially designed instruction to meet the unique needs of children with disabilities;
- (II) is knowledgeable about the general education curriculum; and
- (III) is knowledgeable about the availability of resources of the local educational agency;

- (v) an individual who can interpret the instructional implications of evaluation results, who may be a member of the team described in clauses (ii) through (vi);
- (vi) at the discretion of the parent of the agency, other individuals who have knowledge or special expertise regarding the child, including related services personnel as appropriate;
- (vii) the school paraprofessional, if any, assigned to such child when requested by the parent/guardian, and
- (viii) whenever appropriate, the child with a disability.

NOTE: An IEP Team member is not required to attend all or part of an IEP meeting if the parents and District agree that the team member's participation is not necessary because the member's area of the curriculum or related services is not being modified or discussed at the meeting. If the meeting does involve a modification or discussion of the member's area of the curriculum or related services, parents and the District can agree to excuse the member from attending all or part of the meeting if the member submits written input to the parent and the IEP Team prior to the meeting. Parental consent in writing is required in either case.

In addition to the above, the special education specialist, school psychologist, school nurse, school social worker, counselor, or other student service worker who has conducted an assessment of the student shall participate whenever the results or recommendations based on such assessment are significant to the development of the student's individualized education program and placement. Where the student is limited or non-English speaking, a district representative who is fluent in the student's primary language and who is knowledgeable about the process of second-language acquisition and competent in the assessment of limited English and non-English speaking individuals should be included.

Any member of the PPT employed by the Board of Education who discusses or makes recommendations concerning the provisions of special education and related services during a PPT meeting shall not be disciplined, suspended, or otherwise punished for such recommendations.

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No birth-to-three coordinator or qualified personnel, as defined by C.G.S. 17a-248, who discusses or makes recommendations concerning the provision of special education and/or related services during a PPT meeting or in a transition plan shall be subject to discipline, suspension, termination or other punishment on the basis of such recommendations.

The parent/guardian or surrogate parent shall be given at least five (5) school days prior notice of any PPT meeting and shall have the right to be present and participate in all portions of such meetings at which an educational program for their child is developed, reviewed or revised. In addition, parents/guardians or surrogate parents have the right to be present at and participate in all portions of the PPT meeting at which an educational program for their child is developed, reviewed or revised. In addition, the parent/guardian/surrogate shall have advisors and the child's assigned paraprofessional, if any, and such child's birth-to-three service coordinator, if any, be present at and participate in all portions of the PPT meeting in which the child's educational program is developed, reviewed or revised and have the right to have such recommendation made in such child's birth-to-three individualized transition plan, if any, addressed by the PPT at which an educational program for such child is developed.

The District shall offer to meet with the student's parents/guardians, upon the request of the parents/guardians, after the student has been assessed for possible placement in special education and before the Planning and Placement Team (PPT) meets.

The sole purpose of such meeting is to discuss the PPT process and any concerns the parent/guardian has about the student. The meeting will involve a member of the PPT designated by the District before the referral PPT meeting at which the student's assessments and evaluations will be discussed for the first time. This applies to students under evaluation for possible placement in special education.

Upon request of a parent/guardian, the District will provide the results of the assessments and evaluations used in the determination of eligibility for special education of a student at least three (3) school days before the referral PPT meeting at which such results of the assessment and evaluations will be discussed for the first time.

Parents/Guardians and the District may agree to conduct IEP meetings, and other meetings, through alternative means, such as including but not limited to, videoconferences or conference calls.

(a) **General.** The IEP for each child must include -

- (1) An accurate statement of the child's present levels of academic achievement and functional performance based upon parental provider information, current classroom-based, local, state assessments and classroom-based observations, including –

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- (i) How the child's disability affects the child's involvement and progress in the general education curriculum; or
 - (ii) For preschool children, as appropriate, how the disability affects the child's participation in appropriate activities;
- (2) A statement of measurable annual academic and functional goals that aim to improve educational results and functional performance for each child with a disability, related to -
- (i) Meeting the child's needs that result from the child's disability to enable the child to be involved in and progress in the general education curriculum;
 - (ii) Meeting each of the child's other educational needs that result from the child's disability; and
 - (iii) Providing a meaningful opportunity for the child to meet challenging objectives.

Alternate Assessments

- (iv) A statement of "benchmarks or short-term objectives" is required only with respect to students with disabilities who take alternate assessments aligned with alternate achievement standards.

If a child will participate in alternate assessments based on either general or alternate achievement standards, the IEP must explain why the child cannot participate in the regular assessment and why the alternate assessment selected is appropriate for the child.

The IEP/PPT Team may only recommend appropriate accommodation or use of alternate assessment, but may not exempt students with disabilities from the state assessment.

- (3) A statement of the special education and related services and supplementary aids and services to be provided to the child, or on behalf of the child and a statement of the program modifications or supports for school personnel that will be provided for the child -
- (i) To advance appropriately toward attaining the annual goals;
 - (ii) To be involved and progress in the general curriculum in accordance with paragraph (a)(1) of this section and to participate in extracurricular and other nonacademic activities; and
 - (iii) To be educated and participate with other children with disabilities and non-disabled children in the activities described in this paragraph.

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- (4) A school must offer an IEP that is “reasonable calculated to enable a child to make progress appropriate in light of the child’s circumstances.” The child’s educational program must be appropriately ambitious in light of his/her circumstances and every child should have the chance to meet challenging objectives. The IEP Team, in determining whether an IEP is reasonably calculated to enable a child to make progress should consider the child’s:
- Previous rate or academic growth,
 - Progress towards achieving or exceeding grade-level proficiency,
 - Behaviors, if any, interfering with the child’s progress, and
 - Parent’s input and any additional information provided by such parents.
- The U.S. Supreme Court, in the *Endrew F* decision stated, “any review of an IEP must consider whether the IEP is reasonably calculated to ensure such progress, not whether it would be considered ideal. (137S.CT. at 99)
- (5) An explanation of the extent, if any, to which the child will not participate with non-disabled children in the regular class and in the activities described in paragraph (a) (3) of this section;
- (6) A statement of any individual modifications in the administration of State or district-wide assessments of student achievement that are needed in order for the child to participate in the assessment; and
- (7) The projected date for the beginning of the services and modifications described in paragraph (a)(3) of this section, and the anticipated frequency, location, and duration of those services and modifications; and
- (8) A statement of
- (i) How the child’s progress toward the annual goals described in paragraph (a)(2) of this section will be measured; and
 - (ii) How the child’s parents will be regularly informed (through such means as periodic report cards), at least as often as parents are informed of their non-disabled children’s progress, of
 - (A) Their child’s progress toward the annual goals; and
 - (B) The extent to which that progress is sufficient to enable the child to achieve the goals by the end of the year
- (9) Reevaluation of a student’s progress may not occur more than once a year unless agreed to by the parents and the District. Reevaluation must occur at least once every three years unless the parent and District agree that it is unnecessary.

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Note: In order to make FAPE available to each eligible child with a disability, the child's IEP must be designed to enable the child to be involved in, and make progress in, the general education curriculum ("the same curriculum as for nondisabled children which is based on a State's academic content standards. This alignment must guide, and not replace the individualized decision-making required in the IEP process.")

- (b) **Transition services.**
- (1) The IEP must include
 - (i) For each student beginning not later than the first IEP to be in effect when the child is fourteen, and younger if the PPT determines it appropriate, and updated annually, thereafter, appropriate measurable postsecondary goals based upon age appropriate transition assessments related to training, education, employment, and, where appropriate, independent living skills; and the transition services, including courses of study, needed to assist the student in reaching those goals.
 - (ii) For a student no longer eligible for services due to graduation from high school with a regular diploma or for a student who exceeds the age of eligibility under State law, a summary of the student's academic achievement and functional performance including recommendations on how to assist the student in meeting his/her postsecondary goals.
 - (2) If the IEP team determines that services are not needed in one or more of the areas specified in §300.27(c)(1) through (c)(4), the IEP must include a statement to that effect and the basis upon which the determination was made.
- (c) **Transfer of rights.** Beginning not later than one year before a student reaches the age of majority under State law, the student's IEP must include a statement that the student has been informed of his or her rights under this title if any, that will transfer to the student on reaching the age of majority, consistent with §615(m).
- (d) **Students with disabilities convicted as adults and incarcerated in adult prisons.** Special rules concerning the content of IEP's for students with disabilities convicted as adults and incarcerated in adult prisons are contained §612(a)(5)A.
- (e) **Students with disabilities identified as deaf or hearing impaired.** For a child identified as deaf or hearing impaired, the PPT shall develop an IEP which includes a language and communication plan which shall address
- (i) the child's primary language or mode of communication;

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- (ii) opportunities for direct communication between the child and his/her peers and professional personnel in the primary child's language or mode of communication;
- (iii) educational options available to the child;
- (iv) the qualifications of teachers and other professional personnel administering the plan for the child, including their proficiency in the child's primary language or mode of communication;
- (v) the accessibility of academic instruction, school services and extracurricular activities to the child;
- (vi) Assistive devices and services for the child;
- (vii) Communication and physical environment accommodations for the child; and
- (viii) An emergency communications plan that includes procedures for alerting the child of an emergency situation and ensuring that the specific needs of the child are met during the emergency situation. Such plan is to be developed for a student identified as deaf, hard of hearing, or both blind or visually impaired and deaf.

Transfers

When an individual has been on an IEP in another school district, the PPT shall make an evaluative study of the student and develop an IEP for the student as though the student were newly referred, but the PPT may use the previous IEP (if available) in developing the new one.

If the transfer involves districts within Connecticut, the District will provide services "comparable to those described in the previously held IEP," until the District adopts the previously held IEP or develops, adopts, and implements a new IEP. If the student has transferred from another state, the District will provide services "comparable to those described in the previously held IEP," until the District conducts an evaluation, if deemed necessary, and if appropriate, develops a new IEP. If a student who is on an IEP transfers from this district to another, or to a private school, the written IEP and any additional records relating to the student's program and achievement shall be forwarded to the receiving school on the request of the receiving school and the individual's parent or guardian.

Prior to the enrollment of a District student in a technical education and career school, the District will convene a PPT in order to address such student's transition to the technical education and career school and ensure that such student's IEP reflects the current supports and services the student requires in order to access a Free and Appropriate Public Education (FAPE) in the least restrictive environment. A representative from the technical education and career school shall be invited to the PPT meeting.

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Independent Educational Assessment

If an independent educational assessment is necessary, it shall be conducted by a Connecticut credentialed or licensed professional examiner who is not employed by and does not routinely provide assessment for the State Department of Education or this District.

Legal Reference: Connecticut General Statutes
10-76a Definitions (as amended by PA 06-18)
10-76b State supervision of special education programs and services. Regulations. (as amended by PA 12-173)
10-76d Duties and powers of Boards of Education to provide special education programs and services. (as amended by June Special Session PA 15-5, Sec. 277 and PA 19-49 and PA 21-46 and PA 21-144)
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.
10-76jj Language and communication plan as part of individualized education program for child identified as deaf or hard of hearing (as amended by PA 19-184)
10-76q Special education at technical education and career schools (as amended by PA 21-144)
SDE Guidance Addressing Timeline for Initial Evaluations, Dec. 21, 2018
State Board of Education Regulations
34 C.F.R. 300 et seq. Assistance to States for Education of Handicapped Children.
300.14 Special education definitions.
300.340-349 Individualized education programs.
300.503 Independent educational assessment.
300.533 Placement procedures.
300.550-556 Least restrictive environment.
P.L. 108-446 The Individuals with Disabilities Education Improvement Act of 2004
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)
A.R. v. Connecticut State Board of Education, 3:16-CV-01197 (CSH D. Conn. June 10, 2020)

**Policy 6159
Notice
Form No. 1**

**NOTICE TO PARENTS UPON INITIAL REFERRAL IN COMPLIANCE WITH
PUBLIC ACT 12-173 - INFORMATION ABOUT MEETING; EVALUATIONS; AND
IEPs**

[Under Conn. Gen. Stat. §10-76d, upon request by a parent/guardian, school districts must provide an opportunity for the parent/guardian to meet with a member of the PPT prior to the referral PPT to discuss the PPT process. Parents/guardians may also request that copies of assessments and evaluations be provided to them at least three (3) days before the initial eligibility PPT meeting. Upon finding a student eligible for special education, and at each PPT for the student, school districts are also required to provide parents/guardians with information and resources relating to IEPs created by the State Department of Education. To comply with these requirements, we recommend sending this notice to parents along with the initial notice of referral. Districts should also document at the PPT whether: 1) the parent requested a pre-PPT meeting and if this meeting was held; 2) the parent requested and received evaluations prior the eligibility PPT; and 3) the district provided the information regarding IEPs. We have developed a second notice which can be provided to parents at subsequent PPTs to comply with additional requirements under state law.]

[Board of Education/School Letterhead]

Dear [PARENT/GUARDIAN/SURROGATE PARENT]:

Your child, [NAME], has been referred to a planning and placement team (“PPT”) for consideration of eligibility for special education services. Attached please find the referral form and invitation for a PPT meeting to discuss the referral. If you are unable to attend this meeting at this time/date, please contact my office to reschedule as soon as possible.

Please know that, under Connecticut law, you have the right to request a meeting with a member of the PPT designated by the school district prior to the actual referral PPT in order to discuss the PPT process and/or any concerns that you might have regarding your child. If you would like to schedule a meeting for this purpose, please contact **[PUPIL SERVICES/SPECIAL EDUCATION SUPERVISOR or OTHER CONTACT]** at **[TEL #]**. To ensure that we are able to schedule this meeting at a time that is mutually convenient, if you plan to request a meeting prior to the PPT, we kindly ask that you contact us as soon as possible.

In addition, at the initial referral PPT meeting, the team may discuss whether formal evaluations and/or assessments may be needed to determine your child’s eligibility for special education. Should the team recommend initial evaluations/assessments, the school district will convene another PPT meeting to review the results of those evaluations/assessments. Under state law, you have the right to request that the school district provide you with the results of these initial assessments and evaluations at least three (3) school days before the PPT meeting at which these evaluations will be discussed for the first time. Therefore, in the event the PPT recommends formal evaluations/assessments, please notify **[PUPIL PERSONNEL OFFICE]** and/or the PPT team if you would like to receive the results of any such evaluations/assessments prior the follow up PPT.

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Finally, Connecticut law also requires that school districts provide parents of students found eligible for special education and related services with information and resources, created by the Connecticut State Department of Education (the “Department”), relating to individualized education programs (“IEPs”). Although your child has not yet been determined eligible for special education, the following list of links to information and resources may be helpful in understanding special education and the PPT process. If you are unable to access these websites, or require a hardcopy of either “A Parent’s Guide to Special Education in Connecticut” or the “IEP Manual and Forms,” please contact [**PUPIL SERVICES/SPECIAL EDUCATION SUPERVISOR or OTHER APPROPRIATE CONTACT**] at [TEL #] to request a copy at the upcoming PPT meeting.

- Bureau of Special Education Resources,
<http://www.sde.ct.gov/sde/cwp/view.asp?a=2626&q=320730>
- A Parent’s Guide to Special Education in Connecticut,
http://www.sde.ct.gov/sde/lib/sde/PDF/DEPS/Special/Parents_Guide_SE.pdf
- IEP Manual and Forms (Third Revision October 2010),
<http://www.sde.ct.gov/sde/lib/sde/PDF/DEPS/Special/IEPManual.pdf>
- A Tool to Assist PPTs in Addressing the Unique Communication Needs of Students Who are Deaf or Hard of Hearing, Language and Communication Plan,
http://www.sde.ct.gov/sde/lib/sde/PDF/DEPS/Special/Language_Communication_Plan.pdf
- Secondary Transition (Including Building a Bridge: A Transition Manual for Students),
<http://www.sde.ct.gov/sde/cwp/view.asp?a=2626&q=322676>
- Helpful CT Resources for Families,
http://www.sde.ct.gov/sde/lib/sde/PDF/DEPS/Special/Resources_Families.pdf

If you have any questions, you may contact my office. Thank you.

Sincerely,

[APPROPRIATE SPECIAL EDUCATION ADMINISTRATOR]

**NOTICE OF PARENT RIGHTS AND INFORMATION RELATED TO SPECIAL
EDUCATION**

[Conn. Gen. Stat. §10-76d was recently amended by Public Act 15-209 and Section 277 of Special Session Public Act 15-5 to expand the scope of a school district's obligation to provide notice to parents of children found eligible for special education of certain rights and other information related to special education. This notice must be provided "immediately upon the formal identification of any child requiring special education and at each planning and placement team meeting for the child." To comply with this revised law, we recommend that this notice be provided 1) at the initial eligibility PPT if the student is found eligible for special education; and 2) at each subsequent PPT. While the law provides that the notice must be provided "at each PPT," we believe that providing the notice with an invitation to subsequent PPTs will satisfy the intent of the law, which is to give parents ample notice of their rights, which now includes the right to have their child's paraprofessional at the PPT. If the notice is provided prior to the PPT, the team should document that it was sent to the parent in advance of the meeting. Likewise, if the notice is provided at the PPT, the IEP should document that notice was provided at the meeting. If the parent/guardian/surrogate does not attend the PPT, the notice should be mailed with the IEP.]

[Board of Education/School Letterhead]

NOTICE OF PARENT RIGHTS

State law (Section 10-76d(a)(8) of the Connecticut General Statutes) requires that upon the formal identification of a child as a student requiring special education, and at each planning and placement ("PPT") meeting for such child, school districts must provide notice to the parents/guardians/surrogate parent of certain rights and other information/resources related to their child's special education program. In compliance with this law, please be informed of the following:

1. Information about the laws relating to special education and your rights under such laws is available through the Connecticut State Department of Education's website at <http://www.sde.ct.gov/sde/cwp/view.asp?a=2626&q=320730#Legal>. The Procedural Safeguards in Special Education developed by the State Department of Education are also available online at: <http://www.sde.ct.gov/sde/lib/sde/PDF/DEPS/Special/Prosaf.pdf>.
2. You have the right to have an advisor of your own choosing and at your own expense be present at and to participate in all portions of the PPT meeting at which an educational program for your child is developed, reviewed or revised. If you plan to bring an advisor to a PPT, the district kindly requests that you notify the district at least five (5) school days prior to the PPT of who you plan to bring to the meeting and what his/her role will be (e.g. advocate, friend, relative, attorney etc.)

**Policy 6159
Notice
Form No. 2**

3. You have the right to have the school paraprofessional assigned to your child, if any, be present at and to participate in all portions of the PPT meeting in which an educational program for your child is developed, reviewed or revised. A request to have your child's paraprofessional attend the PPT must be made at least five (5) school days in advance of the PPT meeting.
4. If your child is of kindergarten age, you have the right under Section 10-184 of the Connecticut General Statutes not to enroll your child in kindergarten. Specifically, Section 10-184 of the Connecticut General Statutes states: "The parent or person having control of a child five years of age shall have the option of not sending the child to school until the child is six years of age and the parent or person having control of a child six years of age shall have the option of not sending the child to school until the child is seven years of age. The parent or person shall exercise such option by personally appearing at the school district office and signing an option form. The school district shall provide the parent or person with information on the educational opportunities available in the school system." Preschool-age children with an individualized education program (IEP) are already enrolled in the public school and are receiving a free appropriate public education (FAPE). Therefore, five and/or six-year-old children with an IEP whose parents exercise their option of not enrolling their child in kindergarten at their public school, will not be eligible to continue to receive special education and related services because the child is no longer enrolled in a public school.
5. Connecticut law requires that districts provide parents/guardians/surrogate parents with information and resources, created by the Connecticut State Department of Education, relating to IEPs, including information relating to transition resources and services for high school students. The following list of information and resources may be helpful in understanding special education and the PPT process.
 - Bureau of Special Education Resources,
<http://www.sde.ct.gov/sde/cwp/view.asp?a=2626&q=320730>
 - A Parent's Guide to Special Education in Connecticut,
http://www.sde.ct.gov/sde/lib/sde/PDF/DEPS/Special/Parents_Guide_SE.pdf
 - IEP Manual and Forms (Third Revision October 2010),
<http://www.sde.ct.gov/sde/lib/sde/PDF/DEPS/Special/IEPManual.pdf>
 - A Tool to Assist PPTs in Addressing the Unique Communication Needs of Students Who are Deaf or Hard of Hearing, Language and Communication Plan,
http://www.sde.ct.gov/sde/lib/sde/PDF/DEPS/Special/Language_Communication_Plan.pdf
 - Secondary Transition (Including Building a Bridge: A Transition Manual for Students), <http://www.sde.ct.gov/sde/cwp/view.asp?a=2626&q=322676>
 - Helpful CT Resources for Families,
http://www.sde.ct.gov/sde/lib/sde/PDF/DEPS/Special/Resources_Families.pdf

If you have any questions about the above information, or if you are unable to access any of the websites listed above and/or require a hardcopy of the Procedural Safeguards in Special Education, A Parent's Guide to Special Education in Connecticut or the IEP Manual and Forms, please contact **[PUPIL SERVICES/SPECIAL EDUCATION SUPERVISOR or OTHER APPROPRIATE CONTACT]** at **[TEL #]**.