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Summary and Analysis of Proposed Revisions to the State Special Education Regulations

Section of Proposed Revisions	Revisions to the State Regulations	Federal/State juxtaposition after revision
Sec. 1. Section 10-76a-1 Definitions		
(1) At no cost	Eliminated	IDEA requirements adopted
(2) Board of education; renumbered to (1)	Corrects name of Technical School System, makes more specific reference to state agency entities providing educational services, eliminates general reference to “state agencies”	Required for state practice to identify entities who are responsible for the provision of FAPE
(3) Child; renumbered to (2)	No substantive change	Election under the IDEA for the age range for the provision of services.
(4) Child requiring special education; renumbered to (3)	Distinguishes between child with a disability and gifted and talented children	IDEA uses terminology of child with a disability; IDEA does not include identification/evaluation of gifted and talented children.
(5) Days; renumbered to (4)	Defined as calendar days rather than school days	IDEA uses calendar days for all timelines, except where identified as business days for purposes of due process or school days for purposes of discipline.
(6) Dominant language	Deleted	IDEA standard
(7) Evaluation; renumbered to (5)	Incorporates IDEA standard for evaluating a child with a disability	State standard is inconsistent with the IDEA standard
(8) Exceptional child	Deleted	State standard contained in the state statutes
(9) Independent evaluation; renumbered to (6)	Remains as is	Consistent with IDEA

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(7) IDEA	Adds definition of IDEA to definitions	Incorporates IDEA standards as appropriate
(10) IEP; renumbered to (8)	Incorporates IDEA standard; limits applicability to a child with a disability	Consistent with IDEA
(11) LRE; renumbered to (9)	Incorporates IDEA standard; state standard lacks elements of IDEA standard	Consistent with IDEA
(12) Mediation	Deleted	Consistent with IDEA
(13) Parents; renumbered to (10)	Adds reference to transfer of parental rights found in Section 10-76d-12	State election of process for having rights remain with student's parents
(14) Parties	Deleted, currently included in due process regulations	Consistent with IDEA
(15) Planning and placement team; renumbered to (11)	Redefines PPT to mean IDEA IEP team for children with disabilities; uses state PPT for evaluation for gifted and talented	Consistent with IDEA; gifted and talented identification and evaluation a state practice
(16) Preschool children requiring special education	Deleted, included in definition of children requiring special education	Consistent with IDEA
(17) Private facility; renumbered to (12)	Drops "facility" and uses program for consistency with Standards for the Approval of Private Special Education Programs	IDEA does not address state approval of private special education programs. State standard, state practice.
(18) Related services; renumbered to (13)	Remains as is	Not impacted
(19) Special education; renumbered to (14)	Remains as is	Not impacted
(20) Special education personnel;	Deleted	See Section 10-76dd of the general statutes
(21) Subject to the approval; renumbered to (15)	Remains as is	State standard, state practice

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Sec. 2. Section 10-76a-2 Exceptionality Definitions		
(1) Extraordinary learning ability	Clarifies applicability of criteria	State standard, state practice
(2) Gifted and talented	Remains as is	State standard, state practice
(3) Outstanding talent in the creative arts	Clarifies applicability of criteria	State standard, state practice
(4) Pregnancy	Deleted; services available under homebound instruction	State standard, state practice
Sec. 3. Section 10-76b-1 Authority	Reference to the IDEA is included	To remain eligible for federal financial assistance under the IDEA, states must ensure compliance with its provisions
Section 4. Sec. 10-76b-3 Effective date	Regulations to take effect upon filing with the Secretary of the State	N/A
Section 5. Sec. 10-76b-4 Compliance		
Eligibility for payment of state funding	Includes statutory provisions not currently reflected in the regulations; adds requirement that in order to receive payment, services must be provided in accordance with state statutory requirements and the IDEA	State requirements for the payment of state funding
(a) Monitoring	Adds requirement that the State Board monitor compliance with the IDEA, state statutes and the state special education regulations	State monitoring activities for IDEA required
(b) Compliance procedures	Adds requirement that the State Board monitor districts for compliance with the IDEA, state statutes and state special education regulations	State monitoring activities for IDEA required; compliance must be consistent with the law in order for the state to remain eligible to receive Federal financial assistance

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<p>Sec. 6. Sec. 10-76b-8 (a) and (b) Use of seclusion</p>	<p>Clarifies that seclusion used as a behavior intervention strategy must be included in the child's IEP and clarifies type of assessment necessary</p>	<p>State standard, state practice</p>
<p>Section 7. Section 10-76b-8(e) Room used for seclusion</p>	<p>Requires PPT for use of emergency seclusion and allows PPT and parents to waive PPT meeting</p>	<p>State standard, state practice</p>
<p>Section 8. Section 10-76b-8(h) Use of locked room</p>	<p>Clarifies use of locked seclusion room</p>	<p>State standard, state practice</p>
<p>Section 9. Section 10-76b-11 Reporting and recording instances of seclusion and restraint</p>	<p>Clarifies district reporting requirements; requires SDE to make model incident report available</p>	<p>State standard, state practice</p>
<p>Section 10. Sec. 10-76d-1 Special education and related services</p>	<p>Clarifies that boards of education are required to provide FAPE for children with disabilities; clarifies board's responsibility for the provision of FAPE to preschool children; clarifies that preschoolers who turn three in the summer may be eligible for ESY services</p>	<p>Consistent with IDEA</p>

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(a) General requirements	Clarifies that FAPE provided to children with disabilities is consistent with the IDEA, eliminates redundant state provisions; adds new language addressing participation in graduation ceremonies and activities for children who continue to work on transition goals after their class has graduated and the awarding of high school diplomas for students placed in programs that don't offer diplomas; defines school year	Consistent with IDEA (ESY means extended school year services)
(b) Provision of services	Limits the district's responsibility to identify and evaluate gifted and talented children to those who are attending public schools, grades K-12.	IDEA does not apply to gifted and talented children, state requirement
(c) Contracts for Services	Clarifies that arrangements for services are to implement the child's IEP in the LRE and in accordance with the IDEA and state requirements; payment is conditioned on meeting the requirements of IDEA and state requirements.	State administrative oversight of the provision of FAPE as required under IDEA
Section 11. Sec. 10-76d-2 Personnel	Eliminates regulatory provisions that are inconsistent with the statutory provisions, see Section 10-76dd of the general statutes; adds definition of "supervision" for supervision of aides; adds language to address professional development requirements	IDEA does not have language which sets supervisory ratios. Added language addresses state administrative oversight of the provision of FAPE
Sec. 12. Section 10-76d-3 Length of school day and year	Adds language specifically related to the provision of ESY services	Consistent with IDEA
Sec. 13. Section 10-76d-4 Physical facilities and equipment	Adds language re: assistive technology to be consistent with IDEA	Consistent with IDEA

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Sec. 14. Sec. 10-76d-5 Class size and composition	Deletes reference to children requiring special education and substitutes children with disabilities	Consistent with IDEA
Sec. 15. Sec. 10-76d-6 Identification and eligibility of students	Specifies child find responsibilities of district for children with disabilities	Consistent with the IDEA
Sec. 16. Sec. 10-76d-7 Referral		
(a)	Adds subsection designations for clarity; requires boards to provide notice of evaluation process to parents and staff; clarifies referral process, establishes a date of referral for purposes of timeline compliance;	Consistent with the IDEA
(b)	Clarifies that referrals to the PPT must be considered while the school is trying regular education interventions	Consistent with the IDEA
Sec. 17. Sec. 10-76d-8 Notice and consent	Adopts IDEA standards for notice and consent; eliminates state requirement that parental consent be secured for a private placement	Consistent with IDEA
Sec. 18. Sec. 10-76d-9 Evaluation	Adopts IDEA standards for evaluation, reevaluation and independent evaluations; adopts criteria for evaluating for a learning disability; establishes process for evaluating gifted and talented children	Consistent with the IDEA; IDEA requires state to adopt criteria to identify learning disability; IDEA does not apply to gifted and talented children, state requirements.
Sec. 19. Sec. 10-76d-10 PPTs	Clarifies duties of the PPT with respect to the location, identification and evaluation of children requiring special education and the provision of FAPE to children with disabilities	Consistent with IDEA

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<p>Sec. 20. Sec. 10-76d-11 IEP</p>	<p>Adopts IDEA standards for the development, review and revision of IEPs; maintains requirement that IEPs contain short-term instructional objectives; requires use of the State IEP</p>	<p>IDEA has eliminated short-term instructional objectives; are being kept as best practice; requirement to use state IEP standardizes practice.</p>
<p>Sec. 21. Sec. 10-76d-12 Meetings</p>	<p>Adoption of IDEA standards makes this language unnecessary; adds language re: transfer of parental rights to students of majority age to allow a student of majority age to designate that the parent may continue to make educational decisions</p>	<p>State election under IDEA to have a process which allows parents to retain educational decision-making authority for students who reach age 18 without the necessity of a court determination of the competency of the student to make decisions.</p>
<p>Sec. 22. Sec. 10-76d-13 Timelines</p>	<p>Sets a 15 calendar day timeline for holding the referral PPT meeting; a 60 calendar day timeline for the completion of an eligibility determination and a 15 calendar day timeline for the implementation of an IEP</p>	<p>State election under IDEA for timelines</p>
<p>Sec. 23. Sec. 10-76d-14 Program</p>	<p>Eliminates language which is addressed by IDEA standards; clarifies diagnostic placements as evaluations; subsections (c) – (e) repealed, covered by IDEA standards</p>	<p>State has used diagnostic placement as a method of evaluation</p>
<p>Sec. 24. Sec. 10-76d-15 Homebound and hospitalized instruction</p>	<p>Limits provision of services to children enrolled in the public schools; establishes dispute resolution in the event the treating physician's statements are challenged by the district; adds provision of services to preschool children, allows parents to request and requires districts to provide additional time for instruction.</p>	<p>Not covered in the IDEA; state specific provisions</p>
<p>Sec. 25. Sec. 10-76d-16 Placements</p>	<p>Adopts IDEA standards for placement decisions including the group of persons necessary to make such decisions</p>	<p>Consistent with IDEA</p>

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<p>Sec. 26. Sec. 10-76d-17 Private facilities</p>	<p>Revisions reflect the content of the “Principles, Procedures and Standards for the Approval of Private Special Education Programs” adopted by the State Board of Education in June 1998.</p>	<p>Approval of private programs not covered in the IDEA; State administrative oversight of the provision of FAPE</p>
<p>Sec. 27. Sec. 10-76d-18 Education records and reports</p>	<p>Adopts IDEA standards (which incorporate by reference the requirements of FERPA); maintains CT requirement that access rights includes the right to one free copy of the record.</p>	<p>IDEA/FERPA does not include the right to a free copy of the record as an access right except in those circumstances where denying a copy of the record would effectively deny the parents access to the record; state provision</p>
<p>Sec. 28. Sec. 10-76d-19 Transportation</p>	<p>Clarifies state requirements for transportation; adds provision if district requests that parent transport, reimbursement is for round trip and at federal rate of reimbursement.</p>	<p>IDEA does not address this; state specific requirements</p>
<p>Sec. 29. Section 10-76h-1 Definitions</p>	<p>Makes technical corrections to Section</p>	<p>N/A</p>
<p>Sec. 30. Section 10-76h-3 Hearing request, content of hearing request</p>	<p>Aligns submission of hearing request with IDEA standards</p>	<p>Consistent with IDEA</p>
<p>Sec. 31. Section 10-76h-4 Statute of Limitations</p>	<p>Aligns statute of limitations with IDEA standards</p>	<p>Consistent with IDEA</p>
<p>Sec. 32. Section 10-76h-5 Mediation</p>	<p>Aligns mediation timeline with IDEA standards</p>	<p>Consistent with IDEA</p>
<p>Sec. 33. Section 10-76h-6 Advisory Opinion</p>	<p>Revisions consistent with state practice</p>	<p>Advisory Opinion process is not included in the IDEA system of due process.</p>
<p>Sec. 34. Sec. 10-76h-7(c) Appointment of hearing officer; scheduling of prehearing conference and hearing dates</p>	<p>Aligns timeline for hearings with IDEA timeline which was changed to include time for mandatory resolution session, optional mediation and gave the parties time to challenge the sufficiency of the hearing request; hearing officer may consider number of witnesses and length of testimony and cross-examination in determining length of hearing</p>	<p>Consistent with IDEA; hearing officer management of hearing state practice</p>

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Sec. 35. Section 10-76h-8 Motion practice	Clarifies requirements for submission of motions	A motion practice is not included in the IDEA; State has included a motion practice to expedite due process hearings consistent with its administrative oversight of the provision of FAPE
Sec. 36. Section 10-76h-9 Postponements and extensions	Aligns timeline with IDEA	Consistent with IDEA
Sec. 37. Section 10-76h-10 Expedited hearings	Eliminates specific actions related to request for expedited hearing and makes general reference to expedited hearings as allowed under the IDEA	Consistent with IDEA
Sec. 38. Section 10-76h-13(e) Conduct of hearings	Aligns to reference change in IDEA amended regulations	Consistent with IDEA
Sec. 39. Section 10-76h-15 Evidence	Clarifies state practice re: submission of evidence, allows the hearing officer to limit the number of pages in submitted briefs	Not addressed in the IDEA; State has included provisions as part of its administrative oversight of the provision of FAPE
Sec. 40. Section 10-76h-16(a) Decision, implementation, rights of appeal	Aligns to reference change in revised IDEA regulations	Consistent with IDEA
Sec. 41. Section 10-76l-1 is repealed	Repealed	State statutory provisions repealed in June, 1996