Darien Public Schools

Special Education Procedures and Practices Manual

A model special education procedures and practices manual template created by the Connecticut State Department of Education Bureau of Special Education

April 2026 | Connecticut State Department of Education

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Introduction

All school districts throughout Connecticut should have a shared understanding of the statutory and regulatory requirements for the provision of special education and related services to eligible students. This manual is a resource to assist all educational stakeholders to foster a shared understanding and improve outcomes for students with disabilities. While the use of this manual, in whole or in part, is not required, the content has been designed to inform and guide users in fulfilling the requirements of both state and federal special education statutes and implementing regulations. Connecticut school districts are encouraged to use this manual as a template for their own procedures and practices manual. School district staff should use this manual in conjunction with the Procedural Safeguards Notice,[1] the Connecticut IEP Manual,[2] Bureau of Special Education[3] publications, special education statutes and regulations as well as guidance from state and federal authorities.

School districts should adapt this manual to align with local procedures, which may include specific staff names and roles and links to district specific documents or websites. School districts will need to update the manual, as needed, to remain current with federal and state special education statutes and implementing regulations. Use of this manual does not guarantee compliance with the complex statutory and regulatory requirements related to the provision of special education services. All districts should consult with their legal counsel if any question or issue arises in the interpretation of or delivery of services related to those requirements.

[1] Procedural Safeguards Notice (English) | Procedural Safeguards Notice (Spanish)

[2] https://portal.ct.gov/SDE/Special-Education/Connecticut-IEP-Manual

[3] https://portal.ct.gov/sde/special-education/bureau-of-special-education

Definitions and Explanations of Common Terms Used in This Manual

The following terms are defined in the IDEA and state statutes and implementing regulations.

Accommodations are changes to instruction (such as materials, content enhancements, and tasks) that change how a student learns. Accommodations may include assistive technology devices and services. Accommodations do not fundamentally alter the grade level requirements or course expectations.

Adult Student is an eligible student who has reached the age of majority under state law.

Adverse Effect exists when educational performance is negatively affected because of the manifestation of the student's disability. Evidence must exist that supports a relationship between the manifestation of the student's disability and decreased educational performance. While adverse effect on educational performance may imply a marked difference between the student's academic performance and reasonable (not optimal) expectations of performance, the definition of educational performance cannot be limited to academics.

Annual Review means a review of the student's IEP periodically, but not less than annually (within 365 calendar days) by a PPT, to determine whether the annual goals for the student are being achieved; and revise the IEP, as appropriate, to address: (a) any lack of expected progress toward the annual goals and in the general education curriculum, where appropriate; (b) the results of any reevaluation conducted under this section (c) information about the child provided to or by the parents about additional evaluation data; (d) the child's anticipated needs; and other matters.

Assistive Technology (AT) Device means any item, piece of equipment, or product system, whether acquired commercially off the shelf, modified, or customized, that is used to increase, maintain, or improve the functional capabilities of a student with a disability. The term does not include a medical device that is surgically implanted, or the replacement of such device.

Assistive Technology Service means any service that directly assists a student with a disability in the selection, acquisition, or use of an assistive technology device. The term includes:

- The evaluation of the needs of a student with a disability, including a functional evaluation of the student in the student's customary environment;
- Purchasing, leasing, or otherwise providing for the acquisition of assistive technology devices for students with disabilities;
- Selecting, designing, fitting, customizing, adapting, applying, maintaining, repairing, or replacing assistive technology devices;
- Coordinating and using other therapies, interventions, or services with assistive technology devices, such as those associated with existing education and rehabilitation plans and programs;
- Training or technical assistance for a student with a disability or, if appropriate, that student's family; and
- Training or technical assistance for professionals (including individuals providing education or rehabilitation services), employers, or other individuals who provide services to employ, or are otherwise substantially involved in the major life functions of that student.

Behavior Intervention Plan (BIP): A plan, based on data gathered through a Functional Behavior Assessment (FBA), which is designed to change and improve a student's behavior. Appropriate practice suggests that BIPs should include the overall goals to be achieved, interventions intended to change the student's behavior, the persons responsible for implementing the proposed interventions, and evaluation methods and timelines to be followed.

The Board or the Board of Education means a public body or public agency responsible for the education of children. For the purposes of this manual, the board or board of education means the Darien Board of Education.

Change in Placement: A change in educational placement relates to whether the student is moved from one type of education program (e.g., general education class) to another type (e.g., private special education program). It may also occur when there is significant change in the student's educational program even if the student remains in the same setting.

Change in Placement for Disciplinary Reasons occurs if:

- A student has been removed for more than 10 consecutive school days; or
- A student has been subjected to a series of removals that constitute a pattern because:
  - the series of removals total more than 10 school days in a school year;
  - the student's behavior is substantially similar to the student's behavior in previous incidents that resulted in the series of removals; and
  - when additional factors exist such as the length of each removal, the total amount of time the student has been removed, and the proximity of the removals to one another.

Child/Student means any person of the age eligible to receive special education and related services under state regulations.

Child Find is an IDEA requirement that all children with disabilities residing in the State who are in need of special education and related services are identified, located, and evaluated.

Child with a Disability means a child who (A) is age three through eight or has attained the age at which the town is required to provide educational opportunities in accordance with state law and who meets the criteria for special education and related services in accordance with the IDEA, or (B) is age three through eight and is experiencing developmental delay that causes such child to require special education.

Consent (Informed) means that the parent or adult student:

- Has been fully informed of all information relevant to the activity for which consent is sought, in his or her native language, or other mode of communication;
- Understands and agrees in writing to the carrying out of the activity for which his or her consent is sought, and the consent describes that activity and lists the records (if any) that will be released and to whom; and
- Understands that the granting of consent is voluntary and may be revoked at any time. If a parent/adult student revokes consent, that revocation is not retroactive (i.e., it does not negate an action that has occurred after the consent was given and before the consent was revoked).

CT-SEDS means the Connecticut Special Education Data System.

Developmental Delay: A significant delay in one or more of the following areas: (A) physical development; (B) communication development; (C) cognitive development; (D) social or emotional development; or (E) adaptive development, as measured by appropriate diagnostic instruments and procedures and demonstrated by scores obtained on an appropriate norm-referenced standardized diagnostic instrument.

The **District** or **School District** means Darien Public Schools.

Education Record: Education records are records that are directly related to a student and that are maintained by an educational agency or institution or a party acting for or on behalf of the agency or institution. These records include but are not limited to grades, transcripts, class lists, student course schedules, health records (at the K-12 level), student financial information (at the postsecondary level), and student discipline files. The information may be recorded in any way, including, but not limited to, handwriting, print, computer media, videotape, audiotape, film, microfilm, microfiche, and e-mail. The Bureau of Special Education recognizes and adopts the definition of Education Records consistent with the Family Educational Rights and Privacy Act (FERPA).

Escort means the minimum contact necessary to safely escort a person from one area to another through temporary touching or holding for the purpose of guiding or inducing a student to walk to another location. Carrying or forcibly moving a person from one location to another is a "physical restraint."

Evaluation means the summative results of the evaluation procedures, used to determine whether a student is a student with a disability and the nature and extent of the special education and related services that the student needs.

Evaluation Procedures means the use of a variety of assessment tools and strategies to gather relevant functional, developmental, and academic information about the student, including information provided by the parent that may assist in determining whether the student is a student with a disability and, if so, the content of the student's IEP.

Exclusionary Time Out means a temporary, continuously monitored separation of a student from an ongoing activity in a non-locked setting for the purpose of calming such student or deescalating such student's behavior. An exclusionary time out becomes a reportable "seclusion" if or when the student is physically, or otherwise prohibited from leaving the space.

Expedited Due Process Hearing is an administrative hearing conducted by an SDE-appointed hearing officer to resolve disputes concerning discipline for which shortened timelines are in effect in accordance with the IDEA.

Extended School Year (ESY) Services means special education and related services that are provided to a student with a disability beyond the district's normal school calendar year, in accordance with the student's IEP, and at no cost to the parent or student.

Family Educational Rights and Privacy Act (FERPA) is the federal law that protects the privacy of student education records.

Free Appropriate Public Education (FAPE) means special education and related services that are provided at public expense, under public supervision and direction, and without charge; meet the standards of the State Department of Education, including the requirements of the IDEA; include an appropriate preschool, elementary school, or secondary school education in Connecticut; and are provided in conformity with an IEP. See also Chapter 1 of this manual.

Functional Behavioral Assessment (FBA) is a problem-solving process designed to address a student's behavior, when that behavior impedes the learning of the student with a disability as well as the learning of his or her peers. It is intended to guide the PPT in making data-based decisions about how to assist students, by looking beyond the observable behavior and focusing on the function or the "why" of the behavior. It is not, however, considered an evaluation under the IDEA.

Gifted and Talented means a child identified by the gifted and talented PPT as (A) possessing demonstrated or potential abilities that give evidence of very superior intellectual, creative or specific academic capability and (B) needing differentiated instruction or services beyond those being provided in the general education program in order to realize the child's intellectual, creative or specific academic potential. This term shall include children with extraordinary learning ability and children with outstanding talent in the creative arts. *Extraordinary learning ability* means a child identified by the planning and placement team as gift instruments, on the basis of either performance on relevant standardized instruments, or demonstrated or potential achievement or intellectual creativity, or both. *Outstanding talent in the creative arts* means a child identified by the gifted and talented PPT as gifted and talented on the basis of demonstrated or potential achievement in music, the visual arts or the performing arts.

Homebound and Hospitalized Instruction is the provision of instruction in a non-school setting for a ***verified medical reason***. A board of education shall provide instruction to a child in a public school under the jurisdiction of such board when such child is unable to attend school due to a verified medical reason which may include mental health issues. This is distinct from **Instruction in the Home** (see definition below).

Homeless Children and Youth means individuals who lack a fixed, regular, and adequate nighttime residence and includes:

- Children and youth who are sharing the housing of other persons due to loss of housing, economic hardship, or a similar reason; are living in motels, hotels, trailer parks, or camping grounds due to the lack of alternative adequate accommodations; are living in emergency or transitional shelters; or are abandoned in hospitals;
- Children and youth who have a primary nighttime residence that is a public or private place not designed for or ordinarily used as a regular sleeping accommodation for human beings;
- Children and youth who are living in cars, parks, public spaces, abandoned buildings, substandard housing, bus or train stations, or similar settings; and
- Migratory children who qualify as homeless because the children are living in circumstances described in 1-3 above.

Independent Educational Evaluation (IEE) means an evaluation conducted by a qualified examiner who is not employed by the school district responsible for the public education of the child.

Independent Educational Evaluation (IEE) at Public Expense: The IDEA establishes procedural safeguards, one of which is the right of a parent to request an IEE at public expense if a parent disagrees with an evaluation obtained by a school district. A parent's right to an IEE at public expense is subject to various conditions outlined in the implementing regulations to the IDEA. At public expense means that the school district either pays for the full cost of the evaluation or ensures that the evaluation is otherwise provided at no cost to the parent.

Individualized Education Program (IEP) means a written document, developed by a PPT, which documents the specialized instruction and related services for an eligible student with a disability. The IEP is developed, reviewed, and revised at a PPT meeting, at least annually.

Individualized Family Service Plan (IFSP): A written individualized plan for an eligible infant or toddler (i.e., birth to three years of age) with a disability that is developed by a PPT, under Part C of the IDEA.

Individuals with Disabilities Education Act (IDEA) is a federal law that makes FAPE available to eligible children with disabilities throughout the United States and ensures special education and related services to those children. The IDEA governs how states and public agencies provide early intervention, special education, and related services to eligible infants, toddlers, children, and youth with disabilities. Infants and toddlers, birth through age 2, with disabilities and their families receive services under IDEA Part C. In Connecticut, children and youth aged 3 through the end of the school year during which the student turns age 22 may receive special education and related services under IDEA Part B.

Initial Evaluation: The evaluation procedures that are conducted in accordance with the IDEA to determine whether a student has a disability and the nature and extent of the special education and -related services that the child needs.

Initial Provision of Service means the first time a parent is offered special education and related services for their child after an initial evaluation and eligibility determination.

Interim Alternative Educational Setting (IAES) is the educational setting in which a district may place a student with a disability, for not more than 45 school days, if the student while at school, on school premises, or at a school function carries a weapon or possess a weapon; knowingly possesses, uses, sells or solicits the sale of illegal drugs or controlled substances; or has inflicted serious bodily injury upon another person. An IAES may also be ordered by a hearing officer based upon evidence that maintaining the current placement is substantially likely to result in injury to the student or others.

Instruction in the Home is a placement option available under the IDEA, if determined appropriate by the student's PPT. In accordance with the IDEA, the child's PPT may determine that the child requires instruction in the home in order to receive FAPE, after considering in-district supports and other LRE considerations, evaluation information, and input from any private supports. In this case, the PPT would be making a placement decision pursuant to the IDEA, and not under homebound and hospitalized instruction.

Language and Communication Plan is a required plan developed by the PPT and included in the IEP, pursuant to state law, for any student identified as deaf or hard of hearing. The plan must address: (1) the primary language or mode of communication chosen for the child, (2) opportunities for direct communication with peers and professional personnel in the primary language or mode of the child, (3) educational options available to the child, (4) the qualifications of teachers and other personnel administering such plan for the child, including such teacher's or personnel's proficiency in the primary language or mode of communication for the child, (5) the accessibility of academic instruction, school services and extracurricular activities to the child, (6) assistive devices and services for the child, (7) communication and physical accommodations for the child, and (8) an emergency communication 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.

Least Restrictive Environment (LRE) is the IDEA requirement that students with disabilities, including those in public or private institutions or other care facilities, be educated with students who are nondisabled to the maximum extent appropriate.

Local Educational Agency (LEA) means a public board of education or other public authority legally constituted within a state for either administrative control or direction of, or to perform a service function for, public elementary or secondary schools in a city, county, township, school district, or other political subdivision of a state, or for a

combination of school districts or counties as are recognized in a state as an administrative agency for its public elementary schools or secondary schools. For the purposes of this manual, local educational agency means, Darien Public Schools.

Manifestation Determination is a determination by the PPT about whether the conduct in question was caused or had a direct and substantial relationship to the student's disability or if the conduct in question was the direct result of the school district's failure to implement the student's IEP.

Modifications are changes to the content which affect what the student learns. Modifications include changes in the curricular content standards or the performance expectations.

Native Language when used with respect to an individual who has limited English proficiency, means: the language normally used by that individual, or, in the case of a child, the language normally used by the parents of the child. In all direct contact with a child (including evaluation of the child), the native language is the language normally used by the child in the home or learning environment.

Nonacademic and Extracurricular Services and Activities may include counseling services, athletics, transportation, health services, recreational activities, special interest groups or clubs sponsored by the district, referrals to agencies that provide assistance to individuals with disabilities, and employment of students, including both employment by the district and assistance in making outside employment available.

Office of Special Education Programs (OSEP): A federal agency dedicated to improving results for students with disabilities, birth through the end of the school year during which the student turns age 22, by providing leadership, oversight, and financial support to assist states and local districts.

Parent(s) means a biological or adoptive parent, guardian, surrogate parent as defined by Connecticut statute, or an individual acting in the place of a biological or adoptive parent (including a grandparent, stepparent, or other relative) with whom the student lives or an individual who is legally responsible for the student's welfare. The rights of the parent under the IDEA shall transfer to a student who has reached the age of 18, except as provided in the state regulation about the transfer of rights.

Parentally-Placed Private School Students (PPPSS) are children with disabilities enrolled by their parents in private, including religious, schools or facilities that meet the definition of an elementary school or secondary school.

Personally Identifiable Information includes but is not limited to, the student's name, name of the parent or other family member; the student's or parent's address; a personal identifier such as the student's social security number or student number; or a list of personal characteristics or other information that would make it possible to identify the student with reasonable certainty.

Physical Restraint means any mechanical or personal restriction that immobilizes or reduces the free movement of a person's arms, legs, or head, including, but not limited to, carrying or forcibly moving a person from one location to another.

The term does not include:

- Briefly holding a person in order to calm or comfort the child;
- The minimum contact necessary to safely escort a person from one area to another;
- Medical devices, including, but not limited to, supports prescribed by a health care provider to achieve proper body position or balance;
- Helmets or other protective gear used to protect a person from injuries due to a fall; or
- Helmets, mitts, and similar devices used to prevent self-injury when the device is:
    - part of a documented treatment plan or individualized education program pursuant to the Connecticut General Statutes Section (C.G.S.) 10-76d; or
    - prescribed or recommended by a medical professional, as defined in C.G.S. Section 38a-976, and is the least restrictive means available to prevent such self- injury.

Planning and Placement Team (PPT) is the Connecticut specific term for the individualized education program team as defined in the IDEA and who participate equally in the decision-making process to determine the specific educational needs of the child with a disability and develop an individualized education program (IEP) for the child. For the purposes of the evaluation, identification or determination of the specific educational needs of a

child who may be gifted or talented, the PPT means a group of certified or licensed professionals who represent each of the teaching, administrative and pupil personnel staffs, and who participate equally in the decision-making process.

Positive Behavioral Intervention and Supports (PBIS) means a framework to address challenging behaviors that includes functional assessment of the behavior, organizing the environment, teaching skills, rewarding positive behaviors, anticipating situations, monitoring the effect of interventions, and redesigning interventions as necessary.

Present Levels of Performance means a statement of the student's current level of achievement or development in an area of need and how the student's disability affects the student's involvement and progress in the general education curriculum.

Reevaluation means the evaluation procedures that are conducted to review or reestablish the extent, if any, of the special education and related services that the child requires. A reevaluation includes any evaluation conducted after the initial evaluation, including targeted assessments and three-year reevaluations.

Related Services means transportation and such developmental, corrective, and other supportive services as are required to assist a child with a disability to benefit from special education, and includes speech-language pathology and audiology services, interpreting services, psychological services, physical and occupational therapy, recreation, including therapeutic recreation, early identification and assessment of disabilities in children, counseling services, including rehabilitation counseling, orientation and mobility services, and medical services for diagnostic or evaluation purposes. Related services also include school health services and school nurse services, social work services in schools, and parent counseling and training. Related services do not include a medical device that is surgically implanted, including cochlear implants, the optimization of that device's functioning (e.g., mapping), maintenance of that device, or the replacement of that device.

School Day means any day, including a partial day that children are in attendance at school for instructional purposes or any day which is recognized by the school district related to the student participating in educational activities in a virtual manner. School day has the same meaning for all children in school, including children with and without disabilities.[4]

School Year means the period beginning July 1 and ending June 30.

Scientific Researched-Based Intervention (SRBI) is Connecticut's framework for Response to Intervention (RTI). A general education model that refers to a tiered approach to instruction and behavioral support services. The model is used to promote the early identification of students who may be at risk for learning or behavioral difficulties.

Seclusion means the involuntary confinement of a student in a room from which the student is physically prevented from leaving. Seclusion does not include an exclusionary time out.

Services Plan means a written statement that describes the special education and related services the district will provide to a parentally-placed child with a disability enrolled in a private school who has been designated to receive services, including the location of the services and any transportation necessary, and is developed and implemented in accordance with the IDEA.

Special Education means specially designed instruction, at no cost to the parents, to meet the unique needs of a child with a disability, including instruction conducted in the classroom, in the home, virtual instruction if recognized by the district, in hospitals and institutions, in other settings, and instruction in physical education.

Special education also includes speech-language pathology services, travel training and vocational education if they meet the requirements of being specially designed instruction. Pursuant to state law, speech and language services can be a special education service.

Specially Designed Instruction means adapting the content, methodology, or delivery of instruction, as appropriate, to address the unique needs of an eligible student that result from the student's disability and to ensure access to the general education curriculum, so that the student can meet the educational standards within the jurisdiction of the school district that apply to all students.

[4] 34 CFR § 300.11(c)(2)

Summary of Performance (SOP) is a summary of a student's academic achievement and functional performance, which must include recommendations on how to assist the student in meeting the student's postsecondary goals. A SOP is required for each student with an IEP whose eligibility for services under IDEA terminates due to graduation from secondary school with a regular high school diploma or due to exceeding the age of eligibility for FAPE under state law.

Supplementary Aids and Services means aids, services, and other supports that are provided in general education classes, other education-related settings, and in extracurricular and nonacademic settings, to enable children with disabilities to be educated and participate with nondisabled children to the maximum extent appropriate.

Surrogate Parent is an individual appointed by the state to represent the student in all matters relating to the identification, evaluation, educational placement, and the provision of FAPE for the student. A surrogate parent has the same legal rights afforded to parents with respect to special education and related services.

Transition Services means a coordinated set of activities for a child with a disability that:

- Is designed to be within a results-oriented process, focused on improving the academic and functional achievement of the child with a disability to facilitate the child's movement from school to post-school activities, including postsecondary education, vocational education, integrated employment (including supported employment), continuing and adult education, adult services, independent living, or community participation; and
- Is based on the individual child's needs, taking into account the child's strengths, preferences, and interests and includes:
  - instruction;
  - related services;
  - community experiences;
  - the development of employment and other post-school adult living objectives; and
  - if appropriate, acquisition of daily living skills and provision of a functional vocational evaluation.

Transition services for children with disabilities may be special education, if provided as specially designed instruction, or a related service, if required to assist a child with a disability to benefit from special education.

Ward of the State means a student who, as determined by the state where the child lives, is a foster child, considered a ward of the state, or is in the custody of a public child welfare agency

Chapter 1: Free Appropriate Public Education (FAPE)

34 CFR Section 300.17
34 CFR Section 300.101

As noted in the definitions section, the Individuals with Disabilities Education Act (IDEA) is a federal law that makes FAPE available to eligible children with disabilities throughout the United States and ensures special education and related services to those children. The IDEA governs how states and public agencies provide early intervention, special education, and related services to eligible infants, toddlers, children, and youth with disabilities. Infants and toddlers, birth through age 2, with disabilities and their families receive services under the IDEA Part C. In Connecticut, eligible children and youth ages 3 through the end of the school year during which the student turns 22 receive special education and related services under the IDEA Part B.[5]

Pursuant to the IDEA, as well as applicable state statutes and implementing regulations, the District will ensure that FAPE is made available to students age 3 through the end of the school year during which the student turns age 22 and who reside in the District. The IDEA defines FAPE as special education and related services that:

1. Are provided at public expense, under public supervision and direction, and without charge;
2. Provided in conformity with an individualized education program (IEP);
3. Meet the standards of the Connecticut State Department of Education (CSDE) and the requirements of IDEA; and
4. Include an appropriate preschool, elementary, or secondary school education that meets the education standards in Connecticut.

Case law has further developed the definition of FAPE. The United State Supreme Court has opined that a school district must offer an IEP that is specially designed and reasonably calculated to enable the student to make progress that is more than de minimis and is provided in light of the student's circumstances.

Entitlement to FAPE

Any eligible student who exits the public school as a result of either *completing school with other credentials* (i.e., student has received a certificate of completion or attendance; student did not graduate with a regular high school diploma), *discontinuing schooling*, *transferring to a GED program*, or *moving/not known to be continuing*, still has an entitlement to FAPE. These students may be re-admitted to public school and maintain eligibility for receipt of special education and related services up through the end of the school year during which the student turns age 22, or until the student graduates with a regular high school diploma, whichever occurs first.

[5] Pursuant to CGS §10-259, the school year is defined as July 1 through June 30.

Chapter 2: Child Find and Referral Process

34 CFR Section 300.111

Child Find Responsibility

In accordance with Part B of the IDEA, as well as applicable state statutes and implementing regulations, the District has a child find process, "Child Find," for all children with a disability from birth through the end the of the school year during which the student turns age 22, regardless of the severity of the disability, and who are in need of special education and related services.

The District's Child Find responsibilities apply to all children who reside within the District, including children who are educated at home, homeless children, children who are wards of the state, and children attending private schools. This responsibility includes cooperating and collaborating with other agencies to identify children with disabilities.

The District has policies and procedures for conducting Child Find activities (i.e., identifying, locating, and evaluating) for all students who are suspected of having a disability, even though the student is:

- Advancing from grade to grade;
- Enrolled by their parents in private nonprofit elementary or secondary school, including a religious school, either of which is located in the jurisdiction of the school district;
- Attending a magnet or charter school;
- Between the ages of birth to three;
- A ward of the state; or
- Highly mobile, such as migrant and homeless children.

Locating Students

The District's Special Education and Student Services Department coordinates all activities related to Child Find. The District uses community resources and conducts systematic activities in an effort to identify children who may require special education services.[6,7] The District has personnel who consult with designated representatives of private schools within the District's boundaries, even for children who reside outside of the District.

The District provides the private schools located within the District's boundaries with the standard Referral to Determine Eligibility for Special Education and Related Services document, as well as the Parent Notice of Referral to Determine Eligibility for Special Education and Related Services document and assists those schools in becoming knowledgeable about the special education referral process through professional learning opportunities.

Identification of Children Ages Birth to Three Years Old

The District has the obligation under Child Find to identify children who have or may be suspected of having a disability from birth.[8] Child Find is also an obligation of the State's Birth to Three System. Under the IDEA, Part C, the Birth to Three System is responsible for identifying, locating, evaluating and providing services to children between birth and age three who are eligible to receive such early intervention services due to a developmental delay or a documented physical or mental condition that has a high probability of resulting in a developmental delay.

The District will meet Child Find obligations for children between the ages of birth to three when such children are referred to the Birth to Three System for an evaluation.

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[6] (see chapter 2 appendix)

[7] (see chapter 2 appendix)

[8] The District's Child Find obligations will include those activities that target children whose families are homeless, highly mobile, whose primary language is not English and who participate in public and private early childhood programs.

When the District is informed of a child between birth to three who has or may have a disability, the district will either (a) make a referral directly to the Birth to Three System via the statewide toll-free number or website, or (b) provide the parent with the information so that the parent can make the referral themselves.[9,10,11]

If a parent of a child under age three opts not to consent to, contact and/or pursue an early intervention evaluation through the Birth to Three System and requests that such evaluation be conducted by the District, the District will comply by convening a PPT meeting to determine if the child will be provided an evaluation in order to further determine if the child is a child with a disability under the law. The District recognizes that they are obligated to provide special education and related services to an eligible child no later than a child's third birthday. Information about the District's obligations when a child is referred at age 34 months or older is provided later in this chapter.

Screening and Monitoring of Children Ineligible for Participation in Preschool Programs

If a child is ineligible for participation in preschool programs under Part B of the IDEA, they will be offered a screening for developmental and social-emotional delays using validated assessment tools. Within two months after a child is determined to be ineligible, the child's family will receive Form 5-3, *Referral for Registration for Developmental Monitoring,* from Birth to Three.[12] This form is to help families register for continued screening for developmental and social-emotional delays in partnership with the school district of residence.

Districts are required to monitor the development of each child who has been referred for registration on a mobile app designated by the OEC Commissioner or by another monitoring option offered by the District. The District will follow up with the family if the results indicate that the child may need to be re-evaluated. If the family does not register for developmental monitoring at the time that Birth to Three offered the family the form, the District will touch base with the family in 6 months and again in one year.

General Education Interventions

When appropriate, District personnel may explore and implement alternative, multi-tiered instructional and/or behavioral interventions and programs in general education prior to referring a student to special education. District personnel will encourage parents to collaborate with their child's teacher(s) and other involved staff during this time. It is important to note that a referral to special education may be made at any time regardless of where the student falls within the multi-tiered intervention process.

The District recognizes that initiatives in general education programming, such as multi-tiered levels of support, are designed to emphasize successful differentiated instruction for all Pre-K to Grade 12 students. Scientific Researched-Based Interventions (SRBI) emphasizes high quality core general education practices, as well as targeted instruction for students experiencing learning, social-emotional, and/or behavioral difficulties. SRBI is designed to ensure that all students in public school classrooms receive appropriate instruction by identifying critical information about the student's instructional strengths and needs and using this information to create effective, research-based instructional interventions in general education with frequent monitoring of student progress.[13] If the student's difficulties persist, the District will promptly refer the student to special education while the alternative procedures and programs in general education continue. In other words, the District will not use SRBI to delay or deny a timely evaluation for students suspected of having a disability.

Referral to Determine Eligibility for Special Education and Related Services

The District accepts and processes all referrals to determine eligibility for special education and related services. The District's Board of Education shall make available information, understandable to the general public, concerning the procedures for making such a referral to all parents and professional staff. This information is available on the District's Website[14] and at each of the District's schools.

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[9] 1-800-505-7000

[10] https://cdi.211ct.org/cdireferralform/

[11] http://www.birth23.org/referral/forms/parent/

[12] https://www.birth23.org/wp-content/uploads/procedures/forms/5-3-NotEligPartB.docx

[13] It is appropriate for identified students with disabilities to be included in this type of multi-tiered system of intervention if deemed beneficial and appropriate to their level of learning or behavioral progress.

[14] Darien Public Schools

A referral can be made by:

- An adult student;
- A parent;
- School personnel; or
- Other individuals from other agencies (e.g., physicians, psychologists, social workers) to whom parental permission to make a referral has been given.

Pursuant to state law, District staff will promptly refer students who are suspended repeatedly in or out-of-school, or whose behavior, attendance, including truant behavior, or academic progress in school is considered unsatisfactory or at a marginal level of acceptance.[15]

A referral of a child who is suspected of having a disability requires the District to convene a PPT meeting to consider the need for an initial evaluation to determine if the child is a child with a disability who is eligible for special education and related services.

Referral Process[16]

A standard referral form is used to document all referrals to the Planning and Placement Team (PPT). This form is available at the Special Education Department located at the Central Office or in each of our schools. Concerned parents or staff may complete the form. Once completed, the form is given to the school-based Special Education and Student Services (SESS) Administrator. The completion of this referral form initiates the PPT process. For purposes of determining if the evaluation timeline is met, the date of the referral is the day the District staff receive the referral, not the day the referral form is filled out by the District staff.

The District shall make available information, understandable to the general public, concerning the procedures for requesting an initial evaluation of a child to all parents and professional staff of the District. Such information shall include, but not be limited to, a description of the general education interventions that are provided to meet the needs of individual children, and the special education referral and evaluation process. Such information shall identify at least one person in each school building that parents or professional staff of the District may contact regarding school policies and procedures for special education referrals and evaluations.

A parent is not required to submit the standard referral form for a referral for an initial evaluation to determine if a child is a child with a disability. The District shall accept as a referral a concern expressed in writing from the parent of the child that such child be referred for an initial evaluation. The District shall accept a referral that uses terms that clearly indicate a concern that such child may be a child with a disability and should be evaluated for special education identification and services.

The date of referral is the date the District first receives the referral from the parent in writing. If the parent does not make the referral using the standard referral form, the District must complete the standard referral form to coincide with the parent's written referral. If the standard referral form is completed later, the date of referral remains the date that the District first received the referral in writing from the parent. The District has developed the following process for accepting referrals from parents who cannot put their request in writing.

The parent is not required to submit the standard referral form for an initial evaluation. The District will accept a concern expressed in writing from the parent that the student be referred for an initial evaluation and will provide this to administrative personnel, which in turn will start the PPT referral process. Referrals from parents are to be accepted and processed in all cases where the parent clearly indicates a concern that the student may be a student with a disability and should be evaluated for special education and related services. If a parent makes a referral but does not complete the referral form, District personnel shall complete the referral form. A staff member in each building is available for parents or professional staff to contact regarding school policies and procedures concerning referrals.

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[15] CGA §10-76-d7(c)

[16] It is inconsistent with the IDEA and state special education law to have policies that include language requiring a referral from a staff member to be approved by a supervisor before being submitted/processed.

If a child is receiving general education interventions and the District receives a referral for an evaluation, the District shall accept the referral and convene a PPT meeting to consider the referral to determine if an evaluation of the child is appropriate. During such time the District shall also continue the general education interventions.

Notification of Referral and Initial PPT Meeting

If someone other than the student's parent makes the referral, the District will provide notice of the referral to the parent no later than five school days after the District receives the referral. The District will use the *Parent Notice of Referral to Determine Eligibility for Special Education and Related Services* form to notify the parent of the referral and confirm receipt of the referral. The District will also send the Procedural Safeguards Notice, as discussed in more detail in Chapter 8.[17]

Notice of PPT Meeting

As discussed in more detail in Chapter 3, after receipt of a referral, the District will schedule an initial PPT meeting at a time and location convenient to the parent, and provide notice of the meeting, using the *Notice of PPT Meeting* form, to the parent at least five days prior to the date of the meeting unless the parent agrees to waive the five day notice. At the initial PPT meeting, the PPT will review the referral and determine whether the team suspects a disability and if it does, whether additional evaluative data is required in order to make an eligibility determination.

Special Rules for the Initial Evaluation of a Ward of the State

When the District seeks to evaluate a student for the first time and the student is in the custody of the Commissioner of the Department of Children and Families (DCF) and not residing with the student's parent, the District is required to obtain consent from the student's assigned surrogate parent.

Surrogate Parents

According to state law, the Commissioner of Education (or a designee of the commissioner) will appoint a surrogate parent when a child requires or may require special education and:

1. the parent or guardian of such child cannot be identified;
2. the whereabouts of the parent cannot be discovered after reasonable efforts to locate the parent have been made;
3. the child is a ward of the state; or
4. the child is an unaccompanied homeless youth as defined in the McKinney-Vento Homeless Assistance Act.[18]

This also applies in cases where a child required special education and no longer requires such education, but requires or may require services under Section 504 of the Rehabilitation Act.

The surrogate parent acts as the child's advocate in the educational decision-making process (i.e., identification, evaluation, placement, hearing, mediation and appeal procedures provided for in federal and state special education law) in place of the child's parents or guardian. The educational-decision process also includes the evaluation and planning procedures provided for by Section 504 of the Rehabilitation Act, which may be available to a child who has been exited from special education.

There are specific circumstances under which it may be necessary to request the appointment of a surrogate parent for a student in order to protect the student's educational rights. The District is among those individuals or entities who may initiate a request for the CSDE to assign a surrogate parent.[19]

Late Referral to the Birth to Three System

The Birth to Three System will not accept referrals of children at or over 34 months of age. Those children will be referred directly to the child's school district or Connecticut 2-1-1 Child Development Infoline.[20] The District will

[17] https://portal.ct.gov/-/media/SDE/Special-Education/Prosaf.pdf?la=en

[18] https://portal.ct.gov/SDE/Special-Education/Surrogate-Parent-Program

[19] It is important to note that when a student has an open DCF case or is in the custody of DCF, multiple individuals may be attending the student's PPT meeting, including the student's parents. Once the District has been notified in writing that a surrogate parent is appointed, the surrogate parent has the sole authority to make decisions regarding the student's education. Foster parents may not make these decisions.

[20] https://cdi.211ct.org/program/early-childhood-special-education/

accept the Birth to Three referrals of children who have been referred to the Birth to Three System at 34 months of age. The special education referral process will begin on the date a child has been referred to the District. For children referred by a parent during the summer months, Connecticut state regulations for the initial referral timeline apply (the timeline begins on the first day of school that all students are in attendance that students are in attendance for the regular school year).

In cases of children who are referred by their parents to the District at 34 or 35 months of age, the District recognizes that the goal is to ensure that all children are identified, located and evaluated to ensure that eligible children are provided with FAPE no later than their third birthday. In situations where it may not be possible to provide FAPE by the time the child reaches age three the District shall complete the referral process within 45 school days of the referral.

If the District opts to conduct a trial placement for diagnostic purposes as part of an initial evaluation, the PPT will develop diagnostic goals and objectives as well as the types and amounts of services needed to conduct the trial placement to more conclusively determine the child's needs. The diagnostic placement will be completed prior to the child turning age three in order to ensure that an IEP offering FAPE is implemented by the child's third birthday if the child is found eligible.

For children over the age of 30 months, whose parents have not referred the child to the District, the District will conduct ongoing appropriate Child Find activities to ensure that identification, location and evaluation activities can occur. Child Find activities may include inviting these children and their families to a community screening under Child Find and/or sending a letter or postcard with district contact information.

Transition to Special Education Service from Birth to Three System (Transition from IDEA 2004 part C to IDEA 2004 Part B)

The purpose of transition planning for toddlers with disabilities receiving early intervention services through the Birth to Three System is to ensure that eligible children and their families experience a seamless transition to the District. The Birth to Three System will (a) obtain written parental consent on the Birth to Three Referral to the School District form as the child nears age three and will be transmitted to the District through CT-SEDS; or (b) provide child specific information on children over 30 months of age whose parents have not consented to the referral of their child to the District so that Child Find activities can occur.

If the District has received the Birth to Three Referral, the District will comply with a process for transitioning the student as follows:

1. The District receives the Birth to Three Referral and completes the standard referral form;
2. The District has a system of collecting and maintaining data on children referred from the Birth to Three System and other child specific information in order to track children receiving early intervention services over time to ensure that they are evaluated in a timely manner and provided FAPE by age three;
3. The District has an assigned transition contact that is the primary person responsible for working with the family of the child and the child's Birth to Three program regarding the transition;
4. The District has one or more individuals that will participate in the 90-day transition planning conferences convened by the Birth to Three System. The District has the capacity and available staff to ensure the availability of school personnel to participate in the 90-day transition conferences throughout the calendar year, including during the summer months when school is not in session;
5. The District coordinator will explain the PPT process and provide the parents with the pre-PPT documents and information they need to participate fully in the process;
6. The District will schedule a PPT meeting to discuss the referral of a child to the District. The PPT meeting will be scheduled sufficiently early (preferably soon after the 90-day transition conference) to ensure that, if eligible, the child will receive FAPE no later than their third birthday. Identification of PPT meeting dates can be a part of the discussion at the 90-day transition planning conference and a component of the

child's written transition plan developed at the transition planning conference with the Birth to Three Program, the family and the District;[21]

7. The District, with parental consent, will invite the child's Birth to Three service coordinator to participate in the child's PPT. The child's PPT will review and consider all available Birth to Three information, including the child's Individualized Family Service Plan (IFSP), in the PPT decision-making process. The District will consider current assessments from the Birth to Three provider;
8. If the child will turn three years old during the summer months, the District will determine if the child is eligible for FAPE and whether the child requires extended school year (ESY) services. If the child is eligible for the provision of FAPE and requires ESY services, the District will ensure the implementation of the IEP no later than the child's third birthday, even if the child's birthday occurs during the summer when school is not in session. If the PPT determines that the child is eligible for FAPE and does not require ESY services, then the IEP services will commence on the first day of school; and
9. A designated member of the PPT will be prepared to discuss with the parents the differences between the Birth to Three System and early intervention services and the provision of special education and related services in the public school. Areas of discussion include but are not limited to the difference in focus (e.g., the Birth to Three System is family oriented where education is focused on the individual child with alignment of services to curriculum based standards), the difference between an IFSP and an IEP, and the nature of the specialized instruction and related services the student will receive to help them make progress in the general education curriculum and appropriate preschool activities.

[21] Although not a recommended practice, it is not prohibited by law to hold the PPT meeting immediately following the transition meeting. The referral PPT meeting must be considered a separate and distinct meeting. The transition meeting is the responsibility of the Birth to Three provider and the referral PPT meeting is the responsibility of the District.

Chapter 2 Appendix

List of community resources

- Connecticut Birth to Three System
- Darien private preschools and childcare providers
- Darien Library
- Darien YMCA
- Darien Human Services
- Connecticut Parent Advocacy Center (CPAC)
- Connecticut 211 Child Development Infoline
- Connecticut Department of Children and Families

List of media outlets used for notification

The District's website maintains active communication resources for all District notifications.

Chapter 3: Planning and Placement Team (PPT) Members

34 CFR Section 300.321 "IEP Team"

Planning and Placement Team (PPT)

Pursuant to state law, the District will establish a sufficient number of planning and placement teams (1) to ensure that all children requiring special education and related services within its jurisdiction are located, identified, and evaluated, and (2) to develop and implement an IEP for each child who is found eligible for special education and related services.

The PPT is responsible for processing referrals to special education, designing and reviewing initial evaluations and reevaluations, determining a student's eligibility for special education, developing, reviewing, and revising a student's IEP.

PPT Membership Requirements

The PPT must include the following individuals:

1. The parents of the child;[22]
2. Not less than one general education teacher of the child if the child is, or may be, participating in the general education environment;[23]
3. Not less than one special education teacher of the child, or where appropriate, not less than one special education provider of the child;
4. A representative of the district who is:
    a. qualified to provide, or supervise the provision of, specially designed instruction to meet the unique needs of students with disabilities;
    b. knowledgeable about the general education curriculum; and
    c. knowledgeable about the availability of resources of the district.[24]
5. An individual who can interpret the instructional implications of evaluation results.[25]
6. At the discretion of the parent or the District, other individuals who have knowledge or special expertise regarding the student, including related services personnel as appropriate;[26]
7. As applicable, the paraeducator assigned to the student; and[27]
8. Whenever appropriate the student with a disability.

Note: No member of the PPT may be disciplined, suspended, terminated, or otherwise punished by a school district for discussing or making recommendations concerning the provision of special education and related services for a student during a PPT meeting for such student.[28]

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[22] The parent of a child with a disability is an integral and equal member of the PPT. The District will take steps to ensure that one or both of the student's parents are afforded the opportunity to participate in each PPT meeting to develop, review or revise the IEP for their child. The parent may also bring or request the presence of other individuals for additional support, without prior notice to the district.

[23] The general education teacher(s) of the student will be prepared to update the team on the student's general education program and provide the PPT with the most recent assessments to document the student's progress in the general education curriculum, and to the extent appropriate, participate in the development, review and revision of the student's IEP, including input regarding appropriate positive behavioral interventions and strategies, supplementary aids and services, program modifications or supports for school personnel that will be provided for the student consistent with the IEP; and participation in the general education curriculum.

[24] As clarified in the comment section of the CFR, the district representative must also have the authority to commit district resources and be able to ensure that whatever services are described in the IEP will actually be provided.

[25] Such individual may serve a dual role in the PPT.

[26] The determination of the knowledge or special expertise of any individual must be made by the party who invited the individual to be a member of the PPT.

[27] It is expected that parents will provide reasonable notice to the District if they wish to have their child's paraprofessional attend the meeting.

[28] CGA § 10-76d (j)(1)

Additional Membership Requirements

PPT Membership for Out-of-District Placements

PPT meetings convened to develop, review or revise an IEP of a student eligible for special education services in an out-of-district placement, will include a representative from the facility of the out-of-district placement in addition to the membership identified above.

PPT Membership for Secondary Transition Services

For PPT meetings where a purpose of the meeting is the consideration of the postsecondary goals for the student and the transition services needed to assist the student in reaching those goals, the District will invite the student with a disability, and with the consent of the parents, a representative of any participating agency that is likely to be responsible for providing transition services, to attend the student's PPT meeting.[29] If the student does not attend the PPT meeting, the District will take other steps to ensure that the child's preferences and interests are considered.[30]

PPT Membership for Birth to Three Referrals

For a child who previously received services through Birth to Three, an invitation to the initial PPT meeting will, at the request of the parent, be sent to the Birth to Three coordinator or their representative to assist with the transition of services.

PPT Membership for Charter School Students

If the student attends a charter school, the District will invite a representative from the charter school to participate in the PPT meeting.

PPT Membership for Magnet School Students

If the student attends a magnet school, the District will invite a representative from the magnet school to participate in the PPT meeting.

PPT Attendance and Excusal from Attendance

An individual is considered to be in attendance at a PPT meeting if they themselves are physically or virtually participating during the meeting, in whole or in part. The reading of information into the record at a PPT meeting as submitted by an individual who is not in physical or virtual attendance does not constitute being in attendance at the meeting for that individual.

The District intends for all PPT members to be present and fully participate in the process. The District understands, however, that in some cases, a required member of the PPT may be excused from attending the PPT meeting, in whole or in part, if:

1. The member's area of the curriculum or related services *is not* being modified or discussed in the meeting and the parent of the child or adult student, and the district agree in writing, that the attendance of the member is not necessary; or
2. The member's area of the curriculum is being modified or discussed in the meeting, and the member submits in writing to the parent or adult student and the PPT, input into the development of the IEP *prior to the meeting*, and the parent of the child or adult student and the district agree, in writing, to excuse such member.

If a required member of the PPT was listed on the Notice of PPT Meeting form provided to the parent but did not attend the meeting, a *PPT Attendance Excusal Document* must be created. Such excusal requires signed consent of both the parent and a representative of the District. If a school district member of the PPT attends the meeting but was not listed on the Notice of PPT Meeting form, a new notice must be generated to include the PPT member, and the parent must waive their right to a five-school-day advanced notice before continuing with the meeting. The parent may bring whomever they choose to a PPT meeting without similar notice to the district.

Notice of PPT Meeting. The District is responsible for initiating, conducting, and maintaining a record of PPT meetings for developing, reviewing, or revising a student's IEP. The District shall take steps to ensure that one or

[29] A representative of the agency must be invited, unless it is not appropriate to invite them or if written consent to invite them has not been obtained from the parents or adult student.

[30] The District is only required to invite the student. The student is not required to attend the meeting.

both of the parents of a student with a disability are present at each PPT meeting or are afforded the opportunity to participate, including notifying parents of the meeting early enough to ensure that they will have an opportunity to attend and scheduling the meeting at a mutually agreed on time and place.

To ensure parental participation, the District will complete the following procedures:

1. At least five school days prior to the meeting, the District will advise the parent in writing, in their native language, of their rights to be participating members of the PPT. The District and parent may agree to waive the five-day notice by agreement in writing. The District will use the *Notice of PPT Meeting* form to provide written notification to the parent, which specifies the purpose, time, and location of the meeting and the people invited;
2. The District will take appropriate action to ensure that the parent understands the proceedings of the PPT meeting, including, but not limited to, arranging for an interpreter for parents who are deaf or hard of hearing, or whose native language is other than English.
3. In the event that a parent is unable to attend, reasonable efforts will be made to ensure his or her participation by other means such as conference calls or virtual meetings; and
4. If the District is unable to convince the parents that they should attend the PPT meeting, via multiple steps and methods of notification, the PPT meeting may be conducted in their absence. In this event, the District will have a detailed record of its attempts to arrange parental participation.[31]

[31] 34 CFR Section 300.322(d)

Chapter 4: Evaluation and Eligibility

34 CFR Section 300.301 – Section 300.311

Purpose of an Evaluation

The District uses initial evaluation and reevaluation procedures in accordance with the IDEA to ensure that proper identification of students with disabilities occurs through the implementation of comprehensive assessment and evaluation practices. Evaluation in this context means the analysis of the summative results of the procedures that the District uses to determine whether a student meets the criteria for identification as a student with a disability, is eligible for special education and related services, and the nature and extent of the special education and related services to be provided to the student in order for the student to receive FAPE in the LRE.

Role of the Planning and Placement Team (PPT)

The PPT may determine that existing data provides sufficient information to determine whether the child has a disability and as a result of that disability requires specialized education and is therefore eligible for special education. Such data may include but are not limited to:

- Prior evaluation results;
- Information provided by the student's parent;
- Results of current curricular, local and/or state assessments;
- Outcomes of classroom-based observations and observations by teachers or related service providers;
- Attendance;
- Discipline;
- Health/nursing data; and
- Other relevant data.

If the PPT decides that no additional data are needed to determine the student's eligibility for services then the District will provide the student's parents with prior written notice of the student's ineligibility for special education. If the PPT decides that additional data are needed, the PPT, including the parents, will define the evaluation procedures necessary to make an eligibility determination. To document the evaluation procedures, the District will use the *Consent to Conduct an Initial Evaluation/Reevaluation* form.

The District must obtain parental consent prior to conducting an initial evaluation, even if the PPT determines that no additional data are needed. The District will use the *Consent to Conduct an Initial Evaluation/Reevaluation* document generated in CTSEDS to enter the date the District requested consent from the parent and the date when the District obtained consent from the parent.

Initial Evaluation Process

The District will assess the student in all areas related to the suspected disability and will ensure that the evaluation is sufficiently comprehensive to identify all of the student's special education and related service needs whether or not commonly linked to the disability category in which the student may be classified.

In conducting the initial evaluation, the District will use a variety of assessment tools and strategies to gather relevant functional, developmental, social/emotional, and academic information about the student, including information provided by the parent that may assist in determining whether the student is a student with a disability under the IDEA and, if so, the content of the student's IEP, including information related to enabling the child to be involved in and progress in the general education curriculum (or for a preschool child, to participate in appropriate activities).

The District will not use a single measure or assessment as the sole criterion for determining whether the student is a student with a disability or for determining the content of the student's IEP. The District will use technically sound evaluation methods that are reliable and valid for the purposes for which they are intended. The District will also ensure that assessments and other evaluation materials used to assess a student are selected and administered so as not to be discriminatory based on race or culture; are provided and administered in the child's native language or other mode of communication and in the form most likely to yield accurate information on what the child knows and is able to do academically, developmentally, and functionally, unless it is clearly not feasible

to so provide or administer; are administered by trained and knowledgeable personnel; and are administered in accordance with any instructions provided by the producer of the assessments.

Assessments will be selected and administered so as to best ensure that the results for a child with impaired sensory, manual, or speaking skills accurately reflect the child's aptitude or achievement level, adaptive behavior, or whatever other factors the test purports to measure, rather than reflecting the child's impaired sensory, manual, or speaking skills (unless those skills are the factors that the test purports to measure).

Timeline for Initial Evaluations

In accordance with Connecticut regulations, the District is required to complete the entire process from referral to implementation of the IEP within 45 school days exclusive of the time required to obtain parental consent: the child must be evaluated, eligibility for special education determined, and if determined eligible by the PPT, an IEP developed and implemented.[32]

Timeline for Birth to Three Referrals and Children Who Turn Age Three in the Summer

In accordance with Connecticut regulations, the District recognizes that it has a responsibility to conduct an evaluation to determine evidence of a developmental delay or eligibility in any of the 13 federally recognized disability categories under IDEA, resulting in eligibility and implement the IEP by the child's third birthday when the referral is received within 45 school days of the child turning three. For children where the 45 school day timeline goes beyond the end of the school year, the District recognizes that it has the responsibility to determine eligibility and develop an IEP by the child's third birthday. In addition, for the child turning three over the summer, the PPT shall determine whether or not a child requires extended school year services. The District recognizes that it is required to ensure FAPE at three years old and must not delay this process if a child's birthday is over the summer months when regular school is not in session. In this case, the District may work with the family to schedule a PPT meeting prior to the end of the school year or make required staff available to hold a PPT meeting during the summer months.

Mutual Agreement to Extend Evaluation Timeline for Determining Special Education Eligibility for a Student with a Specific Learning Disability

The parent or adult student and the District may agree to extend the eligibility timeline when determining eligibility for a student with a specific learning disability. The District will use the document *Mutual Agreement to Extend Evaluation line for Determining Special Education Eligibility for a Student Suspected of Having a Specific Learning Disability* to document the agreement.

Determining Eligibility

Upon request by a parent, guardian, pupil or surrogate parent, the district will provide the results of the assessments and evaluations to be used in the determination of eligibility for special education to such parent, guardian, surrogate parent or pupil at least three school days before the PPT meeting at which such results of the assessments and evaluations will be discussed for the first time. This applies to assessments and evaluations associated with the initial evaluation only.

After the initial evaluation is completed, the District will convene a PPT meeting to review the results of the initial evaluation and determine whether the student is a child with a disability as defined by federal and state special education law.

The District cannot determine a student is a child with a disability if the primary reason for the determination is:

1. Lack of appropriate instruction in reading, including the essential components of reading instruction;
2. Lack of appropriate instruction in math; or
3. Limited English proficiency.

To be found eligible for special education and related services, the PPT must determine that:

1. The student has a disability as defined by the IDEA or state statute and its implementing regulations;
2. The student's disability adversely effects the student's educational performance; and
3. By reason of the disability needs special education and related services.

[32] Initial Evaluation Timeline Memorandum https://portal.ct.gov/-/media/SDE/Special-Education/Timeline-for-Initial-Evaluation-Memo.pdf?la=en

Adverse effect on educational performance cannot be based solely on discrepancies in age or grade level performance in academic subject areas. Rather, when determining if the student's disability has an adverse effect on educational performance, the PPT will consider all aspects of the child's functioning at school, including academic, social/emotional, cognitive, communication, vocational and independent living skills. An adverse effect can be seen in behavioral difficulties at school; impaired or inappropriate social relations; impaired work skills, such as being disorganized; having trouble getting to school on time; or difficulty with following the rules.

The documentation of adversely effected educational performance must also substantiate that the educational deficiencies persist over time in spite of specific alternative strategies that have been provided within the general education setting. The PPT should document evidence that scientific, research-based interventions have been implemented with fidelity. The PPT will consider these efforts and their impact when determining adverse educational performance.

The disabilities eligible for special education services under the IDEA and/or state statute are the following:

- autism;
- deaf-blindness;
- developmental delay (ages 3 through 8 only);
- emotional disability;
- hearing impairment (deaf or hard of hearing);
- intellectual disability;
- multiple disabilities;
- orthopedic impairment;
- other health impairment (OHI);
- OHI - ADD/ADHD (attention deficit disorder/attention deficit hyperactive disorder);
- specific learning disabilities (SLD);
- SLD/Dyslexia;
- speech or language impairment;
- traumatic brain injury; and
- visual impairment.

Even though it is possible for a student to have more than one disability, the PPT will document the disability that is most indicative of the student's primary disability on the IEP.

Reevaluations and Three-Year Reevaluations

All evaluations conducted after the initial evaluation are considered reevaluations. After the initial evaluation, but prior to a three-year reevaluation, a PPT may determine that specific assessments and evaluations are needed to further clarify the student's needs and/or to change a primary disability category. A reevaluation will not be conducted more frequently than once a year unless the parent and the District agree otherwise. This is separate and distinct from the evaluative process of the three-year reevaluation to determine continued eligibility. Students with a primary disability category of developmental delay require a three-year reevaluation to determine continued eligibility on or before their 9th birthday.

The District will also conduct a three-year reevaluation of each student with a disability at least once every three years, unless the parent/adult student and the District agree in writing that a three-year reevaluation is not necessary. The purpose of the three-year reevaluation is to determine whether the student continues to be eligible for special education and related services, and to assess the student's educational needs. Additionally, the three-year reevaluation must determine whether any additions or modifications to the special education and related services are needed to enable an eligible student to meet the measurable annual goals and objectives set out in the student's IEP, and to participate, as appropriate, in the general education curriculum.

Students Transferring into the District

For students who are in the initial evaluation, or three-year reevaluation process and who transfer into the District from another school district in the same school year, the District acknowledges that it is the District's responsibility

to coordinate with the student's prior school district about the evaluation. This coordination should occur as expeditiously as possible, to ensure the prompt completion of the initial or three-year reevaluation as planned.

Trial Placement for Diagnostic Purposes

Consistent with state regulations, the District may use a trial placement for diagnostic purposes as part of the evaluation of a student. If using a trial placement for diagnostic purposes, the District will ensure that such trial placement shall be a structured program, of not more than 40 school days duration, the purpose of which is to assess the needs of a student who is or may be a student with a disability, but for whom the initial evaluation, or reevaluation are either inconclusive or insufficient to determine the student's eligibility for special education and related services or to develop or revise the child's IEP.

A trial placement for diagnostic purposes is an evaluation and shall not be considered the current educational placement of a student for purposes of determining the student's status during due process proceedings, unless the parents and the District agree otherwise.

If a trial placement for diagnostic purposes is conducted as part of an initial evaluation, the timeline for the implementation of the IEP may be extended by the PPT for the time necessary to complete the trial placement for diagnostic purposes.

The District will implement the following steps when the PPT recommends a trial placement for diagnostic purposes:

1. The PPT will specify, in writing, the diagnostic goals and objectives, as well as the types and amounts of services needed to conduct the program to determine more conclusively the student's needs;
2. The PPT or members of the PPT designated through parental and PPT agreement, will meet at least once every 10 school days with personnel working with the student to discuss the student's progress and to revise, where necessary, the services being provided;
3. The PPT will determine whether the student's educational school hours are divided between the trial placement and another program, or if the student will be educated in the trial placement for diagnostic purposes full-time;
4. A trial placement for diagnostic purposes will be terminated as soon as the student's needs have been determined, but in any event no later than 40 school days after the trial placement begins; and[33]
5. Five school days before the end of the trial placement for diagnostic purposes, the PPT will reconvene to determine the student's eligibility for special education and related services, as appropriate, or review, revise or develop the student's IEP, as appropriate, based on the findings made during the diagnostic placement, as well as other evaluative information regarding the student.

[33] If the District opts to conduct a trial placement for diagnostic purposes to determine a child's eligibility for special education services prior to the age of three, an IEP will be developed and the trial placement for diagnostic purposes will be completed prior to the child turning age three in order to ensure that an IEP offering FAPE is provided by the child's third birthday.

Chapter 5: Individualized Education Program (IEP)

34 CFR Section 300.320 – Section 300.328

General Information

The individualized education program (IEP) is a written document, developed by a PPT, which documents the specialized instruction and related services for an eligible student with a disability. Thus, the IEP is the vehicle by which FAPE is provided to the student.

At the beginning of each school year, the District will ensure that an IEP is in effect for each student with a disability who requires special education and related services.

An IEP developed through the IDEA's procedures must be:

- calculated to enable the student to receive educational benefit, and
- sufficient to enable a student with a disability to make progress that is more than de minimus and is appropriate in light of the student's circumstances.

Connecticut state regulation requires that each board of education shall use the IEP form developed by the Department of Education.[34] Therefore, the PPT will create an IEP using the Connecticut Special Education Data System (CT-SEDS) provided by the Connecticut State Department of Education.

The IEP must be developed, reviewed, and revised by the PPT. Therefore, in order to revise an IEP, a PPT meeting must be convened unless an amendment to the IEP is developed and mutually agreed upon, as described in the following section.

Making Changes to an IEP without Convening a PPT Meeting

The parents and the District may agree not to convene a PPT meeting for the purpose of making changes to the IEP, and instead may develop a written document to amend or modify the student's current IEP.[35] A signed *Agreement to Change an IEP without Convening a PPT Meeting* must be completed and attached to the amended IEP. Other members of the PPT will be informed of the changes made to the IEP. Parents will receive a copy of the amended IEP and prior written notice. The amended IEP goes into effect on the date indicated on the Prior Written Notice.

Children with an IEP Who Transfer in from Another District

For a child with a disability who has an IEP that was in effect in a previous public agency in the same state transfers to a new public agency in the same state, and enrolls in a new school within the same school year, the new public agency, in consultation with the parents, must provide FAPE to the child, including services comparable to those described in the child's IEP from the previous public agency, until the new public agency either adopts the child's IEP from the previous public agency; or develops, adopts, and implements a new IEP that meets applicable requirements.[36]

Children with an IEP Who Transfer in from Another State

Each state has its own eligibility criteria.

For a child with a disability who has an IEP that was in effect in a previous public agency in another state and transfers to a new public agency in a new state, and enrolls in a new school within the same school year, the new public agency, in consultation with the parents, must provide FAPE to the child, including services comparable to those described in the child's IEP from the previous public agency, until the new public agency completes an initial

[34] CT Reg of State Agencies 10-76d-11(b) - https://regulations.justia.com/states/connecticut/title-10/subtitle-76/section-10-76d/section-10-76d-11/

[35] Section 614(d)(3)(D) of H.R. 1350

[36] Programs or placements that have been effectuated by way of mediated or private settlement agreements between parents and a previous public agency do not automatically transfer to, or bind, the new public agency.

referral to special education in order to determine the student's eligibility according to Connecticut eligibility criteria; and develops, adopts, and implements a new IEP, if appropriate.

IEP Components

Using CT-SEDS will help ensure that an IEP includes all the required components in accordance with federal and state law. Detailed information about each section of the IEP is contained in the BSE's *Connecticut IEP Manual for IEPs Created After July 1, 2022*.[37]

An IEP must include:

- a statement of the student's present levels of academic achievement and functional performance, including how the disability affects the student's involvement and progress in the general education curriculum;
- for preschool children, as appropriate, how the disability affects the child's participation in appropriate activities;
- a statement of measurable annual goals, including academic and functional goals designed to meet the student's needs that result from the student's disability to enable the student to be involved in and make progress in the general education curriculum and meet each of the student's other educational needs that result from the student's disability;[38]
- a description of benchmarks or short-term objectives;
- a description of how the student's progress toward meeting the annual goals will be measured and when periodic reports on the progress the student is making toward meeting the annual goals will be provided;
- a statement of the special education and related services and supplementary aids and services[39] to be provided to the student or on behalf of the student, and a statement of the program modifications or supports for school personnel that will be provided to enable the student
  - to advance appropriately toward attaining the annual goals;
  - to be involved in and make progress in the general education curriculum, and to participate in extracurricular and nonacademic activities; and
  - to be educated and participate with students with disabilities and nondisabled students.
- an explanation of the extent, if any, to which the student will not participate with nondisabled students in the regular class and in extracurricular and nonacademic activities;
- a statement of any individual appropriate accommodations that are necessary to measure the academic achievement and functional performance of the student on State and districtwide assessments;
- if the PPT determines that the student must take an alternate assessment instead of a particular regular State or districtwide assessment of student achievement, a statement of
  - why the student cannot participate in the regular assessment; and
  - why the particular alternate assessment selected is appropriate for the student.
- the projected date for the beginning of the student's special education and relates services and any modifications;
- the anticipated frequency, location, and duration of those services and modifications;
- for any student identified as deaf or hard of hearing, the PPT will include a language and communication plan (LCP)[40] in the student's IEP, regardless of the student's primary disability;

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[37] https://portal.ct.gov/sde/special-education/connecticut-iep-manual

[38] IEP goals must be aligned with grade-level content standards for all children with disabilities. IDEA Part B regulations define the term "specially designed instruction," as "adapting, as appropriate to the needs of an eligible child, the content, methodology, or delivery of instruction to address the unique needs of the child that result from the child's disability and to ensure access of the child to the general curriculum, so that the child can meet the educational standards within the jurisdiction of the public agency that apply to all children." See OSEP DEAR COLLEAGUE LETTER on Free and Appropriate Public Education (FAPE) (November 16, 2015) - Individuals with Disabilities Education Act

[39] 34 CFR Section 300.42 defines supplementary aids and services as aids, services, and other supports that are provided in regular education classes, other education-related settings, and in extracurricular and nonacademic settings, to enable children with disabilities to be educated with nondisabled children to the maximum extent appropriate.

[40] CGS § 10-76jj

- if the student is 14[41] years old, appropriate measurable postsecondary goals based upon age-appropriate transition assessments related to training, education, employment, and, where appropriate, independent living skills and transition services needed to assist the student in reaching those goals; and
- beginning not later than one year before the student reaches the age of 18, a statement that the student has been informed of his or her rights under IDEA, if any, that will transfer to the student on reaching the age of 18.

Transportation

The IEP must contain information about the type of transportation to be provided to the student. All students requiring special education and related services are entitled to participate in the transportation services available to all students in the District. The PPT will determine if the regular transportation provided to all students is appropriate and safe for the student or if specialized transportation must be provided. If specialized transportation is required, transportation is considered a related service for the student and will be specified in the student's IEP.

Travel Time

A student's total travel time may not exceed one hour each way to and from their educational placement except with written parental consent, and all decisions relating to travel time will take into account the nature and severity of the student's disability and the student's age. If an appropriate placement cannot be made without exceeding the one-hour travel time limit, written parental consent must be obtained prior to implementing the transportation service.

Operators of Vehicles

The District will ensure that operators of vehicles meet the licensure requirements of the Connecticut Department of Motor Vehicles (DMV) and all other statutory requirements for school vehicle operation. The District will also ensure that operators of vehicles are given such in-service training as necessary to acquaint them with the specific needs of the students being transported and equip them to meet those needs.

Vehicles

All vehicles shall comply with the requirements of the Connecticut DMV and shall be equipped as to ensure safe and appropriate transportation.

Transportation Aides

The District will provide transportation aides when the District determines it is necessary to ensure safe and appropriate transportation or when a student's IEP specifies the need for such aide.

Transportation Provided by Parents

If the District requests that the parents transport their child, the District will reimburse the parents for the cost of such transportation at the standard mileage reimbursement rate for a privately owned vehicle established by the Internal Revenue Service. The reimbursement will only be for a round trip to transport the student to, and to retrieve the student from, the educational placement or other program required by the student's IEP. The District will not require the parents to provide transportation for their child and the parents' inability or unwillingness of the parents to provide transportation does not relieve the District of the obligation to provide transportation for the child. If parents reject the transportation offered by the District, the District is not required to reimburse the parents for the cost of transporting the child unless in receipt of an official order to do so.

Assistive Technology (AT)

If an eligible student requires assistive technology (AT) in order to receive FAPE, the District must provide the appropriate AT device(s) and services to ensure the student can access, participate in, and make progress in the general education curriculum to the extent appropriate as determined by the student's PPT. The use of AT must be considered by the PPT when developing an IEP for any student.[42]

[41] CGS § 10-76d-9(a)

[42] 34 CFR § 300.105

AT may be a part of one or more of the following: special education, related services, or supplementary aids and services. The PPT will determine if the student needs access to the AT device at school, home and/or community work sites and all settings specified in the student's IEP.

If the student's needs are not being met, then the PPT must consider AT devices and services and should identify additional solutions that may be needed, such as whether AT is required, whether it may be required in the future, or if more data are required in order to determine if AT is needed.[43] An AT consideration process is explained in the *Connecticut Guidelines for AT*.[44]

If the PPT determines that the student requires AT and is aware of technology that meets the student's needs, such as technology that is already available in the student's educational environment, or that the student has been using successfully to meet IEP goals and objectives, the PPT must ensure that such devices and services are recorded in the student's IEP. Assistive technology services are considered any service that directly assists a child with a disability in the selection, acquisition, or use of an assistive technology device.[45] This includes:

- The evaluation of the needs of a child with a disability, including a functional evaluation of the child in the child's customary environment;
- Purchasing, leasing, or otherwise providing for the acquisition of assistive technology devices by children with disabilities;
- Selecting, designing, fitting, customizing, adapting, applying, maintaining, repairing, or replacing assistive technology devices;
- Coordinating and using other therapies, interventions, or services with assistive technology devices, such as those associated with existing education and rehabilitation plans and programs; and
- Training or technical assistance for a child with a disability or, if appropriate, that child's family; and training or technical assistance for professionals (including individuals providing education or rehabilitation services), employers, or other individuals who provide services to, employ, or are otherwise substantially involved in the major life functions of that child.

Accessible Educational Materials (AEM)

If a student is identified as having a print-related disability which impacts the student's ability to access the general education curriculum, then the PPT may determine that the student qualifies to receive AEM produced in specialized formats through an access producer (AMP) and/or the National Instructional Materials Access Center (NIMAC) as delineated on the IEP. Eligibility must be certified by one of the following: doctor of medicine, doctor of osteopathy, ophthalmologist, optometrist, psychologist, registered nurse, therapist, and professional staff of hospitals, institutions and public or welfare agencies (such as an educator, a social worker, case worker, counselor, rehabilitation teacher, certified reading specialist, school psychologist, superintendent, or librarian). In CT, the educational team, be it the PPT or 504 Team should include one or more of these individuals and the decision should be recorded on the IEP or 504 Plan.

To ensure the timely provision of instructional material for blind or other persons with print disabilities, when ordering textbooks and other print instructional materials, the District will enter into a written contract with publishers of the materials to provide electronic files containing the contents of the print materials to the NIMAC. The publishers are required on or before delivery of the print materials to prepare and provide the print content using NIMAS file sets, so the content can be stored in the NIMAC and produced or rendered into specialized formats (braille, large print, digital text or audio) as needed. The District is responsible for ensuring that accessible specialized formats are provided in a timely manner to students with print-related disabilities and if a student's disability impacts the student's ability to access materials, the *Determining the Need for AEM* and *Acquiring AEM from Appropriate Sources* is a resource for district staff.[46]

[43] 34 CFR § 300.324 (a)(2)(v)

[44] https://portal.ct.gov/SDE/Publications/Assistive-Technology-Guidelines-Executive-Summary

[45] 34 CFR § 300.6

[46] https://portal.ct.gov/-/media/sde/special-education/nimas/determining_the_need_for_aem_and_acquiring_aem.pdf

Assistive Technology and Student Data Privacy

The state student data privacy law requires public school districts to enter into written agreements with contractors such as in-person consultants or providers of educational technology with which they share student data, records, or information.[47] This requirement does not require districts to create new, separate agreements with providers — though they may if they wish to — just that standard terms of use comply with the law's requirements.

The Department of Administrative Services (DAS) Commission for Educational Technology has developed a number of resources to support schools and providers in complying with the data privacy law (see www.CT.gov/EdTech). Among these is a list of software titles from providers that have pledged compliance with Connecticut's data privacy law.[48] The District may use these apps as well as any other software with data privacy terms that meet the requirements of the state law.

Regarding special education, updates to the law in 2018 addressed the need to use assistive technology software that does not comply with Connecticut law but that districts deem essential to allow students with disabilities to access general education curriculum.[49] That year, additional clarifying language created an exemption so that the IEP may include the use of software with data privacy terms that do not comply with all aspects of the state law, as long as Districts provide the following assurances:

- The software complies with FERPA
- The district has attempted to enter into a compliant contract with the operator (vendor)
- The district has not been able to identify an equivalent, compliant Internet web site, online service, or mobile application
- The operator (vendor) complies with other aspects of the law[50]
- The student's parent or legal guardian and an additional member of the PPT have signed an agreement that acknowledges the above and authorizes use of the software

In addition to the above provisions, the revised law requires that all districts report to the Commission annually on what, if any, software they leverage under the exemption.

Extended School Year (ESY) Services

The IEP will specify the length of the school day and school year. The length of the school day and year for students requiring special education and related services is the same as for students in the general education program, unless otherwise specified in the IEP. The PPT will determine whether an individual child requires extended school day or extended school year (ESY) services.[51,52]

ESY services are available if necessary to provide FAPE. The District provides ESY services only if the PPT that develops the student's IEP determines, on an individual basis, that the services are necessary for the provision of FAPE to the student. The District does not limit services to particular disability categories, and does not unilaterally limit the type, amount, or duration of those services. The District will ensure that consideration of a child's eligibility for, and the content, duration and location of the child's ESY services is determined in a timeframe so as to allow the parent sufficient time to challenge the determination of eligibility, the program, or the placement for the child before the beginning of the ESY services unless it is clearly not feasible to do so. The District will offer all special education services to students in the LRE during the school year and ESY programs.

[47] CGS § 10-234aa – dd

[48] ctedtech.app.learnplatform.com

[49] Public Act 18-125

[50] CGS §10-234cc

[51] 34 CFR §300.106

[52] https://portal.ct.gov/-/media/SDE/Special-Education/Topic_Brief_ESY.pdf

Chapter 6: Least Restrictive Environment (LRE) and Placement

34 CFR Section 300.114 – Section 300.120

General Information

The Individuals with Disabilities Education Act (IDEA) requires that students with disabilities who have an Individualized Education Program (IEP) receive their education and related services in the least restrictive environment (LRE). Typically, that is the general education classroom, but the IDEA requires school districts to provide a continuum of placements from most to least restrictive.

The District will ensure that, to the maximum extent appropriate, students with disabilities, including students in public or private institutions or other care facilities are educated with students who are nondisabled. Placement of students in special classes, separate schools, or other removal of students with disabilities from the general education environment will occur only when the nature or severity of the disability is such that education in general education classes with the use of supplementary aids and services cannot be achieved satisfactorily.

Continuum of Alternative Placements

The District will ensure that a continuum of alternative placements is available to meet the needs of students with disabilities residing within its jurisdiction that receive special education and related services. These placement options include instruction in regular classes, special classes, special schools, instruction in the home, and instruction in hospitals and institutions. These alternative placements will be available to the extent necessary in order to implement a student's IEP.

Each student's PPT must consider the environment in which each special education and related service of the student's IEP may be implemented, with the first consideration being the general education environment with supplementary aids and services. As necessary, to meet the student's unique needs, the PPT will consider progressively restrictive environments together with supplementary aids and services; finally choosing the LRE in which each service of the student's IEP may be implemented.

The LRE provisions apply to preschool children aged three to five years old as well. For young children with disabilities, intervention services provided, irrespective of setting, are individualized services that directly address the child's individual developmental and learning goals. The District has policies and procedures to ensure that options for the location of services represent the full range of options (a continuum of services), and that FAPE in the LRE for each young child eligible for special education services is considered by the PPT. The PPT will consider placement in a general education environment with appropriate supports and services prior to considering a more restrictive placement. Placement by the PPT will address where the young child's goals and objectives can be implemented in the LRE with preference to the general education environment.

Determining Placement

The placement of each student with a disability will be determined, by the PPT, at least annually, based upon the needs of the student. The goals and objectives, based on the student's present levels of performance, will be determined before the PPT determines the instructional site in which the student should receive each of the services in the IEP.

In selecting the LRE in which the student will receive each of the special education and related services described in the IEP, the PPT will ensure the following:

1. Students with disabilities are educated with age-appropriate peers to the maximum extent appropriate. A student with a disability cannot be removed from education in regular classrooms solely because of needed modifications in the general education curriculum.
2. Any potential harmful effect on the student or on the quality of services the student needs is considered.
3. Unless the student's IEP requires some other arrangement, the student is educated in the school that the student would otherwise attend if nondisabled.

4. The student participates with nondisabled students in the extracurricular services and activities to the maximum extent appropriate to the needs of that student.
5. The student has the appropriate supplementary aids and services necessary for the student to participate in nonacademic settings.

Each IEP will include an explanation of the extent, if any, to which the student will not participate with nondisabled peers in the general education classroom and in extracurricular and other nonacademic activities, as well as a justification for removal from general education.

The District will provide PWN to the parent whenever the PPT proposes to change or refuses to change the educational placement of the student. Since graduation from high school with a regular high school diploma is considered a change in placement, a PWN will be provided before the student graduates. The term "regular high school diploma" does not include alternative awards such as certificates of attendance or completion of a general educational development credential (GED).

Placement in Out of District Special Education Programs

If a PPT determines that a student's needs cannot be met within the District, the PPT may recommend that the student be placed at an out of district special education program that is aligned with the student's needs along the LRE continuum. The PPT may only recommend placement at an out-of-district program that has been approved by the CSDE.[53] In such cases, a representative of the out of district program shall be required to attend the PPT meeting or participate in some other way.

The District remains responsible for the provision of a FAPE to an outplaced student, and thus must ensure that all special education and related services are provided according to the student's IEP. PPT meetings will continue to be convened in accordance with IDEA timelines (i.e. annual reviews and evaluation/reevaluation meetings), with necessary district and outplacement staff in attendance as required by the IDEA. The student's IEP should be reviewed and revised as needed based on performance reports and progress toward goals and objectives.

The District also remains responsible for ensuring that the student continues to be educated in the least restrictive environment. As such, the PPT must continue to determine the appropriateness of the student's outplacement based on the student's needs and progress and must consider reenrollment in the district or another less restrictive environment if appropriate. Likewise, a student's failure to make progress or an outplacement's inability to implement a student's IEP may also necessitate a change in placement. The PPT must develop an appropriate IEP prior to any change in placement.

[53] 34 C.F.R. §300.146

Local or Regional Board of Education Contracts with Private Provider of Special Education Services

The District is required to have a contract with a private provider of special education services for **each** student placed. The IEP of a child **shall not** be considered a contract between a local or regional board of education and a private provider of special education services.

The contract for each student between the local or regional board of education and the 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. In addition, the contract may include the following provisions: a requirement that the private provider of special education services submit monthly or quarterly reports to the local board regarding the specific services being provided; authorization of the local board to review and reconcile the reports; and/or authorization for the local board to conduct periodic site visits at the location where the private provider of special education services provides the services.

A local or regional board of education is not eligible for reimbursement for any costs of special education paid by such board of education to a private provider of special education services unless there is a written contract in place for each student between the local or regional board of education and the provider of special education services.

In addition, all transportation guidance in Chapter 5 of this manual applies to students placed in private special education programs.

Provision of Meals for Students Placed in Private Special Education Programs

The provision of meals is not specifically considered a related service under the IDEA. Nonetheless, when a PPT places a student in an approved private special education program, such placement cannot require the parents to incur costs for which they would not otherwise be responsible in the student's public school district. Consequently, if a student would qualify for free or reduced-cost meals in their school district, they would similarly be entitled to free or reduced-cost meals in the private special education placement. The local or regional board of education contract with a private provider of special education services should address whether or not meals (breakfast, lunch) are included in the private provider program's cost. While the provision of meals/lunch is not a related service, IDEA focuses on educational and supportive services that directly impact a child's ability to learn and participate in school.

Calculating Time with Nondisabled Peers (TWNDP) in Elementary and Secondary Educational Settings

For each student with a disability, the time they are with non-disabled peers (TWNDP) must be calculated.[54] The District will apply the following standards when determining and calculating the time that a student with disabilities is being educated with their nondisabled peers in an elementary or secondary setting. Keep in mind that what constitutes the LRE is different for each student, and thus an individualized determination, rather than a blanket policy, must be made when determining the LRE for a specific student. [55] Time in which the student is engaged in the following scenarios is included in calculating the student's TWNDP:

1. When the student is being educated in a general education classroom and the general education classroom is taught by the certified general education teacher of record who is considered highly qualified in the content or subject area instruction provided.
2. When the student is being educated in a co-taught classroom where at least 50 percent of the students on the class roster are not students with disabilities and the class is co-taught by a general educator and a special educator or other licensed certified staff. Note that this is based on the class roster, not the fluctuation of the classroom attendance on a day-to-day basis.
3. When the student is engaged in routine school activities such as, passage in hallways and during lunch, recess, and study periods unless the student spends this time segregated from nondisabled peers.

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[54] Time With Non-Disabled Peers Memorandum (https://bureaubulletin.files.wordpress.com/2015/09/determination-of-time-with-non-disabled-peers-for-Students-with-disabilities-memorandum.pdf)

[55] P. ex rel. Mr. and Mrs. P. v. Newington Bd. of Educ., 546 F.3d 111 (2nd Cir. 2008)

The *LRE Procedural Checklist* must be completed and attached to the IEP if the student is to be removed from the general education environment for 60 percent or more of the time.[56]

Calculating Time with Nondisabled Peers (TWNDP) in Work-Based Learning Experiences/Community-Based Settings

For the purpose of determining time that a student with disabilities is being educated with his/her nondisabled peers in a work-based learning or community-based work setting, the district will apply the following standards.

The student is being educated with nondisabled peers if:

- The work-based learning placement occurs as part of a student's educational program, in an inclusive setting where individuals with and without disabilities are present and typically interact with each other or with customers without disabilities;
- The work-based learning experience is one in which any student could potentially work; and
- The work-based learning placement is not one that has been designed just for students with disabilities.

[56] It is recommended that the LRE Checklist be utilized when making any placement decision to ensure conformity with the LRE provisions of the Individuals with Disabilities Education Act.

Chapter 7: Students Unable to Attend School for Medical Reasons

The District will provide homebound or hospital instruction to students receiving special education and related services who are unable to attend school due to **verified medical reasons** that may include mental health issues.

This should not be confused with instruction in the home, which is a placement along the LRE continuum.

The student's qualifying medical provider shall provide a statement in writing directly to the District, on a form provided by the District, which states:

1. The student's qualifying medical provider has consulted with school health supervisory personnel and has determined that attendance at school with reasonable accommodations is not feasible;
2. The student is unable to attend school due to a verified medical reason;
3. The student's diagnosis with supporting documentation;
4. The student will be absent from school for at least 10 consecutive school days or the student's condition is such that the student may be required to be absent from school for short, repeated periods of time during the school year; and
5. The expected date the student will be able to return to school.

The District will ensure that instruction will begin no later than the 11th school day of absence from school; provided the District has received notice in writing that meets the five requirements stated above. The District may begin services earlier if it receives adequate notice prior to the student's absence from school. If the qualified medical provider indicates that the student cannot receive instruction while they are absent, the student's treating physician shall determine when instruction should begin and inform the District.

The PPT will modify, if necessary, the short-term instructional objectives in the student's IEP, while also taking steps to design a program that fosters the student's return to his or her previous level of school integration and attendance. This may be documented on the Learning Mode IEP Implementation Plan (LMIIP) which is an addendum to the IEP. Provisions for frequently monitoring the student's progress while being provided homebound or hospital instruction shall be included in the student's IEP.

The instruction provided will maintain the continuity of the student's general education program, and in the case of a student with a disability, will be provided to the student such that the student can continue to participate in the general education curriculum and progress toward meeting the goals and objectives in the student's IEP to the maximum extent appropriate. "**Maintaining the continuity of the student's general education program," means the student will receive instruction in core academic subjects required by the District for promotion or graduation.**

The minimum standards for the provision of homebound instruction are as follows:

1. For any student with a disability from three to five years of age, the amount of time determined appropriate by the PPT;
2. Not less than one hour per day or five hours per week for students in Kindergarten through sixth grade; and
3. Not less than two hours per day, or ten hours per week for students in seventh through twelfth grade.[57]

The location of the instruction may be the student's home or the hospital or other sites such as a public library, taking into consideration the student's medical condition.

Note: These minimum standards **do not apply** to students whose PPT recommended **Instruction in the Home.**

[57] Where evaluative data indicates that these time requirements should be modified, instruction time may be increased or decreased upon the agreement of the parent and the District or upon a determination made by the PPT as appropriate.

Students Who Are Pregnant or Who Have Given Birth

In the case of a student who is pregnant or has given birth, the same guidelines apply, as to those students who are unable to attend school for medical reasons. The homebound or hospital instruction to be provided to a student who is pregnant or has given birth will enable the student to remain in school or otherwise have access to instruction and support services. The District will consider the student's individualized needs and will provide, as appropriate, services that may include transportation, a shortened school day, counseling, modified assignments or modified class schedule.

Students with Disabilities Who Are Medically Complex

"Medically complex" refers to a student who has a serious, ongoing illness or chronic condition that requires prolonged or intermittent hospitalization, and ongoing medical treatments or medical devices to compensate for the loss of bodily functions. In the case of a medically complex student with a disability who is not able to attend school due to medical reasons, the PPT will consider and make accommodations for the student's program to be moved from a public school to home or health care facility, including but not limited to, a hospital, psychiatric facility or rehabilitation center and back to school when the student is able to return to school. Instruction for a student with a disability who is medically complex will begin no later than the third school day of absence, provided the student is able to receive instruction.

Chapter 8: Legal Notices

The District will provide parents and adult students with written notices at specific points throughout the special education process. A parent or adult student may elect to receive these notices via electronic mail.

When an eligible student reaches the age of majority, which is presently 18 years of age in Connecticut (adult student), the District shall continue to provide any notices required by the IDEA and state special education law to the student and the student's parents.[58] All other rights accorded to the parents under the IDEA and state special education law will transfer to the student, unless the court has determined that the student has become incapacitated.[59] The District will notify the parents and the student when the rights are transferred.

The adult student may notify the District, in writing, that the parents will still have the right to make educational decisions on behalf of the adult student even though the student has turned 18 years old. At any time, the student may revoke the granting of these rights.

The adult student may authorize another adult to make educational decisions on behalf of the student using a power of attorney consistent with the requirements of state statute.

The District will include in the IEP a statement informing the student of his or her rights under the IDEA and state special education law that will transfer to the student, at least one year before the student reaches the age of 18.

Notices and Publications

The District will document if these notices and publications were given to the parents at a PPT meeting through the use of the IEP document. The District may transmit these documents electronically, only if the parents agree to access information in this manner.

Procedural Safeguards Notice

The District will provide this notice annually to parents, as well as when the following events take place:

1. Upon initial referral or parental request for evaluation;
2. Upon the first occurrence of the filing of a complaint or request for a due process hearing;
3. Upon request by a parent; and
4. Upon a change of placement resulting from a disciplinary action.

A Parent's Guide to Special Education in Connecticut

The District will provide this guide to parents and students immediately upon the formal identification of a student as eligible for special education and related services and at each PPT meeting thereafter.

Connecticut IEP Manual

The District will provide this publication to parents and students immediately upon the formal identification of a student as eligible for special education and related services and at each PPT meeting thereafter.

Building a Bridge

The District will provide this publication to parents and students immediately upon the formal identification of a student as eligible for special education and related services and at each PPT meeting thereafter.

Transition Bill of Rights

The District will provide this publication annually at a PPT meeting to parents and students (for students in sixth through twelfth grade).

[58] 34 § 300.520

[59] Please see state regulations for more detail and the procedures for appointing an educational representative.

Parental Notification/Laws Relating to the Use of Seclusion and Restraint

Parents will be informed about provisions of the state statutes and regulations regarding the emergency use of physical restraint and seclusion.[60] Every parent (or adult student) will be advised of these rights at the initial PPT meeting held for the student even if the emergency use of physical restraint or seclusion is not likely to occur. If the parents or eligible student agree that access to this information may be provided electronically, the District may refer the parents or eligible student to the *Parental Notification of the Laws Relating to the use of Seclusion and Restraint in the Public Schools*[61] at the appropriate Web address.

Parental Notification Following the Emergency Use of Restraint or Seclusion

The District must attempt to notify the parent(s) of a student who has been restrained or secluded on the day of or within twenty-four hours after the emergency use of physical restraint or seclusion, unless it involves an adult student to whom rights have transferred. This notification may be made by phone, e-mail or other method of communication, which may include sending a note home with the child. In the case of a student to whom rights have not transferred, the parent(s) must be sent a copy of the incident report no later than two business days after the emergency use of physical restraint or seclusion.

FERPA Annual Notification of Rights

The District will annually notify the parents (or adult students with an IEP) of their rights under FERPA.

Notice of the Availability of Mediation

The District must read aloud a notice of the availability of mediation services at PPT meetings. "The procedural safeguards explain student and parent rights under IDEA and identify dispute-resolution options, including the right to voluntarily engage in mediation."[62] You may review the memorandum regarding this notice at https://portal.ct.gov/-/media/SDE/Digest/2023-24/CSDE-Memo---Availability-of-Mediation-PA-23-137.pdf .

The district shall provide the following two required notices translated into the primary language spoken by such student or parent if there is an apparent need or upon their request.

Listing of Transition Resources, Transition Services, and Public Transition Programs

The District will provide this notice annually at a PPT meeting to parents and students (for students in sixth through twelfth grade). The online listing of transition resources and transitions services can be found at Easing into Secondary Transition, and the online listing of public transition programs can be found at EdSight.

Decision-Making Supports

The District will provide information about the full range of decision-making supports, including the Decision-Making Options online resource, annually at a PPT meeting to parents and students (for students age 14+).

[60] A copy of (the district)'s written policies and procedures about the use of physical restraint or seclusion can be obtained here. Any questions regarding the policies and procedures related to the use of physical restraint or seclusion can be directed to the Assistant Superintendent for Special Education and Student Services.

[61] Parental Notification of the Laws Relating to the use of Seclusion and Restrain in the Public Schools (Revised July 2018)

[62] A Parent's Guide to Special Education (2021)

Chapter 9: Students Parentally-Placed in Private Schools

34 CFR Section 300.130 - Section 300.144

General Information

Parentally-Placed Private School Students (PPPSS) are children with disabilities enrolled by their parents in private, including religious, schools or facilities that meet the definition of an elementary school or secondary school

The District's Child Find obligations, however, extend to students who attend private schools located within the physical boundaries of the District, regardless of whether the student is a resident of the District or not. The Child Find process is designed to ensure equitable participation of parentally-placed private school children and an accurate count of those children.

Pursuant to state law, children who are being home-schooled by their parents are not considered parentally-placed private school children for the purposes of receiving special education and related services under the IDEA.

Equitable Services and Services Plans[63]

Any student with a disability who is attending a not-for-profit private school located in the District and is eligible for special education and related services (parentally-placed private school students) may be considered for a services plan. Parentally-placed private school students do not have an individual right to receive from the District in which the not-for-profit private school is located some or all of the special education and/or related services they would receive if they were enrolled in their home District.

Under the IDEA, the District has the responsibility to provide PPPSS an opportunity for equitable participation in the services funded with Federal Part B funds. How, where, and by whom any special education and related services will be provided for PPPSS is determined during the consultation process (described in the next section). After timely and meaningful consultation with private school staff and parents of children with disabilities, the District will make the final decisions about all aspects of services to be made available to the population of students with disabilities attending not-for-profit private schools located in the District. The amount of funds available for these services is based on the District's proportionate share calculation, which may be used to provide direct or indirect services. If the parents or private school officials disagree with the decision of the District as to the services, they may pursue resolution via the State's Complaint Resolution Process.

In the case that the district determines that a PPPSS will receive a services plan, the plan must describe the specific special education and related services that the District will provide. A services plan is reviewed periodically, at least annually, and revised as appropriate. Parents are required participants in the development, review and revision of the services plan.

Consultation with Representatives of Private School Students

To ensure timely and meaningful consultation, the District will consult at least annually with private school representatives and representatives of parents of PPPSS during the design and development of special education and related services for PPPSS.

The consultation process will address the following:

1. The Child Find process and how PPPSS suspected of having a disability can participate equitably, including how parents, teachers, and private school officials will be informed of the process;
2. The determination of the proportionate share of federal funds available to serve PPPSS with disabilities, including the determination of how the proportionate share of those funds was calculated;

[63] Please note that the IDEA distinguished between profit and nonprofit private schools. If a student is placed in a for-profit private school by their parents the service plans provision do not apply.

3. How the consultation process among representatives of the District, the private schools and parents will take place, and how the process will operate throughout the school year to ensure that children with disabilities identified through the Child Find process can meaningfully participate in special education and related services;
4. How, where, and by whom special education and related services will be provided including a discussion of types of services, and how services will be apportioned if funds are insufficient to serve all children, and how and when decisions regarding services will be made; and
5. If the District disagrees with the views of the private school officials on the provision or the types of services to be provided, the District will provide a written explanation supporting District views related to provisions or the types of services to be provided.

The District will maintain documentation that the consultation has occurred, including a written affirmation signed by representatives of the participating private school(s) showing that they have participated in timely and meaningful consultation that has continued throughout the school year.

After consulting with appropriate representatives for eligible private school students, the District will make the final decision with respect to the services to be provided, including the following:

1. The students who will receive services;
2. The type of services that will be provided;
3. How and where the services will be provided; and
4. How the services provided will be evaluated.

Transportation

If necessary for the student to benefit from or participate in the services plan, the District will provide a PPPSS with transportation from the student's private school or home to a site other than the private school; and from the service site to the private school, or to the student's home, depending on the timing of the services. The District may include the cost of the transportation in calculating whether it has spent the proportionate share of Federal Part B funds on providing services to PPPSS.

The District is not required to provide transportation from the student's home to the private school.

Use of Funding

The District may use funds available under Sections 611 and 619 of IDEA to make public personnel available in other than public facilities:

- To the extent necessary to provide services to students designated to receive services; and
- If those services are not normally provided by the private school.

The District may use funds available under Sections 611 or 619 of IDEA to pay for the services of an employee of a private school to provide services if:

- The employee performs the services outside of his/her regular hours of duty;
- The employee performs the services under public supervision and control; and
- The employee is appropriately qualified, licensed or certified.

The District will not use funds available under Sections 611 or 619 of IDEA for:

- Child Find activities for PPPSS:
- The needs of the private school;
- The general needs of the students enrolled in the private school;
- Financing the existing level of instruction in a private school;
- Repairs, minor remodeling or construction of private school facilities; or
- To otherwise benefit the private school or meet the needs of the private school.

The District will not use funds available under Sections 611 or 619 of IDEA for classes that are organized separately, on the basis of school enrollment or religion, if the classes:

- Are at the same site; and
- Include students enrolled in public schools and students enrolled in private schools.

Equipment and Supplies

The District will keep the title, and exercise administrative control of all property, equipment, and supplies that the district acquires with IDEA funds under Sections 611 or 619 for the benefit of private school students with disabilities. Equipment and non-consumable supplies should be labeled that they were purchased with IDEA funds. The District will maintain an inventory log of such purchases.

The District may place equipment and supplies in a private school for the period of time needed for the program provided that the equipment and supplies are used only for IDEA Part B purposes. Equipment and supplies will only be provided if they can be removed from the private school without remodeling the facility. Equipment and supplies will be removed from a private school if the equipment and supplies are no longer needed for IDEA Part B purposes or

Chapter 10: Discipline

34 CFR Section 300.530 - Section 300.537

General Information

Students with disabilities, like their nondisabled peers, must abide by the District Code of Student Conduct adopted by the District Board of Education.[64] If a student's behavior impedes his or her learning or the learning of other students then the PPT will consider positive behavioral interventions, supports, and strategies to address the behavior. If the PPT determines that a student needs such interventions, supports, or strategies, they will be documented in the student's IEP.

Students with disabilities are subject to the District Code of Student Conduct, including suspension or expulsion from school. In addition to the due process rights afforded to students without disabilities pursuant to state law, the District will follow a set of specific procedural requirements in the event a student with a disability engages in a behavior that requires a disciplinary intervention and exclusion from school.

Contacting Local Homeless Education Liaisons Before Expulsion and Suspension Hearings

Additionally, districts are required to contact their local homeless education liaisons prior to an expulsion or suspension hearing to determine if the student is homeless. If so, the entity conducting the hearing must consider the impact of homelessness on the student's behavior, and a student cannot be expelled without a plan to alleviate this impact (PA 25-93, §§ 38-39, effective July 1, 2025).

Types of Disciplinary Actions

Exclusion is any denial of public school privileges to a student for disciplinary purposes.

Removal is an exclusion from the classroom for all or part of a single class period, provided such exclusion does not extend beyond 90 minutes.

In-school suspension (ISS) is an exclusion from regular classroom activity for no more than five consecutive school days, but not exclusion from school, provided such exclusion does not extend beyond the end of the school year in which such ISS was imposed. If a student is removed from the classroom for more than 90 minutes due to disciplinary reasons, it is considered an ISS and must be documented as such.

All suspensions from school must be ISS unless the administration determines that an out-of-school suspension (OSS) is appropriate based on the following:[65]

- The administration determines that the student being suspended poses such a danger to persons or property or such a disruption of the educational process that the pupil be excluded from school during the period of suspension, or
- The administration determines that an OSS is appropriate for such a student based on evidence of (A) previous disciplinary problems that have led to suspensions or expulsion of such pupil, and (B) efforts by the administration to address such disciplinary problems through means other than OSS or expulsion, including that positive behavioral support strategies were implemented.

An ISS will not count towards days of removal from school if the district provides the following three components for the student:

1. Appropriate participation in the general education curriculum;
2. Services identified on the student's IEP; and
3. Opportunities to continue to participate with nondisabled children.

Each situation will be judged individually, and the student's time with nondisabled peers assessed to determine if the time with nondisabled peers during periods of ISS were comparable to the time the student spends with nondisabled peers during a typical school day.

[64] Code of Student Conduct

[65] CGS §10-233c(g)

An ISS program should include proper supervision, instruction, behavioral support, access to current schoolwork, and ideally place students with peers of the same grade or age.

Out-of-school suspension (OSS) is an exclusion from school, including classes, privileges, activities, and transportation services, for up to 10 school days (5 days for grades K-2). A student cannot be suspended more than 10 times or for more than 50 school days each school year unless the student is provided with a formal hearing.

- A partial day exclusion from school, which may involve sending a student home before the conclusion of the regular school day, is classified as an OSS if the duration of the exclusion exceeds 90 minutes. This means that if a student is required to leave school early due to behavioral reasons, infractions, or other disciplinary actions, the time away from school is considered a formal OSS.
- **Forced pick-up** requests by districts: requesting a parent/guardian to pick up a student because of challenging behaviors is considered an OSS.

In the event that a student with a disability breaches the code of conduct outlined in the student handbook, the school district may impose an OSS not exceeding 10 consecutive school days. Additionally, the child may receive, as necessary, a Functional Behavioral Assessment (FBA) and/or behavioral intervention services and modifications tailored to address the behavior, thereby preventing its recurrence.

Expulsion refers to the exclusion from school privileges and participation in all related activities for a period exceeding ten consecutive school days. This action encompasses, but is not limited to, the prohibition from attending the specific school to which the student was assigned at the time the disciplinary measure was enacted. It is essential to note that such exclusion shall not exceed a duration of one calendar year.[66]

Districts are required to eliminate expulsions from a student's educational record upon their graduation from high school, with the exception of cases involving firearms or deadly weapons. Families have the opportunity to petition for the removal of the expulsion from the educational record (i.e., expungement) prior to the student's graduation. The local or regional board of education has the discretion to approve or deny the request for expungement prior to graduation.

Students who have been expelled are eligible to apply for early re-entry to school. The decision regarding a student's return will be made by the local or regional board of education or the superintendent. It is essential for the district to establish procedures that facilitate the transition of a student from an alternative educational placement back to the regular school environment.

Expulsions for Students in Grades 3-12

Students may be expelled under the following circumstances:

- On school grounds or at a school sponsored activity: the student engaged in conduct that violated a board of education policy and is seriously disruptive to the educational process or puts persons or property in danger; or
- Off school grounds: the student engaged in conduct that violates a board of education policy and is seriously disruptive to the educational process.

Expulsions and Preschool through Grade Two:[67]

- Pre-K students attending public school programs may not be expelled unless it is determined at a hearing that the student had a firearm on or off school grounds or at a school-sponsored event.
- For students in Kindergarten to Grade Two, an expulsion can be imposed only when a child has certain weapons or illegal drugs.

Expulsion and Alternative Education

If a child is under age 16, an alternative education opportunity must be provided during the time of expulsion. Depending on the school district, a child may need to attend a different school or receive an individualized program that combines tutoring with a teacher and online coursework.

[66] CGS §10-233d

[67] CGS §10-233l

- State law requires that alternative educational opportunities follow the Standards for Educational Opportunities for Students Who Have Been Expelled.
- If a student is age 16 to 18 and seeks to pursue further education, alternative educational options will be made available, provided the student has not been previously expelled and adheres to any conditions established by the board of education.
- The board is not obligated to provide alternative education for students aged 16 to 18 who have previously been expelled.

Discipline Procedures for Special Education Students

When an eligible student with a disability violates a code of conduct, District staff may suspend the student for not more than 10 consecutive school days. During this removal, the District is not required to provide educational services, unless the District provides services to nondisabled students while suspended. However, the District will provide the student with an opportunity to complete any missed classwork, including examinations administered during the period of suspension.

For students that are not already identified for special education services, the District will promptly refer all children who have been suspended repeatedly or who otherwise exhibit a pattern of behavioral concerns to a PPT.

Disciplinary Removals resulting in a Change of Placement

A change in placement occurs if the District removes the student for more than 10 consecutive days (i.e., expulsion) or if the District has cumulatively removed the student in excess of 10 days and such removals constitute a pattern of removals. When determining whether the removals constitute a pattern, the District will consider (1) whether the behavior for which the student was disciplined was substantially similar to the conduct that resulted in prior removals and (2) other factors such as length of each removal, total time the student has been removed, and the proximity of the removals to each other. The District will make this determination on a case-by-case basis. If the parent of the student disagrees with the determination, the parent may file for an expedited due process hearing. If the District determines that the cumulative removals do not result in a change of placement and the current removal is more than 10 school days, District staff, in consultation with at least one of the student's teachers, will determine the extent to which educational services are needed to enable the student to continue to participate in the general education curriculum, although in another setting and to progress toward meeting the goals and objectives in the student's IEP.

The District will provide prior written notice to the parent on the date on which the decision is made to remove the student resulting in a change of placement, and also provide a copy of the procedural safeguards.

The District will conduct a manifestation determination meeting if the District is considering expelling a student, removing the student to an interim alternative educational setting (IAES), or any other change in placement.[68]

Manifestation Determination

Before expelling a student or any other disciplinary removals resulting in a change of placement, the District will convene a PPT meeting to conduct a manifestation determination.

Such meeting will convene within 10 school days of any decision to change the placement of a student with a disability because of a violation of the District code of student conduct. The purpose of the meeting will be to review all relevant information in the student's file, including the student's IEP, any teacher observations, and any relevant information provided by the parent to determine:

1. If the behavior in question was caused by, or had a direct and substantial relationship to, the student's disability; or
2. If the behavior in question was the direct result of the District's failure to implement the student's IEP.

If it is determined that the conduct was a manifestation of the student's disability, the PPT will:

[68] https://sites.ed.gov/idea/files/qa-addressing-the-needs-of-children-with-disabilities-and-idea-discipline-provisions.pdf

1. Conduct an FBA unless the District had conducted an FBA before the behavior that resulted in the change in placement occurred, and implement a BIP for the student; or if a BIP already has been developed, review the BIP, and modify it as necessary to address the behavior; and
2. Return the student to the placement from which the student was removed, unless the parent and the district agree to a change in placement as part of the modification of the BIP.

If it is determined that the conduct was not a manifestation of the student's disability or a result of the District's failure to implement the student's IEP, the District may discipline the student in the same manner and for the same duration as a student without a disability. The student remains subject to the measures imposed as related to the District code of conduct for the violation committed. The District will continue to provide the student with educational services to enable the student to continue to participate in the general education curriculum, although in another setting, and to progress towards meeting the goals and objectives in the student's IEP. The PPT will determine what educational services the District will provide and the setting for those services, which may be an IAES. In addition, when determined appropriate by the PPT, the District will conduct an FBA and provide behavioral intervention services and modifications designed to address the behavioral violation, so it does not recur.

Special Circumstances

The District may remove a student to an IAES for not more than 45 school days without regard to whether the behavior is determined to be a manifestation of the student's disability, if the student:

1. carries a weapon to or possesses a weapon at school, on school premises, or to or at a school function under the jurisdiction of the District;
2. knowingly possesses or uses illegal drugs, or sells or solicits the sale of a controlled substance, while at school, on school premises, or at a school function under the jurisdiction of the District; or
3. has inflicted serious bodily injury upon another person while at school, on school premises, or at a school function under the jurisdiction of the District.

The District will continue to provide the student with educational services to enable the student to continue to participate in the general education curriculum, although in another setting, and to progress towards meeting the goals and objectives in the student's IEP. The PPT will determine what educational services the District will provide and the setting for those services. In addition, when determined appropriate by the PPT, the District will conduct an FBA and provide behavioral intervention services and modifications designed to address the behavioral violation, so it does not recur.

Exclusion from Bus Transportation

Exclusion from a student's usual bus transportation may also be considered a suspension if the student receives transportation as a related service that is documented on the student's IEP. However, the days that the student is suspended from bus transportation do not count toward the 10 day total (constituting a change in placement) if during this period of bus suspension the district provides transportation to the student in some other manner.

If the student is receiving regular transportation from the District (i.e., not special transportation through an IEP), a suspension from bus transportation would not be counted as a suspension from school. If the student has behavioral issues which result in multiple suspensions from bus transportation, the PPT will convene to discuss the student's behavior on the bus and what, if any, services the student may need while being transported, (e.g., behavior intervention planning and implementation, the addition of adult support during transportation, or the need for alternative transportation).

Expedited Due Process Hearing

Expedited Due Process Hearing

An expedited due process hearing may be requested:

- by the District to remove the student to an IAES because the District believes that keeping the student in the current school program is substantially likely to result in injury to the student or to others;
- by the District to maintain the student in an IAES or another appropriate placement after the expiration of the IAES where the parent disagrees with the proposed change and the District believes that maintaining the student in the current school program is substantially likely to result in injury to the student or to others;
- by the parent when the parent believes that a change in placement has occurred because the student has been kept out of school for more than 10 consecutive days, or for more than 10 days in a school year, and the District has not conducted a manifestation determination;
- by the parent when the parent does not agree with the IAES placement; or
- by the parent when the parent does not agree with a manifestation determination that the student's behavior was not a manifestation of the student's disability.

An expedited hearing is available in matters concerning a challenge to the change in placement decision as a result of a disciplinary removal, the manifestation determination, or placement in an IAES. The expedited due process hearing must occur within 20 school days of the date the request was filed, and a final written decision must be made within 10 school days after the hearing.

A resolution meeting must occur within seven calendar days of receiving notice of the expedited due process complaint unless the parties agree in writing to waive the meeting or agree to use mediation. The resolution period runs concurrently with the hearing timeline.

Hearing Officer's Authority to Order an IAES

The District may ask a special education hearing officer to order a change in placement of a student with a disability to an appropriate IAES for not more than 45 school days. The hearing officer may place a student in an IAES through an expedited due process hearing if the hearing officer determines that the District has demonstrated by substantial evidence that maintaining the current placement of the student is substantially likely to result in injury to the student or to others.

During the expedited hearing, the student will remain in the IAES or other disciplinary setting pending the decision of the hearing officer or until the expiration of the additional suspensions, expulsion, or 45 school day IAES unless the parent and the District otherwise agree.

An expedited hearing must meet the general hearing requirements. The Connecticut due process regulations contain procedural requirements that are specific to expedited hearings. The hearing is limited to the above issues and the hearing officer has the authority to limit the introduction of exhibits and testimony as may be necessary to rule on the issue presented. The hearing officer does not have the authority to extend the timelines of an expedited hearing.

If the hearing officer determines that the District violated the discipline procedures outlined in the IDEA or that the student's behavior was a manifestation of the student's disability, the hearing officer may return the student to the placement from which the student was removed.

The hearing officer may order a change of placement of the student to an appropriate IAES for not more than 45 school days if the hearing officer determines that maintaining the current placement of the student is substantially likely to result in injury to the student or to others.

Protection for Students Not Yet Eligible for Special Education

A student who has been referred to special education but not yet been determined eligible for special education and related services and who engages in behavior that violates the District code of conduct may assert the protections provided by the IDEA if the District had knowledge that the student was potentially a student with a disability before the behavior that precipitated the disciplinary action occurred.

The District is deemed to have had knowledge that a student is potentially a student with a disability if before the behavior that precipitated the disciplinary action occurred:

1. the parent of the student expressed concern in writing to District supervisory or administrative personnel or the student's teacher, that the student is in need of special education and related services;
2. the student's parent requested an evaluation of the student to determine his/her eligibility for special education and related services; or
3. the student's teacher, or other District personnel, expressed specific concerns about a pattern of behavior demonstrated by the student to the District's director of special education or to other supervisory personnel in the District.

The District will not be deemed to have knowledge that the student was potentially a student with a disability if the student's parents did not consent to an evaluation of the student, or refused services under the IDEA, or the student had been evaluated and determined not to be a student with a disability under the IDEA.

If the District does not have knowledge that a student is potentially a student with a disability prior to taking disciplinary measures against the student, the student is subject to the same disciplinary measures as applied to students without disabilities who engage in comparable behavior.

If a request is made to evaluate the student to determine eligibility for special education and related services during the time period in which the student is subject to the disciplinary measures, the District will conduct the evaluation in an expedited manner. Pending the results of the evaluation, the student will remain in the educational placement determined by the District, which can include suspension or expulsion without educational services.

If the District is in the process of evaluating the student to determine eligibility for special education and related services, and the disciplinary measures result in a change in placement for the student, the District will perform a manifestation determination regarding the suspected disability or disabilities.

Chapter 10 Appendix

Supporting Students with Emotional Disability:

- Guidelines for Identifying and Educating Students with Emotional Disability

Board Certified Behavior Analyst:

- BCBAs in Schools: Guidelines and Professional Standards for Connecticut

Family Guides for Connecticut Families:

- When a Child Is Suspended from School: A Fact Sheet for Connecticut Families
- When a Child Is Expelled from School: A Fact Sheet for Connecticut Families

Connecticut State Department of Education Position Statement for School Discipline:

- Reducing Disproportionality in Suspensions and Expulsions (Exclusionary Discipline)

Resources for Educators and Families for Early Elementary:

- Decision Guide for Behavioral Supports Preschool to Grade 2
- Tip Sheet: Seek to Understand a Child's Behavior
- Tip Sheet: De-escalation Strategies
- Videos (YouTube)
  - Mobile Crisis Intervention/211 for children experiencing a behavioral or mental health crisis
  - The Early Childhood Consultation Partnership (ECCP)
  - The Pyramid Model for Supporting Social Emotional Competence in Infants and Young Children
  - Understanding Challenging Behavior in Young Children

Alternative Opportunities for Students Who Have Been Expelled:

- Alternative Educational Opportunities for Students Who Have Been Expelled: Best Practice Guidelines for Program Implementation
- Guidelines for Alternative Education Settings

Chapter 11: Discontinuation of Special Education and Related Services

The District will provide special education and related services in accordance with a student's IEP, unless the student's eligibility has been terminated in accordance with federal and state special education law. A student's eligibility under the IDEA is terminated when the student: (1) no longer meets eligibility criteria, (2) graduates from high school with a regular high school diploma, or (3) reaches the maximum age of eligibility. In Connecticut, students remain eligible to receive special education and related services through the end of the school year during which the student turns age 22, or until the student graduates with a regular high school diploma, whichever occurs first.

Student No Longer Meets Eligibility Criteria

If the PPT suspects that a student is no longer a student with a disability, the District will conduct a comprehensive reevaluation of the student.[69] If after reviewing the evaluation, the PPT determines that the student is no longer eligible for special education, the District will provide the parent/adult student with PWN before discontinuing special education services.

Graduation from High School with a Regular Diploma

The District's obligation to provide special education and related services ends when the student graduates from high school with a regular diploma. This is considered a change of placement.

Prior to graduation and the discontinuation of services, the District will provide the parent/adult student with the following:

1. PWN; and
2. Summary of Performance (SOP).

Student Exceeds Age of Eligibility

Pursuant to state law, the District's obligation to provide special education and related services extends through June 30th of the school year during which the student turns age 22. The school year is defined as July 1st through June 30th of the following calendar year.

Prior to exceeding the age of eligibility and the discontinuation of services, the District shall provide the parent/adult student with an SOP.

Participation in Graduation Exercises and Related Activities

Each student with a disability shall be entitled to participate in the general education high school graduation exercises and related activities of the board of education in the event such student will not be graduating with a general education high school diploma.[70] The student, the student's parents, and the PPT shall determine the student's high school graduating class for purposes of participation in the high school graduation exercises and related activities. A student with a disability is entitled to participate in high school graduation exercises and related activities while such student is enrolled in high school.

[69] See Chapter 3 for the required evaluation procedures.

[70] Pursuant to the Regulations of Connecticut State Agencies (RCSA) Section 10-76d-1(a)(2),

Chapter 12: Special Education and Related Services Personnel

The District will employ the number of certified and/or licensed personnel and support personnel, consistent with state statute, necessary to implement the special education and/or related services required in each student's IEP. The District ensures that all personnel necessary to carry out Part B of the IDEA are appropriately and adequately prepared, trained and, if appropriate, licensed, including having the content knowledge and skills to serve students with disabilities.[71]

Consultation Time

The District will make it a priority when considering schedules to allow time during the school day for personnel who provide special education and related services or general education to consult with each other, other personnel, and parents.

Personnel Development/Professional Learning

The District will provide a comprehensive system of professional learning to prepare administrators, general and special education teachers, related services and support personnel with the necessary skills and knowledge, derived from scientifically based research, to be successful in supporting students with disabilities in the LRE.[72]

Paraeducators/Instructional Assistants

The District will ensure that each paraeducator who works with students with disabilities is appropriately oriented and trained (minimum of 18 hours annually) to carry out each paraeducator's individual duties. The District shall ensure that a qualified person (certified and/or licensed in the area of specialization to which such paraeducator is assigned) provides oversight and direct supervision of the paraeducator.[73]

Services Contracted Through a Separate Agency

The District recognizes that it has the responsibility to monitor the implementation of a student's IEP and the provision of services to a student even if services are provided by a contracted agency.[74] If a contracted agency fails to provide the services described in the IEP, the District will convene a PPT to identify alternative strategies to meet the objectives for the student set out in the IEP and consider the need for compensatory services.

[71] 34 CFR § 300.156

[72] 34 CFR § 300.207

[73] https://portal.ct.gov/-/media/SDE/Paraeducator/guidelines_paraprofessionals.pdf?la=en

[74] The District shall execute a contract with the agency separate and distinct from the student's IEP for each student placed at the agency.

Chapter 13: Procedural Safeguards and Confidentiality

34 CFR Section 300.500 – Section 300.520
RCSA 10-76d-2

Pursuant to federal and state law, parents have specific rights referred to as procedural safeguards. Pursuant to the IDEA, the District must provide parents with a Procedural Safeguards Notice containing a full explanation of these rights, written in the native language of the parents (unless it is clearly not feasible to do so) and in an easily understandable manner.[75]

The District must provide a copy of the Procedural Safeguards Notice to parents of a student with a disability one time each year and also when the following occurs:

- The first time a parent/adult student or District staff ask for an evaluation/referral;
- The parent/adult student asks for a copy of the Procedural Safeguards Notice;
- The first time in the school year a parent/adult student requests a due process hearing or files a state complaint; or
- When the District takes disciplinary action against a student, which results in a change of placement.

Prior Written Notice (PWN)

The purpose of PWN is to provide written communication to the parents or adult student of the actions that have been proposed or refused by the PPT. PWN is only required when the PPT proposes or refuses to initiate or change the identification, evaluation, or the educational placement of a student, or the provision of FAPE for a student.

Timelines

Please refer to Section 13 of the *Connecticut IEP Manual* regarding the two options related to timelines for PWN.

Content of Notice

PWN must include the following information:

1. Description of the action proposed or refused by the District;
2. Explanation of why the District proposed or refused to take the action;
3. Description of any options the PPT considered and the reasons why those options were rejected;
4. Description of each evaluation procedure, assessment, record, or report the PPT used as a basis for the proposed or refused action;
5. Description of any other factors that were relevant to the PPT's proposal or refusal;
6. A statement that a parent has protections under the procedural safeguard protections of the IDEA and if the written notice is for an initial referral for evaluation, where a copy of the Procedural Safeguards Notice can be obtained; and
7. Resources for parents to contact to obtain assistance in understanding the procedural safeguards of the IDEA.

Notice in Understandable Language

The District will write the PWN in language understandable to the general public (English) and provide the PWN in the native language of the parent or adult student or other mode of communication used by the parent or adult student, unless it is clearly not feasible to do so. If the native language or other mode of communication is not a written language, the District will take steps to ensure the notice is translated orally or by other means to the parent and adult student in his or her native language or other mode of communication. The District will also take steps to ensure that the parent and adult student understand the content of the notice, as well as document the steps taken to ensure that the notice was translated and understood.

In addition to the above information, the law requires notice to be given to the parents for a disciplinary removal from school or classes that results in a change in placement. This is not necessarily, but can be, a PWN as

[75] https://portal.ct.gov/-/media/SDE/Special-Education/Prosaf.pdf?la=en

described above. A copy of the *Procedural Safeguards in Special Education* document will accompany the notice of a disciplinary action that results in a change in placement for the student.

Informed Parental Consent

The District must obtain written consent prior to conducting an initial evaluation, a reevaluation, and the initial provision of special education and related services for a student.

Informed consent means that the parent:

- Has been fully informed in the parent's native language or their alternate mode of communication about the activity for which the District is seeking consent;
- Understands and agrees in writing to the carrying out of the activity for which consent is sought. The consent agreement describes that activity and, in the case of a records release, lists the records that will be released and to whom; and
- Understands that the granting of consent is voluntary and may be revoked at any time.

Parental consent is not required before reviewing existing data as part of an evaluation or reevaluation, or before administering a test or other means of evaluation if the District has an assessment that is given to all students unless the District gets permission from all parents before administration of that test or other means of evaluation.

Consent to Conduct an Initial Evaluation

The District must obtain parental consent prior to conducting an initial evaluation. The District will use the *Consent to Conduct an Initial Evaluation/Reevaluation document in CT-SEDS* to document the date the District requested consent from the parent and the date when the District obtained consent from the parent.

District staff will make reasonable efforts to obtain written consent from a parent for a reevaluation. These efforts must be documented and could be a record of phone calls, e-mails, or written correspondence (e.g. detailed records of phone calls made or attempted and the results of those phone calls and copies of correspondence sent to the parents and any responses received).

If the parent fails to respond to a request from the District for consent to conduct an initial evaluation within 10 days from the date of the notice to the parent, the District will interpret the failure to respond as a refusal of consent.

Please note that if the parent does provide consent for an initial evaluation, the consent only applies to the initial evaluation and cannot be construed as consent for the initial provision of special education and related services.

The District does not violate its obligation to provide FAPE to a student if the District declines to pursue the evaluation in the case that the parent has not provided written consent, or revokes consent.

Special Rules for the Initial Evaluation for Wards of the State

When the District seeks to evaluate a student for the first time and the student is in the custody of the Commissioner of the Department of Children and Families (DCF) and not residing with the student's parent, the District is required to obtain consent from the student's assigned surrogate parent.

Consent to Conduct a Reevaluation

The District must obtain written parental consent prior to conducting a reevaluation if new evaluative information is being considered. The District will generate the *Consent to Conduct an Initial Evaluation/Reevaluation* document within CT-SEDS in order to document the date the District requested consent from the parent and the date when the District obtained consent from the parent. No written parental consent is needed for a reevaluation if it is limited to a review of existing evaluative information

District staff will make reasonable efforts to obtain written consent from a parent for a reevaluation. These efforts must be documented and could be a record of phone calls, e-mails, or written correspondence (e.g. detailed records of phone calls made or attempted and the results of those phone calls and copies of correspondence sent to the parents and any responses received).

If the parent fails to respond to a request from the District for consent to conduct a reevaluation within 10 days from the date of the notice to the parent, the District will interpret the failure to respond as a refusal of consent.

Consent for the Initial Provision of Special Education

The District must obtain written parental consent before the initial provision of special education.

District staff will make reasonable efforts to obtain written consent from a parent for the initial provision of special education. These efforts must be documented and could be a record of phone calls, e-mails, or written correspondence (e.g. detailed records of phone calls made or attempted and the results of those phone calls and copies of correspondence sent to the parents and any responses received).

If the parent fails to respond to a request from the District for consent for the initial provision of special education within 10 days from the date of the notice to the parent, the District will interpret the failure to respond as a refusal of consent.

If the parent refuses to consent for the initial provision of special education and related services, the District will not be considered to be in violation of the requirement to make FAPE available to the student.

Dispute Resolution Options when Parent Refuses Consent

If the parent does not provide consent for an initial evaluation or a reevaluation, the District may use mediation or a due process hearing to obtain an agreement or a ruling that allows the District to conduct the evaluation. The District does not violate its obligation to provide FAPE to a student if the District declines to pursue the evaluation in the case that the parent has not provided written consent, or revokes consent.

If a parent refuses consent for the initial provision of special education and related services, the District is prohibited from using the due process system, including mediation or a due process hearing, in order to obtain agreement or a ruling that the services may be provided to the student.

Revoking Consent

If a parent grants then withdraws consent, that withdrawal must be submitted to the District in writing. A withdrawal of consent is not retroactive and, therefore, does not withdraw consent for activities that took place during the period after consent was first given, but prior to when the consent was withdrawn. Confidentiality and Student Records

The District protects the confidentiality of any personally identifiable information (PII), at collection, storage, disclosure, and destruction stage.

The District custodian of records is responsible for ensuring the confidentiality of any PII. All District personnel collecting or using PII must have received training or instruction about the policies and procedures in the IDEA and FERPA, as well as any state policies and procedures for protecting the confidentiality of PII.

The District maintains, for public inspection, a current list of the names and positions of those employees within the District who may have access to personally identifiable information.[76]

Access to Education Records

Parents have the right to inspect and review any education records relating to their child that are collected, maintained or used by the District to meet the requirements of Part B of the IDEA. The District will presume that parents have the authority to inspect and review records relating to their child unless it has been advised that the parents do not have the authority under applicable state law governing such matters as guardianship, separation, and divorce.

The right to inspect and review the records also includes the following:

- The right to a response from the District to reasonable requests from parents for explanations and interpretations of the records;
- The right to have a representative of the parent inspect and review the records; and
- Pursuant to state regulations, the right to one free copy of the records.

A parental request to review and inspect education records or a request for one free copy of such records must be in writing.

Pursuant to state regulations, the District will allow parents to inspect and review their child's education records without unnecessary delay and before any meeting regarding an IEP or any hearing or resolution session; otherwise, the District will comply with such request no later than 10 school days of the request.

[76] Staff Directory

The District will provide one free copy of the records no later than 10 school days of the request. The District may charge for additional copies of an already-copied document if the fee does not effectively prevent parents from exercising their right to inspect and review the records. The District does not charge parents a fee to search for or to retrieve the educational records of a special education student.

Any test instrument or portion of a test instrument for which the test manufacturer asserts an ownership or copyright interest may not be copied. However, they may be reviewed and inspected by parents if they are part of their child's education record.

Record of Access

The District maintains a record of the parties that have accessed a student's education record. With the exception of parents and authorized employees of the District, everyone who reviews a student's educational record must be documented in the record of access. The record of access includes the name of the party having access, the date the District gave access, and the purpose for which the party was authorized to use the records.

Records of More than One Child

If the education records include information on more than one student, the parents of those students have the right to inspect and review only the information relating to their child or to be informed of that specific information.

List of Types and Locations of Information

Upon request, the District will provide a parent with a list of the types and locations of education records collected, maintained, and used by the District.

Amendment of Records at Parent Request

Parents may request that the District amend their child's education records if they believe that information in the education records is inaccurate, misleading, or violates the privacy or other rights of the student. Within a reasonable period of time, the District will decide whether to amend the information in accordance with the request and communicate this decision to the parent. If the District decides to refuse the request to amend the student's education record, the District will inform the parent of the refusal and advise the parent of the right to a hearing pursuant to the IDEA.

Parents' Opportunity for a Hearing

Upon request, the District will provide the parent with an opportunity for a hearing to challenge information in education records to ensure that it is not inaccurate, misleading or otherwise in violation of the privacy or other rights of the student. The District will conduct the hearing in accordance with the procedures contained in FERPA.

Hearing Result

If, as a result of a hearing, the District decides that the information is inaccurate, misleading or otherwise in violation of the privacy or other rights of the student, the District will amend the information accordingly and so inform the parent in writing.

If, as a result of a hearing, the District decides that the information is not inaccurate, misleading or otherwise in violation of the privacy or other rights of the student, the District will inform the parent of the parent's right to place, in their child's education records, a statement commenting on the information that they requested be amended or providing any reasons for disagreeing with the decision of the District.

The District will maintain any explanation provided by the parent after a hearing as part of the student's education records as long as the record or the contested portion of the record is maintained by the District. Also, if the District discloses the student's records or the contested portion of the record to any party, the District will also disclose the parent's explanation to that party.

Consent for Disclosure of Personally Identifiable Information (PII)

District personnel must obtain parental consent before disclosing PII to parties unless the information is contained in education records and the disclosure is authorized without consent pursuant to exceptions outlined in FERPA.

District personnel must obtain parental consent or the consent of the adult student before PII is released to officials of participating agencies providing or paying for secondary transition services in the student's IEP.

Parental consent is not required before PII is released to officials of other agencies for purposes of meeting the requirements of the IDEA.

Destruction of Information

The District will inform parents when the PII collected, maintained or used under the IDEA is no longer needed to provide educational services to the student. If the parent requests that the information is destroyed, the District will comply with the request and destroy the information.

The District may maintain a permanent record of a student's name, address, and phone number, his or her grades, attendance record, classes attended, grade level completed, and year completed without time limitation.[77]

Records of students placed by the District in Regional Education Service Centers (RESCs) and approved-private special education programs (APSEPs) are education records, therefore retention and destruction of this information is the obligation of the District.

Dispute Resolution Options Available Pursuant to the IDEA

State Complaints

Any individual or organization may file a state complaint with the BSE alleging that the District has violated a requirement of any state or federal law concerning special education.

Due Process Hearing

The District or a parent may file for a due process hearing on any matter relating to a District's proposal or refusal to initiate or change the identification of a student, the evaluation of a student, the educational placement of student, or the provision of a FAPE to the student.

Resolution Process

Within 15 days of receiving a due process hearing request filed by a parent, and prior to initiation of a due process hearing, the District will convene a meeting with the parent and the relevant member or members of the PPT who have specific knowledge of the facts identified in the due process complaint unless the District and parent agree in writing to waive the resolution meeting or voluntarily agree to participate in mediation in lieu of a resolution meeting.

Mediation

Mediation is a way to settle a dispute when the District and a parent disagree on the identification of a student, the evaluation of a student, the educational placement of a student, or any other matter related to the provision of a FAPE to the student. Mediation is voluntary and therefore both the District and the parent must agree to participate in the mediation process.

The BSE has model forms for state complaints, mediations, and due process hearings.[78]

The Procedural Safeguards Notice[79] provides more detailed information about state complaints, mediation, due process hearings, and the advisory opinion process.

Independent Educational Evaluation (IEE) at Public Expense

A parent has the right to request an independent educational evaluation (IEE) at public expense if the parent disagrees with an evaluation that was obtained by the District. A parent does not have the right to an IEE at public expense if the District declines to evaluate a student to determine eligibility for special education (i.e., declines to conduct an initial evaluation). If the parent disagrees with the District's decision to not conduct an initial evaluation, the parent may use the dispute resolution options (i.e., state complaint, mediation, due process hearing) afforded by the IDEA in order to pursue an evaluation by the District. Comprehensive guidance related to IEEs, and in-school observations is available through the Bureau of Special Education.[80]

The parent may request an IEE at public expense either at or outside of a PPT meeting. The District may ask for the parent's reason, but will not require the parent to provide an explanation and may not unreasonably delay either providing the IEE at public expense or filing a request for a due process hearing to show that its evaluation

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[77] Note: the State Record Retention Schedule sets a 50 year minimum retention time for these types of records; however, the District may maintain these records for a longer period of time if they so choose.

[78] https://portal.ct.gov/-/media/SDE/Special-Education/Complaint-Resolution-Process-Rev-72517.pdf?la=en

[79] https://portal.ct.gov/-/media/SDE/Special-Education/Prosaf.pdf?la=en

[80] https://portal.ct.gov/SDE/Special-Education/Guidance-for-Independent-Educational-Evaluations-and-In-School-Observations

is appropriate. If the request is made during a PPT meeting, the District is not required to provide an answer to the parent's request at that time. Although the PPT may review the request during the meeting, the District may inform the parent of its decision regarding the IEE at public expense subsequent to the PPT meeting, provided that the decision is made without unnecessary delay.

Federal law mandates that if a parent requests an IEE at public expense, the District must, without unnecessary delay, either:

- Request a due process hearing to show that its evaluation is appropriate or that an evaluation obtained by the parent did not meet the District's IEE criteria; or
- Ensure that an IEE is provided at public expense.

The District will also provide the parent with the following:

- Information about where an IEE may be obtained; and
- The District's IEE criteria.[81,82]

The parent retains the right to choose the independent evaluator. The District will provide the parent with a list of independent evaluators that meet its IEE criteria, and the parent may choose an evaluator from the District's list, or the parent may choose an evaluator not on the list that meets the District's criteria. If the evaluator chosen by a parent does not meet the District's IEE criteria and the District believes there is no justification for choosing an evaluator that does not meet its criteria, the District is required to, without unnecessary delay, either demonstrate in a due process hearing that the evaluator does not meet its IEE criteria or ensure that the IEE is provided at public expense.

Referral to and Action by Law Enforcement and Judicial Authorities

Part B of the IDEA does not prohibit the District from reporting a crime committed by a student with a disability to appropriate authorities; or prevent state law enforcement and judicial authorities from exercising their responsibilities with regard to the application of federal and state law to crimes committed by students with disabilities.

Transmittal of Records

If District personnel report a crime committed by a student with a disability, the school district:

1. Must ensure that copies of the student's special education and disciplinary records are transmitted for consideration by the authorities to whom the District reports the crime; and
2. May transmit copies of the student's special education and disciplinary records on to the extent permitted by FERPA.

Other Safeguards

Please see chapter 10 for information about the following procedural safeguards:

1. Procedures for Disciplining Children;
2. Protections for Children Not Yet Eligible; and
3. Expedited Due Process Hearings.

Please see the Procedural Safeguards Notice for information about the following procedural safeguards:

1. Unilateral Placements by Parents in Private Placements;
2. Stay Put; and
3. Attorneys' Fees.

[81] Provided upon request.

[82] The District has the right to set standards, which the independent evaluator must meet in order for the school district to publicly fund an IEE. The IEE criteria must be the same criteria that the District would use when it initiates its own evaluation; to the extent, those criteria are consistent with a parent's right to an IEE.

Chapter 14: Gifted and Talented Students

RCSA Section 10-76d-9

Identification of Children Who Are Gifted and Talented

The District is required to identify and evaluate students who may have gifted or talented abilities. The identification and evaluation of students who may have gifted or talented abilities is included in the special education services provided to students enrolled in public schools in Connecticut.[83,84] It is not a requirement found in the IDEA.

Students in grades Kindergarten through Grade 12 enrolled in the District who may be gifted and talented are identified, referred to, and evaluated through a specific process. While identification is mandated under state law, offering specialized programming is not. The District may, but is not required to, provide services to those students identified as gifted and talented. While not mandated by state or federal laws, Darien chooses to provide programming for students who are identified as intellectually gifted in grades one through nine in a program called the “Idea Program.” Elementary level students meet in small groups for approximately 90 minutes per week. Scheduled classes permit students in the middle school and grade nine to continue participation in the program. The provision of programs and services to students identified as gifted and talented is optional. If the parent disagrees with the program or services being provided, there is no right for the parent to challenge the program or services offered. The District may identify up to ten percent of its total school population as gifted and talented.

Procedures for Identification of Students who are Gifted and Talented

The District will evaluate and identify gifted and talented children using the PPT process as follows:

1. Parents will be notified in writing when the student is referred to the PPT for consideration of identification of gifted and talented.
2. Parents will be notified in writing if the student has met the criteria for eligibility as gifted and talented.
3. The District may conduct PPT meetings on groups of students for whom evaluation and identification as gifted and talented are planned.
4. If the District recommends further evaluations and use an individual assessment procedure (e.g., an individual intelligence test), certain procedures must be followed:
    a. Written parental consent will be secured before a child is individually evaluated for identification as gifted and talented. Individual assessment requires proper notice and informed consent.
    b. Parents will be notified that their child has been referred for evaluation and written consent for the evaluation must be obtained.
    c. Parents will be informed of the results of the evaluation and informed whether or not the child has been identified as gifted and talented.
5. The District may use individual evaluations or group assessment and evaluations to identify gifted and talented children. The District will determine this on an as needed basis.
6. If group assessment procedures are used to identify gifted and talented students, consent to perform such assessments may not be required. Group assessments (e.g. achievement tests) given to all students within a District are nonspecific and do not require consent. If a group of students are to be evaluated, *specifically, to determine identification as gifted and talented*, then the District will provide notice to the parents and consent will be obtained.

[83] Public Act 19-184, Section 7: AN ACT CONCERNING THE PROVISION OF SPECIAL EDUCATION

[84] CSDE Gifted and Talented Education Guidance

7. If individualized assessment procedures are used, an individual PPT may be held with the parents to discuss eligibility. However, the District is not required to hold an individual PPT meeting with parent(s), since an IEP will not be developed.
8. For purposes of determining eligibility where either individual and/or group assessments are used, the District may choose to convene a single PPT meeting for the purpose of reviewing student assessment data and to identify a group of gifted and talented students. This will be determined by the District on an as needed basis.
9. The District will make available to parents any education records related to their child, including records related to the determination of the child's identification as gifted and talented.
10. The District recognizes that, if at any time in the evaluation process the parents disagree with the decisions of the PPT, the parents have the right to challenge those decisions by requesting a due process hearing.
11. The District recognizes that the parents have the right to obtain an independent evaluation of their child, at their own expense, conducted by a certified person not employed by the District.
12. The District recognizes that it is not required to provide programming for children identified as gifted and talented. Instead, programming is permissive.
13. A local or regional board of education shall, upon the identification of a student as gifted and talented, provide electronic notice of such identification to the parent or guardian of such student. Such notice shall include, but need not be limited to, (1) an explanation of how such student was identified as gifted and talented, and (2) the contact information for (A) the employee of the District in charge of the provision of services to gifted and talented students, or, if there is no such employee at that time, the employee of the District in charge of the provision of special education and related services, (B) the employee at the Department of Education who has been designated as responsible for providing information and assistance to boards of education and parents of students related to gifted and talented students, and (C) any associations in the state that provide support to gifted and talented students.

PPT Membership for Gifted and Talented

The District recognizes that PPTs may be conducted on groups of students for whom evaluation and identification as gifted and talented are planned. For students who have been referred to determine eligibility as gifted and talented, or who have been previously identified by a PPT as being gifted and talented, the PPT membership will be composed of a group of certified and/or licensed professionals, who represent each of the teaching, administrative and pupil personnel staffs and who participate equally in the decision-making process.[85]

[85] https://portal.ct.gov/SDE/Gifted-and-Talented/Identifying-gifted-and-talented-children-in-CT/Regulations