



General Assembly

February Session, 2020

Raised Bill No. 5328

LCO No. 1607



Referred to Committee on COMMITTEE ON CHILDREN

Introduced by:
(KID)

AN ACT CONCERNING THE ROLE OF BIRTH-TO-THREE SERVICE PROVIDERS AT PLANNING AND PLACEMENT TEAM MEETINGS.

Be it enacted by the Senate and House of Representatives in General Assembly convened:

1 Section 1. Subdivision (10) of subsection (a) of section 10-76d of the
2 2020 supplement to the general statutes is repealed and the following is
3 substituted in lieu thereof (*Effective July 1, 2020*):

4 (10) (A) Each local and regional board of education responsible for
5 providing special education and related services to a child or pupil shall
6 notify the parent or guardian of a child who requires or who may
7 require special education, a pupil if such pupil is an emancipated minor
8 or eighteen years of age or older who requires or who may require
9 special education or a surrogate parent appointed pursuant to section
10 10-94g, in writing, at least five school days before such board proposes
11 to, or refuses to, initiate or change the child's or pupil's identification,
12 evaluation or educational placement or the provision of a free
13 appropriate public education to the child or pupil.

14 (B) Upon request by a parent, guardian, pupil or surrogate parent,
15 the responsible local or regional board of education shall provide such

16 parent, guardian, pupil or surrogate parent an opportunity to meet with
17 a member of the planning and placement team designated by such
18 board prior to the referral planning and placement team meeting at
19 which the assessments and evaluations of the child or pupil who
20 requires or may require special education is presented to such parent,
21 guardian, pupil or surrogate parent for the first time. Such meeting shall
22 be for the sole purpose of discussing the planning and placement team
23 process and any concerns such parent, guardian, pupil or surrogate
24 parent has regarding the child or pupil who requires or may require
25 special education.

26 (C) Such parent, guardian, pupil or surrogate parent shall (i) be given
27 at least five school days' prior notice of any planning and placement
28 team meeting conducted for such child or pupil, (ii) have the right to be
29 present at and participate in all portions of such meeting at which an
30 educational program for such child or pupil is developed, reviewed or
31 revised, [and] (iii) have the right to have (I) advisors of such person's
32 own choosing and at such person's own expense, [and to have] (II) the
33 school paraprofessional assigned to such child or pupil, if any, [to be
34 present at and to] and (III) such child or pupil's birth-to-three service
35 coordinator, if any, attend and participate in all portions of such meeting
36 at which an educational program for such child or pupil is developed,
37 reviewed or revised, and (iv) have the right to have each
38 recommendation made in such child or pupil's birth-to-three
39 individualized transition plan, as required by section 17a-248e, as
40 amended by this act, if any, addressed by the planning and placement
41 team during such meeting at which an educational program for such
42 child or pupil is developed.

43 (D) Immediately upon the formal identification of any child as a child
44 requiring special education and at each planning and placement team
45 meeting for such child, the responsible local or regional board of
46 education shall inform the parent or guardian of such child or surrogate
47 parent or, in the case of a pupil who is an emancipated minor or eighteen
48 years of age or older, the pupil of (i) the laws relating to special
49 education, (ii) the rights of such parent, guardian, surrogate parent or

50 pupil under such laws and the regulations adopted by the State Board
51 of Education relating to special education, including the right of a
52 parent, guardian or surrogate parent to (I) withhold from enrolling such
53 child in kindergarten, in accordance with the provisions of section 10-
54 184, and (II) have advisors and the school paraprofessional assigned to
55 such child or pupil [to be present at, and to] attend and participate in [
56 all portions of such meeting at which an educational program for such
57 child or pupil is developed, reviewed or revised, in accordance with the
58 provisions of subparagraph (C) of this subdivision, and (iii) any relevant
59 information and resources relating to individualized education
60 programs created by the Department of Education, including, but not
61 limited to, information relating to transition resources and services for
62 high school students. If such parent, guardian, surrogate parent or pupil
63 does not attend a planning and placement team meeting, the responsible
64 local or regional board of education shall mail such information to such
65 person.

66 (E) Each local and regional board of education shall have in effect at
67 the beginning of each school year an educational program for each child
68 or pupil who has been identified as eligible for special education.

69 (F) At each initial planning and placement team meeting for a child
70 or pupil, the responsible local or regional board of education shall
71 inform the parent, guardian, surrogate parent or pupil of (i) the laws
72 relating to physical restraint and seclusion pursuant to section 10-236b
73 and the rights of such parent, guardian, surrogate parent or pupil under
74 such laws and the regulations adopted by the State Board of Education
75 relating to physical restraint and seclusion, and (ii) the right of such
76 parent, guardian, surrogate parent or pupil, during such meeting at
77 which an educational program for such child or pupil is developed, to
78 have (I) such child or pupil's birth-to-three service coordinator attend
79 and participate in all portions of such meeting, and (II) each
80 recommendation made in the transition plan, as required by section 17a-
81 248e, as amended by this act, by such child or pupil's birth-to-three
82 service coordinator addressed by the planning and placement team.

83 (G) Upon request by a parent, guardian, pupil or surrogate parent,
84 the responsible local or regional board of education shall provide the
85 results of the assessments and evaluations used in the determination of
86 eligibility for special education for a child or pupil to such parent,
87 guardian, surrogate parent or pupil at least three school days before the
88 referral planning and placement team meeting at which such results of
89 the assessments and evaluations will be discussed for the first time.

90 Sec. 2. Subsection (i) of section 10-76d of the 2020 supplement to the
91 general statutes is repealed and the following is substituted in lieu
92 thereof (*Effective July 1, 2020*):

93 (i) (1) No local or regional board of education shall discipline,
94 suspend, terminate or otherwise punish any member of a planning and
95 placement team employed by such board who discusses or makes
96 recommendations concerning the provision of special education and
97 related services for a child during a planning and placement team
98 meeting for such child.

99 (2) No birth-to-three service coordinator or qualified personnel, as
100 those terms are defined in section 17a-248, who discusses or makes
101 recommendations concerning the provision of special education and
102 related services for a child during a planning and placement team
103 meeting for such child or in a transition plan, as required by section 17a-
104 248e, as amended by this act, shall be subject to discipline, suspension,
105 termination or other punishment on the basis of such recommendations.

106 Sec. 3. Subsection (a) of section 17a-248e of the 2020 supplement to
107 the general statutes is repealed and the following is substituted in lieu
108 thereof (*Effective July 1, 2020*):

109 (a) Each eligible child and his or her family shall receive (1) a
110 multidisciplinary assessment of the child's unique needs and the
111 identification of services appropriate to meet such needs, (2) a written
112 individualized family service plan developed by a multidisciplinary
113 team, including the parent, within forty-five days after the referral,
114 [and] (3) review of the individualized family service plan with the

115 family at least every six months, with evaluation of the individualized
116 family service plan at least annually, and (4) a written individualized
117 transition plan, developed by such child's service coordinator or
118 qualified personnel, for special education and related services provided
119 by a local or regional board of education, including specific service
120 recommendations for the development of such child's individualized
121 educational program.

This act shall take effect as follows and shall amend the following sections:		
Section 1	July 1, 2020	10-76d(a)(10)
Sec. 2	July 1, 2020	10-76d(i)
Sec. 3	July 1, 2020	17a-248e(a)

Statement of Purpose:

To (1) allow parents at planning and placement team meetings to request the attendance and participation of their child's birth-to-three service coordinator and that the recommendations of such child's birth-to-three service provider be addressed, and (2) protect birth-to-three service providers from discipline for making recommendations for special education services at planning and placement team meetings.

[Proposed deletions are enclosed in brackets. Proposed additions are indicated by underline, except that when the entire text of a bill or resolution or a section of a bill or resolution is new, it is not underlined.]