



CONNECTICUT STATE
DEPARTMENT OF EDUCATION

CONNECTICUT STATE DEPARTMENT OF EDUCATION

Legislative Update 2015

Paraprofessionals at PPT meetings

(effective July 1, 2015) Public Act 15-5, Section 277

Parents and guardians now have the additional right to have the school paraprofessional assigned to their child, if any, to be present at and participate in all portions of any planning and placement team meeting at which their child's educational program is being developed, reviewed or revised.

Upon the formal identification of a child as a child requiring special education and at each planning and placement team meeting for such child, the responsible board of education shall *inform* parents and guardians of their right to have advisors and the school paraprofessional assigned to their child to be present at and participate in all portions of the PPT meeting at which an educational program for their child is developed, reviewed or revised.



Paraprofessionals at PPT meetings, cont.

“Paraprofessional” includes personnel with job titles such as (*but not limited to*) Paraprofessional, One to One, Instructional Aide or Assistant, Job Coach or Personal Care Provider. The term refers to a position where an individual provides support to and/or works directly with a child and for which a license or certification is not required.

“Assigned to” means that the child’s Individualized Education Program (IEP) includes support for the child that may be described as one to one, adult support, paraprofessional as needed, or other similar description. It would also include a classroom paraprofessional who has been assigned to a child’s classroom due to the presence of the child in the classroom. The assignment of the paraprofessional, no matter the label, must be in the child’s IEP and may be found on pages 2, 8 and/or 11 of the IEP.



Paraprofessionals at PPT meetings, cont.

- The “**paraprofessional assigned to a child**” may work in a general education classroom, co-taught classroom, self-contained classroom or community setting. If the IEP includes such support for an extended school year or extended school day program, then the individual in that position is also a “paraprofessional assigned to a child.” If a child has multiple paraprofessionals, then each of those paraprofessionals would be considered a paraprofessional assigned to the child.
- For children with more than one paraprofessional, in most cases the parents or guardians would have one paraprofessional present at the PPT meeting.
- It is expected that parents will provide reasonable notice to the District if they wish to have their child’s paraprofessional attend a PPT meeting. In most cases, 5 school days would constitute reasonable notice.



Paraprofessionals at PPT meetings, cont.

The Bureau of Special Education will be updating the IEP and PPT Meeting Notice, *Procedural Safeguards, Parents' Guide to Special Education in Connecticut, Policies and Procedures Manual* and *Guidelines for Training and Support of Paraprofessionals* to reflect these changes. Until then, Districts should include this information with the PPT Meeting Notice and on page 2 of the IEP. In addition, Districts must notify the parents of all students eligible to receive special education of their right have their child's paraprofessional, if any, at PPT meetings.



Paraprofessionals at PPT meetings, cont.

An agreement reached between the SDE and the American Federation of Teachers provides that paraprofessionals may be listed as “Service Implementer” on the grid on page 11 of the IEP if they provide specially designed instruction or a related service to a child under the supervision of a certified or licensed service provider. Both the paraprofessional and the certified staff person must be included in the “Service Implementer” field. The title of the certified or licensed staff member who is overseeing the provision of these services must be included in the “Staff Responsible” field and the amount of time each implementer will work directly with the child should be specified under “Description of Instructional Service Delivery.”

A paraprofessional who provides support to a classroom of students should be recorded on page 8 of the IEP under “Frequency and Duration of Supports Required for School Personnel to Implement this IEP.”



Restraint and Seclusion

- * Effective July 1, 2015, Public Act 15-141 **expands** the prohibition on the use of restraint and seclusion, except in emergency situations, to ***all*** public school students grades K-12.
- * This includes students eligible to receive special education and those in the referral/evaluation process ages 3 to 21 (who were previously covered by state statutes and regulations) whether receiving services from a local or regional board of education, approved private special education school, RESC or other private facility.
- * Connecticut special education regulations regarding restraint and seclusion (adopted July 2013) remain in effect except where they are in conflict with the public act.



Restraint and Seclusion, Cont.

Restraint and seclusion is *prohibited unless*:

- It is an emergency situations where there is an imminent risk of injury by a student to self or others;
 - It is required to maintain a safe school setting; or
 - To supersede the provisions of C.G.S. subdivision 53a-18 concerning the use of reasonable physical force.
- **Note**: *Emergency restraints and seclusions are not planned interventions and are not included in an IEP.*
- Prone (face down) restraints are prohibited.*



Restraint and Seclusion, Cont.

P.L. 15-141 has limited the use of seclusion to emergency situations where a child presents a risk of injury to self or others and does **not** allow for a broad exception in the IEP (i.e., Seclusion as needed).

As previously set forth in RCSA Section 10-76b-8, in a situation where a PPT has determined that **all** less restrictive, positive behavior supports and interventions have been implemented but were not effective, the use of seclusion as a planned intervention for a child may be considered. **Only if** the team develops a behavior intervention plan (BIP) that is based upon the results of a current functional behavior assessment (FBA) may seclusion as a planned intervention be part of the child's BIP.

The BIP (as noted on page 10 of the IEP) *must* include:

- The data and other information used to justify the use of seclusion as a planned intervention including documentation of all previous ineffective behavior interventions;
- The location(s) of seclusion;
- Maximum length of any period of seclusion;
- The number times during a day that the Student may be placed in seclusion;
- The frequency of monitoring agreed to by the PPT taking into consideration the age, disability and behaviors of the child that may subject the child to the use of seclusion.



Restraint and Seclusion, Cont.

- **Parents must be notified** not later than 24 hours after a student is placed in restraint or seclusion and shall make a reasonable effort to provide immediate notification. A copy of the incident report shall be provided not later than 2 business days after the emergency use of restraint or seclusion.
- **Each incidence of restraint and seclusion must be recorded** and specified as to whether seclusion was in accordance with an IEP and the nature of the emergency.
- If a restraint or seclusion exceeds 15 minutes, an administrator or administrative designee, school health or mental health personnel, or BCBA trained in the use of restraint and seclusion shall determine if **continued restraint or seclusion** is necessary to prevent immediate or imminent injury to the student or others, with a redetermination every 30 minutes thereafter.
- Restraint or removal to seclusion may occur only by employees who have received **training** in physical management, physical restraint and seclusion.



Restraint and Seclusion, Cont.

- Rooms used for seclusion must have an **unbreakable observation window in the wall or door to allow frequent visual monitoring of the student**. The window must allow the student to have a clear line of sight from inside the room beyond the area of seclusion. All other state regulations regarding the physical requirements for rooms used for seclusion remain in effect.
- When physical restraint or seclusion is used **4 or more times within 20 school days with a student eligible to receive special education or who is being evaluated, a PPT meeting** must be convened to conduct or revise a behavior assessment, create or revise the BIP and the IEP.
- Only for those students whose IEP includes seclusion as a behavior intervention, if seclusion is repeated 4 or more times in a 20 school day period, the parent and PPT shall determine when to convene the next PPT meeting and the manner of notification of incidents of seclusion.



Restraint and Seclusion, Cont.

- The SDE will make available an **overview of the requirements regarding the use of restraint and seclusion to be provided by each district to all school professionals, paraprofessional staff members and administrators** on or after July 1, 2015 and annually thereafter.
- **Beginning July 1, 2015, each board of education must create a plan** to be implemented on or before July 1, 2017 to provide school professionals, paraprofessional staff members and administrators with training in the prevention of incidents requiring restraint and seclusion and the proper means of physically restraining or secluding students.
- **By July 1, 2019, all school professionals, paraprofessional staff members and administrators must be trained** in the prevention of incidents requiring restraint and seclusion and the proper means of physically restraining or secluding students.



Restraint and Seclusion, Cont.

- **As of July 1, 2015, all schools must have a crisis intervention team** whose members have been trained in the use of physical restraint and seclusion and who will respond to incidents in which restraint and seclusion may be necessary.
- As currently required, **each District must record each instance** of the use of physical restraint or seclusion, specify whether seclusion was used in accordance with an IEP, specify the nature of the emergency that required the use of seclusion or restraint and include that information in an annual compilation to be submitted not later than January 15, 2017.



Transition Planning, Programs and Services

P.A. 15-209

Effective July 1, 2015: Upon the formal identification of a child as a child requiring special education, and at each PPT meeting, each responsible board of education shall inform the parents of such child of relevant information and resources related to IEPs including information relating to **transition resources and services** for high school students.

The State Board of Education must ensure that such information is being provided to the parents of children requiring special education. For transition-age students, the SDE has recommended that parents be provided with *Building a Bridge: A Transition Manual For Students*, the *IEP Manual* and the *Parent's Guide to Special Education in Connecticut*.



Transition Planning, Programs and Services

P.A. 15-209

The State Board of Education shall draft a **bill of rights** for parents of children receiving special education to inform parents of:

1. The right to request consideration of the provision of transition services for a child aged 18 to 21 who receives special education;
2. The right to receive transition resources and materials from the SDE and the responsible board of education;
3. The requirement that the responsible board of education shall create a student success plan for each student beginning in grade six, and;
4. The child's right to receive realistic and specific postgraduation goals as part of such child's IEP.



Transition Planning, Programs and Services, cont.

Beginning with the 2015-2016 school year, and each school year thereafter, the SDE shall provide the bill of rights to boards of education for distribution at a PPT meeting to parents of children receiving special education in grades 6 through 12.

P.A. 15-5, Section 266: The State Board of Education, working with BRS, DDS and the Office of Workforce Competitiveness, shall:

- (1) Coordinate the provision of transition resources, services and programs to children requiring special education and related services,
- (2) Create, and update as necessary, a fact sheet that lists the state agencies that provide transition resources, services and programs with brief descriptions, and disseminate the fact sheet to boards of education for distribution to parents, teachers and administrators, and
- (3) Annually collect information related to transition resources, programs and services provided by other state agencies and make such information available to parents, teachers, administrators and boards of education.



Electronic IEP

P. A. 15-5, Sections 267 and 268:

Effective July 1, 2015: An IEP Advisory Council will be created to assist the Commissioner of Education to develop a new IEP form that is easier for practitioners to use and easier for parents and students to understand. The new IEP shall include a brief description of, and contact information for the Bureau of Special Education and Connecticut's parent training and information center in a conspicuous place on the first page of the IEP form using at least twelve-point Times New Roman font.

By October 1, 2015, the SDE must issue an RFP to software vendors for electronic IEP form software. *If* a vendor is selected *and* the cost is within the funds appropriated, then software will be purchased and provided to half of all local and regional boards of education and to half of all technical high schools for the 2016-2017 school year, with distribution to the other half of boards of education and technical high schools for the 2017-2018 school year. If software is not purchased, the SDE will explore the creation and administration of its' own electronic IEP software.



Transportation of Special Education Students

P.A. 15-5, Section 226:

By January 1, 2016, and annually thereafter, each local and regional board of education shall review the transportation arrangements of their special needs students, both in and out of district, and make the appropriate changes to ensure the safe transportation of the students, which may involve placing school bus monitors or cameras on the vehicles used for such transportation.



RESCs

P.A. 15-5, Section 274: A RESC special education funding workgroup will be created to (1) study the funding provided to, and the expenditures of the RESCs for the provision of special education and related services, including the sources of special education funds received by RESCs and the ways in which RESCs use such funds to provide special education and related services, and (2) make recommendations regarding how RESCs can access additional special education funding and use such funds more efficiently and in ways that expand the provision of special education services, such as transportation, training and therapeutic services.



RESCs, cont.

P.A. 15-5, Section 275: By October 1, 2016, each RESC shall develop, in consultation with the SDE, a regional model for the provision of special education services related to transportation, training and therapeutic services to be used for the provision of such special education services to the school districts served by each RESC. Each regional model shall take into account the LRE for students receiving special education and related services and include:

- (1) A regional transportation plan, developed in consultation with public transit districts, that provides transportation to special education children;
- (2) A regional educator training plan that provides special education training to teachers, school paraprofessionals and administrators that includes, but need not be limited to, instruction regarding classroom techniques to improve the provision of special education and related services to children and the implementation of scientific research-based interventions;
- (3) A regional plan for the provision of therapeutic services, including, but not limited to, speech therapy, physical therapy and occupational therapy; and
- (4) A plan for the provision of transportation, training and therapeutic services to make such services readily available to each school district served by the RESC.



RESCs, cont.

P.A. 15-5, Section 284: By July 1, 2016, each RESC shall conduct a survey of special education and related services provided in their region to identify the need for enhanced or additional services and programs provided by the RESC.

P.A. 15-5, Section 285: By October 1, 2016, each RESC shall study the feasibility of providing and administering new special education services and programs that are of equal or greater quality than those currently provided by local or regional boards of education or private providers in the region serviced by the RESC. The feasibility study shall

- (1) Identify new/current special education services/programs provided by the RESC;
- (2) Take into account (A) LRE and (B) areas of need identified in the survey (284);
- (3) Include consideration of infrastructure, planning, personnel, funding and additional needs required to initiate/maintain the RESC's special education services and programs; and
- (4) Include recommendations for sites for future special education services and programs provided by the RESC and a timeline for implementation.

Not later than October 1, 2016, each RESC shall submit their feasibility study to the State Board of Education and the joint standing committees of the General Assembly relating to education and appropriations.



Dyslexia: Public Act 15-97

- The SDE Commissioner shall designate an SDE employee to provide information/assistance to boards of education and parents regarding the detection/recognition of, and evidence-based structured literacy interventions for students with dyslexia.
- Programs leading to teacher certification shall include at least twelve hours of instruction in the detection and recognition of, and evidence-based structured literacy interventions for, students with dyslexia.
- Each board of education shall provide an in-service training for certified staff in the same areas listed above.
- By January 1, 2016, the SDE shall develop or approve reading assessments for use by boards of education for the school year beginning July 1, 2016, and each school year thereafter, to identify students in kindergarten through grade three who are below proficiency in reading, provided any reading assessments developed or approved include frequent screening and progress monitoring to measure measure phonics, phonemic awareness, fluency, vocabulary and comprehension; provide for periodic formative assessment; produce useful data and assist in identifying students at risk for dyslexia or other reading-related learning disabilities.

