A Parent's Guide to Special Education in Connecticut 2021

Connecticut State Department of Education
Bureau of Special Education

Connecticut State Department of Education

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Introduction

This document provides information for parents, guardians and other family members about laws, regulations, and policies affecting special education programs and services. These protections, rights and opportunities will best help students with disabilities reach their full potential when parents, families and schools work collaboratively. Setting high expectations for students and high standards for programs will provide the greatest opportunities for a successful adult life.

Special education laws and regulations are meant to protect students with disabilities to ensure that they receive the services and assistance that may be necessary to make meaningful progress in their education programs. In Connecticut, the special education system is based on the federal special education law, Individuals with Disabilities Education Act (IDEA 2004) and its implementing regulations, in combination with the State's special education law.

These laws are complex. The goal of this guide is to help families understand the key concepts of the laws and how to be an effective partner with the schools in the special education process. This booklet has been developed to answer frequently asked questions regarding special education. For further assistance in understanding your rights or to receive a statement of your procedural safeguards, contact the Director of Special Education in your local school district. You may also write or call the Bureau of Special Education, Connecticut State Department of Education, P.O. Box 2219, Hartford, CT 06145-2219, at 860-713-6910 or the state federally funded parent training and information center, the Connecticut Parent Advocacy Center (CPAC) at 860-739-3089. Additional resources are listed at the end of this guide.

In consideration of its obligations under IDEA 2004, the Connecticut State Board of Education has stated that a unified and coordinated continuum of educational opportunities and supports, designed to address individual needs, serves and benefits all students. The Connecticut State Board of Education's (State Board) five-year comprehensive plan Ensuring Equity and Excellence for All Students states the key to unlocking the potential of every student is ensuring that they are embraced in a culture of high expectations and learns from great teachers in a great school run by great leaders. When equity is the process, equality is the result. All students regardless of their life circumstances deserve an excellent education that helps them reach high standards of performance. The State Board presumes that these goals are best achieved in the student's local school, although it recognizes that some students who present significant and/or unique needs require placement in alternate settings to achieve those goals.

Commonly Used Terms

Accommodations: Supports and services that the student may require to successfully demonstrate learning. Accommodations should not change expectations to the curriculum grade levels. Examples include, extra time for assignments or tests, the use of e-books, alternative assessment formats, etc.

Applied Behavior Analysis (ABA): Scientific method of intervention used to improve or change specific behaviors. Applied behavior analysis is used to decrease inappropriate behavior and increase appropriate behavior through extensive data collection and analysis of the impact of specific interventions and strategies designed to change targeted behaviors.

Assistive Technology: 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 functional capabilities of individuals with disabilities.

Behavior Intervention Plan (BIP): A plan and/or strategies, program or curricular modifications, and supplementary aids and supports developed by a planning and placement team (PPT) to teach a student appropriate behaviors and eliminate behaviors that impede their learning or that of others. It should be positive in nature, not punitive. A BIP should be developed as a result of a Functional Behavior Assessment (FBA).

BSE: Bureau of Special Education

Child Find: An IDEA requirement that states and districts identify, locate, and evaluate students ages birth through 21, who may need special education and related services.

Complaint: A written request by a parent or other interested party to the Connecticut Bureau of Special Education to investigate if a local school district is in violation of state or federal special education law.

Connecticut's Alternate Assessment System: Alternate assessments are designed to measure the knowledge and skills of students with significant cognitive disabilities as required by the IDEA and ESSA. Alternate assessments are designed to support student independence to the greatest extent possible by making academic content accessible and the expected achievement levels appropriate.

Connecticut Alternate Assessment (CTAA): is an assessment of English language arts and mathematics aligned to the Connecticut Core Standards (CCS) for eligible students with significant cognitive disabilities in Grades 3-8 and 11. It is a secure test accessed via an online platform during the CSDE's testing window.

Connecticut Alternate Science (CTAS): is an assessment of the Next Generation Science Standards for eligible students with significant cognitive disabilities in Grades 5, 8, and 11. This alternate assessment is non-secure and is administered to students by a CSDE trained teacher. The teacher supports students throughout the school year in the completion of specific Performance Tasks aligned to the NGSS Science content.

Teachers administering any alternate assessment must be trained by the CSDE each year to administer the assessment to each student individually. Accessibility features and accommodations are available based on the needs of each student.

CSDE: Connecticut State Department of Education

Dispute Resolution: Different ways to help families and schools reach an agreement ranging from informal discussions to formal decisions such as mediation or a due process hearing.

Early Intervening Services: Services and supports for students in Grades K-12 who have not been identified as needing special education and related services but who need additional academic and behavioral support to succeed in the general education setting.

Educator: any person who teaches or is involved in the planning or directing experiences that promote learning and development.

Evaluation: Tests and other assessment procedures, including a review of information, that are used to decide whether your child is eligible for special education services and what services your child may need. The evaluation should be individualized for each student and be conducted in all areas of suspected disability.

Extended School Year (ESY): Special education and related services that are provided to a student in accordance with the student's individualized education program (IEP); beyond the normal school year; and/or school day and at no cost to parents. The planning and placement team (PPT) determine the need for ESY services for a student on an individual basis.

Family(ies) or parent(s): any adult caretaker who have responsibility for the well-being of a child or children.

Family Educational Rights and Privacy Act (FERPA): A federal law, enacted in 1984, that gives all parents of students under 18 or students over the age of 18 or attending post-secondary schools, the right to see, correct and control access to student records.

Free Appropriate Public Education (FAPE): Special education and related services that are provided at public expense, under public supervision and direction, and without charge; meet state and federal requirements, include preschool, elementary school, or secondary school education; and are provided according to an individualized education program (IEP) and based on the student's unique needs.

Functional Behavior Assessment (FBA): An FBA is an assessment that looks at why a student behaves the way they do, given the nature of the student and what is happening in the environment. It is a process for collecting data to determine the possible causes of problem behaviors and to identify strategies to address the behaviors.

Identification: The decision that a student is eligible for special education under IDEA in order to benefit from their education. An individual evaluation must be conducted to determine if a student is eligible for special education and related services.

Independent Educational Evaluation (IEE): An evaluation performed by a certified and/or licensed professional who is not employed by the school system.

Individualized Education Program (IEP): A written education program for a student with a disability that is developed by the Planning and Placement Team, which includes the student's parents and professionals (administrators, teachers, therapists, etc.). It is reviewed and updated at least yearly and describes the student's present performance, what the student's learning needs are, what services the student will need, when and for how long, and identifies who will provide the services.

Individualized Family Service Plan (IFSP): A written plan that describes a student's strengths and needs as well as the family's concerns and priorities for the student. It details what services and supports will be provided to a student and family enrolled in the Connecticut Birth to Three System.

Least Restrictive Environment (LRE): A student with a disability must, to the maximum extent appropriate, be educated with students who are nondisabled in the general education class in the school that they would attend if the student did not have a disability that required special education and related services. A student with a disability should not be removed from the general education setting unless the nature and severity of the student's disability is such that education in the general class with the use of supplemental aids and services cannot be achieved satisfactorily.

Local Education Agency (LEA): The public schools operating as independent school districts in accordance with statues, regulation, and policies of the Connecticut State Department of Education.

Manifestation Determination: When a student with a disability behaves in a way that violates the school's code of conduct and, as a result, the school seeks to change the student's education placement, a determination needs to be made as to whether the student's behavior is caused by the student's disability.

Mediation: A voluntary process that allows parents and school districts to resolve their differences without litigation. A qualified and impartial mediator helps parents and school personnel express their views and positions in order to reach a mutual agreement.

Modifications/Adaptations: Changes made to curriculum expectations in order to meet the needs of the student. Modifications are made when the grade level or age appropriate expectations are beyond the student's level of ability. Modifications may be minimal or very complex depending on the student performance. Modifications must be clearly acknowledged in the IEP.

Office of Civil Rights (OCR): A branch of the U.S. Department of Education that enforces several federal civil rights laws (such as, Section 504) that prohibit discrimination in programs or activities that receive federal financial assistance. These laws prohibit discrimination on the basis of race, national origin, gender, disability and of age.

Office of Special Education Programs (OSEP): A division of the U.S. Department of Education dedicated to improving results for students with disabilities ages birth through 21, by providing leadership and financial support to assist states and local districts. OSEP administers the Individuals with Disabilities Education Improvement Act (IDEA).

Planning and Placement Team (PPT): The term used in Connecticut to describe the meeting which includes professionals who represent the teaching, administrative and pupil personnel staff and who, with the parents, are equal participants in the decision making process to determine the specific educational needs of the student and develop, review and revise a student's IEP. A planning and placement team reviews referrals to special education, determines if the student needs to be evaluated, decides what evaluations will be given to the student, and whether the student is eligible for special education services. Federal legislation refers to this as the IEP Team.

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

Prior Written Notice (PWN): An explanation why the school district proposes or refuses to take an action. The school must inform parents of any actions proposed or refused by the PPT, a description of other options that the PPT considered, an explanation why those options were rejected including assessment information used to make the decision. All this must be done in writing. In Connecticut, prior written notice is attached to the IEP. The proposed action cannot be implemented until 10 school

days from the date the parent receives the notice, unless the parent and the district mutually agree to an earlier implementation date.

Related Services: Transportation, developmental, corrective, and other supportive services that a student with disabilities requires in order to benefit from special education. Services may include speech pathology and audiology, psychological services, physical and occupational therapy, recreation, counseling services, medical services for diagnostic or evaluation purposes, school health services, social work services and parent counseling and training.

Resolution Session: A provision of IDEA that requires school districts to convene a meeting with the parents and relevant members of the IEP team within 15 days of receiving a due process hearing request to discuss and attempt to resolve the issue.

Regional Educational Service Center (RESC): A Connecticut public educational authority formed by four or more boards of education for the purpose of cooperative action to furnish programs and services.

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

Section 504 of the Rehabilitation Act of 1973: A federal civil rights statute that protects the rights of persons with disabilities in programs and activities that receive federal financial assistance, which includes public schools.

Stay Put: The requirement that a student must stay in their current program or placement during the course of a due process hearing, unless the parent and the school district agree to a change.

Supplementary Aids and Services: Aids, services, program modifications, and/or supports for school personnel that are provided in general education classes or other education-related settings to enable students with disabilities to be educated with students who are nondisabled to the maximum extent appropriate.

Special Education and Related Services

What is special education?

Special Education is specially designed instruction to meet a student's unique needs and to enable the student to access the general curriculum of the school district. A student who is eligible for special education services is entitled by federal law to receive a free appropriate public education (FAPE). FAPE ensures that all students with disabilities receive an appropriate public education at no cost to the family. FAPE differs from student to student because each has unique needs. As a parent of a student who has or who may have a disability that requires specially designed instruction, you will work with a team of educators and, as appropriate, specialists to determine the needs of your child and to design an appropriate program to address your child's educational needs.

What are related services?

Related services are those services that are required in order for a student to benefit from special education. Related services may include, but are not be limited to, speech and language services, audiology services, psychological and counseling services, physical and occupational therapy, recreation services, medical services for diagnostic or evaluation purposes, school health services, social work services, and parent counseling and training.

How am I notified of my child's rights?

You must be given a copy of the Procedural Safeguards Notice Required Under IDEA Part B (Procedural Safeguards Notice Required Under IDEA Part B) one time each year that your child receives special education. Additionally, a copy must be given to you when:

- your child is referred for an initial evaluation or you request an evaluation;
- you file a complaint or request a due process hearing;
- a decision has been made to take disciplinary action against your child that is a change of placement; or
- you request a copy.

Eligibility

Who is eligible for special education and related services?

To be eligible for special education and related services:

- Your child must be between 3 and 21 years old.
- Your child must have one or more of the following disabilities, determined by the federal Individuals with Disabilities Education Improvement Act (IDEA 2004):
    - Autism
    - Deaf-Blindness
    - Developmental delay (in Connecticut for 3- to 5 year-olds, inclusive)
    - Emotional Disturbance
    - Hearing Impairment (deaf or hard of hearing)
    - Intellectual Disability
    - Multiple Disabilities
    - Orthopedic Impairment
    - Other Health Impairment (OHI)
    - OHI/ADD/ADHD
    - Specific Learning Disability
    - Specific Learning Disability/Dyslexia
    - Speech or Language Impairment
    - Traumatic Brain Injury
    - Vision Impairment
- The disability must adversely affect your child's educational performance, and as a result, your child requires a specially designed instructional program to address their unique educational needs.
- Eligibility will be redetermined every three years.

In Connecticut, a school district is also required to provide identification, referral and evaluation services for a student who may be gifted and/or talented. A district is not required, but has the option of, providing services to a student who has been identified as being gifted and/or talented.

Eligibility for Extended School Year Services (ESY)

Extended school day or extended school year services means special education and related services that are provided to a child with a disability beyond the normal school day or school year and in accordance with the student's individualized education program. Each board shall ensure the consideration of a student's eligibility for extended school year services to allow the parent sufficient time to challenge the determination of eligibility, the program or the placement for the student before the beginning of the extended school year services.

What about students with disabilities placed by their parents in private schools?

Students with disabilities placed by their parents in private schools do not have an individual right to receive some or all of the special education and related services that they would receive if enrolled in a public school. The school district in which the private school is located is responsible for providing what special education services it designates to students with disabilities placed by their parents in the private elementary or secondary schools in its town. See Questions and Answers Regarding Parentally Placed Students in Private Schools.

Referral to Special Education

Before a student is referred to a planning and placement team, alternative procedures and programs in general education must be explored and, where appropriate, put into place in the classroom and used. School districts have teams in individual schools that provide a variety of alternative strategies to your child's teacher to use in the classroom. These teams are sometimes called student study teams, SRBI (Scientific Research-Based Intervention) teams or student assistance teams. These teams do not replace the special education process. At any time, if you believe your child has a disability that is affecting their learning, you have a right to request an evaluation for special education. Your district cannot use involvement in intervention to deny or delay a referral to special education. See the U.S. Department of Education memo on this subject.

What is a referral to special education?

A referral to special education is the first step in the process of determining if a student should receive special education services. The referral is a written request for an evaluation of a student who is suspected of having a disability and who may need special education and related services. A form that may be used to make a referral to special education is included in the appendix of this guide. A referral to special education may be made by:

- the student, 18 years old or older;
- a parent, guardian, or surrogate parent;
- school personnel;
- other individuals from other agencies (e.g., physicians, social workers) to whom parental permission to make a referral has been given; or
- a student receiving early intervention services from Birth to Three that is then referred to the local education agency.

A prompt referral to a planning and placement team (PPT) is required for any student who has been suspended repeatedly or whose behavior (including truant behavior), attendance or progress in school is considered unsatisfactory or at a marginal level of acceptance.

What if my child has not started school, but I suspect a disability may exist?

If your child is over the age of three, and you believe that they may have a disability, you may refer your child for an evaluation by submitting a written request to the director of special education in your local school district. For further assistance in referring your child for an evaluation, you may call the statewide Child Find Number 1-800-445-2722 or 860-739-3089 or the Bureau of Special Education at 860-713-6910. If your child is under the age of three, you may refer your child for an evaluation by the CT Birth to Three System by calling Child Development INFOLINE at 1-800-505-7000.

What happens when a referral to special education is made?

When someone other than you refers your child to special education, you will receive written notice of this referral. You will receive a notice asking you to participate as a member of the school's planning and placement team (PPT) to review existing evaluation information that the school district has about your child and determine whether there is a need for any additional data or information. Your participation in this process is very important.

The PPT may determine that the existing data provides enough information to determine that your child is eligible for special education or it may decide that the existing data does not support eligibility and refer your child for general education services. If the PPT decides that additional data are needed in order for it to determine whether your child is a student with a disability, you will work with educators and, as appropriate, specialists to design the evaluation procedures for your child. If you disagree with the decision of the PPT to conduct an initial evaluation, you may refuse consent for the evaluation. In this case, the school district may continue to pursue those evaluations by using due process. The school district is not required to pursue an initial evaluation of a student suspected of having a disability if the parent does not provide consent for the initial evaluation. If the PPT refuses to evaluate your child, you may exercise your due process rights to contest its decision. (See pages 37 through 40 for further explanation of mediation and due process.)

Planning and Placement Team (PPT)

What is a Planning and Placement Team?

A planning and placement team reviews referrals to special education, determines if your child needs to be evaluated, decides which evaluations will be given to your child, and determines whether your child is eligible for special education services. You are an equal member of the team. The PPT is composed of the following:

- The parents of the student with a disability.
- At least one regular education teacher of the student (if the student is, or may be participating in the general education environment).
- At least one special education teacher of the student, or if appropriate, at least one special education provider of the student.
- A representative of the school district who is qualified to provide or supervise the provision of specially designed instruction to meet the unique needs of students with disabilities and is knowledgeable about the general curriculum and about the availability of resources of the school district.
- A pupil services personnel member (for example, a school psychologist, school social worker or guidance counselor).
- An individual who can interpret the instructional implications of evaluation results (who may be one of the previously listed team members other than the parent).
- If appropriate, the student with a disability.
- At the discretion of the parent or the school, other individuals who have knowledge or special expertise regarding the student, including related services personnel.
- If a paraprofessional is assigned to a student, the student's parents have the right to have the paraprofessional assigned to the student be present at and participate in all portions of the PPT meeting at which the student's educational program is being developed, reviewed or revised. The paraprofessional must be written into the student's IEP.

You and the school district may agree in writing that the attendance of a required member of the PPT is not necessary and excuse that PPT member from attending the meeting where the excused team member's area of curriculum or related service is not going to be modified or discussed at the meeting. Additionally, you and the school district may agree in writing to excuse a required member of the PPT where the excused team member's area of curriculum or related service will be discussed at the meeting and the team member submits written input into the development of the IEP to the parent and the team prior to the meeting. You do not have to enter into such an agreement if you do not agree to excuse the team member, the team member will be expected to attend the meeting.

Upon request, the parent or guardian can request in writing the results of the initial assessments and evaluations at least three school days before the referral planning and placement team meeting that will discuss the results for the first time.

Upon request by a parent, guardian, student, or surrogate parent, the responsible local or regional board of education shall provide such parent, guardian, student, or surrogate parent an opportunity to meet with a member of the planning and placement team designated by such board prior to the referral planning and placement team meeting at which the assessments and evaluations of the child or student who requires or may require special education is presented to such parent, guardian, student, or surrogate parent for the first time. Such meeting shall be for the sole purpose of discussing the planning and placement team process and any concerns such parent, guardian, student, or surrogate parent has regarding the child or student who requires or may require special education.

Individualized Education Program (IEP) Team Meeting

What is an IEP Team or Planning and Placement Team Meeting?

An individualized education program (IEP) team meeting is a meeting of the PPT to develop, review or revise an individualized education program for a student who has been determined to be eligible for special education and related services. The federal law uses the term IEP team but in Connecticut, the term more commonly used is PPT. The PPT is also responsible for reviewing, and when appropriate, revising your child's IEP periodically, but not less than annually.

You and the school district may agree in writing to change your child's IEP between annual reviews without holding a PPT meeting. If you do not agree to change the IEP without holding a PPT meeting, the PPT meeting will be held.

At a PPT meeting, you have the right to:

- Expect the school district to ensure that you understand the proceedings of the meeting (which may include arranging for a language interpreter or sign language interpreter if necessary to allow you to understand the proceedings).
- Expect that the school district will use other ways to make sure you can participate in meetings. You and the school district may agree to use individual or conference telephone calls if you cannot attend.
- Tape-record the meetings as a means to help you understand the proceedings. A school district may also choose to tape-record the meeting. If the school district tape-records the meeting, the tape-recording becomes a part of your child's education record. If either the school district or the parent records the meeting, all participants in the meeting must be informed that they are being taped before beginning the recording.
- Invite advocates of your own choosing, at your own expense, to be present at and to participate in all portions of the meeting that are convened for the purpose of developing, reviewing and revising the IEP.

Individualized Education Program (IEP)

What is an individualized education program (IEP)?

If your child is determined to be eligible for special education services, you will begin the team process of developing an IEP to meet the specific needs of your child. The IEP is a written plan that describes in detail your child's special education program. Some key elements of a student's IEP include the following:

- Present levels of academic and functional performance.
- Measurable educational goals linked to present levels of academic and functional performance for coming year and short-term instructional objectives derived from those goals.
- Evaluation procedures and performance criteria.
- An explanation of the extent, if any, to which your child will not participate in the regular education class, the general education curriculum or extracurricular activities.
- Modifications and accommodations your child needs to participate in the general education curriculum including nonacademic and extracurricular activities.
- Special education and related services required by your child including transportation and physical and vocational education programs.
- Measurable annual goals designed to meet the needs of the student and enable the student to be involved in and make progress in the general education curriculum.
- Recommended instructional settings and a list of specific names of people who will work with your child to implement the IEP.
- The date services will begin and end, and the frequency of the identified services.
- Statement of accommodations and modifications needed to facilitate state or district-wide testing.
- Recommendations for participation in alternate assessments (if needed).
- Transition service needs.

The district must send a copy of your child's IEP within five school days after the PPT meeting was held to develop or revise your child's IEP. To assist with understanding the IEP and to prepare for the PPT meeting you can review the IEP Guide — page by page.

Notice of PPT Meetings

How will I be invited to participate in PPT meetings?

To assure that you have the opportunity to participate in PPT meetings, the school district must try to schedule these meetings at a mutually agreeable time and place. If the meeting is scheduled at a time that is not agreeable to you, you can ask the school district to reschedule the meeting or to arrange for your participation in the meeting through an alternative method, such as a conference telephone call. The school district must notify you in writing at least five school days prior to the meeting to ensure that you will have an opportunity to attend the meeting. The school district may hold a PPT meeting without you being present if it has made repeated attempts to include you and you are unable to attend the scheduled meeting. The school district must document the results of its attempts to have you participate in the meeting.

What information must be included in the notice of a PPT meeting?

The written notice of a PPT meeting is provided to you to help you participate in the PPT process. The written notice must state the purpose, time and location of the meeting and must be provided to you in your dominant language at least five school days prior to the meeting. The written notice must also:

- inform you who will be in attendance at the meeting;
- inform you of your right to invite other individuals to the meeting who have knowledge or expertise regarding your child or who may provide support; and
- invite your child to attend the meeting if the purpose of the meeting will be the consideration of the postsecondary goals and transition services for the student (students may be invited to their PPT meeting at any age if the team believes it is appropriate).

You have a right to request a PPT meeting to review or revise the IEP at any time. The district is required to hold a PPT meeting once a year.

Informed Consent

What does informed written consent mean?

Informed written consent means that you have been given all the information that you need to make a knowledgeable decision about a proposed activity by your school district regarding your child's education, and that you agree in writing when such written consent is required, to that proposed activity. You have the right not to give your consent. Your failure to respond within 10 school days to a request for a written consent will be considered by the school district to be a refusal of consent.

When must the school district obtain my written consent?

Your written consent is required in the following situations:

- Before your child is evaluated for the first time to determine whether your child is eligible for special education.
- Before your child's initial placement into special education.
- Before your child is reevaluated.

You also have the right to revoke your consent at any time.

Written consent to evaluate your child for the first time is not the same as the consent that places your child into special education and related services. A separate written consent is required to begin your child's special education program.

What happens if I do not give written consent for the proposed activity?

If you should disagree with the proposed activity for which written consent is required and you do not give written consent for the proposed activity, the school district must take steps, as necessary, to ensure that your child continues to receive a free appropriate public education.

- If you refuse permission for the school district to conduct either an initial evaluation or reevaluation of your child, the school district may initiate due process procedures as a way for it to proceed with the recommended evaluation(s).
- If you do not give permission for your child to receive special education services, the school district may not use due process procedures as a way to place your child into special education. If you refuse consent for initial placement of your child in special education, you waive all rights to special education services and protections at the time consent is refused. You may still ask for a reevaluation or due process hearing on the evaluation or the appropriateness of the special education and related services being offered.

What if I want to withdraw my written consent after it has been given?

Giving written consent is voluntary. You can withdraw your written consent at any time by notifying the school district in writing. Withdrawing your written consent does not affect the actions taken or the services provided during the time the school district had your permission.

Must the school district obtain my written consent each time there is a proposal to change my child's program or placement?

No. Once services have started, you or the school district may propose changes to your child's program or placement at a PPT meeting. The school district must provide you with prior written notice of the proposed changes. Your written consent is not required to implement the changes to your child's special education program. However, if you do not agree with the proposed changes to your child's

program, you have the right to initiate due process to stop the changes from occurring. (See on page 38 for a further explanation of due process procedures.) If you do not pursue due process review, the proposed changes to your child's program will go forward.

Evaluation

What is an evaluation?

An evaluation is the process used by the PPT to determine your child's specific learning strengths and needs, and to determine whether or not your child is eligible for special education services. It must be sufficiently comprehensive to identify all of your child's special education and related service needs, whether or not those needs are commonly linked to a specific disability category. The evaluation must be conducted using multiple methods in a nondiscriminatory way. Tests must be validated for the purpose for which they are being used. Assessments are provided and administered in the student's native language or other mode of communication and in the form most likely to yield accurate information on what the student knows and can do academically, developmentally and functionally unless it is clearly not feasible to provide or administer.

As the parent, it is essential for you to share with the PPT all the important information you have about your child's skills, abilities, and needs. You should also share results of evaluations you have concerning your child. The PPT must consider information from parents when making decisions concerning the student's program.

The evaluation will also include a review of information collected by the school district through informal and formal observations, a review of schoolwork, standardized tests and other school records and information from your child's teachers. The PPT will also review and consider any evaluations and information that you are able to provide. As an active participant in the PPT process, one of your responsibilities is to assist the PPT in the design of the evaluation procedures to be used in the study.

When is an evaluation needed?

When your child is referred to special education, an evaluation may be conducted to determine if your child is eligible to receive special education services. Before the evaluation study can begin, you will receive a written notice that describes the tests and procedures to be used with your child. You have the right to withhold your written consent for the evaluation or to revoke your consent at any time. A screening done by your child's teacher is not considered an evaluation.

How long will it take to complete the evaluation?

While there are specific circumstances that may extend the time it takes to complete the initial evaluation, generally the district has up to 45 school days to complete the evaluation. "School days" do not include any days that school is not in session such as weekends, holidays, vacations, and snow days. These types of days would not be included in the total count of days taken to complete the evaluation.

The evaluation timeline begins once the district receives a written referral for special education. The district has 45 school days to meet with you to review the referral, obtain your written consent to conduct an evaluation if the team determines an evaluation is necessary, administer the assessments, determine your child's eligibility, and implement an individualized education program (IEP) if your child is found eligible for special education and related services. The timeline may pause for up to 10 school days from the date you receive the *Notice and Consent to Conduct an Initial Evaluation* form until the district receives it back from you. Similarly, if your child is found eligible for services, the timeline may pause again for up to 10 school days from the date you receive the *Consent for the Initial Provision of Special Education* form until the district receives it back from you.

How will I be informed of the results of the evaluation?

Once the evaluation has been completed, the planning and placement team (PPT) will meet to review the evaluation data. The interpretation of the data will determine: 1) if your child has a disability; 2) if the disability is having an adverse effect on your child's education; and 3) whether your child requires special education and related services. You will receive a copy of the evaluation report generated by the PPT. You may also request a copy of any of the individual evaluation reports that were generated as part of the evaluation process.

Independent Educational Evaluation

What if I disagree with an evaluation conducted by the school district?

You have the right to obtain an independent educational evaluation (IEE) conducted by a qualified (licensed and/or certified) examiner who is not employed by your school district. When the school district agrees to pay for the IEE, the criteria under which the IEE is obtained, including the location and the qualifications of the examiner, must be the same as the criteria that the school district would use when it does its own evaluation.

Who pays for an independent evaluation?

If you disagree with an evaluation conducted by the school district, you have a right to an independent educational evaluation at the school's expense, unless the school district can prove its evaluation is appropriate or the IEE does not meet the school district's criteria. If the school believes its evaluation is appropriate, it must initiate a due process hearing or pay for the IEE. If the school district initiates a due process hearing, a hearing officer will decide whether the school district's evaluation is appropriate. If the hearing officer decides in favor of the school district, you may still obtain an independent evaluation, but you will have to pay the costs associated with the independent evaluation.

Do I need to inform the school district if I intend to seek an independent educational evaluation?

Although it is often helpful to consult with the school district when seeking an independent educational evaluation, you are not required to inform the school district in advance. Your decision to consult or not to consult with the school district will have no bearing on your right to ask that the independent educational evaluation be at no cost to you but instead paid by the school district.

If I inform the school district that I am obtaining an IEE because I disagree with the school district evaluation and expect the school district to pay for the evaluation, what is the school district required to do and how long may it take for the school district to respond?

The school district must, without delay, either agree to pay for the IEE or initiate due process procedures to defend the appropriateness of its evaluation.

Is the school required to accept the results of an independent education evaluation?

The school district must consider the results of any independent educational evaluation, including the one you pay for, when making decisions regarding your child's educational program. However, the school district is not required to agree with or implement any or all of the results or recommendations of the independent educational evaluation. You may also submit the results of an independent educational evaluation as evidence at a due process hearing.

How do I find a professional or clinic to conduct an independent educational evaluation?

The school district must provide you with a list of qualified independent evaluators when you ask for an independent evaluation.

Reevaluation

What is the purpose of a reevaluation?

The purpose of a reevaluation is to determine:

- the educational needs of your child and whether the student continues to be a student with a disability;
- the present levels of academic achievement and related developmental needs of your child;
- whether your child continues to need special education and related services; and
- whether your child's IEP needs to be revised.

How often must my child be reevaluated?

The PPT must decide if your child needs a reevaluation at least once every three years. This is often referred to as a triennial evaluation. A reevaluation may occur sooner if conditions warrant, or if you or your child's teacher requests it. The federal law states that a reevaluation shall not occur more than once a year unless the parent and the school district agree otherwise.

If you believe additional information is needed to determine whether your child continues to be a student with a disability who requires special education services, you may request that the school district conduct additional assessments of your child.

How is a reevaluation conducted?

The PPT team reviews the existing data and decides whether additional testing is required to determine if your child continues to be eligible for special education services. Existing data may include information provided to the PPT by the parent, teacher reports and assessments, and school staff observations. If the PPT decides that no additional information is needed to determine your child's continuing eligibility for special education services, it must inform you of that decision.

Does the school district need my written consent to reevaluate my child?

The school must obtain your written consent before conducting a reevaluation of your child. If you refuse consent, your school district may continue to pursue consent for the reevaluation through mediation and/or due process hearing.

Transition from the Connecticut Birth to Three System to Special Education

When should my child be referred by my Birth to Three program to my school district?

Your child's Birth to Three service coordinator will work with you from entry into the Connecticut Birth to Three System and throughout your early intervention services to identify when you are comfortable with sharing information about your child and/or making a formal referral to the school district. The federal law has distinctly different requirements for services for children under the age of three and for students ages 3 through 21. The Birth to Three System is designed to focus on a child in the context of the family, while the educational system is designed to support a student to meet their educational needs and access to instruction.

Transition will be discussed with you each time you have an individualized family service plan (IFSP) meeting with your service coordinator. It is recommended that a formal referral to your child's school district be made when your child is two and no later than six months before your child's third birthday. The earlier a referral is made the better, as this gives everyone plenty of time to meet each other and prepare for the transition out of the Birth to Three System. It is important to remember that Birth to Three services will end by the time your child has turned three and the goal is to have other services and support programs in place for you and your child after early intervention ends.

Who is responsible for convening the transition planning conference?

Your child' service coordinator from your child's Birth to Three Program is responsible for convening the transition plan conference. The purpose of the transition planning conference is to plan the 'next steps' for you and your child before your child turns three. At a minimum, three important people are required to participate in the transition planning conference: you, your child's Birth to Three service coordinator and a representative from the lead education agency. The transition planning conference is scheduled at a mutually convenient time for everyone including you and personnel from your school district. Your service coordinator will notify you and your child's school district of the date, time, and place of the meeting. Your service coordinator will notify you and your child's school district of the date, time, and place for the meeting. By law, the transition planning conference must take place no later than 90 days before and as early as nine months before your child's third birthday.

Should my school district participate in the transition planning conference?

Yes. By law, a representative from your school district is required to participate in the transition planning conference. The responsibility for the participation of the school district in this meeting is not limited to the 180 days that schools are in session. That means that your school district must participate in the transition planning conference even if that meeting needs to be scheduled during the summer months. Should the school district find it difficult to attend the transition meeting, the law allows for their participation by telephone conference call or video call.

When must my school district convene a planning and placement team meeting to design an IEP for my child?

There is no prescribed timeline by law for the scheduling of a PPT meeting for children transitioning from a Birth to Three program to special education. However, the law is clear that all special education activities must take place before the child turns three. Special education activities include the referral, evaluation, determination of eligibility for special education and the development of the individualized education program for your child. All of those special education activities take place through the PPT. If your child is eligible for special education, your child's IEP must be developed for implementation by

their third birthday. In order for the special education and related services to be available to be provided by your child's third birthday, all PPT meetings and activities must be completed before your child's third birthday.

Is my Birth to Three Provider part of the PPT?

Federal law requires that an invitation to the initial PPT meeting be sent to your child's service coordinator and/or any other representatives from your child's Birth to Three program. The Birth to Three providers can participate in the PPT by sharing information about your child including your child's last Individual Family Service Plan (IFSP). When these individuals participate in the PPT meetings for your child, they can assist you, your child and the school district in the transition process and in making the transition both smooth and effective.

What happens if my child turns three over the summer months?

School districts must still conduct all of their required activities, including convening PPT meetings to discuss your child's referral, planning your child's evaluation, determining your child's eligibility, and, if eligible, developing an IEP. All these activities will occur before your child turns three even during summer months. During the PPT to develop the IEP, the members of the PPT, including you, must decide if your child will require extended school year (ESY) services. ESY is the special education and related services that take place outside of the regular school calendar, including during the summer months. If the PPT determines that your child is eligible for special education, and is eligible for ESY services, then your child's special education and related services will be provided by your child's third birthday even if that falls during the summer months. If your child is determined eligible for special education and related services, and is not eligible for ESY services, then your child's special education and related services will be provided by the first day of school.

What if my child's birthday is on or after May 1?

If your child's birthday is on or after May 1 and your child is found to be eligible for special education services you will have a onetime option to choose to remain with early intervention services until the beginning of the school year. Your Birth to Three provider will provide you with a form for you to opt in or out of early intervention services over age three. You will be able to review both your child's individual education program and a revised individual family service plan (the updated plan must include pre-literacy and pre-numeracy goals) and then decide if the IEP will be implemented on or before your child's third birthday or if they will remain in early intervention until the start of the school year when the individualized education program will be implemented.

What happens if my child is referred to the school district late?

In cases of children who are referred to the school district at either 34 or 35 months of age, the goal of school districts will be to provide your child's special education and related services by age three, however, because of the late referral, this may not be possible. In these situations, a reasonable standard for school districts would be to use a 45-school-day rule that exists in Connecticut regulation concerning special education. That means that no more than 45 school days shall pass from your child's referral to the provision of special education and related services if your child is found eligible for special education. If your child's birthday is on or after May 1, they will be able to continue to receive early intervention services through the 45 school-day process. Early intervention services end upon eligibility determination. If your child is eligible for Part B services an individual education program will be implemented and if they are not eligible for special education early intervention services will be discontinued.

Is there important information that I am responsible to provide?

In order for children to begin receiving their special education and related services, parents must provide documentation that a child's immunizations are up-to-date and provide documentation from a recent visit to the doctor. There is a state form that must be completed. It is often printed on blue paper and can be obtained from your service coordinator or the school. If your child is eligible for special education, the health form must be completed and submitted to the school before your child's special education services begin.

What if my child is not found eligible for special education services?

Your early intervention provider will provide you with information about developmental and social/emotional screenings that are available for your child. The school district will be in touch with you in six and twelve months to support you in accessing screenings for your child if you have not already done so.

Placement

Where will my child receive special education and related services?

Students, to the maximum extent appropriate, must be educated with their nondisabled peers in the general education class in the school that they would attend if they did not have a disability that required special education and related services. This is referred to as the least restrictive environment or LRE. There is an LRE Checklist that is used by the PPT to assist with determining the least restrictive environment. The removal of your child from the general educational environment to another instructional site such as a special class or separate school should only occur when the nature or the severity of the disability is such that educating your child in the general educational environment with the use of supplementary aids and services cannot be achieved satisfactorily. If your child's IEP, with the use of supplementary aids and services, cannot be implemented in the school that the student would have attended if they did not have a disability, the PPT must find an appropriate educational placement for your child as close as possible to your child's home. Placement can only be determined after the IEP has been developed since it is based on the student's needs.

What is a Regional Educational Service Center (RESC)?

A RESC is a public educational authority formed by four or more local boards of education for the purpose of cooperative action to provide programs and services to school districts. There are six RESCs in Connecticut, covering six geographical areas of the state. They include ACES, Cooperative Education Services (CES), CREC, EASTCONN, EdAdvance, and LEARN.

What is an approved private special education program?

An approved private special education program is a private program that provides special education and related services to students. Although it is not a public agency, an approved private special education program must meet the standards that are established by the State Board of Education. Information on state-approved special education programs is available on EdSight.

Who is responsible to pay for the costs if the PPT places my child in a RESC program or an approved private special education program?

The board of education of the school district in which you reside is responsible for the costs of the placement.

Who is responsible to pay for the costs if I place my child in a private placement?

You are responsible for the costs of the placement.

What can I do if I believe my child should be placed in a private school in order to receive an appropriate education?

You can, on your own, place your child in a private placement. If you place your child in a private placement, you may seek reimbursement for the cost of the enrollment by filing for a due process hearing. Full or partial reimbursement is not guaranteed and will depend on a finding by a hearing officer or a court that the school district did not make a free appropriate public education available to your child in a timely manner, and that the private school meets your child's educational needs.

If you plan to place your child in a private school and seek reimbursement from the school district, you must do the following:

- Inform the school district at the last PPT meeting before you remove your child from the public school of your intention to enroll your child in a private school at public expense, advise the PPT that you do not want the public school's proposed program, and state your concerns about the recommended program; or
- Provide the school district with written notice at least 10 business days prior to the enrollment of your child in the private school. You must state your concerns with the school district's IEP, the program or services proposed by the school district and your intention to enroll your child in a private school.

Failure to inform the school district of your intention to make a private placement and seek reimbursement from the school district could result in a hearing officer's decision to reduce or deny reimbursement for the private placement. However, the award may not be reduced or denied if you can show that:

- giving notice would have resulted in physical or serious emotional harm to your child;
- the school prevented you from giving notice;
- you were unaware of the requirement to give notice because you never received a copy of Procedural Safeguards Notice Required Under IDEA Part B and the school district did not inform you of the need to give notice; or
- you cannot read and write English and were not otherwise provided the information.

What if my child attends a public, charter, magnet school, Vocational Agriculture Center, or a Connecticut Technical High School?

A student with a disability retains all rights under IDEA in each of these schools. School personnel must ensure that your child's IEP is implemented and all services are delivered. More information is available in a resource guide titled Students with Disabilities and Parental Choice in Connecticut.

Notice of Proposed or Denied Change: Prior Written Notice

How will I be informed of decisions regarding my child's special education program?

Your school district must provide you with prior written notice when a school district makes a decision to change or not to change the identification, evaluation, educational placement or the provision of FAPE to your child. This prior written notice must be provided to you at least five school days before the school district can implement its decision to change or not to change the identification, evaluation, educational placement or the provision of FAPE to your child. The prior written notice provided to you must be written in a way that is easy for you to read and understand, unless it is clearly not possible to do so. If your language is not a written language, the school district must take steps to ensure that the notice is given to you orally or by some other means. The school district will help you to understand the notice and document its efforts in this regard.

What must be included in written notice?

Written notice must include the following:

- What the school proposes or refuses to do.
- The reasons for the proposed or refused action.
- A description of any other options considered and why those options were rejected.
- A description of each evaluation procedure, test, observation, record or report the district used as a basis for proposed or refused action.
- A statement that you have protections under the procedural safeguards.
- Sources you may contact to get help in understanding your procedural safeguards.

Confidentiality and Access to Educational Records

The Family Educational Rights and Privacy Act (FERPA) is a federal law that protects the privacy of student education records. FERPA gives parents certain rights with respect to their student's education records. These rights transfer to the student when they reach the age of 18 or attends school beyond the high school level. FERPA General Guidance for Parents has more information.

Can I see my child's educational records?

If your child is under 18-years old, you have the right to inspect and review their school records unless your rights have been terminated under state law. The school district must provide you with the opportunity to inspect and review your child's school records without unnecessary delay. Your request must be in writing.

Can anyone else see my child's school records without my consent?

School district employees can access your child's education records when they need to do so in order to perform their job responsibilities. If your child transfers to a different school district, the employees of the new district also have access to your child's school records. In addition, school districts are required by law to share information with certain government agencies, including the State Department of Education, and to organizations conducting studies for, or on behalf of, educational agencies or institutions.

The school district is required to keep a record of persons, other than school district employees, who access your child's school records. You may request from your school district an opportunity to review the school district's policy or procedures regarding the access to educational records.

How can I obtain a copy of my child's school records?

Connecticut law gives you the right to receive one free copy of your child's records. Your request for a copy of your child's school records must be submitted to the school district in writing. The school district may take not later than 10 days to provide you with a copy of your child's records. The school district may charge a fee for any additional copies of your child's school records that you request.

What should I do if I find false or misleading information in my child's school records?

You may request in writing that the school district change your child's school records if you believe them to be inaccurate, misleading, or to violate the privacy or other rights of your child. When you ask the school district to change your child's records, the school district must act upon the request within a reasonable period. If your request is refused, you have the right to a hearing under the FERPA. If, as a result of the hearing, the hearing officer denies your request to change your child's records, you have the right to place a statement in your child's records regarding your concerns. This statement must be maintained in your child's records as long as the documents you object to are maintained, and your statement must be released whenever those documents are disclosed. You may ask your school district for a copy of its student records policy to review your rights to challenge the content of your child's records.

Do I have a right to review my child's record when he becomes an adult student?

Until your child reaches age 18, you have access to all educational records maintained by the school. After the transfer of rights to your child upon reaching the age of majority, you have the right of access to your child's educational records only if you have your child's written consent for access unless you maintain your child as a dependent for tax purposes.

What if I move?

If you move within Connecticut, the staff at the new school district in which you enroll your child must notify the school district where your child previously was enrolled and the school district in which your child was previously enrolled must, within 10 days, send your child's education records to the new school. The new school district must provide services that are comparable to the services described in your child's IEP until or unless the school district develops a new IEP.

Transitioning from High School to Post-School Activities

What about transition services at the secondary level?

- Transition planning and related goals and objectives must be discussed and developed at the annual review following your child's fifteenth birthday, or earlier if determined appropriate by the PPT, and updated annually thereafter. For students whose primary disability category is Autism, transition planning and related goals and objectives must be discussed and developed at the annual review following your child's thirteenth birthday and updated annually thereafter. Your child must be invited to this PPT meeting and all subsequent PPT meetings, if the purpose of the PPT meeting will be the consideration of the postsecondary goals for the student and the transition services needed to assist the student in reaching those goals, until your child graduates from high school with a regular high school diploma or until your child exceeds the age of eligibility (student's 22nd birthday). If your child does not attend the PPT meeting, your district must take other steps to ensure that your child's preferences and interests are considered.
- At the same PPT, your child's IEP will be planned and must include:
    - Appropriate measurable postsecondary goals based upon age-appropriate transition assessments related to training, education, employment, and where appropriate, independent living skills.
    - The transition services needed to assist the student in reaching those goals.

- To the extent appropriate, with consent of the parents or a student who has reached the age of majority, your district must invite a representative of any participating agency that is likely to be responsible for providing or paying for transition services.
    - Identify, explore and connect with outside agencies as appropriate, including but not limited to the following adult service agencies: Department of Developmental Services (DDS), Department of Mental Health and Addiction Services (DMHAS), Department of Public Health (DPH), and the Department of Aging and Disability (ADS), which includes the Bureau of Education and Services for the Blind (BESB) and the Bureau of Rehabilitation Services (BRS).

- The term "transition services" is defined as a coordinated set of activities for a student with a disability that:
    - Is designed to be within a results-orientated process that is focused on improving the academic and functional achievement of the student with a disability to facilitate the student'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.
    - Is based on the individual student's needs, taking into account the student's strengths, preferences, and interests; and includes:

        - Instruction.
        - Related services.
        - Community experiences.
        - The development of employment and other post-school adult living objectives.

    - 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.

Additional information regarding secondary transition can be found at:

- Transition Bill of Rights for Parents of Students Receiving Special Education Services
- Building A Bridge from School to Adult Life: A Resource Manual for High School Students
- Easing into Secondary Transition: A Comprehensive Guide to Services and Resources in Connecticut

Before your child graduates high school with a regular high school diploma or exceeds the age of eligibility (student's 22nd birthday), the school district must provide your child with a summary of their academic achievement and functional performance. This Summary of Performance (SOP) must include recommendations on how to assist your child in meeting their postsecondary goals. The SOP must be completed during the final year of your child's high school education. View the SOP form.

Transfer of Rights upon Reaching Age of Majority

When are parental rights transferred to the student?

When your child reaches age 18 (age of majority), or is declared an emancipated minor, all rights under special education law will transfer to your child unless a court has appointed a legal guardian for your child. At least one year before your child turns age 18, the school district must inform both you and your child of the transfer of these rights. Once these rights have been transferred, you will still receive all required procedural notices, but your child may grant or withhold consent as appropriate.

Surrogate Parents

The Surrogate Parent Program is a federally mandated program (34 Code of Federal Regulations [CFR] § 300.519) that provides educational advocacy services for children and youth under the jurisdiction of the Department of Children and Families (DCF) (foster children) or an unaccompanied minor or homeless youth (34 CFR § 300.519[f]), who need or may need special education.

State statute (Connecticut General Statues [CGS] § 10-94g) currently calls for a surrogate to be appointed when:

- a child may require special education, or a child who required special education no longer requires such education but requires or may require services under Section 504 of the Rehabilitation Act of 1973, as amended from time to time;
- the parent or guardian of such child cannot be identified;
- the whereabouts of the parent cannot be discovered after reasonable efforts to locate the parent have been made;
- such child is a ward of the state; or
- such child is an unaccompanied and homeless youth.

Surrogate parents represent the student in all matters relating to identification, evaluation, placement, and provision of FAPE. A surrogate parent has all the rights of the parent in the PPT process, including:

- the receipt of written notice of meetings and prior written notice of proposed or refused changes in the student's educational program;
- the attendance at PPT meetings (regarding referral of the student for evaluation, planning or review of evaluation and reevaluation results, determining eligibility, developing and reviewing the IEP, and determining transition needs);
- the granting or withholding of written consent when written consent is needed for a proposed activity;
- the initiation of due process procedures to resolve disputes; and
- the review of educational records prior to the transfer of rights and request changes of any inaccurate or misleading records.

Disciplinary Procedures

Code of student conduct applies to all students, including special education students. Unless an emergency exists, your child has the right to an informal hearing by the school administration before being suspended or removed from their education program. Your child should be informed of the reasons for the disciplinary action at this time and given an opportunity to explain the situation.

Does my child have the right to receive educational services during a suspension from school?

Suspension means an exclusion from school privileges or from transportation services for no more than 10 consecutive school days. Exclusion means any denial of public school privileges to a pupil for disciplinary reasons. Removal means an exclusion from classroom for all or part of a single period, provided such exclusion shall not extend beyond 90 minutes. Exclusion from a classroom beyond 90 minutes constitutes a suspension. Expulsion is defined as any exclusion from school privileges for more than 10 days in one calendar year. More information is available in the guidelines on out of school suspension and the standards for educational opportunities for students who are expelled.

Removal of up to 10 consecutive school days in any school year:

If your child has violated the school district's discipline code, he/she may be suspended for a period not to exceed 10 consecutive school days. The length of the removal must be comparable to the length of the removal that would be applied to nondisabled student who breaks the same rule. The school district is not required to provide services if the removal does not exceed 10 consecutive school days in the same school year and if the school district does not provide services to a student without a disability who has been suspended from school for removals that do not exceed 10 consecutive school days in the same school year.

Removal of more than 10 school days in a school year: Change in Placement

If in the same school year, your child has been subjected to a series of short term removals that add up to more than 10 school days in a school year, school personnel must decide whether the removals constitute a change in placement. A change in placement occurs if:

- the removal is for more than 10 consecutive school days; or
- the student has been subjected to a series of removals that constitute a pattern:
    - 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
    - additional factors 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.

Determination that removals do not constitute a change in placement:

If school personnel decide that a series of removals for more than 10 school days in a school year do not constitute a change in placement, school personnel, in consultation with one of your child's teachers, determine the extent to which education services are needed to enable your child to continue to participate in the general curriculum and to progress toward meeting the goals set out for your child in their IEP. The student shall receive, as appropriate, a functional behavior assessment and behavioral intervention services and modification that are developed to address the behavior so that it does not recur.

Determination that removals are a change in placement:

If school personnel determine that the series of short-term removals is a change of placement, your child's PPT determines the appropriate educational services to enable your child to continue to participate in the general education curriculum and to progress toward meeting the goals in the IEP.

Is my child protected from being disciplined for behaviors related to their disability?

If it is determined by you and relevant members of the PPT that the behavior that your child engaged in was caused by, or had a direct and substantial relationship to your child's disability, or that the behavior was the direct result of the school district's failure to implement the IEP, then your child may not be removed from the current educational placement (except in the case of weapons, drugs, or infliction of serious bodily injury). Additionally, the PPT must conduct a functional behavioral assessment, if one has not been done, and implement a behavioral intervention plan or review an existing one and modify it, as necessary, to address the behavior and return the student to the placement from which the student was removed, unless the parent and the school district agree to a change in placement as part of the modification of the behavior intervention plan. If the group determines that your child's disability did not cause your child's behavior, your child may be disciplined as any other student, except that the school district must continue to provide services to enable your child to progress in the general curriculum and to advance appropriately toward attaining the annual goals set out in their IEP.

This determination of the relationship between your child's behavior and your child's disability is referred to as the manifestation determination. Within 10 school days of the decision to change the placement of a student with a disability, a manifestation determination must be made.

If you disagree with the manifestation determination, you have the right to initiate due process. Your child will remain in the disciplinary placement pending the decision of the hearing officer or until the expiration of the time period imposed for the misconduct, whichever comes first, unless you and school district agree otherwise.

Removal for up to 45 school days for offenses involving weapons, drugs, serious bodily injury or danger to self or others:

The school district may place your child in an interim alternative education setting (IAES) for up to 45 school days, whether or not the behavior is found to be a manifestation of your child's disability, if your child:

- carries a weapon to school or a school function, or is in possession of a weapon in school or at a school function;
- knowingly possesses or uses illegal drugs, or sells or solicits the sale of controlled substances while at school or a school function; or
- inflicts serious bodily injury upon another person while at school, or at a school function.

Additionally, a hearing officer may place your child in an IAES if the hearing officer determines that keeping your child in the current placement is substantially likely to result in an injury to your child or to others.

If your child is placed in an IAES for up to 45 school days, the child must receive necessary services to enable the child to continue to participate in the general curriculum and to progress toward meeting the goals set out in the child's IEP and, if appropriate, a functional behavioral assessment, behavioral intervention services and modifications that are designed to address the behavior violation so that it does not recur. Placement in an IAES for matters that relate to drugs, weapons, serious bodily injury is made by the PPT. For matters related to the safety of your child or others, a hearing officer determines the IAES. Your consent is not required, but you may initiate due process if you disagree with the school

district's decision to place your child in an IAES. If you initiate due process, your child will remain in the IAES pending the outcome of the due process proceedings or the expiration of the time for which your child was placed in that setting, whichever occurs first.

Special Education Complaint Resolution Process

What is the special education complaint resolution process?

The special education complaint resolution process is a mechanism whereby a parent and/or other interested party or parties may file a written complaint with the Bureau of Special Education alleging that the local school district has violated a requirement of federal or state law concerning special education. Bureau staff will not look into any part of a complaint that is also part of a due process hearing until the final hearing decision has been made. If an issue raised in a complaint was already decided in a due process hearing with the same parties, the hearing decision is final and the issue raised in the complaint will not be reviewed. Similarly, if an issue involving the same parties was decided in a due process hearing, the issue will not be considered through the complaint resolution process. A complaint alleging that a school district has failed to carry out a final decision of a due process hearing must be resolved by the Bureau of Special Education of the State Department of Education.

How long do I have to file a complaint?

A complaint must be filed within one year of the time it is believed that the school district failed to follow the law.

How will I be notified of the results of the complaint investigation?

A written report of findings, conclusions, corrective action, and recommendations, if appropriate, will be mailed within 60 calendar days of receipt of the request, unless an extension is granted for extenuating circumstances.

A State Complaint Form is in the appendix of this guide.

You can file a complaint by writing to:

Connecticut State Department of Education
Bureau of Special Education, Due Process Unit
450 Columbus Blvd., Suite 604
P.O. Box 2219
Hartford, CT 06145-2219

FAX: 860-713-7153

The complaint may also be submitted electronically to: dueprocess.sde@ct.gov.

The complaint should state the following:

- The school district is not carrying out IDEA or state laws that protect students with disabilities.
- The facts on which the complaint is based.

Mediation

What is mediation?

Mediation is a way to settle a dispute when you and the school district do not agree on:

- how or whether your child is disabled;
- evaluating your child;
- placing your child in a school program that meets their needs; or
- any other matter related to providing your child with a free appropriate public education that meets their needs.

Both you and the school district must agree to enter into mediation before it can occur. The mediation session will be held in a place and at a time that is convenient for both you and the school staff.

What happens during mediation?

The mediator will try to help you and the school district settle your differences. If you and the school district reach agreement on the issues, what you have agreed to will be put in writing. The mediation agreement is a legally binding contract enforceable in court. If you and the school district cannot reach an agreement, the mediator will certify in writing that mediation has not resulted in an agreement. Discussions that take place during mediation are confidential and cannot be used as evidence at any subsequent due process hearing or court action.

Who may act as a mediator?

The State Department of Education, Bureau of Special Education, has a list of mediators and will assign a mediator on a random basis from a list of individuals who:

- are trained in mediation techniques;
- do not show favor to either the parent or the school district;
- are familiar with special education laws; and
- do not provide direct service to the student who is the subject of the mediation.

May I bring an advocate or lawyer to the mediation conference?

You may bring an advocate and/or a lawyer with you to help you in the mediation conference. The school district may also bring a lawyer to the mediation conference. You will be responsible for the cost of your attorney's fees.

Do I have to try mediation?

Mediation is voluntary and may not be used to:

- deny or delay your right to a hearing; or
- deny any other rights that you have under state or federal special education law.

A Request for Mediation form is in the appendix of this guide.

Due Process Hearing

When may I request a due process hearing?

You may ask for a due process hearing within two years of the time the school district proposes or refuses to:

- consider or find that your child is disabled;
- evaluate your child;
- place your child in a school program that meets their needs; or
- provide your child with a free appropriate education that meets their needs.

If you have not been given a copy of the Procedural Safeguards Notice Required Under IDEA Part B, the two-year limit begins when you receive one. The two-year limit would not apply if the school told you that the issues had been resolved when in fact the issues had not been resolved.

What is a due process hearing?

Due process is a way of ensuring fairness in the decision-making process regarding your child. If you disagree with a proposed or refused action regarding your child's education, you may initiate due process in order to resolve the disagreement. The due process hearing is a legal process in which a hearing officer appointed by the Due Process Unit of the Bureau of Special Education, State Department of Education, decides the resolution of a disagreement between you and the school district. A school district may request a due process hearing as well. Due process procedures include advisory opinions, hearings, and expedited hearings.

What has to happen before a due process hearing can begin?

The party receiving a request for a hearing, usually the school district, has 15 calendar days from the date the hearing request is received to notify the hearing officer and the other party in writing if they think the request for a hearing does not include required information. The hearing officer has to make a decision as to the adequacy of the hearing request within five calendar days. Once the hearing officer has reviewed these responses, the individual will decide if any other changes must be made to the hearing request. For more detailed information on how to request a hearing, please review the Procedural Safeguards Notice Required Under IDEA Part B. The school district may place a copy of the procedural safeguards on the school's website.

Once a request for a hearing is made by the parent, several things will occur, some at the same time. The school district must offer to meet with you and relevant members of the PPT that have specific knowledge of the facts identified in the due process complaint within 15 calendar days of receiving notice of your request for a hearing. This is referred to as a resolution meeting. This resolution meeting gives both you and school staff a chance to discuss the due process complaint and resolve the problem. If you do not bring an attorney to the resolution meeting, the school cannot have an attorney at the meeting. If the dispute is not resolved within 30 days of receiving the complaint, the due process hearing 45-day timeline to issue a hearing decision begins.

Does a resolution meeting have to be held?

No. You and the school can agree in writing to not hold the resolution meeting. Additionally, a resolution meeting would not have to be held if you and the school decide to go to mediation.

Where and when does a hearing occur?

The hearing will be held at a time and place that will make it easy for you and your child to attend. When a hearing is requested, several things have to happen. If the school has not sent prior written notice to you regarding the issues raised in your request for the hearing, the school must, within 10 calendar days of receiving your request for the hearing, send you a response that explains why the school did what it did, what other options the PPT took into consideration, why those options were rejected, and what evaluation information the school district is relying on.

From the start of the 45-day timeline, a final decision will be made by the hearing officer. A copy of the decision shall be mailed to each of the parties. The hearing officer may grant specific extensions of time beyond the 45-calendar day timeline for certain reasons at the request of either party.

What happens during a hearing?

You and the school district may present evidence, including expert testimony, cross-examine witnesses, and compel the presence of any witnesses. You and the school district must exchange copies of all documents and the names of all witnesses you intend to present no later than five business days prior to the hearing. Evaluations used at the hearing must be presented no later than five business days prior to the hearing. You must also provide this information to the hearing officer by the same deadline. A record of the hearing will be made. You have the right to obtain a written, or, at your request, electronic copy of the word for word record of the hearing as well as the hearing decision.

May I bring an advocate or lawyer to the hearing?

You may bring an advocate and/or a lawyer with you to help you at the hearing. An advocate is not allowed to represent you at the hearing. The school district may also bring a lawyer to the hearing. The school district must make you aware of any free or low-cost legal services available when:

- you ask for it; or
- you or the school district asks for a hearing.

A list of low-cost legal services is in the resources section of this guide.

If you receive a written hearing decision in your favor, you may file a lawsuit in state or federal court for an order that the school district pay you the reasonable costs of your attorney's fees.

Placement During Due Process Procedures

What happens to my child while a due process hearing is ongoing?

While a due process hearing is pending, your child's classification, program, or placement cannot be changed from what they were at the time a due process hearing was requested unless you and the school district agree otherwise. This is referred to as stay-put. However, there are exceptions to the stay-put provision. If you request due process because you disagree with a decision to remove your child from their education placement to an interim alternative education setting (IAES) for matters related to weapons, drugs or infliction of serious bodily injury, your child will remain in the IAES pending the decision of the hearing officer or the expiration of the time for which they was placed in that setting, whichever occurs first, unless you and the school district agree otherwise. If you request a due process hearing to challenge a manifestation determination, stay-put would not apply and your child's placement could be changed while the due process procedures were happening.

Protection of student's anonymity

The State Department of Education shall (after removing data that would make the identity of your child known) send the written findings of fact and decisions to the State Advisory Council for Special Education (SAC) and also make them available to the general public by posting the decisions on the department's website.

A Request for Impartial Special Education Hearing form is in the appendix of this guide.

Expedited Hearing

An expedited hearing is a hearing that is held quickly so that a situation can be addressed without undue delay. In an expedited hearing, the hearing must occur within 20 school days of the date the hearing is requested and the hearing officer must make their decision within 10 school days of the close of the hearing. The parties involved in the hearing must exchange information to be presented as evidence at least two business days prior to an expedited hearing. An expedited hearing will be arranged when the following occurs:

- The school district thinks that keeping your child in the current placement is highly likely to result in injury to your child or to others and the school district wants to put your child in an IAES for no more than 45 days.
- The school district does not want your child, who is placed in an IAES, to return to their original placement at the end of the 45 day period because it believes your child is likely to injure themselves or others in that placement.
- You believe that the school district has improperly removed your child for more than 10 consecutive school days (expulsion).
- You believe that the school district has improperly removed your child for more than 10 school days in a school year (expulsion).
- You do not agree with the school district's placement of your child in an IAES; or
- You do not agree with the manifestation determination.

The hearing officer may order that your child be returned to the placement from which they were removed or placed in an interim alternative education setting for no more than 45 school days if it is determined that keeping your child in the current placement will more than likely result in injury to the student or to others. The hearing officer may not order a placement in an IAES for more than 45 school days at any one time. However, the school may ask for this process to be repeated.

Advisory Opinion

What is an advisory opinion?

An advisory opinion is a non-binding opinion issued by a hearing officer after consideration of a brief presentation of information by both the parents and the school district. Based upon this non-binding opinion, you or the school may decide not to bring the matter to a full due process hearing and, instead, settle the dispute.

What happens in the advisory opinion process?

You and the school district will each have 45 minutes to present your case to a hearing officer. Each party may present one or two witnesses during their allotted time and introduce reliable and essential documents such as the most recent IEP, revisions to the IEP, educational evaluations, progress reports, transcripts, independent evaluations, and teacher narratives. You and the school district must exchange copies of any documents and the names of any witnesses you intend to present no later than five calendar days prior to the advisory opinion. You must also provide this information to the hearing officer at the same time. You will have 15 minutes to respond to the school district's presentation and the school district will have 15 minutes to respond to yours. Afterwards, the hearing officer will render an oral opinion. No record will be made of the advisory opinion process.

May I bring an advocate or a lawyer to the advisory opinion hearing?

You may bring an advocate or a lawyer and up to two witnesses with you to the advisory opinion session. The advocate is not allowed to represent you at the hearing. The school district may also bring a lawyer and up to two witnesses. You will be responsible for the cost of your attorney's fees.

What can I do if I disagree with the advisory opinion?

An advisory opinion is non-binding and does not restrict your right or the school district's right to engage in other forms of resolution such as mediation or due process hearing.

Are advisory opinions confidential?

Advisory opinion sessions are not open to the public and no record of the proceeding is made. The advisory opinion is confidential and may not be used as proof in any future due process hearing.

A Request for an Advisory Opinion form is in the appendix of this guide.

Timelines

Here are important timelines concerning the special education process.

- **From the date of the initial referral to special education:** Written notice of referral shall be sent to the parents no later than five school days after the date of the referral
- **IEP implementation:** The IEP shall be implemented within 45 school days from referral (not including time needed to obtain consent) and the IEP shall be implemented within 60 school days for students in out-of-district placement (not including time needed to obtain consent)
- **Parental consent for evaluation, placement, or private placement:** Within 10 school days of the date of the notice or PPT meeting in which the parent participated
- **Prior to PPT meetings:** Parental receipt of written notice at least five school days prior to a PPT meeting
- **From IEP meetings:** A copy of the IEP must be sent to the parent by the district within five school days of the IEP meeting
- **From the receipt of the IEP:** Implementation of the IEP 10 school days after parent receipt of the prior written notice (PWN) or as otherwise indicated on the PWN/ IEP
- **Reevaluation:** At least once every three years, unless the parent and the district agree, a reevaluation is not necessary at the request of the parent or staff working with the student; and not more often than once a year, unless the parent and district agree
- **From the start of the Due Process Hearing:** 45 calendar days after wrap-up of resolution meeting if held, to mailing of the final decision, unless hearing officer grants an extension (No extensions may be granted for an expedited hearing)
- **From the filing of complaint:** 60 calendar days to the mailing of the decision, unless an extension is granted due to extenuating circumstances

Steps to the Special Education Eligibility Process

What happens if my child is having trouble learning in school?

If your child is having trouble in school, you should contact the teacher or the principal to discuss your concerns. Some school districts have teams consisting of school personnel that review student problems and suggest academic and/or behavioral strategies in an attempt to change or improve student performance. These are often called Student Assistance Teams or SRBI (Scientific Research Based Intervention) teams. Please be prepared to provide information that may be helpful to the team. Whether or not this process is going on, you can make a referral for special education services. The chart below will guide you through the special education process.

	Parent/Guardian	School District
Referral	• Make a written referral to determine eligibility for special education and related services or believe that your child has significant learning problems. • Receive a copy of procedural safeguards. • Have questions answered. • Ask for information about advocacy groups or area parent support groups.	• Make written referral to determine eligibility for special education and related services if student is suspected of having a disability. • Contact parent and provide notice, explain referral process, and provide copy of procedural safeguards.
Before PPT Meetings	• Review procedural safeguards information. • Seek support, if needed. • Bring support person(s) to meetings, if needed. • Bring concerns, questions, and suggestions to meeting. • Ask to participate in meeting or a telephone conference.	• Notify parent of meeting(s) and participants. • Determine mutually agreed time and place for meeting(s). • Consider parent request for alternative means of meeting participation. • Provide a copy of procedural safeguards. • Arrange for appropriate school personnel to be present.
Evaluation	• Provide information for evaluation process (e.g., medical, family, and educational history; perceptions of student's strengths and needs at home and in community). • Provide input, in collaboration with the school district to determine the specific assessments needed to evaluate. • Receive notification of the evaluation decision. • Provide consent to evaluate if you wish for the evaluation to occur.	• Collect information from parent, teacher, and others. • Review existing information in collaboration with the parent to determine the specific assessments needed to evaluate the student. • Notify parent of the evaluations to be conducted. • Obtain parent/guardian permission to evaluate. • Complete evaluation. • If determined that no evaluation is needed, provide in writing reasons for not

	Parent/Guardian	School District
	• Withhold consent if you do not agree with the evaluation(s) to be conducted. • If it is determined that no evaluation is needed, receive in writing the reasons for not conducting the evaluation(s). • Receive a copy of procedural safeguards.	conducting the evaluation to parent and person who made the referral. • Provide parent with procedural safeguards.
During the Eligibility Meeting	• Ask questions about evaluation results. • Share information about student's strengths and needs. • Contribute to the determination of eligibility.	• Summarize, interpret, and document evaluation results. • Determine eligibility for special education services. • Provide copy of eligibility determination to parent at end of meeting. • Notify parent of their right to an independent evaluation if there is a disagreement about the evaluation results. • If student is not eligible for special education services, consider eligibility for services under Section 504, if appropriate.
During the individualized Education Program (IEP) Meeting	If student <u>is eligible</u> for special education services: • Share information about student. • Assist in development of goals and objectives/benchmarks. • Contribute to the determination of appropriate special education and related services to be provided. • Contribute to the determination of appropriate educational placement. • Give permission for student to receive special education and related services (initial placement only) or. • Withhold consent if you do not agree with the special education program being recommended.	If student <u>is eligible</u> for special education services: • Develop IEP that will enable the student to be involved in and progress in the general curriculum, which includes student's strengths and needs; annual goals and short-term objectives/benchmarks; appropriate educational placement.

	Parent/Guardian	School District
Annual Review (The IEP meeting that reviews the education status and special education)	• Gather school papers and other information that may be helpful at the meeting. • Bring support person(s) to meeting if desired. • Review student's progress in current IEP goals and objectives. • Assist in the development of a new IEP.	• Notify parent of meeting and participants. • Gather information on student's progress, including involvement and progress in the general curriculum. • Review current IEP. • Develop new IEP that will enable the student to be involved in and progress in the general curriculum. • Discuss and document the need for extended school year services. • Discuss graduation, if appropriate.
Reevaluations	• Provide consent or refuse consent. • Provide input in collaboration with the school district to determine the specific assessments needed to evaluate. • Receive notice of the reevaluation process (e.g. medical, family, and educational history; perceptions of student's strengths and needs at home and in community, progress during year). • Provide information from doctors or other professionals that might be helpful. • Request an evaluation sooner than the three years if you feel there is a change in your child's educational needs.	• Notify the parent that a three-year reevaluation needs to be done. • Explain reevaluation process. • Answer questions. • Obtain parental consent to reevaluate. • Review existing evaluation data, in collaboration with the parent to determine the specific assessments needed to evaluate. • Notify parent of the evaluation decisions. • Hold meeting to determine continued eligibility. • If student continues to be eligible, hold IEP meeting and determine appropriate special education and related services and educational placement.

Resources

Who can I contact for help in understanding my rights?

For assistance in understanding your rights, you may write or call the director of special education in your local school district or contact the Bureau of Special Education, Connecticut State Department of Education, P.O. Box 2219, Unit 604, Hartford, CT 06145-2219 at 860-713-6910, or the Connecticut Parent Advocacy Center (CPAC) at 860-739-3089.

In many communities there are social service organizations to which you may turn for help in understanding your rights. These groups may be affiliated with state and national advocacy groups. Local directors of special education may also have information about local groups and meetings are often publicized on websites.

Other sources of information are:

Connecticut State Department of Education (CSDE)
450 Columbus Boulevard
Hartford, CT 06103
860-713-6543
Website: http://www.ct.gov/sde/

State Education Resource Center (SERC)
100 Roscommon Drive
Middletown, CT 06457
860-632-1485
Website: http://www.ctserc.org

Connecticut Parent Advocacy Center, Inc. (CPAC)
338 Main Street
Niantic, CT 06357
860-739-3089
Website: http://www.cpacinc.org

2-1-1 of Connecticut
860-671-0737
Website: https://211ct.org/

Connecticut State Child Find
860-739-3089

Office for Civil Rights
U.S. Department of Education
5 Post Office Square, 8th Floor
Boston, MA 02109
617-298-0111, 800-877-8339 (TDD)
Email: OCR.Boston@ed.gov
(For Section 504 and Americans with Disabilities Act (ADA) complaints)

Other State agencies:

Birth to Three System
Office of Early Childhood (OEC)
450 Columbus Boulevard
Hartford, CT 06103
860-500-4412; Referral: 800-505-7000
Website: http://www.birth23.org

Department of Aging and Disability Services (ADS)
55 Farmington Avenue, 12th Floor
Hartford, CT 06105
800-537-2549; 860-247-0775 (TTY)
Website: https://portal.ct.gov/AgingAndDisability

Bureau of Education Services for the Blind (BESB)
Department of Aging and Disability Services
184 Windsor Avenue
Windsor, CT 06095
860-602-4000; 860-602-4224 (TDD)
Website: https://portal.ct.gov/AgingandDisability/Content-Pages/Bureaus/Bureau-of-Education-and-Services-for-the-Blind

Bureau of Rehabilitation Services (BRS)
Department of Aging and Disability Services
860-537-2549; 860-247-0775 (TTY)
Website: https://portal.ct.gov/AgingandDisability/Content-Pages/Bureaus/Bureau-of-Rehabilitation-Services

Deaf and Hard of Hearing Counseling Unit
Department of Aging and Disability Services
184 Windsor Avenue
Windsor, CT 06095
800-697-3560 (Voice); 860-899-1648 (Videophone)
Website: https://portal.ct.gov/AgingandDisability/Content-Pages/Programs/Deaf-and-Hard-of-Hearing-Counseling

Department of Children and Families (DCF)
505 Hudson Street
Hartford, CT 06106
860-550-6300
Website: https://portal.ct.gov/dcf

Department of Developmental Services (DDS)
460 Capitol Avenue
Hartford, CT 06106
860-418-6000; 860-418-6079 (TDD)
Website: https://portal.ct.gov/dds

Department of Mental Health and Addiction Services (DMHAS)
410 Capitol Avenue
P.O. Box 341431
Hartford, CT 06134
860-418-7000
Website: http://www.ct.gov/dmhas

Department of Public Health (DPH)
410 Capitol Avenue
Hartford, CT 06134
860-509-8000
Website: http://www.ct.gov/dph

Disability Rights CT (DRCT)
846 Wethersfield Avenue
Hartford, CT 06114
860-297-4300 (voice); 860-509-4992 (videophone); 800-842-7303 (toll-free in CT)
Website: https://www.disrightsct.org/

Free or low-cost legal assistance:

Statewide Legal Services of Connecticut, Inc. (800) 453-3320 or 860-344-0380
Statewide Legal Services is a legal aid telephone hotline program.

The legal services programs in Connecticut are a group of nonprofit organizations that provide legal assistance in civil matters to low-income persons. Services are free. Eligibility depends on income, family size, assets, and legal issue. Applicants should call Statewide Legal Services as the first step to find out if they qualify for services.

Department of Labor (DOL)
200 Folly Brook Boulevard
Wethersfield, CT 06109
860-263-6000
Website: https://www.ctdol.state.ct.us/

Office of Higher Education (OHE)
450 Columbus Boulevard, Suite 707
Hartford, CT 06103-1841
860-947-1800
Website: http://www.ctdhe.org/

Center for Children's Advocacy (CCA)
Hartford Office
2074 Park Street
Hartford, CT 06106
860-570-5327
Website: https://cca-ct.org/

Appendix

- Referral to Determine Eligibility for Special Education and Related Services
- Request for Mediation Form
- Request for Impartial Special Education Hearing
- Request for Advisory Opinion
- Special Education Complaint Form

School | Signature of School Administrator | Date Received

[DISTRICT NAME] PUBLIC SCHOOLS

Referral to Determine Eligibility for Special Education and Related Services

Student: _____ DOB: _____ Age: _____ Grade: _____

Primary Lang: ☐ English ☐ Other: _____

Parent/Guardian: _____

Address: _____

Referred by: _____

Referral Date: _____

Telephone: _____ Relationship to Child: _____

1. AREA(S) OF CONCERN:

Check major area(s) of concern, and briefly describe the child's behavior, or performance in each area checked. If you have identified more than one area of concern, circle the area you consider to be the highest priority.

☐ Academic ☐ Social/Emotional ☐ Gross/Fine Motor ☐ Activities of Daily Living

☐ Health Related ☐ Behavior ☐ Communication ☐ Other: (specify) _____

A. Describe Specific Concerns:

B. Describe Alternative Strategies Attempted and Outcome: (Use additional pages if necessary.)

Student: _____ DOB: _____

2. Special Services History:

Are you aware of any special services provided for this child now or in the past? ☐ Yes ☐ No

If Yes, describe the type, location, and provider of the service.

_____

_____

_____

_____

_____

_____

_____

3. Other Relevant Information:

_____

_____

_____

_____

_____

_____

4. Parent Notification:

Has the parent/guardian been notified about your concerns regarding this student? ☐ Yes ☐ No

If Yes, method of notification: _____

Date(s) parent/guardian was notified: _____

Signed: _____ Date: _____

(Signature of individual completing this form)

***Please note:** The special education referral date immediately affords the student and parent(s) all special education procedural safeguards. This referral also "starts the clock" with respect to the timelines specified in RCSA 10-76d-13(a)(1) and (2) which provide that "(1) The individualized education program shall be implemented within forty-five days of referral or notice, exclusive of the time required to obtain parental consent. (2) In the case of a child whose individualized education program calls for out-of-district or private placement, the individualized education program shall be implemented within sixty days of referral or notice, exclusive of the time required to obtain parental consent." If a parent communicates in writing directly with a staff member that they wish to refer their child for an evaluation to determine her/his eligibility for special education services, the date the staff member receives this written communication constitutes the date of referral. If a parent communicates verbally with a staff member that they wish to refer their child for an evaluation to determine her/his eligibility for special education services, the staff member should provide the parent with a copy of this referral form and, when necessary, assist the parent in completing this form. It should be understood that, in all instances, this is a referral for an evaluation to determine eligibility for special education services. Actual eligibility for special education services is determined by the PPT only after an evaluation has been completed.

CONNECTICUT STATE DEPARTMENT OF EDUCATION

BUREAU OF SPECIAL EDUCATION
DUE PROCESS UNIT
450 Columbus Blvd., Suite 604
P.O. Box 2219
Hartford, CT 06145-2219
dueprocess.sde@ct.gov
860-713-6928; FAX 860-713-7153

Request for Mediation

While not required, the requested information will assist this office in assigning the mediation.

We request a mediation concerning _____, _____
(Name of Child) (Date of Birth)

_____
(Address of Child) (District/Name of School) (Child's Disability)

_____ _____
Parent/Parent Representative Signature Date District/District Representative Signature Date

_____ _____
Parent/Parent Representative email District/District Representative email

_____ _____
Parent/Parent Representative Telephone # District/District Representative Telephone #

Description of the nature of the issues in dispute, including related facts:
Please add additional pages as needed

Proposed resolution of the issues to the extent known and available at this time.
Please add additional pages as needed

****Please forward to the above address and, as appropriate, the parents or the school district.****

Revised June 2021

CONNECTICUT STATE DEPARTMENT OF EDUCATION

BUREAU OF SPECIAL EDUCATION
DUE PROCESS UNIT
450 Columbus Blvd., Suite 604
P.O. Box 2219,
Hartford, CT 06145-2219
dueprocess.sde@ct.gov
860-713-6928; FAX 860-713-7153

Request for Impartial Special Education Hearing

I request an impartial hearing against _____
(District/name of school)

concerning my child _____ _____
(Name of child) **(Date of birth)***

_____ _____
(Child's address) **(Child's disability)***

_____ _____ _____
Print name of person requesting hearing* **Signature*** **Date***

_____ _____
Telephone* **Email address***

Description of the nature of the issues in dispute, including related facts:

_____

_____

_____

_____

Proposed resolution of the issues (to the extent known and available at this time).

_____

_____

_____

_____

Please forward to the above address and, as appropriate, the parents or the school district.

***Information requested is optional.**

Revised June 2021

Request for Advisory Opinion

We request an advisory opinion. We understand both parties must agree to an opinion and we are not required to pursue an advisory opinion prior to a hearing.

_____	_____	_____	_____
Parent Signature	**Date**	**School District Representative**	**Date**

Two mutually agreeable dates for the advisory opinion: _____, _____

From these dates, one will be selected for the advisory opinion.

Please forward to the address on the front of this form and, as appropriate, to the parents or the school district.

CONNECTICUT STATE DEPARTMENT OF EDUCATION
BUREAU OF SPECIAL EDUCATION

State Complaint Form

Any parent of a child with a disability, another individual, or agency or organization that believes a public education agency responsible for providing educational services to the child is not following state or federal laws or regulations related to the Individuals with Disabilities Education Act may file a formal complaint with the Connecticut State Department of Education.

- A copy of the complaint must also be sent to the responsible public education agency.
- The complaint must allege a violation of special education laws and regulations that occurred not more than one year before the date the complaint is submitted.

The complaint must be in writing, signed, and sent to CSDE Bureau of Special Education. The complaint may be mailed, sent by facsimile (or fax), or emailed to the address at the end of this form. Any document submitted by either the public education agency or parents will be available to the other party, upon request. **NOTE: Federal regulations provide that the public education agency has the discretion of offering a proposal to resolve the concerns presented in a complaint or offering to participate in voluntary mediation with the complainant. If the parties agree to mediate any of the concerns presented, a mediator will be provided by the CSDE at no expense to the parties.**

Your request for a State complaint investigation must include the following information:

1. **The name, address, phone number and email of the person filing the State complaint.**

Name _____

Address _____

City/State/Zip _____

Telephone _____ Email _____

2. **The name of the school the child is attending. The school's address is optional, but helpful in identifying responsible parties.**

Name of School _____

School Address _____
(optional)

City/State/Zip _____
(optional)

3. **If the alleged violations concern a specific child, the name and home address of the involved child.**

Name of Child _____ Disability _____
(optional)

Address _____ Date of Birth _____
(optional)

City/State/Zip _____

4. **State each of your concerns that are violations of state or federal special education law. You must include the facts that provide the basis of each concern. Such facts must include when and where the concern arose and who, or what circumstances, caused the concern. Also state, to the extent known, what you believe the public education agency should do to resolve each of your concerns. (Attach additional pages if needed.)**

What is Concern #1?

_____

_____

What are the facts?

_____

_____

What do you believe should be done to resolve this concern?

_____

_____

What is Concern #2?

_____

_____

What are the facts?

_____

_____

What do you believe should be done to resolve this concern?

_____

_____

If you have additional concerns, please use additional pages and state: (a) each concern; (b) the facts that support each concern and (c) what you believe should be done to resolve the concern.

_____ _____

Signature Date

The State complaint must be signed and mailed, faxed or emailed to:

CONNECTICUT STATE DEPARTMENT OF EDUCATION
BUREAU OF SPECIAL EDUCATION, DUE PROCESS UNIT
450 Columbus Blvd., Suite 604
P.O. Box 2219
Hartford, CT 06145-2219
860-713-6928; FAX 860-713-7153
dueprocess.sde@ct.gov

State of Connecticut

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