




STATE OF CONNECTICUT
DEPARTMENT OF EDUCATION



TO: Directors of Special Education and Pupil Services
Directors of Private Approved Special Education Facilities
Directors of Charter Schools

FROM: George P. Dowaliby, Chief 
Bureau of Special Education and Pupil Services

DATE: June 26, 2001

SUBJECT: Update #26

CT STATUTE, SEC. 10-265i

A number of questions have been raised regarding applicability of the mandatory retention requirement provision of CT statute, sec. 10-265i, regarding students with disabilities. The enclosed April 20, 2001 memo in which the Individuals with Disabilities Education Act (IDEA) requirements and the requirements of sec. 10-265i are reconciled addresses the summer school requirements for fourth grade priority school district special education students whose CMT scores fell within the intervention level in reading. It does not address the mandatory retention requirements.

The memo states that "all special education students in the priority school districts who score within the intervention range in reading on the 2000-2001 grade 4 CMT should be **considered** for summer school...". Since the Department's interpretation of the legislation is permissive for children with disabilities, two primary conclusions can be drawn:

1. Mandatory retention is not applicable for this population of students. As intended by IDEA, such decisions should be made on an individual basis by the planning and placement team.
2. Section 300.305 of IDEA requires that each individual public agency must "...ensure that its children with disabilities have available to them the variety of educational programs and services available to non-disabled children in the area served by the agency..." As such, the summer school and all other support programs must be made available to children with disabilities, as appropriate to their educational needs.

Please share this interpretation with appropriate priority school district personnel.

MULTIPLE DISABILITIES

There continue to be some questions regarding the classification of students with multiple disabilities. This category is not necessarily meant to be used for all students identified with two (or more) areas of disability. There needs to be a resulting severity of needs as described in the following federal definition.

Multiple disabilities means concomitant impairments (such as mental retardation-blindness, mental retardation-orthopedic impairment, etc.), the combination of which causes such severe educational needs that they cannot be accommodated in special education programs solely for one of the impairments. The term does not include deaf-blindness.

EARLY CHILDHOOD TRANSITION

Given this time of year as the school year ends and summer begins, school districts are reminded of their obligations and responsibilities relative to early childhood transition from the state's Birth To Three System to special education for 3-year-old children. IDEA, Part B, Section 612 (9) specifies: "*The local educational agency will participate in transition planning conferences arranged by the designated lead agency . . .*" (emphasis added). In accordance with the IDEA, a representative of the school district is required to attend the transition planning conference convened by personnel from the child's birth to three program. The responsibility of school district participation at the transition planning conferences is inclusive of the calendar year and is not limited to the regular school session (180 school days) of the district. Therefore, school district personnel are responsible for attending transition conferences convened by the child's Birth To Three program during the summer months and ensuring that the child's IEP has been developed and will be implemented by the child's third birthday.

If a child is scheduled to transition from the Birth To Three program to the school district and that child turns three years of age during the summer months, the school district must determine if the child is eligible for a free appropriate public education (FAPE) and whether the child requires Extended School Year services (ESY). If the child is eligible for the provision of FAPE and requires ESY services, the school district is responsible for ensuring implementation of the IEP by the child's third birthday, regardless of the fact that this occurs during the summer months. If it is determined that the child is eligible for FAPE and does not require ESY services, then the IEP must be implemented on the first day of the regular session of the school year.

FY 2001-2002 PROFESSIONAL DEVELOPMENT EVENTS

The Bureau of Early Childhood Education and Social Services and the preschool special education program is working collaboratively with the Bureau of Special Education and Pupil Services, the Special Education Resource Center (SERC), and other state agencies to develop and implement a number of professional development events for the 2001-2002 school year. Professional development opportunities in the area of early childhood special education will focus on the topics of autism, least restrictive environment, challenging behavior, language and emergent literacy and assistive technology. Look for the calendar of events in the SERC training booklets.

IMPROVING EDUCATIONAL SERVICES FOR STUDENTS WITH VISUAL IMPAIRMENT: WHAT EVERY STAKEHOLDER NEEDS TO KNOW

The Bureau of Special Education and Pupil Services in conjunction with SERC and The National Association Of State Directors Of Special Education (NASDE) will be sponsoring a one and a half day professional development seminar, November 7-8, 2001, that will train local and state education personnel with responsibility for students with visual impairment, parents and consumers in federal statutes and policy guidance and promising practices from the field. States and districts can use the knowledge and skills acquired to address relevant issues and develop strategies for ensuring a comprehensive educational service delivery system for all students who are visually impaired, including those with multiple disabilities. This seminar will be open to approximately 60 individuals. See enclosed information on the training program. Official registration forms and updates regarding this seminar will be made available late August/early September. Please contact John Purdy at (860) 807-2045 for more information.

A GUIDE TO SERVICES FOR THE DEAF AND HARD OF HEARING IN CONNECTICUT

A Guide to Services for the Deaf and Hard of Hearing in Connecticut (2000) is enclosed for your review. If any of your staff or parents would like an additional copy of this document, please have them contact the Commission on the Deaf and Hearing Impaired at (860) 561-0196. For your convenience, the Commission has plans to put this document on line at www.state.ct.us/cdhi/index.htm and to update the document periodically.

EDUCATIONAL INTERPRETING WORKSHOP

The Commission on the Deaf and Hearing Impaired, CUNY Interpreter Education Project, LaGuardia Community College and Northwestern Connecticut Community College are co-sponsoring a four-day workshop for educational interpreters August 13-17, 2001. This program is offered for 3.75 CEU's in the content area of professional studies and has an instructional level of introductory-intermediate. Enclosed is a copy of the registration form.

EDUCATIONAL INTERPRETER LICENSURE

The Commission on the Deaf and Hearing Impaired has requested that the following amendment be made to the current Interpreter Licensure Statute (Connecticut General Statute 46a-33) that requires educational interpreters to meet the standards for licensure by July 1, 2001:

“(This requirement) shall not apply to any persons providing interpretive services in an educational setting until July 1, 2003. As used in this subsection educational setting means a school or other educational institution, including elementary, high school and post-graduation schools where interpretive services are provided to a student.”

This amendment is part of an Implementer Bill that will be passed when the State budget is passed. A school district that employs the service of an educational interpreter who has not met licensure requirement for educational interpreters should be informed of the statutory change and put on notice that he/she must meet those standards by July 1, 2003. An interpreter must be registered (effective October 1, 1998) with the Commission on the Deaf and Hearing Impaired before he/she can provide interpreting services in Connecticut.

If you should have any specific questions concerning the licensure requirements for educational interpreters, please contact Stacie Mawson, Executive Director, Commission on the Deaf and Hearing Impaired, at (860) 561-0196.

EDUCATION RATE FOR BRIGHTSIDE

Last month, a number of Connecticut school districts were notified by Brightside, Inc., a residential program located in Springfield, Massachusetts, that the program's education rate had been increased to \$5,424.05. After receiving inquiries from school district staff regarding what appeared to be an exorbitant increase, the Bureau and DCF reviewed this situation. Please be advised that the education rate for the Brightside residential program has been revised to \$3,344.19 per month (payable September through June only), effective March 1, 2001. Please contact Art Carey at (860) 807-2032 with any questions.

REVIEW OF PRIVATE SPECIAL EDUCATION PROGRAMS

The Bureau anticipates that, during the 2001-2002 school year, approximately twenty privately operated special education programs will request either initial approval or re-approval from the State Department of Education. In order to obtain this approval, an applicant program must demonstrate that it is being operated in accordance with the "Principles, Procedures and Standards of Private Special Education Programs" adopted by the State Board of Education in June 1998. Enclosed for your information is a listing of specific issues which the Bureau will be examining in detail during the review of programs during the upcoming school year.

As part of the approval review process, each applicant program is visited by an on-site evaluation team consisting of representatives from the Bureau, from an approved private special education program, and from a public school district. Please contact Art Carey, via email (art.carey@po.state.ct.us), or telephone (860-807-2032), if you or member(s) of your staff are interested in serving on one of the evaluation review teams, or if you have any questions or suggestions regarding the approval process.

STATUS OF PRIVATE SPECIAL EDUCATION PROGRAMS

Several private special education programs, which accept referrals from public school districts, have submitted applications for approval by the State Department of Education. The **Manchester Memorial Hospital Clinical Day School** and the **Middlesex Hospital Clinical Day School** (located in Middletown) have completed the approval review process successfully. The **Children's Center Community Schools: Housatonic** (located in Ansonia) and the **Children's Center Community Schools: New School** (located in Stratford) have completed the review process and will most likely be approved prior to the beginning of the 2001-2002 school year.

A number of special education programs have been approved within recently opened private residential facilities that provide treatment services to children who have been placed by DCF:

- **Bloomfield Residential Treatment Center** - This program serves adolescent males who are involved in the juvenile justice system, and is operated by Community Solutions, Inc.;
- **Stepping Stone School** - This program, located in Waterbury, serves adolescent females who are involved in the juvenile justice system. Stepping Stone, like the **Touchstone** program in Litchfield, is operated by the North American Family Institute (NAFI). Certain educational services are currently provided within Stepping Stone by employees of the Connecticut Junior Republic (CJR) as a result of a contract between NAFI and CJR; and
- **Stonington Institute School** - This program, located in North Stonington, provides services to adolescents who are in need of substance abuse treatment. Certain educational services are currently provided within Stonington Institute by employees of LEARN as a result of a contract between NAFI and LEARN.

The Inpatient Program at the Portland Campus of Saint Francis Care Behavioral Health has been expanded in order to provide specialized treatment services for certain children within the care of DCF. The special education program, which operates within the four units at this site, has been designed to provide services to 74 patients, ages 6 through 21.

The Bureau is aware that a number of DCF-603 forms have been distributed which indicate that The Inpatient Program - Portland Campus is a private residential facility. That description is inaccurate. The Inpatient Program - Portland Campus has been licensed as a hospital and, accordingly, school districts must provide educational services to eligible children within the program in accordance with section 10-76d-15 of the Connecticut regulations. In addition, the program's education rate is not subject to the Single Cost Accounting System, the process used to calculate education rates for special education programs that operate within DCF-licensed residential treatment centers.

Further information regarding each of these programs will be available in the next edition of the bi-annual "Approved Private Special Education Programs" directory, which the Bureau will distribute in the early fall.

The Bureau has been notified that the **Cliff House** residential treatment program in Meriden will be closing in the near future. Residents of the program are being moved to the new Connecticut Training Home, which is replacing Long Lane as a state-operated residential program for adolescent males who have been adjudicated as delinquent. The DCF Unified School District #2 will have educational jurisdiction for residents of the Connecticut Training Home whose needs require that they receive educational services within that facility.

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As you are probably aware, effective June 15, 2001, DCF has revoked the license of **Haddam Hills Academy** to operate a child care residential facility.

The Bureau has received several inquiries regarding the status of the following programs: **Connecticut Center for Child Development (CCCD), Forman School, Hope Academy, and St. Catherine Academy**. To date, none of these programs has been approved as a private special education program. CCCD, which has submitted an application for approval to the Bureau, remains in the beginning stages of the approval process.

Please call Art Carey at 860-807-2032 if you have any questions regarding private special education programs.

REFERRAL TIMELINE

As you know, meeting referral timelines for determination of special education eligibility may be problematic when the initial referral is made at the end of the school year. Increasing the difficulty is the apparent tension between state regulations regarding referral timelines and the IDEA regulations. The state regulations contain a 45-**school** day referral timeline: from the date of referral, exclusive of the time necessary to secure parental consent, the evaluation must be planned and executed, the child's eligibility determined and an IEP written and implemented. (See State Regulations at Section 10-76d-13). Under IDEA, a meeting to develop an IEP for a child must be conducted within 30-**calendar** days of a determination that the child needs special education and related services. (See 34 CFR 300.343(b)(2)). In addition, subsection (b)(1) of 300.343 states, "Each public agency shall ensure that within a **reasonable period of time** following the agency's receipt of parent consent to an initial evaluation of a child-(i) the child is evaluated; and (ii) If determined eligible under this part, special education and related services are made available to the child in accordance with an IEP." (Emphasis added)

In the Analysis of Comments and Changes addended to the IDEA '97 regulations, a discussion is included on what is a "reasonable period of time" in which to conduct an evaluation, as determined by the federal Department of Education. This is set at 60 **calendar** days. When a referral comes in at the end of the school year, a district must look not only to meeting the state requirement, but also meeting the federal requirement. This means that one must judge whether waiting until the fall to complete a referral and evaluation of a child would violate the "reasonable period of time" standard articulated by the federal Department of Education. Strict adherence to the state regulations may necessarily compromise the notion of "reasonable" for referrals made at the end of the school year. Districts need to address completing evaluations, determining eligibility, and writing and implementing IEPs so as to best meet the needs of the child while staying in compliance with both state and federal standards. If you have any questions, please contact Theresa C. DeFrancis at (860) 807-2018.

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REFERRAL TIMELINES FOR CHILDREN TRANSITIONING TO SPECIAL EDUCATION

Please see the enclosed memorandum on this topic. If you have questions and/or need additional information, please contact Maria Synodi, Bureau of Early Childhood Education and Social Services, at (860) 807-2054, or Linda Goodman, Birth to Three System, at (860) 418-6147.

GPD:m
Enclosures

cc: Theodore S. Sergi, Commissioner of Education
George A. Coleman, Associate Commissioner of Education
Edward Preneta, Council on Developmental Disabilities
Bonnie Moran, Special Education Advisory Council
Nancy Prescott, CT Advocacy Center
Superintendents of Schools
Hearing Officers
SDE Staff