

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: January 10, 2002

SUBJECT: Update #28

I hope this update finds all of you rested and relaxed after the Holidays and that you had a chance to spend some time with family and friends. I am sure that the events of September 11th have had an impact on all of us. It is vital that you recognize that the work that you and your dedicated staffs do with young people is perhaps more important than ever. More than ever, our students need to be well educated, independent, and prepared for the world of work. While you may pause to re-assess what may be most important, do not neglect to acknowledge the efforts and dedication the many who respond so effectively to the task at hand.

Best wishes for a healthy and peaceful new year.

AN IMPORTANT MESSAGE CONCERNING THE CAPT OUT-OF-LEVEL GRADE 2 TEST:

The 2000-2001 school year brought the first administration of the CMT and CAPT in which all students enrolled in special education were included in the testing. Most of the students participated in the standard grade level version of the tests with accommodations, but other students took an alternate assessment. These students took either an out-of-level version of the test or their teachers assessed them using the CMT/CAPT Skills Checklist.

In reviewing the spring 2001 CAPT data, a determination has been made to eliminate the grade 2 out-of-level test as an option for 10th grade test takers. Statewide, few students took this test and an analysis of the results suggests they would have been better served with another test.

Please review your IEPs to see if you have students who are scheduled to be tested this spring on the CAPT out-of-level grade 2 test. Planning and Placement Team meetings will need to be convened to revise the IEPs with regard to test participation for those students. The grade 2 out-of-level test will remain an option for the CMT grade 4, 6 and 8 grade test takers.

TRANSITION PLANNING:

1. The Bureau of Special Education and Pupil Services recently received a federal grant to begin addressing issues identified through its special education self-assessment process conducted from July – December 2000. Several of the issues identified through this process related to the lack of data available on post-school outcomes of youth with disabilities and the current status of transition service provision at the secondary level.

The Bureau has contracted with the University of Connecticut's A.J. Papanikou Center on Excellence (formerly the U.A.P.) to conduct the following activities:

- A statewide Follow-Up Study on graduates/exiters of special education from the year 2000; and
- A comprehensive Transition Program Status Survey on the provision of transition related services being provided at the secondary level.

I am requesting your full support of these activities, as the information is critical to guide the future direction of the Bureau's activities in the area of planning for the transition to adult life for students with disabilities.

2. The National Center on Secondary Education and Transition has developed an e-news bulletin that is distributed on a monthly basis by email. The e-news contains valuable information on public and private funding sources, transition resources and national transition initiatives. I urge you to encourage your staff responsible for transition planning to subscribe, at no cost, to this important resource. This may be accomplished by registering at the following address:
<http://ici.umn.edu/ncset/subscribe.html>
3. Copies of Building a Bridge from School to Adult Life for Student with Disabilities (English and Spanish versions) are available on the following websites:

Department of Education, under "Special Education": www.state.ct.us/sde/
Special Education Resource Center (SERC), under "Transition Initiative":
www.serc.rh.edu

Please contact Karen Halliday at (860) 807-2020 or karen.halliday@po.state.ct.us if you have any questions.

FREE SCHOOL PRIVILEGES FOR CHILDREN PLACED BY STATE AGENCIES:

Children placed by state agencies are entitled to receive, from the school district in which they reside as a result of the placement by the state agency, the same free school privileges which are available to the other children who live within the territory of the school district. In other words, each child who enters the territory of a school district because of a state agency placement should be treated in the same manner as any new child who moves into the district's territory. It is discriminatory for a school district to deny accommodations to a child who has been placed within a school district's territory by a state agency merely because the child has been placed by a state agency.

For each child who is eligible for special education services and who has been placed out of home by a state agency, the child's current IEP must be implemented fully upon placement. Unless the child's IEP requires a setting other than a public school, the district where the child is residing as a result of the placement is required to fully implement the child's IEP, including the hiring of any staff that may be necessary to implement the IEP. The school district, which is responsible for ensuring the implementation of the child's IEP, usually, the district in whose territory the child's parent resides, must reimburse the district for the reasonable cost of the IEP services.

In addition, for each such child who has been placed by the Department of Children and Families, the district which is responsible for ensuring the implementation of the child's IEP, usually the district in whose territory the child's parent resides, must convene a planning and placement team meeting within 30 days of the child's placement. A representative of the district in whose territory the child has been placed should be invited to the meeting.

It is solely the discretion of the planning and placement team to determine the appropriate components of an eligible child's education program. A refusal by any district to provide a program and placement as delineated in the child's IEP should be reported to the Bureau for investigation.

POSITION STATEMENT ON STUDENT SUPPORT SERVICES:

If you have not already done so, I encourage you to review the enclosed Position Statement on Student Support Services adopted by the State Board of Education in May 2001, and disseminate it to administrators and staff in your district. The position statement describes how support services specialists can most effectively serve students (i.e., all students), by providing an array of valuable services with particular emphasis upon preventative approaches. The position statement can be found on the SDE website (exact location: <http://www.state.ct.us/sde/board/stusuptserv.pdf>).

FOR DISTRICTS IN THE ACES REGION THAT WILL UNDERGO SPECIAL EDUCATION PROGRAM REVIEWS IN SCHOOL YEAR 2002-2003:

PROPORTIONATE EXPENDITURE REQUIREMENT FOR ELIGIBLE PARENTALLY PLACED NONPUBLIC SCHOOL STUDENTS

In school year 2002-2003, districts in the ACES region will undergo special education program reviews. As one component of those reviews, each district's obligation to expend a proportionate level of funding for the benefit of eligible students parentally placed in nonpublic schools will be examined. Proportionate expenditures made in the current school year (2001-2002) will be examined.

Therefore, in anticipation of the examination of the proportionate expenditure requirement, districts in the ACES region are advised to determine the extent of their current financial responsibility towards eligible nonpublic school students. An appropriate time to do that is immediately subsequent to reporting their December 2001 PC-ISSIS child count to the department, since accurate child count data is needed to determine the proportionate expenditure level required. Districts should then ensure they meet the proportionate expenditure requirement during the 2001-2002 school year in order to be in a position to document that expenditure during the special education program review to be conducted in school year 2002-2003.

Questions relating to this issue can be directed to Patrick Shaughnessy at (860) 807-2036.

REQUESTING GRANT FUNDING FROM THE DEPARTMENT

On several occasions you have been reminded that districts need to request grant funding on a monthly basis, through use of the ED-111 form. However, two cautions regarding the use of the ED-111 form need to be emphasized. They are as follows: (1) In any one month, a district should be requesting only the amount of funding it will need for the subsequent month's grant expenditures and (2) When grant funding is received by a district, it should be expended on grant purposes and not accumulated at the district level. These practices are in accordance with federal regulations and education department policies.

If a district utilizes an ED-111 form and requests a level of grant funding which appears to exceed what might be anticipated for a month's activity, personnel at the Division of Grants Management will call the appropriate program manager and request them to investigate the request. During that investigation, the total payment of grant funding to all districts for that month might be delayed. Therefore, districts are reminded to request only the level of grant funding they anticipate they will need to meet the subsequent month's expenditures.

You are encouraged to discuss this process with your district's business officer to ensure that the flow of grant funding is administered in accordance with established parameters.

REQUEST FOR PROGRAM/BUDGET AMENDMENTS

When making a request for a program/budget amendment to an IDEA-Part B grant please be sure to do the following:

1. Include a copy of the revised grant budget (the entire budget) showing a specific entry for each line item in the revised budget you wish to have funded; and
2. Enclosed a written rationale for the revision(s) you are requesting.

Note: When requesting the purchase of additional items of equipment (line item 700 Property), you are reminded that only items of student instructional equipment and items of assistive technology are generally being approved in the current year. When requesting the purchase of additional items of equipment, itemize those items, together with their cost.

EXTENDED SCHOOL YEAR SERVICES:

A clarification note regarding the provision of extended school year services is necessary at this time. Parents are reporting to the Bureau that some school districts limit the analysis of a child's eligibility for extended school year services to a regression/recoupment criterion. This is not a correct application of the June 1, 1996 memo distributed to school districts or of the current case law that addresses this issue. See for example, Reusch v. Fountain, 21 IDELR 1107 (1994)*. There are both regression and nonregression factors which must be considered in determining whether or not a child may be eligible for extended school year services. They are:

- The nature or severity of the student's disability (nonregression);
- The student is likely to lose critical skills or fail to recover these skills within a reasonable time as compared to typical students (regression/recoupment);
- The student's progress in the areas of learning crucial to attaining self-sufficiency and independence from caretakers (nonregression);
- The student's stereotypic, ritualistic, aggressive or self-injurious interfering behaviors prevent the student from receiving some educational benefit from the program during the school year (nonregression); or
- Other special circumstances identified by the IEP team such as: the ability of the student to interact with other non-disabled students; the areas of the student's curriculum that need continuous attention; the student's vocational needs; or the availability of alternative resources.

The provision of extended school year services is the exception and not the rule for students receiving special education and related services. Extended school year means services provided beyond the length of the regular school year as described in the IEP and is provided at no cost to the parents. Eligibility for ESY must be determined each year for individual students who may be eligible to receive these services.

The determination of whether or not a child will be eligible for an extended school year program and the content and location of the program are generally discussed at the annual review for the child. This should be done early enough and a program of services offered to allow sufficient time for any dispute regarding the provision of the services to be resolved before the start of the extended school year program. All parents should be advised of the availability of extended school year services for eligible children in any parent or student manual, or other description of services provided by the district to parents. The Bureau has a District brochure on the provision of extended school year services that we would be happy to share with you.

In summary, it is important to remember that both regression and nonregression criteria should be reviewed to determine a child's eligibility for services and that discussions regarding a child's eligibility for ESY and what that program should look like should take place early enough to allow any dispute to be resolved before the beginning of the ESY program.

If you have any questions, please contact Theresa C. DeFrancis at (860) 807-2018.

*Reusch is out of the District Court in Maryland. Although the findings and decision of the court are not binding in Connecticut, it is illustrative of the questions the courts are asking about extended school year services and raises some important issues for our consideration. A copy is available from the Bureau.

SIGTEL: ADVANCED COMMUNICATION TECHNOLOGY FOR THE HEARING AND THE DEAF

Sigtel, Inc. contacted the Bureau with information about its product, the Sigtel Interpreter. When Sigtel contacted the Bureau about its product, the Bureau informed Sigtel that it does not endorse or promote a specific technology or methodology for any aspect of special education service delivery. The Bureau does like to keep school districts informed of new technology when it becomes available. To that end, the Bureau did provide Sigtel with names and addresses of contacts in each school district. Once again, the Bureau is not endorsing or promoting the use of the Sigtel Interpreter. If you have any questions, please contact John Purdy at (860) 807-2033.

ASSISTIVE TECHNOLOGY (AT) RESOURCES

Georgia's and Wisconsin's AT project websites are excellent sources for help in addressing IDEA's requirement to consider AT when developing, reviewing or revising IEPs. Georgia's site is at <http://www.gpat.org>. Click on "Assistive Technology Resources" and when you access that page, click on GPAT Resources. The consideration checklist and INTECH modifications for supporting participation in typical classroom activities look particularly useful. Wisconsin's AT initiative site is at <http://www.wati.org>. Of special note are the best practices documents, materials and forms for addressing a youngster's need for AT. Other sites are Closing the Gap at <http://www.closingthegap.com> and UCONN's AT training Center at <http://www.at.uconn.edu/info.htm>.

SERC/BEST PROGRAM FOR EXEMPLARY PROFESSIONALS IN SPECIAL EDUCATION

Enclosed is a brochure and application material for the SERC/BEST 2002 Summer Institute. SERC and the BEST Program are offering a unique training opportunity for exemplary special educators to participate in a training program that provides professional development related to supporting beginning teachers and Connecticut's standards for teaching and student learning. Please support and distribute the brochure and application material to qualified special educators in your school district. If you have any questions please call Sharon Fuller, Bureau of Evaluation and Educator Standards at 860-713-6814, Michelle LeBrun-Griffin, SERC at 860-632-1485, extension 321 or Roger D. Frant, Bureau of Special Education and Pupil Services at 860-807-2027.

DIRECTORY OF PUPIL SERVICES SUPERVISORS

The Bureau is compiling directory information of persons, other than directors of pupil services or special education, who serve as supervisors or coordinators of pupil services disciplines (i.e., counseling, speech/language, school psychology, school social work). If someone other than the director serves as supervisor, coordinator, or administrative lead for any of these areas, please complete and return the enclosed form.

CIRCULAR LETTER C-12 ON P.A. 01-124 (RECOMMENDATIONS FOR AND REFUSAL OF THE USE OF PSYCHOTROPIC DRUGS BY CHILDREN)

Circular letter C-12 has just been issued by Commissioner Sergi to address implications of Public Act 01-124 Concerning Recommendations For and Refusal of the Use of Psychotropic Drugs by Children (see enclosed). This state law requires local and regional boards of education to adopt and implement policies prohibiting any school personnel from recommending the use of psychotropic drugs for any child. Boards of Education should review the policies adopted to date to insure that they are consistent with current requirements. The circular letter should, at a minimum, be distributed to all special educators, school health and mental health professionals, and administrators who serve on Planning and Placement Teams.

Local and regional boards of education, regional educational services centers and private approved schools are encouraged to incorporate the following recommendations into policies and procedures related to P.A. 01-124:

- Emphasis on the prohibitions on school personnel from recommending psychotropic drugs;
- Identification of the school medical advisor and school nurse as school medical staff;
- Procedures for school personnel to communicate with school medical staff and/or school mental health staff in a professionally responsible manner regarding behavioral or emotional concerns that may require a recommendation for a medical evaluation;
- Procedures for school medical staff and school mental health staff to communicate regarding a child's behavioral health needs with possible implications for medical evaluation;
- Procedures whereby school staff recommend to parents that they pursue a medical evaluation to address a child's needs; and
- Procedures for obtaining proper consent from the parent or guardian to communicate with a medical provider or practitioner outside the school who is not a school employee.

IDENTIFICATION OF OTHER HEALTH IMPAIRMENT/AD(H)D BY PLANNING AND PLACEMENT TEAMS

The recent passage of Public Act 01-124 Concerning Recommendations For and Refusal of the Use of Psychotropic Drugs by Children has generated questions about whether a Planning and Placement Team (PPT) can identify a student as qualifying for special education and related services under the category of other health impairment (OHI) as a result of a diagnosis of AD(H)D.

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The Act does not contradict or supersede the current status of the PPT with regard to identifying a child as having other health impairment. A PPT that includes team members with the appropriate expertise can make this eligibility determination. Good practice would call for routine inclusion of a school nurse in this decision-making process. Whether or not input from a physician is required would best be determined on a case-by-case basis. If, however, a school district requires a medical evaluation to consider OHI/AD(H)D as a suspected disability, the cost of the medical evaluation is the responsibility of the school district.

Nothing in P.A. 01-124 eliminates the authority and responsibility of the PPT to recommend a medical evaluation as part of an initial evaluation or reevaluation in order to determine a child's eligibility for special education or educational needs for an IEP.

GPD:rg
Enclosures

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