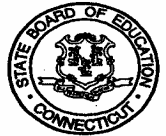


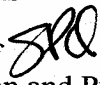


STATE OF CONNECTICUT

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: July 28, 2000

SUBJECT: Update #22

CLARIFICATION REGARDING TRANSITION FROM BIRTH TO THREE TO THE LEA

The following clarification to frequently asked transition questions is provided to assist school districts to meet the requirement of the Individuals with Disabilities Act (IDEA) for children receiving infant and toddler early intervention under Part C of the IDEA and special education provided to 3-, 4-, and 5-year-olds under Part B of the IDEA:

1. Who convenes the 90-day transition conference?

In accordance with the IDEA, the service coordinator from the child's birth to three program will convene the transition planning conference with the family and a representative of the school district no later than 90 days before the child's third birthday. The birth to three program will notify the school district of the transition conference by sending the school district a letter identifying the date, time and location of the transition planning conference.

The IDEA, Part C, Section 637 (a)(8)(A)(ii, II) specifies that "*The lead agency designated or established under section 635(a)(10) will notify the local educational agency for the area in which such a child resides that the child will shortly reach the age of eligibility for preschool services under Part B as determined in accordance with state law, and in the case of a child who may be eligible for such preschool services, with the approval of the family of the child, convene a conference among the lead agency, the family and the local educational agency at least 90 days (and at the discretion of all such parties, up to 6 months) before the child is eligible for the preschool services, to discuss any such services that a child may receive ...*".

2. Must local educational agencies attend the 90-day transition conference?

In accordance with the IDEA, a representative of the school district (i.e., local educational agency) is required to attend the transition planning conference convened by personnel from the child's birth to three program (i.e., designated lead agency). The responsibility of school district attendance and participation at the transition planning conferences is inclusive of the calendar year and is not limited to the 180 school days of the district.

IDEA, Part B, Section 612 (9) specifies that "*The local educational agency will participate in transition planning conferences arranged by the designated lead agency...*".

3. When must LEAs convene a planning and placement team?

Federal and state regulations do not address this issue directly. The IDEA, Part C identifies that the designated lead agency (i.e., birth to three program) is responsible for: (a) notifying the appropriate local educational agency in which the child resides that the child will shortly reach the age of three and (b) convening, with the approval of the child's family, a transition planning conference no later than 90 days before the child's third birthday. The school district is required to ensure that "*by the third birthday of such a child, an individualized educational program, or if consistent with section 614(d)(2)(b) and 636(d), an individualized family service plan, has been developed and is being implemented for the child*" (reference IDEA, Part B, Section 612 (9)). Therefore, the school district may schedule the planning and placement team meeting at such time that ensures that an eligible child will receive a free appropriate public education no later than their third birthday. Identification of possible planning and placement team meeting dates can be a part of the discussion at the 90 day transition planning conference and a component of the child's written transition plan developed at the transition conference with the birth to three program, the family and the school district.

4. What if a child turns three years of age over the summer?

If a child is scheduled to transition from the Birth To Three program to the LEA 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) prior to the child's third birthday. 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 school.

5. What happens if the child is referred to the LEA just before their third birthday?

The Department of Education and the Birth To Three System agree that late referrals to the Birth To Three System (33 months and older) should be made simultaneously to the school district. It is the responsibility of both systems to coordinate eligibility requirements, as well as the development and implementation of a child's individualized program, with the ultimate goal to ensure that all eligible children are provide FAPE by their third birthday, particularly children who are referred to the school district at 33 months of age.

In the cases of children who are referred to the school district at 34 and 35 months of age, the ultimate goal should continue to be to ensure that all eligible children are provide FAPE by their third birthday. In situations where that may not be possible, a "reasonable standard" would be to use the 45 school day rule. This rule indicates that no more than 45 school days should pass from the date of referral to the implementation of the child's IEP, if that child is eligible for FAPE. Thus, a referral for a child who is close to age three may result in IEP services initiated after the child's third birthday.

6. What documentation must the LEA have on file for children who have been referred from the birth to three program to the school district?

The State Department of Education expects that the school district will have the following list of documentation within a child's record. Although some of the information will not be generated by the school district, when received, it should become a part of the child's record.

- Birth To Three Referral Form
- LEA Standard Referral Form
- Parent Notice of Referral

- Invitation to Birth To Three's 90 Day Transition Conference
- Copy of the Transition Plan developed at the 90 Day Transition Conference
- Signed Releases of Information for the Records the LEA requests to receive from Birth To Three
- Birth To Three Evaluations, Individualized Family Service Plan(s), Other 0-3 Information/Documentation
- Signed Parental Consent for the initial LEA Evaluation
- LEA Evaluation(s)
- Signed Parental Consent for Special Education Initial Placement in Special Education
- Individualized Educational Program (IEP)
- Prior Written Notice(s) of PPT meetings, as appropriate
- Invitations to PPT Meetings

Please contact Maria Synodi at (860) 807-2054 if you need further information.

IDEA REQUIREMENTS REGARDING ALTERNATE ASSESSMENTS

PL 105-17, the IDEA amendments of 1997, introduced new requirements with regard to the participation of special education students in state and district-wide assessment programs. In order for states to be eligible for funding under IDEA, students with disabilities must be included in general state and district-wide assessment programs, with appropriate accommodations when necessary. As you know, in response to this legislation, the Department of Education has: Developed an alternate assessment system which includes out-of-level testing and a Developmental Checklist; written guidelines outlining the criteria for participation in standard and alternate assessment; and is currently exploring various reporting models for test results. **Similarly, LEAs have an obligation to meet these same IDEA requirements with regard to district-wide assessments.** This means that districts need to examine their testing practices to determine what constitutes a district-wide assessment; develop a list of appropriate accommodations (if using a commercial instrument, districts may need to check with the publisher), and establish guidelines and criteria for participation in alternate assessments. In our opinion districts need not establish a formal alternate assessment system such as the state has done. However, IEPs must address how individual students will be assessed if they are unable to participate in the standard district-wide assessment(s). Written policies and procedures regarding district-wide assessments and documentation of such in student files will become a component of the Program Compliance Review (PCR) process. There have been a number of questions from Priority School Districts regarding whether the Developmental Reading Assessment (DRA) constitutes a district-wide assessment and thus requires the development of an alternate assessment of reading for students in grades K-3. It is our opinion that, while the DRA is a district-wide assessment for students in grades K-3, it is a diagnostic assessment and its primary purpose is to determine instructional levels and identify needs. **All** special education students in an academic program (K-3) should participate in the DRA. Only severely cognitively impaired students in grades K-3 who are participating in a functionally based program may be exempted, but their IEPs should reflect how they will be assessed on appropriate developmental

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communication skills. Please contact Susan Kennedy at (860) 566-5240 if you need further information.

PARENT LETTER RE: SPECIAL EDUCATION STUDENT PARTICIPATION IN CMT/CAPT AND DISTRICT-WIDE ASSESSMENTS

During training on the CMT/CAPT alternate assessment options, a number of districts asked that we prepare a letter that could be sent to parents explaining that IDEA 97 requires that special education students be included in CMT/CAPT testing and in district-wide assessments. Enclosed is a letter that may be copied and used for this purpose. Please contact Jerry Spears at (860) 807-2034 if you need further information.

EDITS TO PAGE 7 OF THE DEPARTMENT'S RECOMMENDED IEP FORM

In January 2000, Page 7 of the Department's recommended IEP form was revised to reflect the IDEA 97 requirement that special education students be included in statewide and district-wide assessment programs. At the time this revision was made, the checklist being developed was entitled "CMT/CAPT Developmental Checklist." On the final version of the checklist the name was changed to "CMT/CAPT Skills Checklist." The next time your district prints IEP forms we would ask that you change the name of the checklist on your district's form so that it is correct, i.e., change "CMT/CAPT Developmental Checklist" to "CMT/CAPT Skills Checklist. Similarly, if you are utilizing a template or a computer based form for your IEP, we would ask that you make this revision as soon as possible. It is not necessary to submit a copy of the revised page to the Bureau. We apologize for any inconvenience this may cause. Please contact Jerry Spears at (860) 807-2034 with any questions.

REVISED LEGISLATION

Public Act 00-48 added a provision for the payment of special education services from the LEA to the charter school to occur on a quarterly basis. This legislation does not change the way services are provided to students, either by LEA staff or charter school staff or combination therein. It only ensures that any money that the charter school has expended for special education services is recouped on a quarterly basis. It is important that discussions with charter schools and LEAs surrounding service provision and costs occur prior to the opening of school. The Bureau of Special Education and Pupil Services will continue to monitor the provision of special education and related services for students enrolled in charter schools. If you need further clarification or have questions concerning special education for students enrolled in charter schools, please contact Dr. Nancy Cappello at (860) 807-2035.

SCHOOL DISTRICT CRISIS RESPONSE SURVEY: SUMMARY REPORT

The summary report of the School District Crisis Response Survey conducted by the State Department of Education is provided as an enclosure. The survey was distributed to Superintendents in May 1999 with a cover memo requesting that the survey "be completed by the person in your district who has primary responsibility for crisis response." Completed surveys were received from 130 of the 166 school districts in the state – a 78 percent return rate. Surveys were most frequently completed by superintendents (69% of total responses) and directors of special education/pupil services (17%). The results suggest that the great majority of school districts in Connecticut are investing at least a modicum of time and resources on crisis preparation, with the primary focus on developing crisis response plans and policies and establishing crisis response teams. The typical school district had devoted relatively little time and attention, however, to other important aspects of crisis preparation. Please refer to the enclosed report for details.

ORIENTATION FOR NEW SCHOOL PSYCHOLOGISTS

The Connecticut Association of School Psychologists (CASP), in collaboration with the State Department of Education, will offer an orientation program for new school psychologists at ACES in Hamden on Wednesday, October 25th. This will be a full day program, with lunch provided. Interns will be accepted on a space available basis. An application form and a sample agenda are enclosed. Questions should be directed to Bob Lichtenstein at (860) 807-2042 or bob.lichtenstein@po.state.ct.us.

COMPLAINT RESOLUTION PROCESS

During the past year there has been only one major revision to the State's Complaint Resolution Process. This changed the timeframe the Bureau Consultant has to contact the complainant. This was clarified to define five (5) days as five (5) business days. This minor change should not have any impact on the State's ability to respond to complaints in a timely manner. This revision does not change the language in IDEA which requires the completion of the complaint within sixty (60) calendar days.

The number of complaints filed has more than doubled in the past year. During the 1998-99 school year there were 60 official complaints filed with the Bureau of Special Education and Pupil Services. On June 30, 2000, 129 complaints had been filed with the Bureau. Some of this increase is attributable to the Smith v. Wheaton lawsuit. Other significant issues in all areas of the state involve the implementation of IEPs and the release of records within the specified timelines as set down by regulation.

THE ENCLOSED DISKETTE CONTAINS THE DEPARTMENT'S RECOMMENDED IEP FORM, OTHER RECOMMENDED SPECIAL EDUCATION RELATED FORMS AND INSTRUCTIONS FOR USING THE IEP FORM

During the Bureau's orientation session for districts undergoing a Program Review during the 2000-2001 School year, a number of directors asked that we send them a diskette containing (1) the Department's recommended IEP form, (2) instructions for the use of this IEP form and (3) other recommended special education related forms. In response to this request, we are sending the enclosed diskette to directors of special education/pupil services. This diskette contains the most current versions of the documents listed above.

We want to emphasize that the forms on this diskette are not templates, i.e., they do not contain "fields" that one can type in without changing the spacing of the document. One can, however, add the district's name to the top of the forms and then print a copy of the form which can then be completed by hand.

The forms on this diskette are written in *Microsoft Word 97 for PCs*. This software does include a feature that permits one to convert a simple text form (which these are) to a template. The process is relatively simple and is described in the Microsoft Word users manual.

Please note: after the enclosed diskettes were copied, the PC-I code "(01) Mental Retardation" was changed to "(01) Intellectual Disability (MR)." On Page 4 of the IEP Instructions on this diskette, PC-I code (01) is still listed as Mental Retardation. To avoid confusion, you should change PC-I code (01) on Page 4 of the IEP Instructions document to "(01) Intellectual Disability (MR)" before making copies of the instructions document.

Stated differently, the label for PC-I code (01) on Page 4 of the IEP Instructions on this diskette should be changed to read as follows:

- | | | |
|------------------------------------|--|--|
| (01) Intellectual Disability (MR) | (06) Orthopedic impairment | (09) Deaf-blindness |
| (02) Hearing impairment | (07) Other health impairment | (10) Multiple disabilities |
| (03) Speech or language impairment | (7A) ADD/ADHD (Sub-category of OHI) | (11) Autism |
| (04) Visual impairment | (08) Specific learning disability | (12) Traumatic brain injury |
| (05) Emotional disturbance | (8A) Neurological impairment (Sub-category of SLD) | (15) Developmental delay* (ages 3 to 5 only) |

Please contact Jerry Spears at (860) 807-2034 if you need further information.

SPEECH-LANGUAGE ELIGIBILITY CRITERIA

Enclosed is an IBM-formatted diskette with all the forms from the core document. The forms have been updated based on input from the field throughout last school year. The material is in template format to prevent the problem with moving lines on last year's diskettes that was brought to the Bureau's attention. Please copy the diskette and distribute to your staff. The forms on the Department's website are being updated for consistency with the diskettes. If you have any questions, call Carolyn Isakson at (860) 807-2046, or e-mail her at (carolyn.isakson@po.state.ct.us). Check the SERC Integrated Student Support Services menu book for a schedule of regional feedback sessions and some overview sessions in the SERC classroom. Depending on need and schedules, additional sessions may be available. The feedback sessions are designed to discuss issues that have come up as Speech and Language Pathologists (SLPs) have begun to implement the criteria and to prepare for the publication of the final version next summer. The overview sessions are for various general and special education/student support services personnel. If you have SLPs who could not be accommodated in the initial training sessions last year, or if you have hired new SLPs who need the **initial** training, please complete the attached form and return it to Carolyn. She will contact you about trying to arrange the necessary training.

PRELIMINARY FY 2000-2001 IDEA-PART B, SECTION 611 AND SECTION 619 (PRESCHOOL) GRANT AWARDS

Each eligible district/agency has received its Preliminary IDEA-Part B, Section 611 and Section 619 (Preschool) grant award for FY 2000-2001.

- The plan for FY 2000-2001 is to have approximately 15% of their preliminary grant awards distributed to districts/agencies subsequent to receipt, by the Connecticut State Department of Education (CTSDE), of the IDEA-Part B, Section 611 and Section 619 (Preschool) grant awards from the United States Office of Education (OSEP).
- The CTSDE has received its FY 2000-2001 IDEA-Part B, Section 611 and Section 619 The plan for FY 2000-2001 is to have approximately **15% of their preliminary grant awards** (Preschool) grant awards.
- The CTSDE will need to process the OSEP awards before any funding becomes available on the state system for distribution to districts/agencies (another month).
- **IMPORTANT: DISTRICTS/AGENCIES MUST REQUEST IDEA-PART B FUNDING. IT WILL NOT FLOW AUTOMATICALLY TO THEM.** Districts/agencies need to request that funding via use of the **ED-111** form, a form utilized frequently by business managers. **SPECIFICALLY, DISTRICTS/AGENCIES NEED TO REQUEST 15% OF THEIR FY 2000-2001 PRELIMINARY GRANT AWARDS FOR SECTION 611 AND SECTION 619 (PRESCHOOL) VIA USE OF FORM ED-111.** If your district/agency has not already done so, make the ED-111 request, as described, immediately.

FINAL FY 2000-2001 IDEA-PART B, SECTION 611 GRANT AWARDS

Although the CTSDE has received its FY 2000-2001 IDEA-Section 611 grant award from the OSEP, only 25% of the FY 2000-2001 funding was awarded for the period July 1, 2000 through September 30, 2000. A second and final grant award, for the period October 1, 2000 through June 30, 2001, will be awarded to the CTSDE on/about October 1, 2000. All district/agency Preliminary grant awards will be upgraded to Final grant awards subsequent to receipt of the October 1, 2000 grant award from the OSEP. However, since only 25% of the grant funding will be available to the CTSDE for all purposes for the period July 1, 2000 through September 1, 2000, districts/agencies will not be able to "draw down" IDEA-Part B, Section 611 funding greater than 15% of their Preliminary grant awards - until Final grant awards are issued. At that point, districts/agencies will be able to "draw down" IDEA-Part B, Section 611 funding, using the ED-111 forms, based on their final IDEA-Part B, Section 611 grant award.

In FY 2000-2001, subsequent to receipt of the final IDEA-Part B, Section 611 grant award from OSEP as of October 1, 2000, the CTSDE will calculate each district's/agency's final entitlement and will proceed to add additional funding to the largest line item in their Preliminary IDEA-Part B, Section 611 budget. Having done that, the CTSDE will produce each district's/agency's final IDEA-Part B, Section 611 grant award and budget for FY 2000-2001 and will thereupon forward it to each eligible district/agency.

- When you receive your district's/agency's final IDEA-Part B, Section 611 grant award for FY 2000-2001, you should review the budget to determine whether (or not) the additional funds are in those line items where you want them.
- If you wish the additional IDEA-Part B, Section 611 funding to be in line items other than where the CTSDE placed them, simply initiate a budget amendment via the usual process by contacting the grant project manager.

**MANDATED PROPORTIONATE EXPENDITURE FOR ELIGIBLE CHILDREN
PARENTALLY PLACED IN NONPUBLIC SCHOOLS AND YOUR
DISTRICT'S/AGENCY'S FY 2000-2001 IDEA-PART B, SECTION 611 GRANT AWARD**

Under the IDEA 97, your district/agency MUST make a proportionate expenditure of funds for the benefit of eligible children placed in nonpublic schools by their parents.

For example, if a district's total child count is 458 and the number of children within that count that parents choose to send to nonpublic schools is 8 (irregardless of whether those nonpublic schools are located within your district or not), that district must expend an amount equal to $8/458$ ths. or .01747 times its FY 2000-2001 IDEA-Part B, Section 611 grant award for the benefit of those nonpublic school children. Even if that district decides to serve only 6 of the 8 nonpublic school students, it still must expend an amount equal to .01747 of its IDEA-Part B, Section 611 grant award. It is the *number identified* that is determinant, not the number served.

Can a district expend more than the proportionate amount required? Yes, it can; but it is not obligated to.

According to the Office of Special Education Programs (OSEP), must a district use IDEA-Part B funding to meet the proportionate expenditure obligation? OSEP indicates that, as far as they are concerned, any source of funding may be used to meet the proportionate expenditure requirement. However, districts are cautioned that Connecticut does not have any permissive statute which would allow the expenditure of local funds for the benefit of special education students parentally placed in nonpublic schools. Therefore, it is the position of the department that, before a district utilizes local funding to meet the IDEA-Part B proportionate expenditure requirement, it should secure the written opinion of its local counsel.

What has this to do with your district's/agency's final FY 2000-2001 IDEA-Part B, Section 611 grant award? It is this: Your district/agency must meet its proportionate expenditure requirement. If your district/agency chooses to utilize IDEA-Part B funding to meet that requirement, it should revise its final FY 2000-2001 budget, if necessary, to place sufficient IDEA-Part B funding in the "Nonpublic" column of the IDEA-Part B final budget to "cover" the proportionate expenditure requirement.

Therefore, it is advised that, upon receipt of your district's/agency's final FY 2000-2001 IDEA-Part B, Section 611 grant award, you analyze the "Nonpublic" portion of your final budget to ensure that there is sufficient funding there to cover your district's/agency's proportionate expenditure obligation, assuming you will be using only IDEA-Part B funds to meet that obligation. Otherwise, your district/agency will need to determine what other source(s) of funding they will utilize to meet the proportionate obligation, and how your district/agency will verify that it did, in fact, meet the proportionate expenditure requirement.

Note: If your district/agency uses only IDEA-Part B funding only to meet the proportionate expenditure requirement, the expenditure report (ED-141) developed at the end of a fiscal cycle will clearly and simply demonstrate your district/agency met its proportionate expenditure requirement. Otherwise, the verification process may be more involved and time-consuming.

Another Note: Remember...**THAT THE IDEA-PART B PROPORTIONATE EXPENDITURE OBLIGATION APPLIES TO BOTH IDEA-PART B GRANTS, THE SECTION 611 (REGULAR) GRANT AND THE SECTION 619 (PRESCHOOL GRANT).** You will possibly need to revise both final IDEA-Part B grants (Section 611 and Section 619) to reflect the need to make proportionate expenditures for parentally placed eligible children identified under each grant.

Please contact Patrick Shaughnessy at (860) 807-2036 if you need more information regarding IDEA, Part B, Section 611, or Maria Synodi at (860) 807-2054 regarding IDEA, Part B, Section 619.

SLIVER GRANT AWARDS

Recently, Sliver Grant Awards were issued to those districts that submitted successful sliver Grant RFPs. The following table identifies the districts to which Sliver Grants were awarded, the topical area of each award plus the amount awarded to each district.

As with the IDEA-Part B, Section 611 grants, Sliver Grant funding does not automatically flow to local school districts. It too, must be requested via use of the ED-111 form.

If questions arise about your Sliver Grant award, direct your commentary to the contact person associated with the topical area of your Sliver Grant. All revisions, if any, should be made through the appropriate Sliver Grant contact person, who must review and approve your revision.

SLIVER GRANT AWARDS (BY TOPIC)

	SOCIAL SKILLS	LEAST RESTRICTIVE ENVIRONMENT	SERVICES FOR TEMPORARY SHELTERS	CHARTER SCHOOLS	TRANSITION	
ASHFORD		26,925				
BOLTON		30,175				
BRISTOL		45,000				
CLINTON	36,950					
DANBURY	45,000					
EASTFORD	29,839					
GREENWICH			45,000			
HEBRON		45,000				
MANCHESTER					45,000	
LEDYARD	45,000					
MILFORD			41,754			
MONROE		43,780				
NEW CANAAN		45,000				
NORWICH				45,000		
REG #13					45,000	
REG #19					45,000	
SHELTON					45,000	
SOMERS	36,934					
WATERFORD			45,000			
WEST HARTFORD					36,372	
WINDSOR LOCKS	45,000					
						TOTAL
SUBTOTAL	238,723	235,880	131,754	45,000	216,372	867,729

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INDEX TO BUREAU OF SPECIAL EDUCATION AND PUPIL SERVICES UPDATES

Enclosed is an index to the 22 Bureau Updates that have been issued to date. We hope that this index will make it easier for you to find specific information included in the updates or documents that were mailed with the updates.

GPD:m
Enclosures

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