

Connecticut State Department of Education

MEMORANDUM

Division of Educational Programs and Services
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TO: Directors of Special Education and Pupil Services
Directors of Private Approved Special Education Facilities

FROM: Leslie M. Averna, Associate Commissioner *LMA*
Division of Educational Programs and Services *RES*

DATE: October 8, 1997

SUBJECT: Update #8

I am pleased to once again communicate with you on a monthly basis about issues of interest to you and the Department. We have had a busy summer, preparing the Board report on special education, learning about IDEA 97 and finalizing our plans for program review and program enhancement activities for this school year. I hope you had a refreshing summer.

CONNCASE is planning a series of activities in collaboration with the Department and SERC, the first of which is the leadership forum on October 21, 1997 (see attachment I), at which I will update you about the report and bureau activities and solicit feedback from you about areas of concern. And now, for the updates!

CSHA Vacancies

The bureau, through Carolyn Isakson, consultant for Speech and Language Services, is continuing its collaboration with the Connecticut Speech-Language-Hearing Association (CSHA) to assist school districts in securing qualified staff for speech and language programs. CSHA will be holding its fall conference on October 17, 1997 at the Marriot Hotel in Farmington. If you have a vacancy for a speech and language pathologist and would like CSHA's assistance in advertising it at the conference, please complete (attachment II) and return it to the CSHA office by October 15, 1997. The CSHA Career Information Committee maintains a booth in the exhibit area during the conference and provides candidates seeking employment with a current list of job vacancies. The CSHA office maintains an ongoing list of position vacancies and candidates seeking employment. The office also has a "Job Hotline", which is updated on a daily basis. Feel free to copy the CSHA form and use it whenever you have a vacancy that you would like to have listed. You may also request CSHA's candidate list as necessary. Please notify the CSHA office when your position is filled, so that the job listings can be kept current. For more assistance, you may call Maria Parker at the CSHA office at (860) 666-6900.

Charter Schools

Attachment III is copy of the document that was sent to charter schools concerning special education. Also attached is a short piece for the next newsletter.

Private School Directory

Enclosed for your use is the 1997 Directory of Approved Private Programs for Special Education (see attachment IV). These programs have received approval from the State Board of Education. Information included in this Directory was provided by representatives from each private facility and was compiled by State Education Department personnel. Since information contained in the Directory is of a general nature, inquiries for specific information should be made to the director of the private school of interest. I hope you will find the information contained in this Directory useful.

RFP for Technology Training

The State Department of Education was recently awarded approximately 1.5 million dollars for technology training for educators from the United States Department of Education's Technology Literacy Challenge Grant. You may access information about this federal initiative on the Federal Website at: www.ed.gov/Technology. An RFP was sent to school superintendents on September 22. It will also be available on the SDE's Website at: www.state.ct.us/sdtechtech.htm. The proposed training is to be above the basic level and may be district/or/topic specific. Since the dollar amount awarded to successful applicants will be based on the number of students who will benefit from the training given to educators, there is an advantage to collaboration across districts. This is a wonderful opportunity for you to become involved in efforts to integrate assistive technology training requirements with your district's professional development in the area of educational technology. Grant applications are due October 31.

Surrogate Parent Information

A surrogate parent must be appointed by SDE to represent a student whenever the student requires or may require special education and/or related services, and at least one of the following is applicable to the student's situation:

- no parent or guardian of the student can be located or identified, or
- the student is committed to the guardianship of the Commissioner of DCF, or
- the Commissioner of DCF is the student's statutory parent.

The surrogate parent is responsible for representing the student in all matters relating to the identification, evaluation and educational placement of the student and relating to the provision of FAPE to the student.

Your school district staff should contact the SDE Surrogate Parent Appointment office whenever a child of school age, who is within your jurisdiction and who is eligible for representation by a surrogate parent, does not have a surrogate parent.

There are currently thirty-one individuals with whom SDE has contracted to provide surrogate parent services. We hope to increase that number to forty in the near future. In addition, we are attempting to increase significantly the number of non-contracted individuals, such as foster parents, relatives, advocates and other volunteers, who provide surrogate parent services. Ideally, a student would be represented by one surrogate parent throughout the period of a student's eligibility for surrogate parent representation. However, factors such as the number of eligible students, currently more than 2,500, and their movement, usually for other than educational reasons, throughout the state and elsewhere, contribute to an appointment system in which a student often receives a new surrogate parent whenever the student is moved by an agency which has responsibility for the student.

In an attempt to increase the consistency of a student's surrogate parent representation, we are making a few changes to the system used to assign contracted surrogate parents. The following became effective October 1, 1997:

1. The initial appointment of a surrogate parent to represent a student is made according to the town in which the student is residing, rather than according to the school in which the student is enrolled.
2. If a student, who has been assigned a contracted surrogate parent, is moved for other than educational reasons to a residence in a territory which is the responsibility of another surrogate parent, the surrogate parent for that territory is assigned responsibility for the student except in the situations listed below.
 - **Surrogate Parent Request**, - The surrogate parent of a student, who is placed for other than educational reasons in a residence in another surrogate parent's territory, continues to be the student's surrogate parent if so requested by the current surrogate parent.
 - **Hospitals, Temporary Shelters, Long Lane, Detention Centers** - The individual who is serving as a student's surrogate parent at the time that the student is placed in one of these facilities continues to represent the student while residing at the facility until such time as either another individual is appointed as surrogate parent or it is determined that the student will no longer receive surrogate parent services. If an eligible student did not have a surrogate parent immediately prior to being placed at the facility, an individual who is assigned to the town in which the facility is located is appointed as the student's surrogate parent.

No change in the assignment of a student's surrogate parent will be made solely as the result of a change in the site(s) at which educational services are provided to the student.

Please note that the individual who was serving as a student's surrogate parent on September 30, 1997 will continue to represent that student until such time as:

- the student is placed for other than educational reasons in a residence within the territory of another individual and no scenario related to continued appointment, delineated above, is applicable; or
- a non-contracted individual is appointed to represent the student; or
- it is determined that the student will no longer receive surrogate parent services.

We are attempting to simplify the process which school district staff must follow to obtain the appointment of surrogate parents for eligible students. Effective immediately, if an eligible student does not have a surrogate parent, school district staff no longer must complete a "Request for Surrogate Parent" form. Instead, the request can be made by calling the SDE Surrogate Parent Appointments office at (860) 638-4269 and supplying the relevant information. However, if school district staff prefer to make the request via a form, that option remains. (See attachment V for a revised version of the "Request for Surrogate Parent" form.) For students who require a surrogate parent because the student is committed to the guardianship of the Commissioner of DCF or because the Commissioner of DCF is the student's statutory parent, a DCF-603 form must be forwarded as documentation of the student's legal status. There is no longer a need to submit a separate "Certificate of Child Status" form.

In the event that a student who has a surrogate parent enters the jurisdiction of your school district, there is no need to forward a "Request for Surrogate Parent" form to SDE. Information related to a change in the student's residence or jurisdictional status may be provided by calling (860) 638-4269. Our staff will make a new appointment of a surrogate parent, if appropriate, and will identify the individual who is authorized to serve as the student's surrogate parent.

In situations in which you are scheduling a PPT meeting for a student who is eligible for a surrogate parent and for whom you have not received a surrogate parent appointment letter from SDE, please call (860) 638-4269 to obtain the name of the surrogate parent who should be invited to the PPT meeting. In many cases, that individual may be someone other than a contracted surrogate parent who is assigned to the territory served by your school district.

Also enclosed with this update is a chart (see attachment VI) which may be useful to you in determining whether a student within the care of DCF requires a surrogate parent. Please contact Art Carey at (860) 638-4206 if you have any questions or comments regarding the SDE surrogate parent appointment system.

Final IDEA-Part B, Section 611 Entitlement

Final entitlements for FY 1997-98 IDEA-Part B, Section 611 grants have been calculated and received from the Division of Grants Management. Your superintendent (executive officer) has received notice of your district's (agency's) final FY 1997-98 IDEA-Part B, section 611 grant entitlement. That notice was forwarded to them on September 30, 1997. The superintendent (executive officer) should be forwarding that information to you, if they have not already done so. The final per child entitlement for the Section 611 grant is \$400.00, the same figure as was utilized for preliminary purposes.

Districts (agencies) whose final entitlements changed, as compared to their preliminary entitlements, will need to revise their programs/budgets to reflect changed figures. Forms were included with the notice to superintendents (executive officers) for that purpose.

Districts (agencies) whose final entitlements equal their preliminary entitlements are not required to file revised IDEA-Part B, section 611 applications, but may if they wish to make internal adjustments to their

programs or budgets. Districts (agencies) not making revisions should inform the project manager, Patrick Shaughnessy, at (860) 638-4240 of that fact so that final grant award letters and budgets can be prepared for those districts (agencies).

Questions can be addressed to Patrick Shaughnessy at (860) 638-4240.

L.D. Task Force

The Learning Disabilities Task Force has begun the task of rewriting the Guidelines for the Identification and Education of Students with Learning Disabilities. This task force is comprised of school district regular and special education administrators, related services personnel, special education instructional personnel, university faculty, a parent of a child with a learning disability, a parent advocate, a SERC EIP staff member and Bureau representatives. The group will be soliciting input from individual parents and professionals, as well as organizations during the next several months. A draft document is anticipated by July 1998. Anne Louise Thompson is the Bureau consultant facilitating the process.

School Nursing

School nurses, who have yet to participate, should enroll in the following two courses (see the SERC Newsletter for additional information):

- Health Assessment of Students with Disabilities — 10/17, 11/12, and 12/10, 1997; and
- IEP: Developing the Health Component — 1/13, and 1/27, 1998

These two courses are limited in enrollment and are only provided once each school year. Also, participants of the IEP course must have previously completed the health assessment course:

If you wish your supervisor or coordinator for school health services to receive relevant mailings from the Department (including student health forms), please fax the following information to Mitzy Vaninetti at (860) 638-4231:

Name of School Nurse Supervisor/Coordinator
Address
Telephone Number including area code

The school nurse supervisors' spring conference will be held on Tuesday, March 3, 1998.

PR Orientation

1997-98 Program Review Orientation for the CES RESC, USD #1, USD II, VTSS, and DMHAS will be held October 15, 1997, from 8:30-3:00 at CES in Trumbull. LEAs may bring up to 4 participants. Confirm participation with Maria Roman at (860) 638-4270. All available program review

information has already been sent to LEA superintendents. Anne Louise Thompson is the Bureau consultant coordinating these activities.

LRE Form

The SDE is required to ensure that local districts follow mandated procedures when their PPTs determine the appropriate placement of children who require special education and related services. While local districts are aware of the process, we must ensure that PPTs have considered all required procedural items prior to removing a child from the regular class for part or all of the child's program. Therefore, to assist PPTs in ensuring that all required steps are taken and documented, the Bureau has created an "LRE Procedures Checklist", a copy of which is enclosed with this Update (see attachment VII). The checklist uses regulatory language and breaks out each of the procedural requirements delineated in CFR Sections 300.550 through 300.556.

The checklist is easy to use and its items are self-explanatory. The checklist features a three item "screen." If the PPT is able to answer "yes" regarding each of the three items, there is no need to consider any of the other items on the checklist.

Effective immediately, we recommend that each PPT use the LRE Procedures Checklist whenever it makes an initial placement of a child or makes a change in the child's placement. The sole purpose of the checklist is to ensure that each required procedural item is considered by the PPT. It is not a vehicle for evaluating or ensuring the quality of the PPT's decision regarding placement of a child.

Transition Planning for Students with Disabilities

A copy of Transition Planning for Students with Disabilities is included in this mailing (see attachment VIII). The target audience for this mailing was middle school guidance counselors. Therefore, two packets have been sent directly to your middle school. The information included in the packet is very general and would also be appropriate for high school staff and parents. The packets are designed for easy duplication, but if you require a small number of additional folders, please contact Karen Halliday at (860) 638-4242.

Website Address for Reauthorization

If you would like a copy of the IDEA 97 Reauthorization, you may access or request this from the following locations:

- fax your request to Federal Resource Office at (202) 228-2815;
- OSEP Website: www.ed.gov/offices/osers/osep; or
- <http://www.lrp.com/ed/hr5.htm>

Blind/Visually Impaired Information

Since many of the Approved Private Special Education Programs serve children who have some degree of blindness, attached is information from National Association of State Directors of Special Education about a new grant to develop educational service guidelines (see attachment IX).

State Agency Placements

As you are aware, Connecticut has a very complicated system for assigning educational and financial responsibility for children requiring special education who are placed by state agencies. Over the years, various interpretations have developed concerning school district responsibility for the provision of services. The following information will clarify school district responsibility for the provision of special education and related services to children placed by state agencies.

Under Connecticut's current jurisdictional system, a Connecticut school district is responsible for providing and funding educational services for a child who has been placed by a state agency. This responsibility begins upon the date of the placement. Occasionally, during the course of the placement, educational and financial responsibility may shift to another Connecticut school district due to a change in the status of the child or the child's parents. In such a situation, the new school district's educational and financial responsibility begins on the day after the previous district's responsibility has ended, unless otherwise agreed upon by the two districts. There can be no "responsibility gap" or a period of time in which no school district assumes responsibility for the provision of services to a child.

A child has the right to receive educational services throughout a placement and does not forfeit that right if a change in the status of the child or the child's parents occurs during the placement. It is essential that each agency involved with the education of a child participates in sharing information related to educational jurisdiction. Such agencies include school districts, state agencies, and private agencies, particularly those which operate private, approved special education facilities.

The assumption by a school district of educational and financial responsibility for a child is not dependent upon the receipt of formal notification of the child's placement or of a change in the status of the child or the child's parents. Although, for example, DCF is required to notify relevant school districts of DCF placements, a delay in that notification does not relieve a school district of its statutory obligations regarding the child's education nor does it negate the child's right to receive such education.

In the event that there is a disagreement regarding educational jurisdiction, the school district identified by the placing agency shall accept programmatic and financial responsibility unless otherwise determined through formal proceedings convened in accordance with Section 10-186. A school district identified by the placing agency shall not refuse to assume responsibility pending resolution of the dispute. After resolution of jurisdictional responsibilities, and, unless otherwise agreed to by all involved parties, the private provider or the school district, shall reimburse the original school district for payments which were later determined to have been the responsibility of another school district. The responsible school district shall make all required retroactive payments.

Similarly, in the event that there is a misidentification of a child's responsible school district, after resolution of jurisdictional responsibilities, unless otherwise agreed to by all involved parties, the private provider or the school district shall reimburse the original school district for payments which were later determined to have been the responsibility of another school district. The responsible school district shall make all required retroactive payments.

To summarize:

- When a state agency places a child requiring special education pursuant to the provisions of Section 10-76d(e)(2) or Section 10-253(b), the school district of jurisdiction assumes such responsibility when the child is placed, not upon receipt of notification from the placing agency;
- If a change in the child's or parents' status occurs, responsibility shifts when the change in status occurs, not upon receipt of notification from the placing agency of the change in status; and
- Where there is a challenge to either the initial identification by the placing agency of a responsible school district, or an identification if a change in status occurs, the school district identified by the placing agency shall assume responsibility until formal resolution occurs through a Section 10-186 hearing.

The SDE will not intervene in the identification of a responsible school district by the placing agency.

Once a child is placed by a state agency and the child has a current IEP, the receiving school district (or day treatment program or residential facility, as the case may be) must implement the child's IEP immediately. A PPT meeting is not required prior to implementation of a current IEP. If a change in the IEP appears to be necessary subsequent to the move of the child, a PPT meeting can be held after the child begins attending school. No child may be held out of school pending a PPT meeting.

For children requiring regular education who are placed by state agencies, free school privileges are provided without cost to the district where the child would otherwise reside, except as provided by Section 10-253(b) of the General Statutes which addresses residential placements of regular education children.

There are two developments in the area of state agency placements of which you should be aware. First, the Office of Alternative Sanctions (OAS), Judicial Branch, has developed programs into which the Superior Court, Juvenile Matters, has been and will be placing children. Any placement made by the Superior Court into an OAS program is a state agency placement and all the above standards apply. A circular letter is being prepared to provide further information.

Second, the Department of Children and Families (DCF) issued a Request for Proposal to provide a short-term residential substance abuse program for court-involved juveniles. The Children's Center in Hamden was awarded the contract and has opened a new program, New Choices at Wakeham Hall. Juveniles are placed in the program by Juvenile Probation. These placements are state agency placements and all of the above rules apply.

If you have any questions regarding this information, please call Terri DeFrancis at (860) 638-4275.

Notice of SBE Report

For the past year the Bureau has been engaged in an in-depth examination of the current state of special education in Connecticut. A draft report of findings was shared with the State Board of Education on September 3, 1997, and a copy has been sent to all superintendents, professional organizations and other interested parties upon request.

Each superintendent has been invited to comment. If you are an employee of a school district and have comments that you would like to share, please make certain that your superintendent receives them in time to be included in his or her response.

IDEA 97 Statewide Training

Staff have been busy reading the reauthorized language of IDEA and participating in federal training sessions. We are planning a series of regional workshops to impart this knowledge to you.

The following dates have been scheduled at each of the RESC's for IDEA Training. The locations allow 75-100 persons to participate at each site.

CES	November 18 (Tuesday)
Education Connection	November 19 (Wednesday)
ACES	November 25 (Tuesday)
CREC	December 1 (Monday)
LEARN	December 10 (Wednesday)
EASTCONN	December 16 (Tuesday)

Attachment X is a copy of documents related to IDEA 97, as well as discipline guidelines, for your review.

Literacy and Special Education

In an effort to begin addressing the concerns raised by longitudinal research on reading instruction and referral to special education, the Department of Education held the *Commissioner's Conference on Reading* last April in collaboration with the Special Education Resource Center (SERC). The conference was well received and plans are currently underway regarding follow-up activities and programs.

SERC staff worked with CPTV to videotape the conference proceedings. Please be advised the full three-tape series is available for circulation through the SERC Library. Copies of the first videotape (opening remarks by Commissioner Sergi and keynote address by Dr. Reid Lyon) are being made available by SERC for districts to use for professional development purposes.

If you would like a copy for your use in-district please complete the enclosed form (Attachment XI) and return to SERC no later than **November 1, 1997**. Please direct any questions to Lynn Brainerd, SERC, (860) 632-1485, ext. 24. It is hoped that SERC will disseminate the tape within thirty days.

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The staff and I look forward to seeing you at the October 21 leadership forum.

Attachments

cc: Theodore S. Sergi, Commissioner, Department of Education
Betty Sternberg, Division of Curriculum & Instruction
Rosemary Baggish, CAPSEF
Edward Prenata, Council on Developmental Disabilities
Bonnie Moran, Special Education Advisory Council
Bureau Staff