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**CONNECTICUT STATE BOARD OF EDUCATION
Hartford**

TO BE PROPOSED:

February 3, 2021

RESOLVED, that the State Board of Education, pursuant to Sections 10-76b and 1076d of the Connecticut General Statutes and Section 10-76d-l 7(d) of the Regulations of Connecticut State Agencies approves the Principles, Procedures, and Standards for the Approval of Private Special Education Programs and directs the Commissioner to take the necessary action

Approved by a vote of _____ this third day of February, Two Thousand Twenty-One.

Signed: _____

Dr. Miguel A. Cardona, Secretary
State Board of Education

CONNECTICUT STATE BOARD OF EDUCATION
Hartford

TO: State Board of Education

FROM: Dr. Miguel A. Cardona, Commissioner of Education

DATE: February 3, 2021

SUBJECT: Principles, Procedures, and Standards for the Approval of Private Special Education Programs

Executive Summary

Introduction:

Connecticut General Statutes Sections 10-76b and 10-76d and Section 10-76d-17(c) of the Regulations of Connecticut State Agencies grant the Connecticut State Board of Education (CSBE) the authority to regulate and supervise the education of all children requiring special education who are residing in, or attending any facility, private or public, and receiving money from the State. In light of these statutory powers, the Connecticut State Department of Education (CSDE) has developed a framework to evaluate private facilities.

The Principles, Procedures, and Standards for the Approval of Private Special Education Programs serve as the basis on which special education programs in private facilities in the State of Connecticut are reviewed and approved. They are applicable to special education programs in private day and residential schools, hospitals, and treatment centers. Each approval of private special education program or programs seeking approval must comply with the Principles, Procedures, and Standards.

History/Background

The CSBE has had procedures and criteria in place for the approval of private special education programs since 1967. The Principles, Procedures and Standards for the Approval of Private Special Education Programs was last approved by the Board of **June 3, 1998**. The current revisions reflect a multi-year initiative by the Bureau of Special Education and multiple stakeholders throughout 2019 and 2020 and includes language reflecting best practices in special education programming as well as necessary updates due to changes in regulation and statute over time. The revised document was reviewed by the Legislation and Policy Development Committee of the State Board of Education on **December 2, 2020**, and the Committee voted to recommend the document be moved forward to the full Board.

Recommendation and Justification

The CSDE is requesting that the CSBE approves the revised Principles, Procedures and Standards for the Approval of Private Special Education Programs and directs the Commissioner to take necessary action for statewide implementation.

Follow-up Activity

The CSDE will incorporate this document in current and future training and support for Private Special Education Programs that are scheduled for renewal and/or seeking initial approval. This document will also be disseminated to current programs, public school districts, and posted on the CSDE website for easy access.

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Reviewed by: Bryan Klimkiewicz, Special Education
Division Director

Approved by: Charlene Russell-Tucker, Deputy Commissioner of
Educational Supports and Wellness

DRAFT

**Principles, Procedures, and Standards for the
Approval of Private Special Education Programs**



Connecticut State Department of Education

_____ 2021

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FOREWORD

The Connecticut State Board of Education (CSBE) and the Connecticut State Department of Education (CSDE), through its Bureau of Special Education (BSE), have developed this updated *Principles, Procedures, and Standards for the Approval of Private Special Education Programs* document to enable the state to discharge the statutory duties under Connecticut General Statutes (C.G.S.) Sections 10-76b and 10-76d, and to assist private special education program personnel in understanding the principles, procedures, and standards (Standards) in the approval of their special education programs.

Appreciation is extended to the Connecticut Association of Private Special Education Facilities (CAPSEF), Connecticut Association of Administrators of Special Education membership, and the many other agencies and individuals who provided suggestions, recommendations, and support in developing this document.

Dr. Miguel A. Cardona, Commissioner of Education

INTRODUCTION

C.G.S. Sections 10-76b and 10-76d and Section 10-76d-17(c) of the Regulations of Connecticut State Agencies (RCSA) grant the Connecticut State Board of Education (CSBE) the authority to regulate and supervise the education of all children requiring special education who are residing in, or attending any facility, private or public, and receiving money from the state. In light of these statutory powers, the Connecticut State Department of Education (CSDE) has developed a framework to evaluate private facilities.

As LEAs may find it necessary to contract with private facilities in order to meet their statutory obligations as specified under Section 10-76d, all such private special education facilities must adhere to common operational standards. Such standards are primarily reflected in criteria established by the CSBE for approval of private special education facilities.

The CSBE has had procedures and criteria in place for the approval of private special education programs since 1967. The current revisions to the Standards reflect a multi-year initiative by the BSE and multiple stakeholders during the 2019 and 2020 and includes language reflecting best practices in special education programming as well as necessary updates due to changes in regulation and statute over time. The document was also reviewed by the Legislation and Policy Development Committee of the State Board of Education and the Committee voted to recommend the document be moved forward to the full Board. The CSBE adopted these revised standards in [REDACTED].

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APPROVAL PRINCIPLES

The principles below adopted by the CSBE serve as the basis on which special education programs in private facilities in the State of Connecticut are reviewed and approved. They are applicable to special education programs in private day and residential schools, hospitals, rehabilitation centers, and treatment centers. Each approved private special education program or programs seeking approval must comply with the principals, procedures, and standards. RCSA, Section 10-76d-17(c)

A private facility that seeks approval status from the CSBE for its special education program shall be in operation with at least 10 children for one school year prior to the submission of an application to the CSBE.

Upon receipt of a written application for approval and its review, a site visit to the private facility shall be conducted by representatives of the CSBE or an organization recognized by the CSBE for purposes of examining implementation of the Standards for the approval of private special education facilities. RCSA, Section 10-76d-17(e)

This site visit shall include a review of student files and the monitoring of the facility's implementation of the Standards. Based upon the written application and the site visit, a written recommendation for approval shall be submitted by the representatives who conducted the visit to the CSBE or its designee for action.

Following the one-year initial approval, representatives from the CSBE or its designee shall review the approval status of the private special education facility to ensure the facility's continual compliance with the implementation of the Standards. Thereafter, a review shall take place as needed, but no longer than once every three to five years.

Between approval cycles, an approved private special education facility shall submit in writing to a representative of the CSBE or its designee, a request for approval when the facility proposes to: 1) make a change in program location(s), 2) make a change in the ages or grades of students served, 3) make a change in the type of educational program, 4) make a change in the primary disability(s) of students served, and 5) make a change in the number of students served when the change is more than 10 percent in one academic year. Subsequent to a receipt of the request, a representative of the CSBE or its designee shall conduct a consultation and, as appropriate, a site visit to monitor the implementation of the Standards.

When the change in the number of students served is less than 10 percent in one academic year, the facility should notify the CSBE or its designee in writing. In this instance, a site visit to the facility is discretionary.

APPROVAL AND CHANGE(S) IN PROGRAM PROCEDURES

Approval Procedures

1. A private facility that is seeking approval of its special education program must request an application in writing to:
Connecticut State Department of Education
Bureau of Special Education
Approved Private Special Education Programs
P.O. Box 2219
Hartford, CT 06145-2219
2. To initiate the approval process, the private facility must prepare and submit the completed application and other material (see Appendix B) as required by the CSDE.
3. Upon receipt of the completed application forms, the CSDE will contact the director of education for the private facility to arrange a site visit to review the application and become acquainted with the facility.
4. A private facility must obtain the appropriate licensure and approvals from other agencies prior to the on-site evaluation by the CSDE. These include, but may not be limited to:
 - certification of the physical location by local fire and health officials that the facility meets all applicable state fire and health code requirements; and
 - for residential facilities—licensure from the Department of Children and Families (DCF) and/or the Department of Developmental Services or licensure as a hospital.
5. Prior to conducting an on-site evaluation, the CSDE will determine whether the facility applying for approval has the fiscal resources to carry out the education program for one year. In order to do so, the CSDE may request a certified audit of the facility's finances for the previous year, or at any other time it deems necessary.
6. The on-site evaluation team shall consist of individuals with appropriate qualifications who have no financial or personal interest in the facility seeking approval or re-approval. The evaluation team shall be comprised of representatives of the CSDE or its designee, an approved private special education facility, and a public school district.

The on-site evaluation visit shall include, but may not be limited to:

- verification of the information submitted with the application;
 - selected classroom observations;
 - staff interviews;
 - review of student records;
 - review of staff files;
 - inspection of buildings and grounds; and
 - an exit conference with the director of education.
7. A preliminary evaluation report shall be sent to the private facility and an opportunity will be provided for a response to issues which could affect the granting of approval.

Within 15 working days from the date of the preliminary evaluation report, the private facility

shall indicate in writing to the BSE whether the program agrees with the report in its entirety and accepts the delineated corrective action plan, if applicable.

8. If the private facility disagrees with the preliminary evaluation report, a letter to that effect may be sent to the BSE special education division director, who will review the report and inform the private facility of the status of the application for approval.
9. Upon receipt of the response to the preliminary evaluation report from the private facility, a recommendation to approve or deny approval, will be made to the Commissioner of Education for appropriate action by the CSBE.
10. The Connecticut CSBE or the Commissioner of Education, if so designated, shall make one of the following dispositions concerning the facility's status:
 - **Approved** – A status given to a facility by the CSBE subsequent to the program, fiscal, and on-site evaluation to characterize them as an Approved Private Special Education Program (APSEP). This status indicates that the facility meets the Standards established by the CSBE for educating students with disabilities and allows local boards of education to be reimbursed pursuant to C.G.S. Section 10-76g. This status requires one annual renewal of approval following the initial approval and then approval may be granted for a maximum of five years. RCSA, Section 10-17d-17(e)(3)
 - **Conditional Approval** – A status given only to a facility that holds current approval by the CSBE but has been found deficient in the implementation of the Standards. This status is granted for a period of one year or less to correct the deficiencies noted. This status allows local school districts to be reimbursed under the state special education grant for students enrolled in the program at the time conditional approval was given but not for placements made subsequent to this action.
 - **Approval Withheld** – A status given to a facility when the CSBE finds on inspection, it is not in compliance with relevant federal and state laws and regulations or local requirements; or if on inspection, any condition endangering the life, health, or safety of children is discovered; or the facility fails to meet the criteria specified in this document.

Under exceptional circumstances, the Commissioner of Education may seek an emergency revocation of a facility's approval. Local school districts, seeking a placement in an APSEP cannot place students in a program whose approval has been revoked by the CSBE. Upon notification to LEAs, a PPT must be held for students placed by the LEA.

11. Any facility aggrieved by the action of the CSBE may appeal such action under the provisions of Chapter 54 of the C.G.S., the Uniform Administrative Procedures Act. RCSA, Section 10-17d-17(e)(2)
12. An approved facility seeking re-approval must follow the same procedure as in the application for initial approval. A request for re-approval must be submitted to the CSDE no earlier than one year prior to the expiration of its current approval.
13. Annually, by October 15, each private facility shall submit a signed statement of assurances, on such form as the CSDE shall require. Failure to do so may result in a conditional or approval withheld status.

Procedures for Requesting Change(s) in Program Between Compliance Cycles

Changes in a program that require prior notification and approval from the BSE are as follows:

- a change in program location(s);
- a change in the age of students served;
- a change in the type of educational program;
- a change in the population of students served; and
- a change in the number of students served when the change is more than 10 percent in one academic year. Pertinent standards affected by the change(s) will be reviewed.

The director of education for a private facility shall notify the BSE, in writing, when it plans to increase student enrollment by 10 percent or less in an academic year. An approval from the BSE division director (or designee) is discretionary for such a change.

1. The director of education for the private facility shall send a letter or the *Request for Consultation Concerning Planned Program Changes* form included in this document (see Appendix A), to the Special Education Division Director; Connecticut State Department of Education; P.O. Box 2219, Hartford, CT 06145-2219. This letter/form indicates that the private facility is considering a program change and describes the change. The letter/form requests that the special education division director assign an education consultant to meet with the director of education to discuss the scope of the change as it relates to the Standards.
2. The assigned education consultant will call the private facility director of education to set a mutually agreed upon date and time to meet. This call should be made within two weeks of the BSE's receipt of the request and the meeting should be set as soon as possible thereafter.
3. At the meeting, the education consultant and the director of education for the private facility will discuss the scope of the change. A work plan, as it relates to the Standards, will be mutually developed by the consultant and the director of education and a time frame will be established. This plan will address the following:
 - the program standards that are impacted by the change;
 - the necessary documentation as it relates to the Standards, which the facility must submit to the BSE;
 - a projected date for the BSE to render a decision on the request for changes to the program; and
 - the projected date for implementation of the program change.

When the documentation is received by the education consultant, it is reviewed to ensure that it complies with the Approval Standards set forth below. The special education division director or designee will approve the request for the change(s) when the facility complies with the requirements of the Standards. Receipt of the program change approval letter will enable the private special education program to implement the change.

Approval Standards

The Approval Standards are applicable to special education programs in private day and residential schools, hospitals, rehabilitation centers, and treatment centers. Each private facility seeking approval or maintaining approval shall meet, but not be limited to, the following Standards as approved by the CSBE:

- A: Governance;

- B: Administration;
- C: Fiscal Management;
- D: Admissions;
- E: Individual Student Records;
- F: Program Requirements;
- G: Evaluation of Student Progress and Reporting Responsibilities;
- H: Positive Behavioral Supports, Prevention, and Intervention Strategies;
- I: Qualifications and Requirements for Instructional, Administrative, and Support Personnel;
- J: Health and Safety; and
- K: Termination of Enrollment.

A: Governance

A private facility shall have a clearly identifiable governing body that includes a variety of stakeholders who are responsible for the policies and activities of the school. The governing body of a private facility shall ensure that the facility is in compliance with all relevant federal and state laws and regulations and local requirements and shall be responsible for ensuring the facility's continual compliance with its charter, constitution or other organizational document or agreement.

The governing body of a private facility shall appoint a person to act as chief administrator of the special education program and delegate sufficient authority to this person to effectively manage the affairs of the program.

The governing body of a private facility shall ensure that the special education program is fiscally sound and that the facility's finances are handled according to standard accounting practices. To this end, the governing body shall be responsible for:

- the review and approval of the program's annual operating budget;
- the review and approval of an annual report completed by an independent auditor; and
- the approval of any capital investment, expansion or reduction of services, or significant contractual obligation affecting the special education program undertaken by the facility.

B: Administration

A private facility shall have a written policy to assure that it complies with the provision of the Individuals with Disabilities Education Improvement Act (IDEA), Public Law 108-446; Section 504 of the Rehabilitation Act of 1973; The Family Educational Rights and Privacy Act 20 United States Code Section 1232g; 34 Code of Federal Regulations Part 99; C.G.S. Sections 10-76a to 1076q, inclusive, and the current Connecticut regulations adopted thereunder, related to reporting of child abuse and neglect, bullying; the prohibition of the use of restraint and seclusion in schools, and all other relevant federal and state laws and regulations and local requirements.

The private facility shall maintain policies and procedures on file as specified in the Standards and make them available for review by the CSDE evaluation team or designee, local school districts, state childcare agencies, and parents/guardians of children enrolled or seeking enrollment. These policies and procedures shall ensure the following student rights:

- to receive appropriate education services that allow them to progress toward mastery of needed postsecondary and career ready skills;
- to be free from physical, mental, or monetary exploitation;
- to maintain privacy; and
- to maintain personal dignity.

Such procedures shall include gaining informed written consent from the parent(s) or guardian for a student's participation in any activity that might encroach upon personal liberty.

C: Fiscal Management

Per C.G.S. 10-76d(d), a private facility shall maintain a written contract issued by the LEA for each student enrolled for the purpose of providing the necessary services for students by implementing an individualized education program (IEP) developed by the district's planning and placement team (PPT).

A private facility shall maintain an accurate accounting system including an annual audit report prepared by a certified public accountant and shall provide, on request, to the contracting local school districts and to the CSDE, fiscal information on the operation of the school on such forms as the CSDE may require.

A private facility shall carry all insurances as required by state and federal law, as well as adequate insurance covering fire and general liability as protection for students enrolled. The private facility shall have insurance that covers liability to third parties or students enrolled and includes the use of any vehicle, whether owned or not owned by the facility, used for any of the facility's business. Worker's compensation insurance shall also be maintained.

A private facility shall have on permanent file its conflict of interest policy.

D: Admissions

A private facility shall maintain an up-to-date program website that includes, but is not limited to:

- description of all admissions criteria;
- identification of the of the population served;
- the age, grade, and gender of students it serves;
- a description of the education program (include evidence and/or research-based interventions and approaches available); and
- opportunities for family involvement.

The following information must be available to LEAs and parents prior to enrollment:

- criteria for termination of enrollment;
- collaboration with LEAs to ensure that the IEP articulates the expected exit criteria for each student placed, including as appropriate, a plan for transition to a less restrictive setting; and
- collaboration with LEAs to ensure that students placed for non-educational reasons are educated in the least restrictive environment.

When a student who presents serious disruptive behavior is admitted to the facility, the IEP shall include a behavior intervention or individualized support plan driven by a functional behavior assessment that identifies the function or triggers of the targeted behaviors. The IEP must also include:

- the research or evidence-based positive behavioral supports, interventions, services, modifications, and accommodations necessary to address the behavioral needs of the student;
- provisions for sufficient staffing, supervision, and support to prevent, with reasonable assurance, harm by the student to self or others;
- provisions for appropriate monitoring and review of the student's emotional and behavioral status; and
- provisions for appropriate monitoring and review of the student's emotional and behavioral status by the LEA ensuring that any changes to a behavior intervention plan (BIP) are addressed through the PPT and documented in the IEP.

E: Individual Student Records

A private facility shall maintain a written record for each student which shall include administrative, treatment and educational data from the time of admission until the time the student leaves the facility. When children placed by a local school district or other public agency are discharged from a private facility, that facility shall ensure that all records are forwarded to that public agency.

When a copy of a student's education record is maintained by the facility, the facility must inform the parent(s)/guardian(s) that a copy of their student's records is maintained within the agency and must provide the parent(s)/guardian(s) access to the copy. The private facility must also inform the local education agency that they are maintaining a copy of the student's record and follow all requirements of the [Connecticut State Library records retention and disposition schedules](#).

A student's individual record shall contain, as a minimum, the following:

- a copy of the IEP proposed by the LEA prior to referral and at least annually thereafter, indicating current levels of performance, accommodations/modifications; specialized instruction, supports and services (and, as appropriate, a BIP and a language and communication plan) developed by the PPT as required to provide a free appropriate public education.
- reports of student progress toward achieving the objectives in the IEP that are aligned with reporting dates as determined by the PPT indicated on the student's IEP.
- consent forms signed by the parent(s)/guardian(s) allowing the facility to authorize all prescribed medical treatment. When a private facility conducts routine screenings, (i.e., hearing/vision or provides immunizations required by statute to students) consent forms must also be maintained;
- cumulative health records;
- evaluation records; and
- required documentation needed to inform required data collections (i.e., Teacher-Course-Student [TCS] data, attendance and membership data, in-school and out-of-school suspensions, incidents of the emergency use of restraint or seclusion, reports of injury [serious and non-serious] resulting from a restraint or seclusion, and reports of all other significant events that may require a PPT).

F: Program Requirements

A private facility shall maintain a written contract issued by the LEA for each student enrolled for the purpose of implementing an IEP developed by the district's PPT.

A private facility shall provide the LEA with verification of the delivery of all specialized instruction and services as delineated in the IEP and identified in the contract.

Unless otherwise specified in the IEP, the school year and hours of actual school work for each student in the private facility shall be the same as those required when attending public school in his/her local or regional board of education. The school year shall consist of no less than 900 hours of actual school work, and a minimum of 180 days for Grades K–12 inclusive, as provided in C.G.S. Sections 10-15 and 10-16.

Each private facility shall request from the placing LEA an IEP prior to enrollment of the student in the private facility and at least annually thereafter. For students placed by other agencies, the private facility should obtain an IEP after placement as soon as feasible from the district having educational jurisdiction. The IEP shall serve as the basis for instruction for each student.

The LEA is responsible for the development and appropriateness of a student's IEP and any changes made in that IEP. A private facility shall have a written description of the education program for each student

and shall have a written curriculum and sufficient instructional materials, and supplies and equipment, in accordance with the state requirements for educational programs, for full implementation of the IEP.

A private facility must participate in the administration of all required statewide assessments and shall have in place a policy and procedures that address the administration of said test(s) to students enrolled with full consideration of required accommodations or alternate assessments set forth in the IEP. The facility's policy and procedures shall address the following issues:

- the appointment of a test coordinator;
- the timely notification to the BSE and the CSDE Performance Office, of the name of the test coordinator;
- the required participation of the test coordinator in the annual training for test coordinators sponsored by the CSDE;
- the immediate notification to the Student Assessment Office in the Performance Office and the BSE of any problems that might impact the administration of required statewide testing (e.g., test security, test administration, or in the dissemination of test scores); and
- the establishment of protocols to ensure test security and the provision of test modifications/accommodations as recommended in the student's IEP or 504 Plan.

A private facility shall provide safe and appropriate transportation.

Private facilities shall have the means of transporting students in cases of emergency.

Any staff member of a private facility or other person acting on behalf of the facility, operating a vehicle for the purpose of transporting students, shall be properly licensed and trained to operate that class of vehicle, as required by the Department of Motor Vehicles and shall be trained to care for the students in his/her charge.

G: Evaluation of Student Progress and Reporting Responsibilities

The private special education program shall submit reports of each child's progress, based on the goals and objectives of the student's IEP, to the responsible LEA or sending agency and to the parents/guardians in accordance with the reporting schedule and content requirements of the child's IEP as determined by the PPT. These reports must be communicated in language that is easily understood by parents/guardians. Each private facility shall notify and send written reports to parents/guardians and the sending agency regarding any disciplinary measure employed, such as in-school or out-of-school suspension that substantially removes the student from those program activities related to the child's IEP for extended periods of time.

The private facility shall provide in a timely manner and in accordance with required timelines, the following information to the CSDE and/or the responsible LEA:

- staff data report (Educator Data System [EDS]);
- Disciplinary Offense Record Collection (ED 166);
- TCS data;
- attendance and membership data;
- reports of the emergency use of restraint or seclusion;
- reports of injury (serious or non-serious) that occur during or as a result of a restraint or seclusion (within two days);
- reports to the LEA of critical incidents (other than restraints or seclusions—e.g., elopements, situations involving law enforcement, emergency psychiatric hospitalizations, etc.) that may require consideration of the need for a program review or revision by the PPT.

- reports to the LEA, verifying the delivery of specialized instruction, supports, and services as outlined in the IEP, per contract.
- current approval from local fire and health officials indicating compliance with codes (annually by October 15);
- immediate notification of any major legal proceedings and the reporting of any suspected incident of child abuse by staff;
- immediate notification of change of ownership and location;
- immediate notification of change in chief administrator and director of education;
- immediate notification of any other conditions that might significantly alter the program and/or health and safety of the students;
- a copy of the current appropriate licensure to operate any residential component affiliated with the program; and
- a statement of assurances on such form provided by the BSE, indicating that the program remains in compliance with the Standards and all federal and state laws and regulations between approval cycles, signed by the facility's executive director/chief administrator, and submitted to the BSE annually by October 15.

H: Positive Behavioral Supports, Prevention, and Intervention Strategies

Each private facility shall have written policies and procedures describing the positive behavioral supports and services as well as the prevention and intervention strategies employed by the program. These policies and procedures must be consistent with those described in *Guidelines for Identifying and Educating Students with Emotional Disturbance*, developed to address the needs of students with behavioral concerns as well as those students identified with Emotional Disturbance and issued by the BSE. These policies shall list the behavior intervention strategies employed including universal, targeted, and intensive supports, and shall set forth a schedule for the review of the effectiveness of those interventions in changing behavior and identify the processes in place to employ alternative interventions as needed.

Each private facility shall keep thorough documentation of all positive behavioral interventions and supports as well as behavior intervention procedures prescribed in each IEP. Each private facility shall make such documentation available (through the review of the IEP and consistent with reporting requirements) to the sending agency and the parent(s) or guardian of each student enrolled in that facility and upon request to the CSDE.

Each private facility shall make provisions to train staff in positive behavioral supports and services as well as prevention and intervention strategies. In addition, all staff will be provided training related to the laws around the emergency use of physical restraint and seclusion and the required monitoring and reporting of restraint and seclusion. An identified crisis intervention team or all staff shall be provided training that meets the requirements of current legislation and or regulations that address the use of restraint and seclusion in schools and include, but not be limited to: verbal defusing or de-escalation; prevention strategies; types of physical restraint; the differences between life-threatening physical restraint and other varying levels of physical restraint; the differences between permissible physical restraint and pain compliance techniques; monitoring to prevent harm to a person physically restrained or in seclusion; and recording and reporting procedures on the use of restraints and seclusion. The facility should ensure that such techniques are carried out with fidelity and due regard for fairness, humanity, and the dignity of the individual. Only those staff members trained in accordance with current statute can engage in the emergency use of restraint or seclusion.

No IEP or associated BIP shall identify the use of restraint or seclusion as a planned intervention.

The use of exclusionary time out as an intervention described within the IEP should only be considered by the PPT if other less restrictive positive behavior interventions appropriate to the behavior exhibited, have been implemented but were ineffective.

The facility will be in compliance with all other requirements of effective public acts and regulations related to the use of emergency restraint and seclusion.

I: Qualifications and Requirements for Instructional, Administrative, and Support Personnel

Each private facility shall ensure that:

- All special education program administrators, instructional, and related services personnel providing special education and related services who were hired after September 1, 1980, shall hold proper state certification for the position held, which shall be on file with the CSBE. This information shall be provided and certified through the staff report in the Educator Data Systems to representatives of the CSBE in a timely manner. RCSA, Section (10-145d-610(c))
- Administrators of the facility's special education program shall hold either a current teacher certificate in comprehensive special education, a related service area, or in an area of a specific disability, **AND** an intermediate administrator certificate.
- In the event that a private special education program is a component of a school or facility of which at least one other component provides education services to school-aged children, all administrative, instructional, and related service personnel of each component of the school or facility that provides education services to school-aged children shall hold appropriate certification, except as provided in 10-145d-610(c) of the RCSA, which shall be on file with the CSBE.

A private facility shall have written personnel policies and job descriptions for its staff.

A private facility shall have established procedures for supervising and evaluating the performance of all staff members according to their job descriptions and aligned with the Connecticut Guidelines for Educator Evaluation that outlines the standards to which all educator evaluation plans in Connecticut must adhere. A private facility must submit an evaluation plan for approval to the CSDE.

A private facility shall have a written plan(s) for ongoing personnel development including a professional development policy. Such policy shall include:

- a provision of a minimum of 18 hours of professional development to staff each year at no cost;
- professional development opportunities which are aligned to individual educator evaluation in support of areas of identified need; and
- the proper documentation of professional development activities.

The private facility shall maintain a permanent individual personnel file for each employee and shall ensure said file is held confidential.

The private facility shall require that prior work references be on record for all applicants and that the applicant submit to a records check of the DCF Child Abuse and Neglect Registry before hiring staff who will work directly with students. The private facility shall obtain the information listed on the *State of Connecticut Educational Employer Verification* form from ALL current or former employer(s) of the applicant if such employer was a local or regional board of education, an approved private special education program, a governing council of a state or local charter school, an interdistrict magnet school operator, or if the employment caused the applicant to have contact with children. Applicants are

required under the law to provide a prospective employer with the name, address, and telephone number of all current or former employers that meet the above criteria. Information may be collected either through a written communication or telephonically. In addition, state and national criminal history records check (fingerprinting) of staff who work directly with students, shall be submitted within 30 days of hire and on file within 60 days from the date of employment. C.G.S. Section 10-221d

J: Health and Safety

A private facility shall formulate written policies and procedures governing the prescribing and administration of medication to students. These policies shall be reviewed and approved biennially by the program’s medical advisor. These policies and procedures shall be disseminated and reviewed with all qualified school employees who have been trained to administer medication in the absence of a school nurse and shall be maintained on permanent file in accordance with C.G.S. Section 10-212(a).

A private facility shall have a written policy regarding smoking that conforms to C.G.S. Section 19a-342.

A private facility shall maintain on permanent file written procedures for staff and students to follow in the case of an emergency or disaster. These procedures shall be developed with the assistance of qualified fire and safety personnel, and shall include provisions for the evacuation of buildings and assignment of staff during emergencies.

A private facility shall conduct emergency drills that shall include actual evacuation of students to safe areas at least monthly in order to ensure that all staff personnel on all shifts are familiar with the use of emergency notification equipment in the facility—and evaluate the effectiveness of emergency plans and procedures. The private facility shall maintain a record of such emergency drills, which should include a drill other than a fire drill, every third month.

Students in a private facility shall swim only in areas posted as being safe. Private facilities are required to have at least two “qualified” staff members on duty for any student aquatic activity at a swimming pool, as defined in Public Act [PA] 13-161. Pool staff must meet the minimum qualifications outlined in PA 13-161 or other current legislation. Staff qualification shall be documented in the personnel records. Swimming pools on the grounds of private facilities shall be enclosed with safety fences.

K: Termination of Enrollment

A private facility shall not terminate the enrollment of any student without consulting with the student’s parent(s) or guardian, the sending LEA or agency, and any other agencies that have the responsibility for the student’s educational program. Prior to terminating the enrollment of a student, the private facility shall cooperate with the local school district or other public agency having the responsibility for the child in formulating a follow-up plan for the student’s education and/or welfare.

A private facility shall not terminate the enrollment of any student for behavioral problems or unacceptable progress in the school program without exhausting other reasonable alternatives. Such alternatives to termination of enrollment should include, but not be limited to:

- crisis situations, a suspension of the student from the program for a maximum of 10 school days pending a multidisciplinary meeting involving the private facility, the parent(s) or guardian of the student, the sending agency, and all other agencies that have a compelling interest in the student’s educational welfare, to discuss and plan alternatives to the termination of enrollment; and

- non-crisis situations, the scheduling of a multidisciplinary meeting with all interested parties to discuss and plan alternatives to the termination of enrollment. Whenever possible, a conference is to take place 30 calendar days prior to the projected date of termination of enrollment.

In either a crisis or non-crisis situation, the private facility should notify all concerned parties at least two weeks prior to the date of the meeting, even if the student's school district plans to utilize the meeting as a PPT meeting to plan for the student.

Program Deficiencies in the Implementation of the Standards

In the event that an approved private special education facility is found deficient in the implementation of the Standards, the CSBE or its designee may issue the status of conditional approval to the private special education facility. The CSBE or its designee shall notify all LEAs of the conditional status of the private facility. A facility that has been issued a conditional approval may not accept any new LEA placed students and must notify the parents of each student enrolled in that facility of the reasons why the facility has been issued the conditional approval. Parents who are seeking to enroll their child in the private facility shall also be notified of the reasons why the facility has been issued a conditional approval.

When an approved private special education facility violates the Standards, the CSBE may seek to revoke the approval status of the facility. When a condition exists that endangers the life, health, or safety of the students, the Commissioner of Education may seek an emergency revocation of the facility's approval status.

Any facility aggrieved by the action of the CSBE may appeal such action under the provisions of C.G.S. Chapter 54, Uniform Administrative Procedures Act.

A facility seeking re-approval must follow the same procedures as in the application for initial approval. A request for re-approval shall be submitted to a representative of the CSBE or its designee no earlier than one year following the date of revocation of the approval.

Appendix A

TO: Connecticut State Department of Education, Special Education Division Director

FROM: _____, Director of Education

DATE: _____

SUBJECT: REQUEST FOR CONSULTATION CONCERNING PLANNED PROGRAM CHANGES

Name of Special Education Program: _____

The above private facility is planning the following program change(s) (provide specific details of plans):

PROGRAM ADDRESS/LOCATION:

NUMBER OF STUDENTS SERVED: Current _____ **New** _____

POPULATION OF STUDENTS SERVED:

AGES/GRADES OF STUDENTS SERVED:

STATEMENT OF REASON FOR PROGRAM CHANGE:

SUBMISSION REQUIREMENTS

The facility's policies and procedures must reflect each standard and the following documentation must be submitted under each Standard section:

A: Governance

List of names of the governing body

C: Fiscal Management

- Single Cost Accounting Report (if applicable) and Annual Audit Report;
- Insurance (fire, general liability, vehicles, workers' compensation); and
- Conflict of interest policy.

D: Admissions

Admissions Packet

F: Program Requirements

- Calendar; and
- List of students by district who will/have participated in statewide assessments.

G: Evaluation of Student Progress and Reporting Responsibilities

- Current fire and health approval; and
- Sample of progress reports.

H: Positive Behavioral Supports, Prevention, and Intervention Strategies

- Documentation of training in positive behavioral supports/services as well as documentation of the prevention strategies employed by the program. Documentation of those trained in the appropriate use emergency interventions (restraint and seclusion); and
- List of Human Resource Committee members and meeting schedule.

I: Qualifications and Requirements for Instructional, Administrative, and Support Personnel

- Staff development plan;
- List of administrators, instructional, and related services personnel, by assignment, with a copy of current certification;
- Job descriptions; and
- Copy of Educator Evaluation Plan.

J: Health and Safety

- Letter of approval of administration of medication policy from the Department of Public Health; and
- Smoking policy.

K: Termination of Enrollment

Suspension policy

ACCESSING LIST OF APSEP'S VIA CSDE EDSIGHT

The CSDE maintains a list of approved private special education facilities via its [EdSight](#) interactive data portal.

After accessing EdSight via the link above, please navigate as follows:

1. Select **Overview** (dark blue active tab at the top of page) and then Select **Find School/District**.
2. On left side of the page under *EdSight Home*, select **Approved Private Special Education Programs (APSEPs)**.

It is the policy of the Connecticut State Board of Education that no person shall be excluded from participation in, denied the benefits of, or otherwise discriminated against under any program including employment, because of age, ancestry, color, civil air patrol status, criminal record (in state employment and licensing), gender identity or expression, genetic information, intellectual disability, learning disability, marital status, mental disability (past or present), national origin, physical disability (including blindness), race, religious creed, retaliation for previously opposed discrimination or coercion, sex (pregnancy or sexual harassment), sexual orientation, veteran status or workplace hazards to reproductive systems, unless there is a bona fide occupational qualification excluding persons in any of the aforementioned protected classes.