



Agency Legislative Proposal - 2021 Session

Document Name: 082520_SDE_TransitionServices

(If submitting electronically, please label with date, agency, and title of proposal – 092621_SDE_TechRevisions)

State Agency: Connecticut State Department of Education

Liaison: Laura J. Stefon

Phone: (860) 713-6493

E-mail: laura.stefon@ct.gov

Lead agency division requesting this proposal: Bureau of Special Education

Agency Analyst/Drafter of Proposal: Bryan Klimkiewicz / Alycia Trakas

Title of Proposal: An Act Concerning The Age When A Special Education Student Shall Begin Receiving Transition Services

Statutory Reference: CGS 10-76d(a)(9); Public Act 19-49: An Act Concerning Transitional Services for Children with Autism Spectrum Disorder

Proposal Summary:

EFFECTIVE JULY 1, 2019 - PA 19-49: An Act Concerning Transitional Services for Children with Autism Spectrum Disorder changed CGS 10-76d(a)(9) to require transitional services to commence no later than the date on which the first individual education program takes effect for a child who is at least fourteen years of age and diagnosed with autism spectrum disorder. Transitional services (for all other students) are required to commence no later than the date on which the first individual education program takes effect for a child who is at least sixteen years of age, or younger if determined appropriate by the PPT. This is an issue for several reasons. 1) In education, students qualify for special education based on a disability category, not on a medical diagnosis. Districts may or may not know if a student has a medical diagnosis of autism spectrum disorder. The CSDE collects data regarding students with the primary disability category of autism. Students with a medical diagnosis of autism may qualify for special education within that primary disability category OR within another disability category. The CSDE can only assist districts in meeting this new requirement based on the primary disability category of autism. 2) This change requires transitional services to begin two years earlier for students in one disability category, rather than for all students with disabilities (regardless of their primary disability). According to 2019-2020 Primary Disability Prevalence Rate data, 12.9% of students (K-12) receive special education/related services within the primary disability category of autism. 2021 LEGISLATION PROPOSAL - The proposed change will require transitional services to commence no later than the date in which the first individual education program takes effect for a child who is at least fourteen years of age (regardless of their diagnosis or disability category) – requiring transitional services to begin earlier (age 14 versus age 16) for all students with disabilities. 2021 PROPOSAL to CGS 10-76d(a)(9) - The planning and placement team shall, in accordance with the provision of the Individuals with Disabilities Education Act 20 USC 1400, et seq., as amended from time to time, develop and update annually a statement of transition service needs for each child requiring special education. Commencing no later than the date on which the first individual education program takes effect for a child who is at least



fourteen years of age, such program shall include (A) appropriate measurable postsecondary goals based upon age-appropriate transition assessments related to training, education, employment and, where appropriate, independent living skills; and (B) the transition services, including courses of study, needed to assist a child in reaching those goals. The individual education program shall be updated annually thereafter in accordance with the provisions of this subdivision. Nothing in this subdivision shall be construed as requiring the Department of Aging and Disability Services (ADS) to lower the age of transition services for a child with disabilities from sixteen to fourteen years of age.

PROPOSAL BACKGROUND

◇ Reason for Proposal

Please consider the following, if applicable:

- (1) Have there been changes in federal/state/local laws and regulations that make this legislation necessary?
- (2) Has this proposal or something similar been implemented in other states? If yes, what is the outcome(s)? Are other states considering something similar this year?
- (3) Have certain constituencies called for this action?
- (4) What would happen if this was not enacted in law this session?

(1) Have there been changes in federal/state/local laws and regulations that make this legislation necessary? Yes, PA 19-49 only requires transition services to be in place at age 14 for a child diagnosed with autism spectrum disorder. This proposed change will require transition services to be in place at age 14 for all students with an IEP, regardless of their diagnosis or disability category. (2) Has this proposal or something similar been implemented in other states? If yes, what is the outcome(s)? Yes, according to the National Technical Assistance Center on Transition (NTACT) as of 2017, about 29 states require transition services before the age of 16 (1 – age 13, 23 – age 14, 1 – age 14.5, 1 – end of 8th grade, and 2 – age 15). (3) Have certain constituencies called for this action? Yes, the Education Committee (see Proposed Bill No. 5986). (4) What would happen if this was not enacted in law this session? LEAs are now required to implement transition services at two different ages – age 14 if a child has been diagnosed with autism spectrum disorder (students qualify for special education based on a disability category, not a medical diagnosis) and age 16 for all other students with disabilities with an individual education program (IEP). We strongly believe that Connecticut’s K-12 public education system must not only emphasize rigorous, well-rounded academics and citizenship, but also evolve to meet the needs of the state’s economy. In addition to providing pathways to college through demanding academic coursework and dual enrollment opportunities, we acknowledge and embrace the immense potential of K-12 public education to offer career pathways that align to the state’s workforce needs. College and career pathways are not mutually exclusive; many students who explore careers seek postsecondary education or training to further their skills while others who are singularly focused on college will benefit from gaining exposure to potential careers. Regardless of a student’s path, our goal is to equip all students with options for success and happiness in their lives beyond high school. For transition-age students with an individualized education program (IEP), the student’s IEP includes postsecondary goals related to education/training, employment, and, where appropriate, independent living skills, and the transition services, including courses of study, needed to assist the student in reaching the student’s goals. Specific information from the IEP that is not confidential or does not imply, either directly or inadvertently, that a student has a disability, could be incorporated into the Student Success Plan (SSP) (e.g., postsecondary goals, career interests and preferences, use of technology) for better alignment. The SSP begins in 6th grade and continues through high school to



provide the student support and assistance in setting goals for social, emotional, physical, and academic growth, meeting rigorous high school expectations, and exploring postsecondary education and career interests. The CSDE believes that the wealth of information in the SSP can be a critical element in the development the IEP to support the unique college and career pathway of students with disabilities. Beginning transition services for all students with an IEP at age 14 allows for stronger alignment of student programming, earlier in a student’s school career, to increase and maximize the opportunities, experiences, and pathways available for students with disabilities in CT.

Origin of Proposal **New Proposal** **Resubmission**

If this is a resubmission, please share:

- (1) *What was the reason this proposal did not pass, or if applicable, was not included in the Administration’s package?*
- (2) *Have there been negotiations/discussions during or after the previous legislative session to improve this proposal?*
- (3) *Who were the major stakeholders/advocates/legislators involved in the previous work on this legislation?*
- (4) *What was the last action taken during the past legislative session?*

1) I believe this proposal did not pass because the previous session was cancelled due to COVID-19.

PROPOSAL IMPACT

AGENCIES AFFECTED *(please list for each affected agency)*

Agency Name: Agency Contact (name, title, phone): Date Contacted:
Approve of Proposal <input type="checkbox"/> YES <input type="checkbox"/> NO <input type="checkbox"/> Talks Ongoing
Summary of Affected Agency’s Comments
Will there need to be further negotiation? <input type="checkbox"/> YES <input type="checkbox"/> NO

FISCAL IMPACT *(please include the proposal section that causes the fiscal impact and the anticipated impact)*

Municipal <i>(please include any municipal mandate that can be found within legislation)</i> None.
State None.
Federal None.
Additional notes on fiscal impact The proposal makes changes to individual education programs for all students with disabilities, which is not anticipated to result in a fiscal impact to the State Department of Education or local and regional boards of education, as these students are receiving an individual education program under current law.



The proposal has no fiscal impact to the Department of Aging and Disability Services (ADS), formerly the Department of Rehabilitation Services (DORS), as it specifies that ADS does not have to lower, from 16 to 14, the age of transitional services for a child with disabilities.

◇ **POLICY and PROGRAMMATIC IMPACTS** *(Please specify the proposal section associated with the impact)*

Pursuant to the IDEA Section 300.320(b) Transition services. - Beginning not later than the first IEP to be in effect when the child turns 16, or younger if determined appropriate by the IEP Team, and updated annually, thereafter, the IEP must include— (1) Appropriate measurable postsecondary goals based upon age appropriate transition assessments related to training, education, employment, and, where appropriate, independent living skills; and (2) The transition services (including courses of study) needed to assist the child in reaching those goals. CT HISTORY: P.A. 87-324, in Subsec. (a), provided for individual transition plans commencing with the 1988-1989 school year; P.A. 92-262 amended Subsec. (a)(6) to add provisions concerning transition services and authorized transition services as part of a child's program before his fifteenth birthday; P.A. 00-48 rewrote Subsec. (a)(7), changing the time frame for the development of the statement of transition service needs from age 15 to age 14 and requiring the statement to focus on courses of study; June 30 Sp. Sess. P.A. 03-6 amended Subsec. (a)(7) by adding provision re federal Individuals With Disabilities Education Act and by deleting provisions re a student's individualized education program and a detailed provision of transition services including interagency responsibilities; P.A. 19-49 rewrote Subsec. (a)(9), changing the time frame for the development of the statement of transition services needs to age 14, but only for students diagnosed for autism spectrum disorder, while the development of the statement of transition services needs remains age 16 for all other students with disabilities.

◇ **EVIDENCE BASE**

What data will be used to track the impact of this proposal over time, and what measurable outcome do you anticipate? Is that data currently available or must it be developed? Please provide information on the measurement and evaluation plan. Where possible, those plans should include process and outcome components. Pew MacArthur Results First [evidence definitions](#) can help you to establish the evidence-base for your program and their [Clearinghouse](#) allows for easy access to information about the evidence base for a variety of programs.

The Bureau of Special Education currently monitors 17 IDEA Part B Indicators. Indicator 13, Secondary Transition, monitors a district's compliance with transition services for students with disabilities. Our data system for monitoring districts, as well as our differentiated support structure currently exists. Our Indicator 13 data across the state does not meet the 100% compliance required by OSEP, however, only a handful of districts within our monitoring system are identified as non-compliant, a decrease over the last several years. The proposed changes will allow a larger number of IEPs to be monitored for Indicator 13 compliance, thus expanding our current technical assistance and support for a greater number of school districts (which have the resources, structure, and capability to do).

[Insert fully drafted bill here](#)

AN ACT CONCERNING THE AGE WHEN A SPECIAL EDUCATION STUDENT SHALL BEGIN RECEIVING TRANSITION SERVICES



Be it enacted by the Senate and House of Representatives in General Assembly convened:

Section 1. Subdivision (9) of subsection (a) of section 10-76d of the general statutes is repealed and the following is substituted in lieu thereof (Effective July 1, 2021):

(9) The planning and placement team (PPT) shall, in accordance with the provision of the Individuals with Disabilities Education Act, 20 USC 1400, et seq., as amended from time to time, develop and update annually thereafter a statement of transition service needs for each child requiring special education. **[Commencing no] Beginning not** later than the **[date on which the]** first individual education program (IEP) **[takes] to be in effect when the child turns 14 [for a child who is at last fourteen years of age and diagnosed with autism spectrum disorder], or younger if determined appropriate by the PPT, the IEP [such program]** shall include (A) appropriate measurable postsecondary goals based upon age-appropriate transition assessments related to training, education, employment, and, where appropriate, independent living skills; and (B) the transition services, including courses of study, needed to assist **[a] the** child in reaching those goals. **[The individual education program shall be updated annually thereafter in accordance with the provisions of this subdivision.]** Nothing in this subdivision shall be construed as requiring the Department of **[Rehabilitation] Aging and Disability Services** to lower the age of transition services for a child with disabilities from sixteen to fourteen years of age.