

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

DATE: November 22, 2004

SUBJECT: Update #35

At long last, I am pleased to provide for you Update #35. One of my goals for the year is to produce Updates on a more regular basis than we've been able to during the past year.

As this "goes to print", reauthorization of IDEA is anticipated. Stay tuned for information regarding the reauthorization and the key implications it has for all of us.

On behalf of the Bureau, I hope all of the upcoming holidays are enjoyable and that you have the opportunity to relax and spend time with those who are important in your life.

Bureau Update Index

Enclosed please find a copy of an index for all Bureau updates dating back to 1996 (enclosure).

Elimination of the Neurological Impairment Category

A significant change in Connecticut special education law enacted during the 2003 legislative session was the elimination of the neurological impairment (NI) category. This was a by-product of an amendment that replaced Connecticut definitions of disability categories with federal special education (IDEA) definitions. As you may know, there is no NI disability category in IDEA. In submitting categorical data to the federal government, Connecticut has always included NI students under learning disability (LD).

Determinations about the continued eligibility of students in the NI category should be addressed at the next regularly scheduled PPT meeting. The PPT should not automatically presume that a student will qualify for special education under the LD category. The PPT should consider, on an individual basis, whether a student meets the criteria for eligibility under any of the categories defined in IDEA regulations (Sec. 300.7). If, based on existing data, there is a question as to whether the student will continue to qualify for special education, the PPT should design an evaluation to make this determination. This is in keeping with current regulations that require an evaluation before determining that a child no longer has a disability. The same requirements apply to this evaluation as to any other re-evaluation—that is, the evaluation should be individually designed to answer specific questions, as described in IDEA regulations Sections 300.533 and 300.534.

SDE School Psychology Guidelines

SDE Guidelines for the Practice of School Psychology were distributed to schools (via principals), school psychologists, special education/pupil services directors, and superintendents late last year. To view the Guidelines, click on the following link:

<http://www.state.ct.us/sde/deps/Student/PsychSocial/GuidelinesSchoolPsychology.pdf>

Amended Regulations

The General Assembly's Regulation Review Committee, on March 23, approved, with technical corrections, the changes to the regulations concerning attorney representation and parental access to education records. The amended regulations have been filed with the Secretary of the State's Office. Since the changes to the regulations were effective on filing, they became effective March 26. The version that was filed with the Secretary of the State's Office is enclosed.

Lyme's Disease Video Notification

The *Time for Lyme* video, "A Forum for Teachers, Students and Parents", is now available by contacting the following address: Time For Lyme, Inc., P.O. Box 31269, Greenwich, CT, 06831. You can also telephone (203) 969-1333 or use the web address: <http://www.timeforlyme.org>.

Birth to Three Update and Preschool Special Education Impact

As many of you know, during the 03-04 fiscal year, some changes were made to the Connecticut Birth to Three System. The two major changes were (1) changes in the eligibility criteria and (2) implementation of a parent fee. For your information, please know that:

- As of the end of March 2004, there were 50 children who were found not eligible for early intervention through the Connecticut Birth to Three System but who would have been eligible in the previous year. These children receive quarterly "follow-along" visits to monitor their development.
- As of the end of March 2004, 871 families of eligible children receiving early intervention have withdrawn from the Connecticut Birth to Three System (compared to 364 last year at the same time). Of the 871 families, 182 of them withdrew after the initial eligibility evaluation but prior to the initial Individualized Family Service Plan (IFSP) (compared to 94 the previous year).
- For the same period (through March 2004), 244 families declined the initial evaluation (4.5%) compared to last years number, which was 203 families or 3.8%.
- There are 72 families of eligible children who are receiving only *services at no cost*, which means early intervention services for which there is no fee to parents. These "free" services include: service coordination (which includes assistance with transition), evaluation for the purpose of eligibility, development of the child's IFSP (but not implementation), and due process rights, but no direct services.

Overall, what this appears to mean is that there are more families of children who are requesting an evaluation from the school district. School districts do have "child find" responsibilities (CFR 300.125) under the IDEA, including that "... *all children with disabilities residing in the state, including children with disabilities attending private schools, regardless of the severity of their disability, and who are in need of special education services, are identified, located and evaluated* ...". School district child find responsibilities include children ages birth through 2. Parents seeking an evaluation for the purpose of determining a child's eligibility for special education and related services should not be denied and directed to wait until after the child's 3rd birthday.

If you have any questions, please contact Linda Goodman, Director of the Connecticut Birth to Three System at (860) 418-6147 or via e-mail at linda.goodman@po.state.ct.us or Maria Synodi, Coordinator of Preschool Special Education at (860) 807-2054 or via e-mail at maria.synodi@po.state.ct.us.

BESB Notices

Sec. 81. Subsection (a) of section 17b-244 of the general statutes is repealed and the following is substituted in lieu thereof (Effective from passage):

The room and board component of the rates to be paid by the state to private facilities and facilities operated by regional education service centers which are licensed to provide residential care pursuant to section 17a-227, but not certified to participate in the Title XIX Medicaid program as intermediate care facilities for persons with mental retardation, shall be determined annually by the Commissioner of Social Services, except that rates effective April 30, 1989, shall remain in effect through October 31, 1989. Any facility with real property other than land placed in service prior to July 1, 1991, shall, for the fiscal year ending rates of return applied to real property other than land placed in service for the five years preceding July 1, 1993. For the fiscal year ending June 30, 1996, and any succeeding fiscal year, the rate of return on real property for property items shall be revised every five years. The commissioner shall, upon submission of a request by such facility, allow actual debt service, comprised of principal and interest, on the loan or loans in lieu of property costs allowed pursuant to section 17-313b-5 of the regulations of Connecticut state agencies, whether actual debt service is higher or lower than such allowed property costs, provided such debt service terms and amounts are reasonable in relation to the useful life and the base value of the property. In the case of facilities financed through the Connecticut Housing Finance Authority, the commissioner shall allow actual debt service, comprised of principal, interest and a reasonable repair and replacement reserve on the loan or loans in lieu of property costs allowed pursuant to section 17-313-b-5 of the regulations of Connecticut state agencies, whether actual debt service is higher or lower than such allowed property costs, provided such debt service terms and amounts are determined by the commissioner at the time the loan is entered into to be reasonable in relation to the useful life and base value of the property. The commissioner may allow fees associated with mortgage refinancing provided such refinancing will result in state reimbursement savings, after comparing costs over the terms of the existing proposed loans. For the fiscal year ending June 30, 1992, the inflation factor used to determine rates shall be one-half of the gross national product percentage increase for the period between the midpoint of the cost year through the midpoint of the rate year. For fiscal year ending June 30, 1993, the inflation factor used to determine rates shall be two-thirds of the gross national product percentage increase from the midpoint of the cost year to the midpoint of the rate year. For the fiscal years ending June 30, 1996 and June 30, 1997, no inflation factor shall be applied in determining rates. The Commissioner of Social Services shall prescribe uniform forms on which such facilities shall report their costs. Such rates shall be determined on the basis of a reasonable payment for necessary services. Any increase in grants, gifts, fund-raising or endowment income used for the payment of operating costs by a private facility in the fiscal year ending June 30, 1992, shall be excluded by the commissioner from the income of the facility in determining the rates to be paid to the facility for the fiscal year ending June 30, 1993, provided any operating costs funded by such increase shall not obligate the state to increase expenditures in subsequent fiscal years. Nothing contained in this section shall

authorize a payment by the state to any such facility in excess of the charges made by the facility for comparable services to the general public. The service component of the rates to be paid by the state to private facilities and facilities operated by regional education service centers which are licensed to provide residential care pursuant to section 17a-227, but not certified to participate in the Title XIX Medicaid programs as intermediate care facilities for persons with mental retardation, shall be determined annually by the Commissioner of Mental Retardation.

The Children's Services Division at BESB has updated their policy and procedures manual to reflect changes brought about the passage of Public Act 03-219. The document will soon be available for viewing at the agency website (<http://www.besb.state.ct.us>). Anyone who desires a print or electronic copy of the manual may contact Mary Jo Dawson at (860) 602-4070, or by emailing her at maryjo.dawson@po.state.ct.us.

Also, BESB has reported that the updated Children's Services Policy Manual will be distributed electronically to each district in the near future.

Common Questions about the P.J. ET AL vs. State of Connecticut, Board of Education, ET AL Settlement Agreement

As part of our parent training initiative for the P.J. ET AL vs. State of Connecticut ET AL Settlement Agreement, the Bureau has been noting the commonly asked questions parents have about the agreement. In an effort to ensure consistency in the information we provide, we have developed a Question/Answer document. The English version of the document is enclosed. A Spanish version is also available. To obtain a copy of the Spanish version contact Deb Richards at deborah.richards@po.state.ct.us.

Guidelines for Health Screening

Enclosed is a copy of the recently published *Guidelines for Health Screening*. Copies have already been sent to your district's school nurses. Please retain this copy for your information and copy Section B, "Pure Tone Hearing Screening and Screening of Middle Ear Function" for your Speech and Language Pathologists who are involved with these screenings. Questions or comments may be directed to Carolyn Isakson at (860) 713-6924, or carolyn.isakson@po.state.ct.us.

“Initial Approval/Re-approval” Review Schedule

The Bureau is conducting reviews of more than thirty private special education programs that have requested approval from the State Board of Education. The review process includes a one-day site visit by a review team that includes a representative of a public school district and a representative of an approved private special education program. Please contact Art Carey at (860) 713-6932, or at art.carey@po.state.ct.us, if you would like to serve as a member of a review team.

A Parent's Guide to Special Education in Connecticut

I want to remind you and your staff of the Department's publication: *A Parent's Guide to Special Education in Connecticut* and strongly recommend that you make this and similar information routinely available to parents. This document can be particularly useful for parents of children newly referred for evaluation or newly identified as a special education student. It is imperative that all parties involved in the discussion and decision-making process for students with disabilities are well informed. The *Parent's Guide* is one useful resource to help achieve this end. The Bureau of Special Education has received considerable positive feedback from various parties regarding the information in the *Parent's Guide* - please consider full utilization of this valuable resource.

I anticipate that the *Guide* will be reviewed and revised appropriately following the reauthorization of the Individuals with Disabilities Education Act (IDEA). The current version is available to download from the Department's web site at: <http://www.state.ct.us/sde/deps/special/ParentGuide.pdf>.

Cc: Betty J. Sternberg, Commissioner
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Superintendents of Schools
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