



STATE OF CONNECTICUT
DEPARTMENT OF EDUCATION



TO: Superintendents of Schools
Directors of Special Education and Pupil Services
Directors of Approved Private Special Education Programs

FROM: Bryan Klimkiewicz, Special Education Division Director

DATE: March 31, 2020

SUBJECT: Continued Educational Opportunities and Approved Private Special Education Programs during the COVID-19 Pandemic

Per Governor Lamont's Executive Order, all schools, including Approved Private Special Education Programs (APSEPs), have canceled in-person classes to promote social distancing, and are expected to provide continued educational opportunities given the extended length of the closure. Schools must ensure that students with disabilities have equal access to these continued educational opportunities. Given this extraordinary situation, the Connecticut State Department of Education (CSDE) strongly encourages school districts to continue current contracts with APSEPs to allow for the students placed in these programs to receive continued educational opportunities and the special education and related services in their individualized education programs (IEPs), to the greatest extent possible. The CSDE has encouraged APSEPs to meet these expectations. The APSEPs are currently in the best position to provide continued educational opportunities given their responsibility for implementing the IEPs for these students prior to the COVID-19 pandemic and relationships they have established with these students.

To the extent that a school district determines that a contract with an APSEP requires termination or renegotiation to more accurately reflect the costs for services as a result of COVID-19, school districts should consult legal counsel and carefully consider the possible consequences of that action. This includes, but is not limited to, triggering a change in placement, eligibility for excess cost reimbursement, and APSEPs ultimately not being operational once school resumes, leaving students without placements identified in their IEPs. Since the student was no longer placed at the APSEP, the school district would now be responsible for providing continued educational opportunities for that student and providing the special education and related services identified in the student's IEP, to the greatest extent possible. Additionally, new federal funding addresses continued payment of employees and contractors.¹

The CSDE encourages all parties to review the contracts in place and work collaboratively to lessen the impact of statewide school class cancellations for students with our most intensive educational needs, while complying with applicable state and federal special education laws.

cc: Dr. Miguel A. Cardona, Commissioner of Education
Charlene Russell Tucker, Deputy Commissioner of Education
Desi Nesmith, Deputy Commissioner of Education

¹ Sec. 18006 of H.R. 748, the Coronavirus Aid, Relief, and Economic Security (CARES) Act, states that "A local educational agency, State, institution of higher education, or other entity that receives funds under the 'Education Stabilization Fund', shall to the greatest extent practicable, continue to pay its employees and contractors during the period of any disruptions or closures related to coronavirus."