


Connecticut State Department of Education

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TO: Directors of Special Education and Pupil Services
Directors of Private Approved Special Education Facilities
Directors of Charter Schools

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

DATE: July 28, 1998

SUBJECT: Update #13

It seems fitting to be writing my last update to you as the school year closes and the new Chief assumes responsibility for the Bureau of Special Education and Pupil Services. George Dowaliby officially started on June 19, 1998 and has taken over the reigns of the bureau with enthusiasm and commitment. It has been a memorable experience for me, over the course of the last two years, to spend time working in the field of special education and setting a course with all of you for future improvements. Thank you for your willingness to work with us to develop an agenda that will have a positive impact on students with special needs. I am proud of our mutual accomplishments and am confident that George will continue the partnerships we have forged as we seek to implement the *Connecticut Agenda* (extra copies enclosed).

Since I have had a positive response to the UPDATES, George will continue to use them as a means of communicating with you on a regular basis. If you have any format or content suggestions, please feel free to send him a note. You will formally meet him at the first CONNCASE Leadership Forum on October 7, 1998 at the Radisson Inn, Cromwell. I wish you a relaxing and healthy summer.

Private School Approval Standards

On June 3, 1998, the State Board of Education adopted the revisions contained in the enclosed Principles, Procedures and Standards for the Approval of Private Special Education Programs. The document contains the criteria that is required by the State Board of Education for the approval of private special education programs.

Nancy Cappello, John Purdy and I want to extend our gratitude to the following people who worked on the Task Force which developed this final document: Anthony Bivona and Jacqueline Wasta, representing CONNCASE; and Rosemary Baggish, Barbara Brown, and Marilyn Robinson, representing CAPSEF.

If you have any questions about the document, you may contact Dr. Cappello at (860) 638-4234.

New Legislative Mandate

As a result of Public Act 98-252, interpreters must register with the Commission on the Deaf and Hearing Impaired.

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By **October 1, 1998**, an individual who is providing interpreting services in an educational setting to a child who is deaf or hard of hearing must be registered with the Commission on the Deaf and Hearing Impaired prior to providing said services. This person must register with the Commission annually thereafter.

Commencing **July 1, 2001**, and annually thereafter, the Commission will issue identification cards to those individuals who are registered with the Commission. No person will be able to provide interpreting services in an educational setting unless the person is registered with the Commission on the Deaf and Hearing Impaired.

Interpreters must meet specific requirements as established by the Commission on the Deaf and Hearing Impaired as outlined in the bill (enclosed). Please pass this information along to the interpreters, interpreter/ tutors, interpreter/ aides, teacher assistants/ interpreter, etc. in your school program.

Any inquires concerning the new Legislative mandate may be directed, in writing, to Ms. Stacie Mawson, Acting Executive Director, Commission on the Deaf and Hearing Impaired, 1245 Farmington Ave., West Hartford, CT 06107-2668.

IDEA-Part B, Section 611 Preliminary And Final Grant Awards

All eligible districts and agencies have received their "Preliminary" FY 1998-99 grant award and its accompanying budget, based on information received from the United States Office of Special Education Programs (OSEP) in February. Last week, updated information was received from the OSEP. That information indicated that Connecticut would not receive as much IDEA-Part B, Section 611 funding as originally indicated, but the precise level of IDEA-Part B, Section 611 funding will not be known until the final grant award is received from Washington.

When the Department receives the grant award, it will be necessary to analyze the impact on the flow-through or entitlement grant program. It may be necessary to reduce the preliminary estimate of \$500/child. If that occurs, each eligible district/agency would be required to reduce its budget accordingly. We will keep you apprised of the situation.

Provision of Special Education Services to Eligible Students Placed in Nonpublic Schools by Their Parents

Under the IDEA-Part B, local school districts have a responsibility to provide some special education services to eligible resident students, placed in nonpublic schools, by their parents. Under the IDEA, local school districts are required to expend a proportionate amount of their IDEA-Part B entitlements to provide special education services to such students.

The IDEA and communications from the Office of Special Education Programs (OSEP) make it clear that no child so placed by its parents has an individual entitlement to IDEA-Part B funding. Instead, the obligation to provide such services applies to the class of students so placed.

Questions continue to exist over the amount of financial assistance a district is obligated to provide to such students.

For example, the revised IDEA (Public Law 105-17, effective June 4, 1997) stipulates that amounts expended for the provision of those services "...shall be equal to a proportionate amount of federal funds made available under this part." The wording of Public Law 105-17 appears to limit the amount of IDEA-Part B funding that can be spent. However, *proposed* IDEA-Part B regulations state, in a note, that Public Act 105-17 does not limit the district to a proportional expenditure of IDEA-Part B funding for that purpose.

Additionally, the question exists as to whether (or not) a district can expend local funding to provide services to special education children, parentally placed in nonpublic schools.

At this time, the Department advises the following:

1. Districts must expend a "proportionate" share of IDEA-Part B funding to serve resident eligible students, placed in nonpublic schools by their parents;
2. Since IDEA regulations are not official at this point, districts are advised to currently expend an amount of IDEA-Part B funding for the benefit of students which is "proportionate"; and
3. The Department advised districts to secure the advice of their local attorney as to whether or not they may utilize local funding to support special education students placed in nonpublic schools by their parents.

It is important to determine what effect adoption of the IDEA-Part B regulations will have on this issue. More flexibility for the utilization of IDEA-Part B funding may or may not be allowed.

In the meantime, be advised that there are several districts whose preliminary IDEA-Part B, Section 611 and/or Section 619 grant awards contain a "disproportionate" (higher) expenditure of IDEA-Part B funding for the benefit of eligible nonpublic school students. Depending on the direction specified in the IDEA-Part B regulations, when adopted, those districts may need to amend their program/budgets to comport with the final IDEA-Part B regulations. If that action is necessary, the Department will contact those districts.

Update on LD Guidelines

The Learning Disabilities Guidelines document is anticipated for distribution in September, at which time it will be sent to you. Training sessions will be offered throughout the state during the 1998-99 school year. Feedback will be welcomed during this year and a finalized Guidelines document is anticipated in 1999. We continue to welcome all input and appreciate your interest and concern regarding the appropriate identification and provision of services to children identified as having a learning disability and in need of special education and related services. Thanks to the many people who have helped in the development of these guidelines during this past year.

Save the Date

The Bureau of Special Education and Pupil Services, in collaboration with the Connecticut Association of School Psychologists and the Connecticut Association of School Social Workers, will again offer an orientation program for new school psychologists and school social workers. Interns are welcome, space permitting. All sessions are full day. The dates and topics are as follows:

School social workers:

Thursday, September 17	ACES, Hamden	General orientation
Tuesday, October 20	SERC Classroom	Social work assessment

School psychologists:

Wednesday, October 28	ACES, Hamden	General orientation
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Combined groups (school psychologists and school social workers):

Friday, October 9	ACES, Hamden	PPT Process
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Offering the October 9th session on PPT Process for both groups together is a unique approach, and we hope you find it helpful. Application materials for all sessions will be sent to Directors of Special Education/Pupil Services in late August. Contact Bob Lichtenstein, consultant for school psychology and school social work, at 860-638-4287, if you have questions.

Alternative Dispute Resolution: Advisory Opinion

The State Department of Education is pleased to offer a pilot program to explore the efficacy of using an Advisory Opinion process in special education disputes. The Advisory Opinion Process allows parents and school districts one hour each to present their case via witnesses and documents to a Hearing Officer who will then issue a brief oral non-binding advisory opinion. Based upon this advisory opinion, the parties may assess their respective positions and elect to either settle a case or proceed to a full hearing with a different Hearing Officer. The Advisory Opinion Process is different than Mediation because it is a more formal process where evidence is submitted to a Hearing Officer who will then issue a non-binding opinion.

The Advisory Opinion Process is voluntary and both parties must agree to participate. The parties may request an Advisory Opinion:

1. After, or simultaneously with, a Mediation or Hearing Request; or,
2. Before, or after, the convening of the prehearing conference, but before the hearing convenes.

A request for the Advisory Opinion Process is not available after the hearing has been convened.

Upon receipt of an Advisory Opinion Request, the Due Process Unit will assign a Hearing Officer for the Advisory Opinion and will also assign another Hearing Officer for a full hearing in the event the case does not resolve through the Advisory Opinion Process. The process for scheduling hearings as stipulated

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in the Barbara R. consent decree will be adhered to, notwithstanding the fact that an Advisory Opinion has been requested. Proper requests for postponements of hearing dates must be submitted in writing to the Hearing Officer assigned to the full hearing for their consideration. Additional information regarding the Advisory Opinion Process, including how to request this option, will be provided in the next Update.

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* in April 1997 in collaboration with the Special Education Resource Center (SERC). Conference proceedings were videotaped and disseminated to the field upon request.

The SDE, through SERC, is pleased to announce that a second videotape is nearing completion. It features Susan Kennedy, who discusses the need for classroom teachers to have information regarding major factors that hinder reading development:

- lack of phoneme awareness;
- deficits in acquiring reading comprehension; and
- limited motivation to learn to read.

The Department of Education through the Special Education Resource Center (SERC) will be offering copies of this videotape for use in districts sometime in the early fall. Please watch for ordering information in a future Update.

cc: Theodore S. Sergi, Commissioner, Department of Education
Betty Sternberg, Division of Teaching & Learning
John Mattas, CAPSEF
Edward Prenata, Council on Developmental Disabilities
Bonnie Moran, Special Education Advisory Council
Nancy Prescott, Connecticut Advocacy Center
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