




# STATE OF CONNECTICUT

DEPARTMENT OF EDUCATION



**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 and Pupil Services

**DATE:** December 29, 1998

**SUBJECT:** *Update #15*

## **HAPPY NEW YEAR!**

I hope this latest version of the BSEPS *Update* finds you still in the holiday spirit and looking forward to 1999. As December closes, we still have not received regulations from Washington – the unofficial word is that regulations will be out in January! Here are three websites from which you can download regulations once they are released:

[www.access.gpo.gov/nara](http://www.access.gpo.gov/nara)

[www.ed.gov/legislation/FedRegister/finrule/index.html](http://www.ed.gov/legislation/FedRegister/finrule/index.html)

[www.ed.gov/offices/OSERS/IDEA](http://www.ed.gov/offices/OSERS/IDEA)

## **TRANSITION PLANNING**

As school districts continue to improve transition planning for students with disabilities, the collaboration between special education and rehabilitation remains a priority of the Bureau of Special Education and Pupil Services and the Bureau of Rehabilitation Services (BRS). In an effort to strengthen and clarify the relationship between the Bureau of Rehabilitation Services and Local Education Agencies, **I am requesting you complete the brief "Transition Planning Survey" that is enclosed in this update.** The information you provide will give me snapshot of the current BRS – school district collaboration and assist me in developing any needed training or support that will enhance your working relationships. Please pass this survey along to an appropriate staff member if you do not have direct contact with the BRS counselor assigned to your district. Contact Karen Halliday at (860) 807-2020 if you have any questions.

### **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. **Estimated preliminary entitlements** were determined by the Department based on preliminary information received from the United States Office of Special Education Programs (OSEP) in February. Last week, updated information was received from OSEP. That information indicated that Connecticut will not receive as much IDEA-Part B, Section 611 funding as originally indicated. This is the first year that such a disparity of information received from the OSEP has been experienced. The Department will not know the precise level of IDEA-Part B, Section 611 funding until the grant award is received from Washington. That should occur sometime in July. When the grant award is received by the Department, 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 their budget accordingly. We hope that will not occur. In any event, 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 their 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-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.

Recently, the Bristol School District formulated three questions related to the provision of services to nonpublic schools. These questions are paraphrased as follows:

1. What IDEA-Part B funding **must** (at minimum) a district commit to providing services to special education students, parentally placed in nonpublic schools?
2. **Can** IDEA-Part B funding, beyond that identified in Question #1, be utilized to benefit nonpublic school students?
3. **Can a district utilize local funding** to provide services to special education children that were placed in nonpublic schools by their parents?

The Departmental response to that inquiry is contained in this update. The responses to the three questions are summarized as follows:

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."
3. The Department advised districts to secure the advise 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.

**DEADLINES – TO MAKE AMENDMENTS TO IDEA-PART B BUDGETS**

**Remember** – to submit your district's/agency's budget amendment requests by the deadlines established for making those requests. Those deadlines are indicated as follows:

For projects in their second year of operation, ending June 30, 1999 - by February 1, 1999

For projects in their first year of operation, ending June 30, 2000 - by May 1, 1999

If you have questions concerning making budget amendments, call the appropriate program manager.

**PRELIMINARY INFORMATION: LEVEL OF IDEA-PART B, SECTION 611 FUNDING (FOR CHILDREN AGED 3-21) FOR FY 1999-2000**

The Congress recently approved a 7.89% increase to the IDEA-Part B state grant program that serves the population of identified children, aged 3 through 21.

It is too early to develop estimates of how much IDEA-Part B, Section 611 funding each eligible CT district/agency will receive in FY 1999-2000. At this point however, it appears that it would be safe to assume that each eligible district/agency would receive *at least* the same level of funding it currently is receiving. That presumption may assist in your local budget development activities.

FY 1999-2000 IDEA-Part B, Section 611 entitlements will again be based on each eligible district's/agency's relative child count taken via the PCI system as of December 1, 1998. Eventually, a different and final system for state-wide distribution of IDEA-Part B, Section 611 funding will be implemented based on the dual criteria of enrollment and poverty data – but not for next year.

**REMINDER: TO REQUEST GRANT FUNDING FROM THE DIVISION OF GRANTS MANAGEMENT**

Entitlement grant funding does not automatically flow to recipients subsequent to the mailing of grant award letters and related budgets. Grant funding must be requested through use of the **ED-111** form. Business officials make such requests routinely. However, it has been observed that some districts/agencies have not yet requested all IDEA-Part B, Section 611 funding from *last year* (**encoded 962-826031101**). You may wish to review this matter with your business official.

### **SAVE THE DATES**

The Connecticut Department of Education and the Special Education Resource Center will offer two workshops relating to student behavior and special education law and policy. The workshops are scheduled for the morning and afternoon of the same day (i.e., you can apply to attend just one or the other), and will be repeated in three regions. Linda Yoder, attorney with Shipman and Goodwin, will be the featured presenter at the morning session on "Discipline & Behavior Aspects of IDEA 97." This session is designed for school administrators in both special and general education who frequently deal with suspension, expulsion, and other serious disciplinary matters. The afternoon session on "Identifying and Educating Students with Serious Emotional Disturbance" will be presented by SDE consultant, Bob Lichtenstein. Attendance at this session is recommended for Planning and Placement Team personnel and special education administrators who did not attend previous presentations of this material by Paul Flinter and/or Bob Lichtenstein. The workshops will be offered on the following dates:

Tuesday, January 26, 1999 Education Connection, Litchfield  
Tuesday, February 2, 1999 ACES, Hamden  
Thursday, April 8, 1999 EASTCONN, Windham

### **PARENT ASSISTANCE LINE**

Parents, guardians and families who have questions about special education and related services can access valuable information and resources by calling **the Parent Assistance Line, 1-800-842-8678**. Staff from the Special Education Resource Center and the Bureau of Special Education and Pupil Services will be available to discuss issues, suggest options, provide information and furnish additional resources (e.g., library, organizations, agencies, publications) to assist callers in making informed and thoughtful decisions.

### **TEMPLATES OF IEP FORM**

Three sample IEP templates are available to districts upon request. These templates were developed by the Stratford Public Schools, the Winchester Public Schools and Shared Services, a regional special education cooperative serving Barkhamsted, Colebrook, Hartland, Norfolk, and Regional School District #7. One template is written in Microsoft Excel while the other two are written in Microsoft Word 6.0 and 7.0. Each of these templates is based on the Department's recommended IEP form and may be useful to those districts which wish to develop a similar template for their district IEP form. Please be aware, however, that ***each template will require some editing to ensure that it is an exact match with your district's current IEP form and***

*neither the Department nor the developing agency have staff available to provide technical assistance.*

If you would like a diskette with these templates please complete and fax or mail the following request:

.....  
**Please Print or Type**

Send Template Diskette to: \_\_\_\_\_

Mailing Address: \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

Zip Code: \_\_\_\_\_

Telephone No: \_\_\_\_\_

Fax No: \_\_\_\_\_

**Return this form to:**

Ms. Maria Roman  
Connecticut State Department of Education  
Bureau of Special Education and Pupil Services  
25 Industrial Park Road  
Middletown, CT 06457

Telephone: (860) 807-2023

Fax: (860) 807-2047

### **LETTER TO DISTRICTS FROM U.S. SENATOR WILLIAM GOODLING**

U.S. Senator William Goodling, Chairperson of the Committee on Education and the Workforce, forwarded a letter dated December 3, 1998 to all superintendents of schools in the country (cc enclosed).

In the second and third paragraphs of his letter, Senator Goodling outlines one aspect of the re-authorized IDEA which could assist local school districts in meeting their continuing obligation to maintain their fiscal effort regarding the expenditure of local funding in support of special education programming.

Stated differently, each year, each school district, when making its IDEA-B program application has been required to demonstrate that it has maintained its level of fiscal support for special education from one year to the next – to remain eligible for receipt of IDEA-Part B funding. That requirement for “maintenance of fiscal effort” will continue to be a prerequisite for eligibility to receive IDEA-Part B funding. However, Senator Goodling points out that a district may, in the 1999-2000 year of application, utilize up to 20% of the increase in its IDEA-B grant (the increase in its IDEA-B entitlement from 1998-99 to 1999-2000) and add it to the level of local expenditure of funding - to assist in demonstrating the district has “maintained its level of fiscal effort” from one year to the next.

The new language in the revised IDEA will not result in more new money for districts. It simply will allow districts to “credit” up to 20% of the increase in their IDEA-B entitlement to the level of local expenditures for the purpose of assisting districts in meeting their “maintenance of fiscal effort” requirement. Please contact Patrick Shaughnessy at 860-807-2036 if you have any questions regarding the above.

### **MEDICAID NEWS FOR ALL SCHOOL DISTRICTS**

The Department of Social Services (DSS) is working to revise and simplify the School Based Child Health Services (SBCHS) Medicaid reimbursement program and currently expects to revise the rate setting method to rely on service and cost data from a statistically selected sample of school districts throughout Connecticut. Please note that although changes to the program will not go into effect before July 1, 1999, sampling of student records and cost data may begin in February, 1999, and would occur in districts that are not currently participating in this program as well as in districts that are participating. For more information on rate setting and other plans and anticipated changes, please see the attached “Update on Plan to Revise the Medicaid Based Child Health Program” prepared by DSS.

Although the simplifications described would require changes to Connecticut statutes and regulations governing the SBCHS program and approval from the federal Health Care Financing Administration (HCFA), DSS seems optimistic that the history of approval and successful implementation of similar plans in Massachusetts and in other states will facilitate approval for Connecticut.

### **PROGRAM REVIEW FOR LEAs**

We are now in the second year of a six-year cycle for Program Review. As you may remember with this new cycle, districts within a RESC region will be reviewed together. The reviews will be conducted between September and January of a school year. The Bureau will offer training in the spring **prior** to your district's scheduled review. Follow up training will be provided in the spring following your review on noncompliance issues that were commonly noted during the reviews within the RESC region. Included in this *Update* is information to assist you in preparing for your future review (see section entitled *IDEA 97 Compliance Information*). If you have any questions regarding Program Review, please contact Anne Louise Thompson, Education Consultant, at (860-807-2030). Following is the schedule for the next six years:

1999-2000	EASTCONN
2000-2001	CREC
2001-2002	LEARN
2002-2003	ACES
2003-2004	CES, USD #1, USD #2, DMHAS, VTSS
2004-2005	ED CONNECTIONS

### **IDEA 97 COMPLIANCE INFORMATION**

With the changes which IDEA 97 created to IEPs, notices, consents and procedures, the information reviewed during the Program Review process has been revised to reflect these changes. Enclosed with this *Update* are two documents the Bureau is currently using to determine a district's compliance with IDEA 97, the IEP Review Checklist and the Individual Student Folder Checklist. Although the Bureau considers these checklists in draft form due to regulations not yet being available, they may serve as guides to use in determining your district's compliance with IDEA 97.

In the near future, we will be asking all districts to submit copies of their IEPs to verify that they are in compliance with IDEA 97.



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If you would like further information about Program Review, refer to the section of this *Update* entitled *Program Review for LEAs*, or contact Anne Louise Thompson, Education Consultant, at (860) 807-2030.

### **SCHOOL HEALTH SERVICES**

Nadine Schwab, Consultant for Health Services, has been transferred to the SDE in Hartford and is now a member of the Department's Comprehensive Health Education Unit in the Bureau of Curriculum and Teacher Standards, Division of Teaching and Learning. Her major responsibilities have not changed and she will continue to provide technical assistance regarding health and pupil services, students with special health care needs under Section 504 and IDEA, and other health-related issues. Nadine will work closely with the Bureau of Special Education and Pupil Services, Bureau of Early Childhood and the Special Education Resource Center, as appropriate, to ensure collaboration and continuity of programs. Her telephone number in Hartford is (860) 566-4124; the fax number is (860) 566-5623 and the address is 165 Capitol Avenue, Room 215, Hartford, CT 06106.

### **STATE IMPROVEMENT PLAN**

The Bureau of Special Education and Pupil Services and the Special Education Resource Center are working with the Comprehensive System of Personnel Development Council to prepare a State Improvement Plan for Connecticut. Please see the attached information and *Call For Proposal*.

### **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 State Department of Education (SDE) 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.

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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 will be offering copies of this videotape for use in districts. Please see attached order form.

cc: Theodore S. Sergi, Commissioner of Education  
George A. Coleman, Division of Educational Programs and Services  
Betty Sternberg, Division of Teaching and Learning  
John Mattas, CAPSEF  
Edward Preneta, Council on Developmental Disabilities  
Bonnie Moran, Special Education Advisory Council  
Nancy Prescott, Connecticut Advocacy Center  
Superintendents of Schools  
Bureau Staff