

## **Series 6000 – Instruction**

### **1. Elementary and Secondary**

#### **E. Instructional Arrangements**

##### **(10) Individualized Education /Special Education Program**

Any child, whether a student of the school district, of pre-school age, or between the ages of three and 21 years of age, inclusive, but not attending district schools, who is identified as being in need of a special program shall be referred to a “special education planning and placement team” (PPT) which shall make an evaluative study to determine whether the child is a child with a disability as defined in state and federal statutes and if special education is required and to establish the scope of the special education program.

A parent of a child, the State Department of Education, other state agencies available to the District may initiate a request for an initial evaluation to determine if the child is a child with a disability. Initial evaluations use a variety of assessment tools and measures to gather relevant functional, developmental and academic information Pursuant to Regulations of Connecticut State Agencies §10-76d-13, once a district receives a written referral for special education evaluation, it has 45 school days to complete an initial evaluation, exclusive of the time required to obtain parental consent. The State timeline encompasses the entire eligibility determination process including reviewing the referral, obtaining written parental consent for evaluation, conducting a comprehensive evaluation, determining eligibility, obtaining written parental consent for the provision of special education services and implementing an IEP if the student is found eligible. The 45 school day requirement begins the day the District receives a written request from a parent or staff member requesting a referral to the PPT process. If when speaking to a District staff member, a parent verbally expresses a concern that his or her child may have a disability and need special education services, the staff person will direct the parent to put their concern(s) in writing and then accept that document as a referral. The date on which the parent expressed the concern to the District will be considered the date of referral even if a standard referral form was not completed and submitted at that time. Exceptions to this timeframe include children moving between school districts and parental refusal to make a child available for evaluation, as provided by law. Assessments for disabled children who are transfer students shall be coordinated between the sending or receiving district in an expeditious manner.

The timeline for implementation of an IEP must occur within 60 school days of the PPT referral in those situations in which a student’s IEP requires an out-of-district or private placement (not including the time it takes to obtain written parental consent).

The District will provide parents/guardians with State Department of Education information and resources relating to IEPs as soon as a child is identified as requiring special education.

## **Planning and Placement Team or Individualized Education Program Team**

The term “individualized education program team” or “IEP Team” means a group of individuals composed of:

- (i) the parents of a child with a disability
- (ii) not less than one regular education teacher of such child (if the child is, or may be, participating in the regular education environment);
- (iii) not less than one special education teacher, or where appropriate, not less than one special education provider of such child;
- (iv) a representative of the local educational agency who -
  - (I) is qualified to provide, or supervise the provision of, specially designed instruction to meet the unique needs of children with disabilities;
  - (II) is knowledgeable about the general education curriculum; and
  - (III) is knowledgeable about the availability of resources of the local educational agency;
- (v) an individual who can interpret the instructional implications of evaluation results, who may be a member of the team described in clauses (ii) through (vi);
- (vi) at the discretion of the parent of the agency, other individuals who have knowledge or special expertise regarding the child, including related services personnel as appropriate;
- (vii) As applicable, the school paraprofessional, if any, assigned to such child, and
- (viii) whenever appropriate, the child with a disability.

**Note:** An IEP Team member is not required to attend all or part of an IEP meeting if the parents and District agree that the team member’s participation is not necessary because the member’s area of the curriculum or related services is not being modified or discussed at the meeting. If the meeting does involve a modification or discussion of the member’s area of the curriculum or related services, parents and the District can agree to excuse the member from attending all or part of the meeting if the member submits written input to the parent and the IEP Team prior to the meeting. Parental consent in writing is required in either case.

In addition to the above, the special education specialist, school psychologist, school nurse, school social worker, counselor, or other student service worker who has conducted an assessment of the student shall participate whenever the results or recommendations based on such assessment are significant to the development of the student’s individualized education program and placement. Where the student is limited or non-English speaking, a district representative who is fluent in the student’s primary language and who is knowledgeable about the process of second-language acquisition and competent in the assessment of limited English and non-English speaking individuals should be included.

Any member of the PPT employed by the Board of Education who discusses or makes recommendations concerning the provisions of special education and related services during a PPT meeting shall not be disciplined, suspended, or otherwise punished for such recommendations.

The parent/guardian or surrogate parent shall be given at least five (5) school days prior notice of any PPT meeting and shall have the right to be present and participate in all portions of such meetings at which an educational program for their child is developed, reviewed or revised. In addition, parents/guardians or surrogate parents have the right to be present at and participate in all portions of the PPT meeting at which an educational program for their child is developed, reviewed or revised. In addition, the parent/guardian/surrogate shall have the right to an advisor and/or request the child's assigned paraprofessional, if any, be present at and participate in all portions of the PPT meeting in which the child's educational program is developed, reviewed or revised.

The District shall offer to meet with the student's parents/guardians, upon the request of the parents/guardians, after the student has been assessed for possible placement in special education and before the Planning and Placement Team (PPT) meets. The sole purpose of such meeting is to discuss the PPT process and any concerns the parent/guardian has about the student. The meeting will involve a member of the PPT designated by the District before the referral PPT meeting at which the student's assessments and evaluations will be discussed for the first time. This applies to students under evaluation for possible placement in special education.

Upon request of a parent/guardian, the District will provide the results of the assessments and evaluations used in the determination of eligibility for special education of a student at least three (3) school days before the referral PPT meeting at which such results of the assessment and evaluations will be discussed for the first time.

Parents/Guardians and the District may agree to conduct IEP meetings, and other meetings, through alternative means, such as including but not limited to, videoconferences or conference calls.

- (a) **General.** The IEP for each child must include -
- (1) An accurate statement of the child's present levels of academic achievement and functional performance based upon parental provider information, current classroom-based, local, state assessments and classroom-based observations, including -
    - (i) How the child's disability affects the child's involvement and progress in the general education curriculum; or
    - (ii) For preschool children, as appropriate, how the disability affects the child's participation in appropriate activities;
  - (2) A statement of measurable annual academic and functional goals that aim to improve educational results and functional performance for each child with a disability, related to -
    - (i) Meeting the child's needs that result from the child's disability to enable the child to be involved in and progress in the general education curriculum;
    - (ii) Meeting each of the child's other educational needs that result from the child's disability; and

- (iii) Providing a meaningful opportunity for the child to meet challenging objectives.

### ***Alternate Assessments***

- (iv) A statement of “benchmarks or short-term objectives” is required only with respect to students with disabilities who take alternate assessments aligned with alternate achievement standards.

If a child will participate in alternate assessments based on either general or alternate achievement standards, the IEP must explain why the child cannot participate in the regular assessment and why the alternate assessment selected is appropriate for the child.

The IEP/PPT Team may only recommend appropriate accommodation or use of alternate assessment, but may not exempt students with disabilities from the state assessment.

- (3) A statement of the special education and related services and supplementary aids and services to be provided to the child, or on behalf of the child and a statement of the program modifications or supports for school personnel that will be provided for the child.
  - (i) To advance appropriately toward attaining the annual goals;
  - (ii) To be involved and progress in the general curriculum in accordance with paragraph (a)(1) of this section and to participate in extracurricular and other nonacademic activities; and
  - (iii) To be educated and participate with other children with disabilities and non-disabled children in the activities described in this paragraph.
- (4) A school must offer an IEP that is “reasonably calculated to enable a child to make progress appropriate in light of the child’s circumstances.” The child’s educational program must be appropriately ambitious in light of his/her circumstances and every child should have the chance to meet challenging objectives. The IEP Team, in determining whether an IEP is reasonably calculated to enable a child to make progress should consider the child’s:
  - Previous rate or academic growth,
  - Progress towards achieving or exceeding grade-level proficiency,
  - Behaviors, if any, interfering with the child’s progress, and
  - Parent’s input and any additional information provided by such parents.

The U.S. Supreme Court, in the *Endrew F* decision stated, “any review of an IEP must consider whether the IEP is reasonably calculated to ensure such progress, not whether it would be considered ideal. (137 S.Ct. 99)
- (5) An explanation of the extent, if any, to which the child will not participate with non-disabled children in the regular class and in the activities described in paragraph (a) (3) of this section;

- (6) A statement of any individual modifications in the administration of State or district-wide assessments of student achievement that are needed in order for the child to participate in the assessment; and
- (7) The projected date for the beginning of the services and modifications described in paragraph (a)(3) of this section, and the anticipated frequency, location, and duration of those services and modifications; and
- (8) A statement of
  - (i) How the child's progress toward the annual goals described in paragraph (a)(2) of this section will be measured; and
  - (ii) How the child's parents will be regularly informed (through such means as periodic report cards), at least as often as parents are informed of their non-disabled children's progress, of
    - (A) Their child's progress toward the annual goals; and
    - (B) The extent to which that progress is sufficient to enable the child to achieve the goals by the end of the year
- (9) Reevaluation of a student's progress may not occur more than once a year unless agreed to by the parents and the District. Reevaluation must occur at least once every three years unless the parent and District agree that it is unnecessary.

**Note:** In order to make FAPE available to each eligible child with a disability, the child's IEP must be designed to enable the child to be involved in, and make progress in, the general education curriculum ("the same curriculum as for nondisabled children which is based on a State's academic content standards. This alignment must guide, and not replace the individualized decision-making required in the IEP process.")

(b) ***Transition services.***

- (1) The IEP must include:
  - (i) For each student beginning not later than the first IEP to be in effect when the child is 16, and younger if appropriate, and updated annually, thereafter, appropriate measurable postsecondary goals based upon age appropriate transition assessments related to training, education, employment, and, where appropriate, independent living skills; and
  - (ii) For each student beginning not later than the first IEP to be in effect when the child is 16, (or younger, if determined appropriate by the IEP Team), a statement of needed transition services for the student, including courses of study, needed to assist the child in reaching these goals.
  - (iii) For each student, who is at least 14 years of age, and diagnosed with autism spectrum disorder, beginning not later than the date on which the first IEP takes effect, a statement of transition service needs shall include appropriate measurable postsecondary goals based upon age-appropriate transition assessments related to training, education, employment and where appropriate, independent living skills. In addition, the statement of transition needs shall include the transition services, including courses of

study needed to assist a child in reaching those goals. Such IEP shall be updated annually.

- (iv) For a student no longer eligible for services due to graduation from high school with a regular diploma or for a student who exceeds the age of eligibility under State law, a summary of the student's academic achievement and functional performance including recommendations on how to assist the student in meeting his/her postsecondary goals.
- (2) If the IEP team determines that services are not needed in one or more of the areas specified in §300.27(c)(1) through (c)(4), the IEP must include a statement to that effect and the basis upon which the determination was made.
- (c) **Transfer of rights.** Beginning not later than one year before a student reaches the age of majority under State law, the student's IEP must include a statement that the student has been informed of his or her rights under this title if any, that will transfer to the student on reaching the age of majority, consistent with §615(m)
  - (d) **Students with disabilities convicted as adults and incarcerated in adult prisons.** Special rules concerning the content of IEP's for students with disabilities convicted as adults and incarcerated in adult prisons are contained §612(a)(5)A.
  - (e) **Students with disabilities identified as deaf or hearing impaired.** For a child identified as deaf or hearing impaired, the PPT shall develop an IEP which includes a language and communication plan which shall address:
    - (i) the child's primary language or mode of communication;
    - (ii) opportunities for direct communication between the child and his/her peers and professional personnel in the primary child's language or mode of communication;
    - (iii) educational options available to the child;
    - (iv) the qualifications of teachers and other professional personnel administering the plan for the child, including their proficiency in the child's primary language or mode of communication;
    - (v) the accessibility of academic instruction, school services and extracurricular activities to the child;
    - (vi) Assistive devices and services for the child;
    - (vii) Communication and physical environment accommodations for the child; and
    - (viii) An emergency communications plan that includes procedures for alerting the child of an emergency situation and ensuring that the specific needs of the child are met during the emergency situation. Such plan is to be developed for a student identified as deaf, hard of hearing, or both blind or visually impaired and deaf.

## Transfers

When an individual has been on an IEP in another school district, the PPT shall make an evaluative study of the student and develop an IEP for the student as though the student were

newly referred, but the PPT may use the previous IEP (if available) in developing the new one. If the transfer involves districts within Connecticut, the District will provide services “comparable to those described in the previously held IEP,” until the District adopts the previously held IEP or develops, adopts, and implements a new IEP. If the student has transferred from another state, the District will provide services “comparable to those described in the previously held IEP,” until the District conducts an evaluation, if deemed necessary, and if appropriate, develops a new IEP. If a student who is on an IEP transfers from this district to another, or to a private school, the written IEP and any additional records relating to the student’s program and achievement shall be forwarded to the receiving school on the request of the receiving school and the individual’s parent or guardian.

### **Independent Educational Assessment**

If an independent educational assessment is necessary, it shall be conducted by a Connecticut credentialed or licensed professional examiner who is not employed by and does not routinely provide assessment for the State Department of Education or this District.

Legal Reference: Connecticut General Statutes  
10-76a Definitions (as amended by PA 06-18)  
10-76b State supervision of special education programs and services. Regulations. (as amended by PA 12-173)  
10-76d Duties and powers of Boards of Education to provide special education programs and services. (as amended by June Special Session PA 15-5, Sec. 277 and PA 19-49)  
10-76ff Procedures for determining if a child requires special education (as amended by PA 06-18)  
10-76g State aid for special education.  
10-76h Special education hearing and review procedure.  
10-76jj Language and communication plan as part of individualized education program for child identified as deaf or hard of hearing (as amended by PA 19-184)  
PA 06-18 An Act Concerning Special Education  
PA 12-173 An Act Concerning Individualized Education Programs and Other Issues Relating to Special Education  
State Board of Education Regulations  
34 C.F.R. 300 et seq. Assistance to States for Education of Handicapped Children.  
300.14 Special education definitions.  
300.340-349 Individualized education programs.  
300.503 Independent educational assessment.  
300.533 Placement procedures.  
300.550-556 Least restrictive environment.  
P.L. 108-446 The Individuals with Disabilities Education Improvement Act of 2004  
*Rowley v. Board of Education*, 485 U.S.-176 (1982)  
*Endrew F. v. Douglas County School District RE-1*, 15-827 U.S. (2017)

*A.M. v. N.Y. City Department of Education*, 845F.3d 523, 541 (2d Cir.1997)

*Mrs. B., v. Milford Board of Education* 103 F. 3d 1114, 1121 (2d Cir. 1997)

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SUFFIELD PUBLIC SCHOOLS  
Suffield, Connecticut