Annual Back to School Meeting
APSEP Directors

September 18, 2019

Review of Legislation
Effective July 1, 2019

P.A. 19-184 An Act Concerning the Provision of Special Education

- Prohibits BOEs from disciplining, suspending, terminating, or punishing employees for making special education recommendations at PPTs.
- Expands the requirement for the implementation of the Language and Communication Plan (LCP) for students who are deaf or hard of hearing to apply to 504 students who have an identified hearing loss or deafness.
- Requires that an “emergency communication plan” be developed, discussed, and documented in the LCP to address provisions relating to emergency procedures for students who are deaf or hard of hearing and includes a requirement for districts to revise their security and safety plans for each school. (The LCP has been revised to reflect this requirement) School Security Plans need to revised to provide for emergency communication for Deaf or hard of hearing students.
- Requires that any private special education provider that has entered into a contract with a local or regional board of education inform the board about complaints related to:
  - the mistreatment of student receiving special education services the outcome of the complaint;
  - any corrective action taken; and
  - any program changes initiated for the student
Public Act 18-183

An Act Implementing The recommendations Of The Auditors of Public Accounts Concerning Private Providers of Special Education

Effective July 1, 2018
• Any contract or agreement entered into with a private provider of special education shall include an explanation of how tuition or costs are to be calculated and may include additional detail such as progress reporting timelines and periodic site visits.

Effective July 1, 2019
• Each LEA must have a contract in place with the private provider of services in order to meet eligibility for reimbursement under 10-76 g (excess cost grant).

• Contracts in the form of an IEP are no longer permitted for the purpose of determining eligibility for excess cost.

• CSDE will affirm via a district attestation that districts have contracts in place with all private providers of special education services. An additional field will be added to the SEDAC-G file to indicate that an LEA has a “contract” in place.

Review of Legislation
Effective July 1, 2019

P.A. 18-183 requires that CSDE develop standards and a process for the documentation of the provision of special education services by a private provider and include a form that can be used to document
• the name of the student;
• name of service;
• the scope of and type of services the number of sessions or frequency of services provided on a weekly basis;
• date service was provided and
• the name and signature of the service providers.

This information should align with the service delivery outlined in the IEP.

The Department of Education has developed a form which may be used to document and verify the delivery of specialized instruction, support and services. This form contains all required fields per legislation. Forms currently in use to verify related services/supports to the LEA for Medicaid reimbursement submissions may be used by a Private Provider in addition to or in lieu of the SPECIALIZED SERVICE VERIFICATION form document.
Review of Legislation Governing the Use of Restraint and Seclusion in Schools

Public Act 18-51

Reminder:

Effective July 1, 2018, PA 18-51,
• revised definitions of restraint and seclusion;
• clarified the definition of an escort and identifies a forcible escort as a restraint;
• introduced a definition for exclusionary time out;
• prohibits the use of seclusion as a behavior intervention in the individualized education program (IEP); and
• requires that no later than January 1, 2019, districts/programs develop policy related to the use of exclusionary time out.

Physical Restraint

Any mechanical or personal restriction that immobilizes or reduces the free movement of a person’s arms, legs or head, including, but not limited to, carrying or forcibly moving a person from one location to another.

The term does not include:
• briefly holding a person in order to calm or comfort the person;
• restraint involving the minimum contact necessary to safely escort a person from one area to another; (i.e. temporarily touching or holding for the purpose of guiding or inducing a student to walk to another location; (clarification of an escort)
• medical devices, including, but not limited to, supports prescribed by a health care provider to achieve proper body position or balance;
• helmets or other protective gear used to protect a person from injuries due to a fall; or
• helmets, mitts and similar devices used to prevent self-injury when the device is part of a documented treatment plan and is the least restrictive means available to prevent such self-injury.
Seclusion
The confinement of a person in a room, from which the student is physically prevented from leaving. “Seclusion” does not include an exclusionary time out.

The term does not include:
• any confinement of a person at risk in which the person is physically able to leave the area of confinement including, but not limited to, in-school suspension and time-out.

Exclusionary Time Out: A temporary, continuously monitored separation of a student from an ongoing activity in a non-locked setting, for the purpose of calming such student or deescalating such student’s behavior.

Not later than January 1, 2019, each local or regional board of education shall establish a policy regarding the use of an “exclusionary time out”.

Such policy shall include, but need not be limited to, a requirement that:

(1) exclusionary time outs are not to be used as a form of discipline,

(2) at least one school employee remain with the student, or be immediately available to the student such that the student and school employee are able to communicate verbally, throughout the exclusionary time out,

(3) the space used for an exclusionary time out is clean, safe, sanitary and appropriate for the purpose of calming such student or deescalating such student’s behavior,

(4) the exclusionary time out period terminates as soon as possible, and

(5) if such student is a child requiring special education, as defined in section 10-76a, or a child being evaluated for special education, pursuant to section 10-76d, and awaiting a determination, and the interventions or strategies are unsuccessful in addressing such student’s problematic behavior, such student’s planning and placement team shall convene as soon as is practicable to determine alternative interventions or strategies.
Time Out

Time out is broadly defined as a set of procedures that can be used to reduce inappropriate student behavior as a result of the student being denied access to the opportunity to receive reinforcement for a fixed period of time.

Exclusionary Time Out

The most restrictive type of “time out”, defined in statute as exclusionary time out, is characterized by the removal of the student from all probable reinforcers by being placed in a different room where the student is under the constant supervision of a qualified staff or may be engaged in de-escalation exercises or restitution procedures with a staff member.

In implementing this “exclusionary time out” strategy, the student cannot be prevented from the leaving the space, room or area.

If the student is NOT PERMITTED to leave the space by the adult, the procedure no longer meets the criteria of an “exclusionary time out”, rather the incident becomes a “Seclusion” based on the legislated definition of seclusion and staff must follow the required documentation, notification and protocol procedures.

Restrain and Seclusion

- If a restraint or seclusion exceeds 15 minutes, an administrator or administrative designee, school health or mental health personnel, or BCBA trained in the use of restraint and seclusion shall determine if continued restraint of seclusion is necessary to prevent immediate or imminent injury to the student or others, with a redetermination every 30 minutes thereafter.

- Information regarding the emergency use of restraint and seclusion are more appropriately documented in a district’s/school’s Policies and Procedures Handbook, where protocols for a response to a situation which poses risk of immediate or imminent injury to self or others can be articulated.

- The most recent revisions to the CT Special Education Regulations were adopted in July 2013, provide additional requirements related to the implementation of P.A.15-141 and remain in effect where they do not conflict with the intent of P.A. 15-141.
Reminders: Restraint and Seclusion

What is an EMERGENCY?

An “emergency” is a situation which poses risk of immediate or imminent injury to self or others which typically warrants an “unplanned response.”

Emergency Situations:
• physical aggression towards others (students or staff); and
• self injurious behavior.

Non-Emergency Situations:
• throwing objects (not directed)
• roaming/running around classroom
• leaving an area
• inappropriate verbalization/swearing
• tipping chairs
• refusals
• destruction of property (if it does not impose an immediate/imminent danger to others)

• Rooms used for seclusion must have an unbreakable observation window in the wall or door to allow frequent visual monitoring of the student. The window must allow the student to have a clear line of sight from inside the room beyond the area of seclusion. All other state regulations regarding the physical requirements for rooms used for seclusion remain in effect.

• When physical restraint or seclusion is used 4 or more times within 20 school days with a student eligible to receive special education or who is being evaluated, a PPT meeting must be convened to conduct or revise a behavior assessment, create or revise the BIP and the IEP.
Restraint and Seclusion Data Collection

- Maintain written reports of R/S
- 2 day timeline for data submission
- Written notification to parents and districts
- For incidents of restraint or seclusion, occurring July 1, 2019, or after, the Nature of Incident **options on the data base** will include:
  - **Restraint**: (a restriction that immobilizes or reduces the free movement of a child’s arms/legs);
  - **Restraint: Forcible Escort** (a restraint occurring while carrying or forcibly moving a student from one location to another); or
  - **Seclusion**: prohibiting a student from leaving a space or area.
- Submission of a paper, hard copy Report of Injury to the CSDE is no longer required. However, a copy of the Report of Injury should be maintained in the student file and may be requested by CSDE.
- When an incident results in an injury to the student, the district will be asked to verify that the injury did not require any medical attention beyond basic first aid.

In the event that a student sustains a “serious injury” (an injury requiring medical attention beyond basic first aid), responses to five new questions will be required:

- What is the specific site/location in the school where the injury occurred?
- Has the cause of injury been determined?
- What are the details that caused the injury?
- Is the injury being investigated?
- What is the status of the investigation?

With the addition of these new fields, the **submission of a paper, hard copy Report of Injury to the CSDE is no longer necessary**. All of the information that is part of the Report of Injury must still be provided within two days of the incident in order to comply with state reporting mandates.
If INJURY (to the student) = **Serious Injury** 5 additional questions are displayed

- Report only injuries occurring “during” the act of restraint or seclusion vs. injuries sustained as a result of the behavior which triggered the restraint or seclusion.
- When providing “injury details” online identify **injury vs. behavior**
- Do not submit staff injuries
Required Notifications to CSDE/BSE

- Changes in Administration
- Change in ownership/name of program
- Significant events (major legal proceedings/reports of abuse and neglect, etc.)
- 10% increase in enrollment (only allowed annually)
- Proposed location changes (follow up with a program change request)
- Certified staff data (EDS) (replaced the ED 163)
- Fire and Health (annual by October 15th)
- Annual Statement of Assurances (October 15th)

Program Change Requests

Program Change Requests are REQUIRED in the following situations:

- Change in location
- Change in age of students served
- Change in type of students served
- Change in type of program (day vs residential; 180 days vs year round; etc.)
- Increase in number of students served (above allowable 10% annually)

Program change requests typically require consultation to determine next steps or provide additional documentation.
IEP/PPT Reminders

• A representative of the program MUST participate in a Placement PPT, initiated by the LEA, prior to a student’s admission to the program. If participating by phone, ensure that attendance is documented on page 1 of the IEP.

• **Teachers must participate** in all subsequent PPT’s, unless the parent and the district consent to excusing the teacher, written input is submitted within a reasonable time prior to meeting to allow for discussion at the meeting.

• Technical Edits memo (when a PPT is/ isn’t required should correction be needed) [http://www.sde.ct.gov/sde/lib/sde/pdf/deps/special/technical_edits_and_the_iep_document_memo_0909014.pdf](http://www.sde.ct.gov/sde/lib/sde/pdf/deps/special/technical_edits_and_the_iep_document_memo_0909014.pdf)

• Parents and guardians have the additional right to have the school paraprofessional assigned to their child, if any, to be present at and participate in all portions of any planning and placement team meeting at which their child’s educational program is being developed, reviewed or revised.

• Review IEPs carefully (ensure ability to implement IEP)

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IEP/PPT Reminders

• When developing “draft IEPs, clearly articulate and document the type/setting in which specialized instruction and related services are being delivered and the title of the provider.

• If “as needed” supports are available through your program model, identify that in accommodations and/or in Special Considerations section of the IEP.

• If a BIP is indicated on page 10 of IEP, ensure it is driven by a FBA and filed as part of current IEP.

• Diagnostic Placements require an IEP. The IEP must
  • include diagnostic goals/objectives;
  • be no more than 40 days in duration;
  • requires meeting at 2 week intervals and a PPT 5 days prior to conclusion.

• Course names, corresponding TCS Course Codes and grading should be discussed/determined during the initial Placement PPT and as needed in subsequent PPTs.
IEP/PPT Reminders

House Bill No.7168 (passed January 2019)

• Commencing with the first IEP developed for students diagnosed with Autism Spectrum Disorder who are at least 14 years old, the IEP shall include:
  Measureable post secondary goals based upon appropriate assessment; and
  Transition services (including courses of study) necessary to assist student in reaching those goals.

The post secondary/transition goals must be reviewed at least annually as part of the Annual Review Process. DORS is not required to address transitional services for students until the age 16 yrs.

Review of Revisions to the
Principles, Procedures, and Standards for the Approval of Private
Special Education Program

The revision of the Principles, Procedures, and Standards for the Approval of Private Special Education Program will include:

• A focus on Positive Behavior Supports/Prevention and Intervention vs “behavior management”.
• A requirement to submit a policy related to prohibition of Restraint and Seclusion unless it is in response to an emergency.
• A requirement to submit a policy related to the use of exclusionary timeout.
• Clarification of reporting requirement for incidents of restraint and seclusion
• a standard that requires that a private facility maintain a written contract issued by the LEA for each student enrolled, for the purpose of implementing an IEP developed by a district, and
• a standard which will require that if outlined in the contract, the private facility will provide reports to the LEA*, verifying the delivery of specialized instruction, supports and services as outlined in the IEP.
• Professional Development vs CEUs
• Employment verification form

*The submission timeline of the service verification reports (weekly, monthly, etc.) shall be clarified in the contract developed by the LEA in cooperation with the APSEP and where appropriate identified in the IEP
Reminder from The Talent Office:

Complete the Educator Evaluation and Support Plan (EESP) Checklist by October 1, 2019.

- This is an annual submission.
- you will update contact information and either confirm that your Approved Private Special Education Program (APSEP) will continue to use your most recent CSDE-approved EESP during the 2019-20 school year, or
- submit an amendment request that has been mutually agreed upon by your Professional Development and Evaluation Committee (PDEC) (process is outlined within the EESP Checklist).

Additional information can be found in the memo forwarded from the Talent Office to all APSEP Chief Administrators and Ed Directors on September 10, 2019.


Please contact Sharon Fuller if you have questions about completing the EESP Checklist, or updating your current Educator Evaluation and Support Plan.

Phone: 860-713-6814
Email: Sharon.fuller@ct.gov

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New Alternate Assessment Eligibility Form

The CSDE is incorporating new tools to assist in the appropriate identification of students who are eligible to participate in alternate assessments.

Effective beginning with the 2019-20 school year, the CSDE replaced the Learner Characteristics Inventory (LCI) with a new eligibility form.

[Image: 2019-20 Connecticut Alternate Assessment Eligibility Form]

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Each year, the Teacher Administering the Alternate Assessment (TEAs) must:

- Review All TEA Training Course Sessions
- Review all Relevant Alternate Assessment System Materials
- Take and Pass TEA Training Course Quiz with 80% or Greater Accuracy
- Save Trained TEA Certificate
- Confirm TEA Trained Status in TIDE
### Reminders: General

- **Statement of Assurances** signed by executive director/chief administrator due October 15th.
- Review and ensure that the program’s website is current and accurate, as the information contained on your website takes the place of the previously published Directory program descriptions.
- Background and Employment Checks for School Employees extends to nonpublic schools:
  - the criminal history;
  - DCF registry background check requirements;
  - the requirements that applicants identify previous criminal convictions and any pending charges; and
  - completion of the Employment Verification Form/process.
- Maintain current administrator contact information with the Bureau. Contact Regina Gaunichaux at regina.gaunichaux@ct.gov; 860-713-6937.
- Implementation of approved Educator/Administrator Evaluation and Support Plans. Please contact Sharon Fuller in the Talent Office with questions related to the status of plans. Sharon.fuller@ct.gov; Phone: (860) 713-6814
- Questions regarding TCS submission should be addressed to Keryn G. Felder, Education Consultant; keryn.felder@ct.gov; Phone: (860) 713-6833
- Assessment questions: Janet Stuck, Janet.Stuck@ct.gov; Phone: (860) 713-6837
- Restraint and seclusion Data Submission; Data Manager: Laura Guerrera; laura.Guerrera@ct.gov; Phone: 860-713-6922
Have a safe and successful year!

Colleen Hayles  
Coordinator of APSEPs  
Bureau of Special Education  
860-713-6922

Bureau Contacts:

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