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Authors



Julie C. Fay
(860) 251-5009
jfay@goodwin.com



Gwen J. Zittoun
(860) 251-5523
gzittoun@goodwin.com

State Department of Education Issues IEP Guidance:

Direction Given to School Districts Regarding Implementation of Public Act 12-173, An Act Concerning the Individualized Education Program and Other Issues Related to Special Education

On December 24, 2012, the Connecticut State Department of Education's Bureau of Special Education (the "Bureau") issued an Interactive Bureau Bulletin providing specific guidance for school districts on the implementation of various provisions of Public Act 12-173, An Act Concerning the Individualized Education Program and Other Issues Related to Special Education. The Bureau Bulletin specifically addresses three aspects of the Public Act: 1) the opportunity for parents to meet prior to an initial referral PPT; 2) the provision of information to parents regarding the development of the IEP; and 3) the provision of initial evaluations to parents.

The first provision of Public Act 12-173 addressed by the Bureau reads as follows:

(B) Upon request by a parent, guardian, pupil or surrogate parent, the responsible local or regional board of education shall provide such parent, guardian, pupil or surrogate parent an opportunity to meet with a member of the planning and placement team designated by such board prior to the referral planning and placement team meeting at which the assessments and evaluations of the child or pupil who requires or may require special education is presented to such parent, guardian, pupil or surrogate parent for the first time. Such meeting shall be for the sole purpose of discussing the planning and placement team process and any concerns such parent, guardian, pupil or surrogate parent has regarding the child or pupil who requires or may require special education.

In its guidance, the Bureau explains that, pursuant to this provision, school districts should provide parents, guardians, surrogate parents or eligible students (collectively, "parents") with **written notice** of their right to attend a meeting prior to the referral PPT at which initial evaluations are reviewed, which written notice can be sent with the PPT invitation. The Bureau further advises that the PPT should document in the PPT meeting summary that

(1) the parent was sent written notice of the right to request a meeting; (2) whether the parent requested the meeting; (3) whether the meeting was held and who attended; and (4) the issues discussed at the meeting. The Bureau also explains that, for students transitioning from Birth to Three, the transition conference can be used as this pre-PPT meeting only under very limited circumstances, as described more fully in the Bureau Bulletin.

The next provision of the Act addressed in the Bureau Bulletin concerns informing parents about the development of IEPs. As Public Act 12-173 provides:

(D) Immediately upon the formal identification of any child as a child requiring special education and at each planning and placement team meeting for such child, the responsible local or regional board of education shall inform the parent or guardian of such child or surrogate parent or, in the case of a pupil who is an emancipated minor or eighteen years of age or older, the pupil of . . . (iii) any relevant information and resources relating to individualized education programs created by the Department of Education.

To fulfill this provision, the Bureau recommends providing parents with three identified documents: The Parents' Guide to Special Education in Connecticut, The IEP Manual and Building a Bridge (a reference for students of transition age). The Bureau's guidance suggests that districts make available hardcopies of these documents for parents at the eligibility PPT meeting, but notes that parents may otherwise agree to receive electronic links or electronic copies of the documents. In any event, the Bureau recommends documenting the parents' receipt of these documents, and the manner in which they were received, in the PPT meeting summary.

Finally, the last provision addressed in the Bureau Bulletin concerns the provision of initial evaluations and/or assessments prior to the eligibility PPT. The relevant statutory provision provides as follows:

(G) Upon request by a parent, guardian, pupil or surrogate parent, the responsible local or regional board of education shall provide the results of the assessments and evaluations used in the determination of eligibility for special education for a child or pupil to such parent, guardian, surrogate parent or pupil at least three school days before the referral planning and placement team meeting at which such results of the assessments and evaluations will be discussed for the first time.



According to the Bureau's guidance regarding this provision, school districts must notify parents about their right to request their child's evaluations prior to the initial eligibility PPT. While school districts have discretion in how this information is communicated to parents, the Bureau guidance suggests that districts may choose to include information about the right to receive evaluations in the same notice or letter used to explain a parent's right to request a meeting prior to the initial referral PPT. As with its recommendations for compliance with other provisions, the Bureau stresses that documentation is important and suggests that the PPT record information to demonstrate compliance in the IEP meeting summary.

We encourage all special education personnel to review this most recent Bureau Bulletin, which includes this specific guidance on the implementation of Public Act 12-173. The Bureau Bulletin can be accessed at <http://ctspecialednews.org/>. A full copy of Public Act 12-173 can be accessed at <http://www.cga.ct.gov/2012/ACT/Pa/pdf/2012PA-00173-R00HB-05353-PA.pdf>.

Questions or Assistance:

If you have questions regarding the Bureau's guidance or any aspect of Public Act 12-173, or would like to request a sample letter to address these new statutory obligations, please contact Julie Fay at jfay@goodwin.com or 860-251-5009, or Gwen Zittoun at gzittoun@goodwin.com.

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One Constitution Plaza
Hartford, CT 06103-1919
860-251-5000

300 Atlantic Street
Stamford, CT 06901-3522
203-324-8100

1133 Connecticut Avenue NW
Washington, DC 20036-4305
202-469-7750

289 Greenwich Avenue
Greenwich, CT 06830-6595
203-869-5600

12 Porter Street
Lakeville, CT 06039-1809
860-435-2539

www.shipmangoodwin.com



SHIPMAN & GOODWIN^{LLP}
COUNSELORS AT LAW