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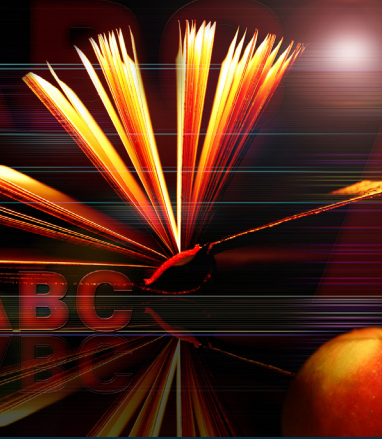


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New Notice to Parents Regarding Special Education Rights

In 2012, the legislature passed Public Act 12-173 which revised Conn. Gen. Stat. § 10-76d to provide that, upon request by a parent/guardian, school districts must provide an opportunity for a parent to meet with a member of the PPT prior to the initial referral PPT to discuss the PPT process. This law also gave parents the right to request copies of initial evaluations three (3) days prior to the initial eligibility PPT meeting. In addition, upon finding a student eligible for special education, and at each PPT for the student, school districts were also required to provide parents with information and resources created by the State Department of Education relating to IEPs. To comply with these requirements, we had developed a model notice entitled “Model State Notification -- Meeting Regarding PPT Process/Evaluations,” to be sent to parents along with the initial referral to a PPT.

In 2015, the legislature once again revised Conn. Gen. Stat. § 10-76d (through Public Act 15- 209 and Section 277 of Special Session Public Act 15-5) to expand further the scope of a school district’s obligation to provide notice to parents of children found eligible for special education of certain rights and other information related to special education. This notice must be provided immediately upon determining that a child is eligible for special education and at each PPT meeting for the child. Therefore, in addition to providing the notification accompanying the initial referral required under the 2012 legislation, we now recommend that a second notice be given to parents to comply with these new requirements. This second notification should be provided: 1) at the initial eligibility PPT if the student is found eligible for special education; and 2) at each subsequent PPT. While the law provides that this second notice of rights be provided “at each PPT,” we believe that providing the notice with an invitation to subsequent PPTs will comply with the law as the law is designed to give parents ample notice of their rights, which now includes the right to have their child’s paraprofessional in attendance at the PPT by parent invitation. If the district chooses to provide this notice prior to the PPT by using this notice that we are recommending, the team should document that it was sent to the parent in advance of the meeting. Likewise, if the notice is provided at the PPT, the IEP should document that notice was provided at the meeting. If the parent/guardian/ surrogate does not attend the PPT, and the notice was not sent in advance with the invitation, the notice should be mailed with the IEP.



To comprehensively address the changes resulting from the 2015 legislation, we have therefore developed two model notices, to be used in tandem, to comply with the provisions of Connecticut General Statute 10-76d with respect to notices to parents. The first is an updated version of our “[Model State Notification -- Meeting Regarding PPT Process/Evaluations](http://shipmangoodwin.com/files/34976_Meeting_Regarding_PPT_Process_Evaluations.rtf)” [http://shipmangoodwin.com/files/34976_Meeting_Regarding_PPT_Process_Evaluations.rtf] to be provided upon initial referral. The second is our “[Model State Notification -- Parent Rights/Information Related to Special Education](http://shipmangoodwin.com/files/34977_Parent_Rights_Information_Related_to_Special_Education.rtf),” [http://shipmangoodwin.com/files/34977_Parent_Rights_Information_Related_to_Special_Education.rtf] to be provided immediately upon eligibility and at each subsequent PPT. For those districts who may have been using a separate notice to inform parents of their right not to enroll their child in kindergarten, such separate notice will no longer be needed as this right is included among the list of notifications contained in the new “Model State Notification -- Parent Rights/Information Related to Special Education.” Please also note that the State Department of Education may develop model notices to be used related to these legislative requirements. In such event, you should replace the model form with the state issued form, as these notices are designed to assist our clients in complying with the legislation while the State is developing its forms.

Questions or Assistance:

If you have any questions about the new requirements regarding notice to parents or about the notices themselves, please contact Julie C. Fay at jfay@goodwin.com or 860-251-5009, Peter J. Maher at pmaher@goodwin.com or 860-251-5507, or Gwen J. Zittoun at gzittoun@goodwin.com or 860-251-5523.

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