



General Assembly

January Session, 2023

Raised Bill No. 1200

LCO No. 5576



Referred to Committee on EDUCATION

Introduced by:
(ED)

AN ACT CONCERNING SPECIAL EDUCATION.

Be it enacted by the Senate and House of Representatives in General Assembly convened:

1 Section 1. (*Effective from passage*) On and after the effective date of this
2 section, the Department of Education shall not include any federal funds
3 received by a local or regional board of education pursuant to the
4 Coronavirus Aid, Relief, and Economic Security Act, P.L. 116-136, as
5 amended from time to time, the Coronavirus Response and Relief
6 Supplemental Appropriations Act, P.L. 116-260, as amended from time
7 to time, and the American Rescue Plan Act of 2021, P.L. 117-2, as
8 amended from time to time, in the calculation of such board's net current
9 expenditures per pupil for purposes of determining the amount of the
10 grant paid by the State Board of Education to such board under section
11 10-76g of the general statutes.

12 Sec. 2. Section 10-4w of the general statutes is repealed and the
13 following is substituted in lieu thereof (*Effective July 1, 2023*):

14 (a) As used in this section:

15 (1) "Remote learning" means instruction by means of one or more

16 Internet-based software platforms as part of a remote learning model;
17 and

18 (2) "Dual instruction" means the simultaneous instruction by a
19 teacher to students in-person in the classroom and students engaged in
20 remote learning.

21 (b) Not later than January 1, 2022, the Commissioner of Education
22 shall develop, and update as necessary, standards for remote learning.

23 (c) For the school years commencing July 1, 2022, and July 1, 2023, a
24 local or regional board of education may authorize remote learning to
25 students in grades nine to twelve, inclusive, provided such board (1)
26 provides such instruction in compliance with the standards developed
27 pursuant to subsection (b) of this section, (2) adopts a policy regarding
28 the requirements for student attendance during remote learning, which
29 shall (A) be in compliance with the Department of Education's guidance
30 on student attendance during remote learning, and (B) count the
31 attendance of any student who spends not less than one-half of the
32 school day during such instruction engaged in (i) virtual classes, (ii)
33 virtual meetings, (iii) activities on time-logged electronic systems, and
34 (iv) the completion and submission of assignments, and (3) prohibits the
35 provision of dual instruction as part of remote learning, unless dual
36 instruction is required in, or necessary to implement, the individualized
37 education program of a student who requires special education and
38 related services.

39 (d) For the school year commencing July 1, 2024, and each school year
40 thereafter, a local or regional board of education may authorize remote
41 learning to students in grades kindergarten to twelve, inclusive,
42 provided such board (1) provides such instruction in compliance with
43 the standards developed pursuant to subsection (b) of this section, (2)
44 adopts a policy regarding the requirements for student attendance
45 during remote learning, which shall (A) be in compliance with the
46 Department of Education's guidance on student attendance during
47 remote learning, and (B) count the attendance of any student who

48 spends not less than one-half of the school day during such instruction
49 engaged in (i) virtual classes, (ii) virtual meetings, (iii) activities on time-
50 logged electronic systems, and (iv) the completion and submission of
51 assignments, and (3) prohibits the provision of dual instruction as part
52 of remote learning, unless dual instruction is required in, or necessary
53 to implement, the individualized education program of a student who
54 requires special education and related services.

55 Sec. 3. Section 3 of public act 21-95, as amended by section 3 of public
56 act 22-116, is repealed and the following is substituted in lieu thereof
57 (*Effective from passage*):

58 (a) There is established a task force to study issues relating to the
59 provision and funding of special education in the state during the school
60 years commencing July 1, 2016, to July 1, 2020, inclusive. Such study
61 shall include, but need not be limited to, an examination of (1) the
62 provision of special education and related services, including whether
63 local and regional boards of education are providing such services
64 directly or partnering with regional educational service centers,
65 contracting with a private provider of special education services, as
66 defined in section 10-91g of the general statutes, or as part of a
67 cooperative arrangement pursuant to section 10-158a of the general
68 statutes, (2) the cost of providing special education and related services,
69 the total aggregate amount per school district per year and the annual
70 percentage increase or decrease per school district of such cost, (3) the
71 effect that the cost of special education has on a board of education's
72 minimum budget requirement, (4) the level of state reimbursement to
73 boards of education for special education, including the total amount
74 for reimbursement submitted by each school district per year and the
75 total amount received by such school district per year, and the
76 percentage increase or decrease per year of the difference of the total
77 amount submitted and the total amount received for each school
78 district, [and] (5) the criteria and manner by which school districts are
79 identifying students who require special education and related services,
80 including whether school districts are overidentifying or
81 underidentifying such students and the causes and reasons for such

82 overidentification and underidentification, (6) the feasibility of
83 authorizing independent evaluators from the Department of Education
84 or hired by the parents and guardians of students receiving special
85 education and related services to observe the provision of such services
86 in the classroom, (7) delaying the age in which a classification category
87 of special education services shall be made for a child requiring special
88 education and related services, (8) special education student-to-teacher
89 ratios prescribed by case load policies, regulations and formulas in effect
90 in other states, with a focus on provisions regarding the numbers of
91 special education students and intensity of services required for such
92 students, and (9) any other issues or topics relating to special education
93 that the task force deems necessary.

94 (b) The task force shall consist of the following members:

95 (1) Three appointed by the speaker of the House of Representatives,
96 one of whom is a representative of the Special Education Equity for Kids
97 of Connecticut, one of whom is a representative of the Connecticut
98 Association of Boards of Education and one of whom is the parent or
99 guardian of a student who is enrolled in a public school and receiving
100 special education services;

101 (2) Three appointed by the president pro tempore of the Senate, one
102 of whom is a representative of the Connecticut Association of Public
103 School Superintendents, one of whom is a representative of the
104 Connecticut Education Association and one of whom is the parent or
105 guardian of a student who is enrolled in a public school and receiving
106 special education services;

107 (3) Two appointed by the majority leader of the House of
108 Representatives, one of whom is a representative of the American
109 Federation of Teachers-Connecticut and one of whom is a representative
110 of the Connecticut Parent Advocacy Center;

111 (4) Two appointed by the majority leader of the Senate, one of whom
112 is a representative of the Connecticut Council of Administrators of
113 Special Education and one of whom is a representative of the RESC

114 Alliance;

115 (5) Two appointed by the minority leader of the House of
116 Representatives, one of whom is a representative of the Connecticut
117 Association of School Administrators and one of whom is a
118 representative of the School and State Finance Project;

119 (6) Two appointed by the minority leader of the Senate, one of whom
120 is a representative of the Connecticut Association of Schools and one of
121 whom is a representative of the Connecticut Association of School
122 Business Officials; and

123 (7) The Commissioner of Education, or the commissioner's designee.

124 (c) All appointments to the task force shall be made not later than
125 thirty days after the effective date of this section. Any vacancy shall be
126 filled by the appointing authority.

127 (d) The speaker of the House of Representatives and the president
128 pro tempore of the Senate shall select the cochairpersons of the task force
129 from among the members of the task force. Such cochairpersons shall
130 schedule the first meeting of the task force, which shall be held not later
131 than sixty days after the effective date of this section.

132 (e) The administrative staff of the joint standing committee of the
133 General Assembly having cognizance of matters relating to education
134 shall serve as administrative staff of the task force.

135 (f) Not later than [January] February 1, 2024, the task force shall
136 submit a report on its findings and recommendations to the joint
137 standing committee of the General Assembly having cognizance of
138 matters relating to education, in accordance with the provisions of
139 section 11-4a of the general statutes. The task force shall terminate on
140 the date that it submits such report or [January] July 1, 2024, whichever
141 is later.

142 Sec. 4. Subparagraph (C) of subdivision (10) of subsection (a) of
143 section 10-76d of the general statutes is repealed and the following is

144 substituted in lieu thereof (*Effective July 1, 2023*):

145 (C) Such parent, guardian, pupil or surrogate parent shall (i) be given
146 at least five school days' prior notice of any planning and placement
147 team meeting conducted for such child or pupil, (ii) have the right to be
148 present at and participate in all portions of such meeting at which an
149 educational program for such child or pupil is developed, reviewed or
150 revised, (iii) have the right to have (I) advisors of such person's own
151 choosing and at such person's own expense, (II) the school
152 paraprofessional assigned to such child or pupil, if any, [and] (III) such
153 child or pupil's birth-to-three service coordinator, if any, attend and
154 participate in all portions of such meeting at which an educational
155 program for such child or pupil is developed, reviewed or revised, and
156 (IV) an interpreter if the primary language of such parent, guardian,
157 pupil or surrogate is a language other than English, and (iv) have the
158 right to have each recommendation made in such child or pupil's birth-
159 to-three individualized transition plan, as required by section 17a-248e,
160 if any, addressed by the planning and placement team during such
161 meeting at which an educational program for such child or pupil is
162 developed.

163 Sec. 5. Subsection (j) of section 10-66bb of the general statutes is
164 repealed and the following is substituted in lieu thereof (*Effective July 1,*
165 *2023*):

166 (j) (1) The governing council of a state or local charter school may
167 apply to the State Board of Education for a waiver of the requirements
168 of the enrollment lottery described in subdivision (8) of subsection (d)
169 of this section, provided such state or local charter school has as its
170 primary purpose the establishment of education programs designed to
171 serve one or more of the following populations: (A) Students with a
172 history of behavioral and social difficulties, (B) students identified as
173 requiring special education, (C) students who are English language
174 learners, or (D) students of a single gender.

175 (2) An enrollment lottery described in subdivision (8) of subsection

176 (d) of this section shall not be held for a local charter school that is
177 established at a school that is among the schools with a percentage equal
178 to or less than five per cent when all schools are ranked highest to lowest
179 in accountability index scores, as defined in section 10-223e.

180 (3) Except as otherwise provided in subdivision (1) of this subsection,
181 on and after July 1, 2023, no application for enrollment in a state or local
182 charter school shall inquire or request information about an applicant
183 student's need for or receipt of special education and related services,
184 and the criteria for administering an enrollment lottery for a state or
185 local charter school shall not include consideration of a student's need
186 for or status as requiring special education and related services.

187 Sec. 6. Section 10-236b of the general statutes is repealed and the
188 following is substituted in lieu thereof (*Effective July 1, 2023*):

189 (a) For purposes of this section:

190 (1) "Life-threatening physical restraint" means any physical restraint
191 or hold of a person that (A) restricts the flow of air into a person's lungs,
192 whether by chest compression or any other means, or (B) immobilizes
193 or reduces the free movement of a person's arms, legs or head while the
194 person is in the prone position;

195 (2) "Psychopharmacologic agent" means any medication that affects
196 the central nervous system, influencing thinking, emotion or behavior;

197 (3) "Physical restraint" means any [mechanical or] personal restriction
198 that immobilizes or reduces the free movement of a person's arms, legs
199 or head, including, but not limited to, carrying or forcibly moving a
200 person from one location to another. The term does not include: (A)
201 Briefly holding a person in order to calm or comfort the person; (B)
202 restraint involving the minimum contact necessary to safely escort a
203 person from one area to another; (C) medical devices, including, but not
204 limited to, supports prescribed by a health care provider to achieve
205 proper body position or balance; (D) helmets or other protective gear
206 used to protect a person from injuries due to a fall; (E) helmets, mitts

207 and similar devices used to prevent self-injury when the device is (i) part
208 of a documented treatment plan or individualized education program
209 pursuant to section 10-76d, as amended by this act, or (ii) prescribed or
210 recommended by a medical professional, as defined in section 38a-976,
211 and is the least restrictive means available to prevent such self-injury; or
212 (F) [an exclusionary] a time out;

213 (4) "School employee" has the same meaning as provided in
214 subsection (b) of section 10-221o;

215 (5) "Seclusion" means the involuntary confinement of a student in a
216 room from which the student is physically prevented from leaving.
217 "Seclusion" does not include [an exclusionary] a time out;

218 (6) "Student" means a child (A) enrolled in grades kindergarten to
219 twelve, inclusive, in a public school under the jurisdiction of a local or
220 regional board of education, (B) receiving special education and related
221 services in an institution or facility operating under contract with a local
222 or regional board of education pursuant to subsection (d) of section 10-
223 76d, (C) enrolled in a program or school administered by a regional
224 education service center established pursuant to section 10-66a, or (D)
225 receiving special education and related services from an approved
226 private special education program, but shall not include any child
227 receiving educational services from (i) Unified School District #2,
228 established pursuant to section 17a-37, or (ii) the Department of Mental
229 Health and Addiction Services; and

230 (7) ["Exclusionary time out" means a temporary, continuously
231 monitored separation of a student from an ongoing activity in a non-
232 locked setting, for the purpose of calming such student or deescalating
233 such student's behavior] "Time out" means a behavior management
234 technique that may involve the separation of the student from the group
235 or classroom in a nonlocked setting.

236 (b) (1) No school employee shall use a physical restraint on a student
237 except as an emergency intervention to prevent immediate or imminent
238 injury to the student or to others, provided the restraint is not used for

239 discipline or convenience and is not used as a substitute for a less
240 restrictive alternative. (2) No school employee shall use a physical
241 restraint that is contraindicated based on a student's disability, health
242 care needs or medical or psychiatric condition. (3) Physical restraint
243 shall not be utilized as a planned intervention in a student's behavioral
244 intervention plan, individualized education program or plan pursuant
245 to Section 504 of the Rehabilitation Act of 1973, as amended from time
246 to time.

247 (c) No school employee shall use a life-threatening physical restraint
248 on a student. This section shall not be construed as limiting any defense
249 to criminal prosecution for the use of deadly physical force that may be
250 available under sections 53a-18 to 53a-22, inclusive.

251 (d) [(1)] No school employee shall place a student in seclusion,
252 [except as an emergency intervention to prevent immediate or imminent
253 injury to the student or to others, provided the seclusion is not used for
254 discipline or convenience and is not used as a substitute for a less
255 restrictive alternative. (2) No student shall be placed in seclusion unless
256 (A) such student is monitored by a school employee during the period
257 of such student's seclusion pursuant to subsection (m) of this section,
258 and (B) the area in which such student is secluded is equipped with a
259 window or other fixture allowing such student a clear line of sight
260 beyond the area of seclusion. (3)] Seclusion shall not be utilized as a
261 planned intervention in a student's behavioral intervention plan,
262 individualized education program or plan pursuant to Section 504 of the
263 Rehabilitation Act of 1973, as amended from time to time.

264 (e) No school employee may use a psychopharmacologic agent on a
265 student without that student's consent except [(1) as an emergency
266 intervention to prevent immediate or imminent injury to the student or
267 to others, or (2)] as an integral part of the student's established medical
268 or behavioral support or educational plan, as developed consistent with
269 section 17a-543 or, if no such plan has been developed, as part of a
270 licensed practitioner's initial orders. [The use of psychopharmacologic
271 agents, alone or in combination, may be used only in doses that are

272 therapeutically appropriate and not as a substitute for other appropriate
273 treatment.]

274 (f) If any instance of physical restraint [or seclusion] of a student
275 otherwise permissible under subsection (b) [or (d)] of this section
276 exceeds fifteen minutes, (1) an administrator, as defined in section 10-
277 144e, or such administrator's designee, (2) a school health or mental
278 health personnel, as defined in subsection (a) of section 10-212b, or (3) a
279 board certified behavioral analyst, who has received training in the use
280 of physical restraint [and seclusion] pursuant to subsection (o) of this
281 section, shall determine whether continued physical restraint [or
282 seclusion] is necessary to prevent immediate or imminent injury to the
283 student or to others. Upon a determination that such continued physical
284 restraint [or seclusion] is necessary, such individual shall make a new
285 determination every thirty minutes thereafter regarding whether such
286 physical restraint [or seclusion] is necessary to prevent immediate or
287 imminent injury to the student or to others.

288 (g) In the event that physical restraint [or seclusion] is used on a
289 student four or more times within twenty school days:

290 (1) An administrator, one or more of such student's teachers, a parent
291 or guardian of such student and, if any, a mental health professional, as
292 defined in section 10-76t, shall convene for the purpose of (A)
293 conducting or revising a behavioral assessment of the student, (B)
294 creating or revising any applicable behavioral intervention plan, and (C)
295 determining whether such student may require special education
296 pursuant to section 10-76ff; or

297 (2) If such student is a child requiring special education, as described
298 in subparagraph (A) of subdivision (5) of section 10-76a, or a child being
299 evaluated for eligibility for special education pursuant to section 10-76d,
300 as amended by this act, and awaiting a determination, such student's
301 planning and placement team shall convene for the purpose of (A)
302 conducting or revising a behavioral assessment of the student, and (B)
303 creating or revising any applicable behavioral intervention plan,

304 including, but not limited to, such student's individualized education
305 plan.

306 (h) (1) Each local or regional board of education shall notify a parent
307 or guardian of a student who is placed in physical restraint [or seclusion
308 not later than twenty-four hours after] on the day that the student was
309 placed in physical restraint [or seclusion] and shall make a reasonable
310 effort to provide such notification immediately after such physical
311 restraint [or seclusion] is initiated.

312 (2) Each local and regional board of education shall convene a
313 meeting with the parents or guardians of a student who was placed in
314 physical restraint not later than five days after the student was placed
315 in physical restraint. The board shall provide such parents or guardians
316 with a detailed summary of the events leading up to and during such
317 physical restraint, including the names of any witnesses of such physical
318 restraint and their accounts of such events, and an explanation of the
319 reasons for the use of such physical restraint.

320 (i) No school employee shall use a physical restraint on a student [or
321 place a student in seclusion] unless such school employee has received
322 training on the proper means for performing such physical restraint [or
323 seclusion] pursuant to subsection (o) of this section.

324 (j) [(1)] On and after July 1, [2016] 2023, each local or regional board
325 of education, and each institution or facility operating under contract
326 with a local or regional board of education pursuant to subsection (d) of
327 section 10-76d that provides special education for children, including
328 any approved private special education program, shall (A) record each
329 instance of the use of physical restraint [or seclusion] on a student, (B)
330 [specify whether the use of seclusion was in accordance with an
331 individualized education program, (C)] specify the nature of the
332 emergency that necessitated the use of such physical restraint, [or
333 seclusion, and (D)] and (C) include such information in an annual
334 compilation on its use of such restraint [and seclusion] on students. Each
335 local or regional board of education and such institutions or facilities

336 operating under contract with a local or regional board of education
337 pursuant to subsection (d) of section 10-76d that provides special
338 education for children, including any approved private special
339 education program shall provide such annual compilation to the
340 Department of Education for the purposes of the pilot program
341 established pursuant to subdivision (2) of this subsection to examine
342 incidents of physical restraint [and seclusion] in schools and to the State
343 Board of Education for the purposes of subsection (k) of this section.
344 Local or regional boards of education and such institutions and facilities
345 that provide special education for children shall not be required to
346 report instances of in-school suspensions, as defined in subsection (c) of
347 section 10-233a.

348 [(2) The Department of Education shall establish a pilot program for
349 the school year commencing July 1, 2015. Such pilot program shall be
350 implemented in various districts, including, but not limited to, an
351 alliance district, a regional school district and a regional education
352 service center. Under the pilot program, the Department of Education
353 shall examine incidents of physical restraint and seclusion in schools
354 and shall compile and analyze data regarding such incidents to enable
355 the department to better understand and respond to incidents of
356 physical restraint and seclusion on students in the state.]

357 (k) The State Board of Education shall review the annual compilation
358 of each local or regional board of education, and each institution or
359 facility operating under contract with a local or regional board of
360 education pursuant to subsection (d) of section 10-76d that provides
361 special education for children, including any approved private special
362 education program, and shall produce an annual summary report
363 specifying (1) the frequency of use of physical restraint [or seclusion] on
364 students, and (2) whether any student subjected to such restraint [or
365 seclusion] was a special education student, and (3) [if any such student
366 was a special education student, whether the use of such seclusion was
367 in accordance with an individualized education program or whether the
368 use of such seclusion was an emergency intervention to prevent
369 immediate or imminent injury to the student or to others] a

370 disaggregation of the use of physical restraint on various student
371 demographic subgroups. Such report shall be submitted not later than
372 January 15, [2017] 2024, and annually thereafter, to the joint standing
373 committees of the General Assembly having cognizance of matters
374 relating to children and education for inclusion in the annual report card
375 prepared pursuant to section 2-53m.

376 (l) Any use of physical restraint [or seclusion] on a student shall be
377 documented in the student's educational record. The documentation
378 shall include (1) the nature of the emergency and what other steps,
379 including attempts at verbal deescalation, were taken to prevent the
380 emergency from arising if there were indications that such an
381 emergency was likely to arise, and (2) a detailed description of the
382 nature of the restraint, [or seclusion,] the duration of such restraint [or
383 seclusion] and the effect of such restraint [or seclusion] on the student's
384 established educational plan.

385 (m) Any student who is physically restrained shall be continually
386 monitored by a school employee. [Any student who is involuntarily
387 placed in seclusion shall be frequently monitored by a school employee.]
388 Each student so restrained [or in seclusion] shall be regularly evaluated
389 by a school employee for indications of physical distress. The school
390 employee conducting the evaluation shall enter each evaluation in the
391 student's educational record. [For purposes of this subsection, "monitor"
392 means (1) direct observation, or (2) observation by way of video
393 monitoring within physical proximity sufficient to provide aid as may
394 be needed.]

395 (n) If the use of such restraint [or seclusion] results in physical injury
396 to the student, the local or regional board of education, and each
397 institution or facility operating under contract with a local or regional
398 board of education pursuant to subsection (d) of section 10-76d that
399 provides special education for children, including any approved private
400 special education program, shall report the incident to the State Board
401 of Education, which shall include such incident in the report required
402 pursuant to subsection (k) of this section. The State Board of Education

403 shall report any incidence of serious injury or death to the nonprofit
404 entity designated by the Governor in accordance with section 46a-10b to
405 serve as the Connecticut protection and advocacy system, as required
406 by the Developmental Disabilities Assistance and Bill of Rights Act of
407 2000, 42 USC 15041, et seq., as amended from time to time, and any
408 regulations promulgated thereunder, and as required by the Protection
409 and Advocacy for Individuals with Mental Illness Act, 42 USC 10801 et
410 seq., as amended from time to time, and any regulations promulgated
411 thereunder, and, if appropriate, to the Child Advocate of the Office of
412 the Child Advocate.

413 (o) (1) Each local or regional board of education shall provide training
414 regarding the physical restraint [and seclusion] of students to the
415 members of the crisis intervention team for each school in the district,
416 identified pursuant to subdivision (2) of this subsection. A local or
417 regional board of education may provide such training to any teacher,
418 as defined in section 10-144d, administrator, as defined in section 10-
419 144e, school paraprofessional or other school employee, as defined in
420 section 10-222d, designated by the school principal and who has direct
421 contact with students. Such training shall be provided during the school
422 year commencing July 1, 2017, and each school year thereafter, and shall
423 include, but not be limited to:

424 (A) An overview of the relevant laws and regulations regarding the
425 use of physical restraint [and seclusion] on students and the proper uses
426 of physical restraint. [and seclusion.] For the school year commencing
427 July 1, [2017] 2023, and annually thereafter, such overview shall be
428 provided by the Department of Education, in a manner and form as
429 prescribed by the Commissioner of Education;

430 (B) The creation of a plan by which each local and regional board of
431 education shall provide training regarding the prevention of incidents
432 requiring physical restraint [or seclusion] of students. Such plan shall be
433 implemented not later than July 1, [2018] 2023. The Department of
434 Education may, within available appropriations, provide ongoing
435 monitoring and support to local or regional boards of education

436 regarding the formulation and implementation of the plan; and

437 (C) The creation of a plan by which each local or regional board of
438 education shall provide training regarding the proper means of physical
439 restraint [or seclusion] of a student, including, but not limited to, (i)
440 various types of physical restraint; [and seclusion;] (ii) the differences
441 between life-threatening physical restraint and other varying levels of
442 physical restraint; (iii) the differences between permissible physical
443 restraint and pain compliance techniques; and (iv) monitoring methods
444 to prevent harm to a student who is physically restrained. [or in
445 seclusion.] Such plan shall be implemented not later than July 1, [2018]
446 2023;

447 (2) For the school year commencing July 1, 2017, and each school year
448 thereafter, each local and regional board of education shall require each
449 school in the district to identify a crisis intervention team consisting of
450 any teacher, as defined in section 10-144d, administrator, as defined in
451 section 10-144e, school paraprofessional or other school employee, as
452 defined in section 10-222d, designated by the school principal and who
453 has direct contact with students. Such teams shall respond to any
454 incident in which the use of physical restraint [or seclusion] may be
455 necessary as an emergency intervention to prevent immediate or
456 imminent injury to a student or to others. Each member of the crisis
457 intervention team shall be recertified in the use of physical restraint [and
458 seclusion] pursuant to subparagraph (C) of subdivision (1) of this
459 subsection or chapter 814e on an annual basis. Each local and regional
460 board of education shall maintain a list of the members of the crisis
461 intervention team for each school.

462 (p) Each local or regional board of education shall develop policies
463 and procedures that establish monitoring and internal reporting of the
464 use of physical restraint [and seclusion] on students and shall make such
465 policies and procedures available on such local or regional board of
466 education's Internet web site and in such local or regional board of
467 education's procedures manual.

468 (q) Nothing in this section shall be construed as limiting the justified
469 use of physical force by a local, state or federal law enforcement official
470 while in the performance of such official's duties.

471 (r) The State Board of Education shall adopt or revise regulations, in
472 accordance with the provisions of chapter 54, concerning the use of
473 physical restraint [and seclusion] pursuant to this section. Not later than
474 sixty days after the adoption or revision of such regulations, each local
475 or regional board of education shall update any applicable policies and
476 procedures regarding the physical restraint [and seclusion] of students
477 and shall make such updated policies and procedures available in a
478 manner consistent with the provisions of subsection (p) of this section.

479 (s) Not later than January 1, [2019] 2024, each local or regional board
480 of education shall establish a policy regarding the use of [an
481 exclusionary time out] time outs. Such policy shall include, but need not
482 be limited to, a requirement that (1) [exclusionary] time outs are not to
483 be used as a form of discipline, (2) at least one school employee remain
484 with the student, or be immediately available to the student such that
485 the student and school employee are able to communicate verbally,
486 throughout the [exclusionary] time out, (3) the space used for [an
487 exclusionary] a time out is clean, safe, sanitary and appropriate for the
488 purpose of calming such student or deescalating such student's
489 behavior, (4) the [exclusionary] time out period terminate as soon as
490 possible, and (5) if such student is a child requiring special education,
491 as defined in section 10-76a, or a child being evaluated for special
492 education, pursuant to section 10-76d, as amended by this act, and
493 awaiting a determination, and the interventions or strategies are
494 unsuccessful in addressing such student's problematic behavior, such
495 student's planning and placement team shall convene as soon as is
496 practicable to determine alternative interventions or strategies.

497 (t) Any person aggrieved by a violation of the provisions of this
498 section may bring a civil action in the Superior Court to enjoin further
499 violations and to recover the actual damages sustained by reason of
500 such violation, together with costs and a reasonable attorney's fee.

501 Sec. 7. Section 19a-6u of the general statutes is repealed and the
502 following is substituted in lieu thereof (*Effective July 1, 2023*):

503 For the fiscal [year] years ending June 30, 2023, to July 1, 2025,
504 inclusive, the Department of Public Health shall administer a school-
505 based health center expansion grant program to provide grants to
506 [certain] operators of school-based health centers for the expansion of
507 school-based health centers and services provided by such centers. [The
508 following operators of school-based health centers shall be eligible for a
509 grant under this section: (1) The operator of a school-based health center
510 for any of the thirty-six recommended sites for expanded mental health
511 services contained in the final report of the School-Based Health Center
512 Expansion Working Group, established pursuant to section 16 of public
513 act 21-35, and (2) the operator of a school-based health center for any of
514 the one hundred twenty-four recommended schools for expanded
515 school-based health center medical and mental health services
516 contained in the final report of the School-Based Health Center
517 Expansion Working Group, established pursuant to section 16 of public
518 act 21-35.] The department shall give priority to awarding a grant to
519 those operators of a school-based health center that will provide services
520 after regular school hours. Each such operator shall submit, in
521 collaboration with the local or regional board of education for the school
522 district in which the school-based health center is located, an application
523 for a grant under this section at such time and in such manner as
524 prescribed by the department.

525 Sec. 8. (NEW) (*Effective July 1, 2023*) On and after July 1, 2023, the
526 Department of Education shall make available on the department's
527 Internet web site all documents relating to the decisions of a due process
528 hearing required under 34 CFR 300.500 to 300.537, and any corrective
529 actions taken by the department in response to a complaint, pursuant to
530 34 CFR 300.151 to 300.153, regarding the provision of special education
531 and related services by a local or regional board of education or other
532 entity responsible for the provision of special education and related
533 services to a student. The department shall redact any personally
534 identifiable information of a student prior to making such decisions and

535 documents available.

536 Sec. 9. Subsection (i) of section 10-76d of the general statutes is
 537 repealed and the following is substituted in lieu thereof (*Effective July 1,*
 538 *2023*):

539 (i) (1) No local or regional board of education shall discipline,
 540 suspend, terminate or otherwise punish any member of a planning and
 541 placement team employed by such board who discusses or makes
 542 recommendations concerning the provision of special education and
 543 related services for a child during a planning and placement team
 544 meeting for such child.

545 (2) No birth-to-three service coordinator or qualified personnel, as
 546 those terms are defined in section 17a-248, who discusses or makes
 547 recommendations concerning the provision of special education and
 548 related services for a child during a planning and placement team
 549 meeting for such child or in a transition plan, as required by section 17a-
 550 248e, shall be subject to discipline, suspension, termination or other
 551 punishment on the basis of such recommendations.

552 (3) No local or regional board of education shall discipline, suspend,
 553 terminate or otherwise punish any school employee, as defined in
 554 section 10-222d, who discusses or makes recommendations concerning
 555 the provision of services or accommodations for a student as part of a
 556 plan pursuant to Section 504 of the Rehabilitation Act of 1973, as
 557 amended from time to time.

This act shall take effect as follows and shall amend the following sections:		
Section 1	<i>from passage</i>	New section
Sec. 2	<i>July 1, 2023</i>	10-4w
Sec. 3	<i>from passage</i>	PA 21-95, Sec. 3
Sec. 4	<i>July 1, 2023</i>	10-76d(a)(10)(C)
Sec. 5	<i>July 1, 2023</i>	10-66bb(j)
Sec. 6	<i>July 1, 2023</i>	10-236b
Sec. 7	<i>July 1, 2023</i>	19a-6u

Sec. 8	July 1, 2023	New section
Sec. 9	July 1, 2023	10-76d(i)

Statement of Purpose:

To (1) exclude certain federal funds from the calculation of net current expenditures per pupil for purposes of the excess cost grant, (2) permit the provision of dual instruction as part of remote learning if required by a student's IEP, (3) extend and expand the charge of the special education task force, (4) give parents the right to have an interpreter present at a planning and placement team meeting, (5) prohibit charter schools from requiring disclosure of special education needs on enrollment applications or as part of the criteria used for the holding of enrollment lotteries, (6) prohibit the use of seclusion in schools and make other revisions to the laws governing physical restraint, (7) extend the school-based health center expansion grant program, (8) require the Department of Education to post all decisions and corrective actions regarding special education complaints, and (9) protect school employees from discipline for making recommendations for accommodations under 504 Plans.

[Proposed deletions are enclosed in brackets. Proposed additions are indicated by underline, except that when the entire text of a bill or resolution or a section of a bill or resolution is new, it is not underlined.]