



General Assembly

**Substitute Bill No. 1200**

January Session, 2023



**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  
2 this section, the Department of Education shall not include any federal  
3 funds received by a local or regional board of education pursuant to  
4 the Coronavirus Aid, Relief, and Economic Security Act, P.L. 116-136,  
5 as 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  
9 current expenditures per pupil for purposes of determining the  
10 amount of the grant paid by the State Board of Education to such  
11 board under section 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 Section 10-4w of the general statutes is repealed and the  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,  
29 which shall (A) be in compliance with the Department of Education's  
30 guidance on student attendance during remote learning, and (B) count  
31 the 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  
35 the provision of dual instruction as part of remote learning, unless  
36 dual instruction is required in, or necessary to implement, the  
37 individualized education program of a student who requires special  
38 education and related services or a plan pursuant to Section 504 of the  
39 Rehabilitation Act of 1973, as amended from time to time.

40 (d) For the school year commencing July 1, 2024, and each school  
41 year thereafter, a local or regional board of education may authorize  
42 remote learning to students in grades kindergarten to twelve,  
43 inclusive, provided such board (1) provides such instruction in  
44 compliance with the standards developed pursuant to subsection (b) of  
45 this section, (2) adopts a policy regarding the requirements for student  
46 attendance during remote learning, which shall (A) be in compliance  
47 with the Department of Education's guidance on student attendance  
48 during remote learning, and (B) count the attendance of any student  
49 who spends not less than one-half of the school day during such  
50 instruction engaged in (i) virtual classes, (ii) virtual meetings, (iii)  
51 activities on time-logged electronic systems, and (iv) the completion

52 and submission of assignments, and (3) prohibits the provision of dual  
53 instruction as part of remote learning, unless dual instruction is  
54 required in, or necessary to implement, the individualized education  
55 program of a student who requires special education and related  
56 services or a plan pursuant to Section 504 of the Rehabilitation Act of  
57 1973, as amended from time to time.

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

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

85 who require special education and related services or as gifted and  
86 talented, including whether school districts are overidentifying or  
87 underidentifying such students and the causes and reasons for such  
88 overidentification and underidentification, (6) the feasibility of  
89 authorizing independent evaluators from the Department of Education  
90 or hired by the parents and guardians of students receiving special  
91 education and related services to observe the provision of such  
92 services in the classroom, (7) delaying the age in which a classification  
93 category of special education services shall be made for a child  
94 requiring special education and related services, (8) special education  
95 student-to-teacher ratios prescribed by case load policies, regulations  
96 and formulas in effect in other states, with a focus on provisions  
97 regarding the numbers of special education students and intensity of  
98 services required for such students, and (9) any other issues or topics  
99 relating to special education that the task force deems necessary.

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

101 (1) Three appointed by the speaker of the House of Representatives,  
102 one of whom is a representative of the Special Education Equity for  
103 Kids of Connecticut, one of whom is a representative of the  
104 Connecticut Association of Boards of Education and one of whom is  
105 the parent or guardian of a student who is enrolled in a public school  
106 and receiving special education services;

107 (2) Three appointed by the president pro tempore of the Senate, one  
108 of whom is a representative of the Connecticut Association of Public  
109 School Superintendents, one of whom is a representative of the  
110 Connecticut Education Association and one of whom is the parent or  
111 guardian of a student who is enrolled in a public school and receiving  
112 special education services;

113 (3) Two appointed by the majority leader of the House of  
114 Representatives, one of whom is a representative of the American  
115 Federation of Teachers-Connecticut and one of whom is a  
116 representative of the Connecticut Parent Advocacy Center;

117 (4) Two appointed by the majority leader of the Senate, one of  
118 whom is a representative of the Connecticut Council of Administrators  
119 of Special Education and one of whom is a representative of the RESC  
120 Alliance;

121 (5) Two appointed by the minority leader of the House of  
122 Representatives, one of whom is a representative of the Connecticut  
123 Association of School Administrators and one of whom is a  
124 representative of the School and State Finance Project;

125 (6) Two appointed by the minority leader of the Senate, one of  
126 whom is a representative of the Connecticut Association of Schools  
127 and one of whom is a representative of the Connecticut Association of  
128 School Business Officials; [and]

129 (7) The Commissioner of Education, or the commissioner's designee;

130 (8) The chairperson of the Advisory Council for Special Education,  
131 established pursuant to section 10-76i of the general statutes; and

132 (9) A representative of the Connecticut Association of Private  
133 Special Education Facilities, designated by the association.

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

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

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

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

152 Sec. 4. Subparagraph (C) of subdivision (10) of subsection (a) of  
153 section 10-76d of the general statutes is repealed and the following is  
154 substituted in lieu thereof (*Effective July 1, 2023*):

155 (C) Such parent, guardian, pupil or surrogate parent shall (i) be  
156 given at least five school days' prior notice of any planning and  
157 placement team meeting conducted for such child or pupil, (ii) have  
158 the right to be present at and participate in all portions of such meeting  
159 at which an educational program for such child or pupil is developed,  
160 reviewed or revised, (iii) have the right to have (I) advisors of such  
161 person's own choosing and at such person's own expense, (II) the  
162 school paraprofessional assigned to such child or pupil, if any, and (III)  
163 such child or pupil's birth-to-three service coordinator, if any, attend  
164 and participate in all portions of such meeting at which an educational  
165 program for such child or pupil is developed, reviewed or revised,  
166 [and] (iv) have the right to have each recommendation made in such  
167 child or pupil's birth-to-three individualized transition plan, as  
168 required by section 17a-248e, if any, addressed by the planning and  
169 placement team during such meeting at which an educational program  
170 for such child or pupil is developed, and (v) have the right to have  
171 translation services provided (I) by a certified interpreter who is  
172 present in person or available by telephone or through an online  
173 technology platform, or (II) through an Internet web site or other  
174 electronic application, if the primary language of such parent,  
175 guardian, pupil or surrogate is a language other than English.

176 Sec. 5. Subsection (j) of section 10-66bb of the general statutes is  
177 repealed and the following is substituted in lieu thereof (*Effective July*

178 1, 2023):

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

188 (2) An enrollment lottery described in subdivision (8) of subsection  
189 (d) of this section shall not be held for a local charter school that is  
190 established at a school that is among the schools with a percentage  
191 equal to or less than five per cent when all schools are ranked highest  
192 to lowest in accountability index scores, as defined in section 10-223e.

193 (3) Except as otherwise provided in subdivision (1) of this  
194 subsection, on and after July 1, 2023, no application for enrollment in a  
195 state or local charter school shall inquire or request information about  
196 an applicant student's need for or receipt of special education and  
197 related services, and the criteria for administering an enrollment  
198 lottery for a state or local charter school shall not include consideration  
199 of a student's need for or status as requiring special education and  
200 related services.

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

203 (a) For purposes of this section:

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

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

211 (3) "Physical restraint" means any [mechanical or] personal  
212 restriction that immobilizes or reduces the free movement of a person's  
213 arms, legs or head, including, but not limited to, carrying or forcibly  
214 moving a person from one location to another. The term does not  
215 include: (A) Briefly holding a person in order to calm or comfort the  
216 person; (B) restraint involving the minimum contact necessary to safely  
217 escort a person from one area to another; (C) medical devices,  
218 including, but not limited to, supports prescribed by a health care  
219 provider to achieve proper body position or balance; (D) helmets or  
220 other protective gear used to protect a person from injuries due to a  
221 fall; (E) helmets, mitts and similar devices used to prevent self-injury  
222 when the device is (i) part of a documented treatment plan or  
223 individualized education program pursuant to section 10-76d, as  
224 amended by this act, or (ii) prescribed or recommended by a medical  
225 professional, as defined in section 38a-976, and is the least restrictive  
226 means available to prevent such self-injury; or (F) [an exclusionary] a  
227 time out;

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

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

233 (6) "Student" means a child (A) enrolled in grades kindergarten to  
234 twelve, inclusive, in a public school under the jurisdiction of a local or  
235 regional board of education, (B) receiving special education and  
236 related services in an institution or facility operating under contract  
237 with a local or regional board of education pursuant to subsection (d)  
238 of section 10-76d, (C) enrolled in a program or school administered by  
239 a regional education service center established pursuant to section 10-  
240 66a, or (D) receiving special education and related services from an



241 approved private special education program, but shall not include any  
242 child receiving educational services from (i) Unified School District #2,  
243 established pursuant to section 17a-37, or (ii) the Department of Mental  
244 Health and Addiction Services; [and]

245 (7) ["Exclusionary time out" means a temporary, continuously  
246 monitored separation of a student from an ongoing activity in a non-  
247 locked setting, for the purpose of calming such student or deescalating  
248 such student's behavior.] "Time out" means a behavior management  
249 technique that may involve the separation of the student from the  
250 group or classroom in a nonlocked setting; and

251 (8) "School mental health specialist" means any person employed by  
252 a local or regional board of education to provide mental health services  
253 to students and includes, but is not limited to, a (1) school social  
254 worker, (2) school psychologist, (3) trauma specialist, (4) behavior  
255 technician, (5) board certified behavior analyst, (6) school counselor,  
256 (7) licensed professional counselor, and (8) licensed marriage and  
257 family therapist.

258 (b) (1) No school employee shall use a physical restraint on a  
259 student except as an emergency intervention to prevent immediate or  
260 imminent injury to the student or to others, provided the restraint is  
261 not used for discipline or convenience and is not used as a substitute  
262 for a less restrictive alternative. (2) No school employee shall use a  
263 physical restraint that is contraindicated based on a student's  
264 disability, health care needs or medical or psychiatric condition. (3)  
265 Physical restraint shall not be utilized as a planned intervention in a  
266 student's behavioral intervention plan, individualized education  
267 program or plan pursuant to Section 504 of the Rehabilitation Act of  
268 1973, as amended from time to time.

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

273 (d) (1) No school employee shall place a student in seclusion except  
274 as an emergency intervention to prevent immediate or imminent  
275 injury to the student or to others, provided the seclusion is not used for  
276 discipline or convenience and is not used as a substitute for a less  
277 restrictive alternative. (2) No student shall be placed in seclusion  
278 unless (A) such student is monitored by a school [employee] mental  
279 health specialist during the period of such student's seclusion pursuant  
280 to subsection (m) of this section, and (B) the area in which such student  
281 is secluded is equipped with a window or other fixture allowing such  
282 student a clear line of sight beyond the area of seclusion. (3) Seclusion  
283 shall not be utilized as a planned intervention in a student's behavioral  
284 intervention plan, individualized education program or plan pursuant  
285 to Section 504 of the Rehabilitation Act of 1973, as amended from time  
286 to time.

287 (e) No school employee may use a psychopharmacologic agent on a  
288 student without that student's consent except [(1) as an emergency  
289 intervention to prevent immediate or imminent injury to the student or  
290 to others, or (2)] as an integral part of the student's established medical  
291 or behavioral support or educational plan, as developed consistent  
292 with section 17a-543 or, if no such plan has been developed, as part of  
293 a licensed practitioner's initial orders. [The use of  
294 psychopharmacologic agents, alone or in combination, may be used  
295 only in doses that are therapeutically appropriate and not as a  
296 substitute for other appropriate treatment.]

297 (f) If any instance of physical restraint or seclusion of a student  
298 otherwise permissible under subsection (b) or (d) of this section  
299 exceeds fifteen minutes, (1) an administrator, as defined in section 10-  
300 144e, or such administrator's designee, (2) a school health or mental  
301 health personnel, as defined in subsection (a) of section 10-212b, or (3)  
302 a board certified behavioral analyst, who has received training in the  
303 use of physical restraint and seclusion pursuant to subsection (o) of  
304 this section, shall determine whether continued physical restraint or  
305 seclusion is necessary to prevent immediate or imminent injury to the

306 student or to others. Upon a determination that such continued  
307 physical restraint or seclusion is necessary, such individual shall make  
308 a new determination every thirty minutes thereafter regarding  
309 whether such physical restraint or seclusion is necessary to prevent  
310 immediate or imminent injury to the student or to others.

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

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

320 (2) If such student is a child requiring special education, as  
321 described in subparagraph (A) of subdivision (5) of section 10-76a, or a  
322 child being evaluated for eligibility for special education pursuant to  
323 section 10-76d, as amended by this act, and awaiting a determination,  
324 such student's planning and placement team shall convene for the  
325 purpose of (A) conducting or revising a behavioral assessment of the  
326 student, and (B) creating or revising any applicable behavioral  
327 intervention plan, including, but not limited to, such student's  
328 individualized education plan.

329 (h) (1) Each local or regional board of education shall notify a parent  
330 or guardian of a student who is placed in physical restraint, [or]  
331 seclusion [not later than twenty-four hours after] or a time out on the  
332 day that the student was placed in such physical restraint, [or]  
333 seclusion or time out and shall make a reasonable effort to provide  
334 such notification immediately after such physical restraint, [or]  
335 seclusion or time out is initiated.

336 (2) Each local and regional board of education shall meet, in person

337 or through an online technology platform, or have a telephone  
338 conversation with the parents or guardians of a student who was  
339 placed in physical restraint or seclusion, or who has been placed in a  
340 time out three times in the previous thirty days, not later than five  
341 days after the student was placed in such physical restraint or  
342 seclusion or time outs. The board shall provide such parents or  
343 guardians with a detailed summary of the events leading up to and  
344 during such physical restraint, seclusion or time outs, including the  
345 names of any witnesses of such physical restraint, seclusion or time  
346 outs, and their accounts of such events, and an explanation of the  
347 reasons for the use of such physical restraint, seclusion or time outs.

348 (i) No school employee shall use a physical restraint on a student or  
349 place a student in seclusion unless such school employee has received  
350 training on the proper means for performing such physical restraint or  
351 seclusion pursuant to subsection (o) of this section.

352 (j) [(1)] On and after July 1, [2016] 2023, each local or regional board  
353 of education, and each institution or facility operating under contract  
354 with a local or regional board of education pursuant to subsection (d)  
355 of section 10-76d that provides special education for children,  
356 including any approved private special education program, shall [(A)]  
357 (1) record each instance of the use of physical restraint, [or] seclusion  
358 or time out on a student, [(B)] (2) specify whether the use of seclusion  
359 was in accordance with an individualized education program, [(C)] (3)  
360 specify the nature of the emergency that necessitated the use of such  
361 physical restraint, [or] seclusion or time out, and [(D)] (4) include such  
362 information in an annual compilation on its use of such restraint, [and]  
363 seclusion and time out on students. Each local or regional board of  
364 education and such institutions or facilities operating under contract  
365 with a local or regional board of education pursuant to subsection (d)  
366 of section 10-76d that provides special education for children,  
367 including any approved private special education program shall  
368 provide such annual compilation to the Department of Education for  
369 the purposes of [the pilot program established pursuant to subdivision

370 (2) of this subsection to examine] examining incidents of physical  
371 restraint, [and] seclusion and time outs in schools and to the State  
372 Board of Education for the purposes of subsection (k) of this section.  
373 Local or regional boards of education and such institutions and  
374 facilities that provide special education for children shall not be  
375 required to report instances of in-school suspensions, as defined in  
376 subsection (c) of section 10-233a.

377 [(2) The Department of Education shall establish a pilot program for  
378 the school year commencing July 1, 2015. Such pilot program shall be  
379 implemented in various districts, including, but not limited to, an  
380 alliance district, a regional school district and a regional education  
381 service center. Under the pilot program, the Department of Education  
382 shall examine incidents of physical restraint and seclusion in schools  
383 and shall compile and analyze data regarding such incidents to enable  
384 the department to better understand and respond to incidents of  
385 physical restraint and seclusion on students in the state.]

386 (k) The State Board of Education shall review the annual  
387 compilation of each local or regional board of education, and each  
388 institution or facility operating under contract with a local or regional  
389 board of education pursuant to subsection (d) of section 10-76d that  
390 provides special education for children, including any approved  
391 private special education program, and shall produce an annual  
392 summary report specifying (1) the frequency of use of physical  
393 restraint, [or] seclusion or time out on students, (2) whether any  
394 student subjected to such restraint, [or] seclusion or time out was a  
395 special education student, [and] (3) if any such student was a special  
396 education student, whether the use of such seclusion was in  
397 accordance with an individualized education program or whether the  
398 use of such seclusion was an emergency intervention to prevent  
399 immediate or imminent injury to the student or to others, and (4) a  
400 disaggregation of the use of physical restraint on various student  
401 demographic subgroups. Such report shall be submitted not later than  
402 January 15, [2017] 2024, and annually thereafter, to the joint standing

403 committees of the General Assembly having cognizance of matters  
404 relating to children and education for inclusion in the annual report  
405 card prepared pursuant to section 2-53m.

406 (l) Any use of physical restraint, [or] seclusion or time out on a  
407 student shall be documented in the student's educational record. The  
408 documentation shall include (1) the nature of the emergency and what  
409 other steps, including attempts at verbal deescalation, were taken to  
410 prevent the emergency from arising if there were indications that such  
411 an emergency was likely to arise, and (2) a detailed description of the  
412 nature of the restraint, [or] seclusion or time out, the duration of such  
413 restraint, [or] seclusion or time out and the effect of such restraint, [or]  
414 seclusion or time out on the student's established educational plan.

415 (m) Any student who is physically restrained shall be continually  
416 monitored by a school employee. Any student who is involuntarily  
417 placed in seclusion shall be frequently monitored by a school  
418 [employee] mental health specialist. Each student so restrained or in  
419 seclusion shall be regularly evaluated by a school [employee] mental  
420 health specialist for indications of physical distress. The school  
421 [employee] mental health specialist conducting the evaluation shall  
422 enter each evaluation in the student's educational record. For purposes  
423 of this subsection, "monitor" means (1) direct observation, or (2)  
424 observation by way of video monitoring within physical proximity  
425 sufficient to provide aid as may be needed.

426 (n) If the use of such restraint, [or] seclusion or time out results in  
427 physical injury to the student, the local or regional board of education,  
428 and each institution or facility operating under contract with a local or  
429 regional board of education pursuant to subsection (d) of section 10-  
430 76d that provides special education for children, including any  
431 approved private special education program, shall report the incident  
432 to the State Board of Education, which shall include such incident in  
433 the report required pursuant to subsection (k) of this section. The State  
434 Board of Education shall report any incidence of serious injury or  
435 death to the nonprofit entity designated by the Governor in accordance

436 with section 46a-10b to serve as the Connecticut protection and  
437 advocacy system, as required by the Developmental Disabilities  
438 Assistance and Bill of Rights Act of 2000, 42 USC 15041, et seq., as  
439 amended from time to time, and any regulations promulgated  
440 thereunder, and as required by the Protection and Advocacy for  
441 Individuals with Mental Illness Act, 42 USC 10801 et seq., as amended  
442 from time to time, and any regulations promulgated thereunder, and,  
443 if appropriate, to the Child Advocate of the Office of the Child  
444 Advocate.

445 (o) (1) Each local or regional board of education shall provide  
446 training regarding the physical restraint and seclusion of students to  
447 the members of the crisis intervention team for each school in the  
448 district, identified pursuant to subdivision (2) of this subsection. A  
449 local or regional board of education may provide such training to any  
450 teacher, as defined in section 10-144d, administrator, as defined in  
451 section 10-144e, school paraprofessional, school mental health  
452 specialist or other school employee, as defined in section 10-222d,  
453 designated by the school principal and who has direct contact with  
454 students. Such training shall be provided during the school year  
455 commencing July 1, [2017] 2023, and each school year thereafter, and  
456 shall include, but not be limited to:

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

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

469 regarding the formulation and implementation of the plan; and

470 (C) The creation of a plan by which each local or regional board of  
471 education shall provide training regarding the proper means of  
472 physical restraint or seclusion of a student, including, but not limited  
473 to, (i) various types of physical restraint and seclusion; (ii) the  
474 differences between life-threatening physical restraint and other  
475 varying levels of physical restraint; (iii) the differences between  
476 permissible physical restraint and pain compliance techniques; and (iv)  
477 monitoring methods to prevent harm to a student who is physically  
478 restrained or in seclusion. Such plan shall be implemented not later  
479 than July 1, [2018] 2023;

480 (2) For the school year commencing July 1, 2017, and each school  
481 year thereafter, each local and regional board of education shall  
482 require each school in the district to identify a crisis intervention team  
483 consisting of any teacher, as defined in section 10-144d, administrator,  
484 as defined in section 10-144e, school paraprofessional, school mental  
485 health specialist or other school employee, as defined in section 10-  
486 222d, designated by the school principal and who has direct contact  
487 with students. Such teams shall respond to any incident in which the  
488 use of physical restraint or seclusion may be necessary as an  
489 emergency intervention to prevent immediate or imminent injury to a  
490 student or to others. Each member of the crisis intervention team shall  
491 be recertified in the use of physical restraint and seclusion pursuant to  
492 subparagraph (C) of subdivision (1) of this subsection or chapter 814e  
493 on an annual basis. Each local and regional board of education shall  
494 maintain a list of the members of the crisis intervention team for each  
495 school.

496 (p) Each local or regional board of education shall develop policies  
497 and procedures that establish monitoring and internal reporting of the  
498 use of physical restraint, [and] seclusion and time outs on students and  
499 shall make such policies and procedures available on such local or  
500 regional board of education's Internet web site and in such local or  
501 regional board of education's procedures manual.



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

505 (r) The State Board of Education shall adopt or revise regulations, in  
506 accordance with the provisions of chapter 54, concerning the use of  
507 physical restraint and seclusion pursuant to this section. Not later than  
508 sixty days after the adoption or revision of such regulations, each local  
509 or regional board of education shall update any applicable policies and  
510 procedures regarding the physical restraint and seclusion of students  
511 and shall make such updated policies and procedures available in a  
512 manner consistent with the provisions of subsection (p) of this section.

513 (s) Not later than January 1, [2019] 2024, each local or regional board  
514 of education shall establish a policy regarding the use of [an  
515 exclusionary time out] time outs. Such policy shall include, but need  
516 not be limited to, a requirement that (1) [exclusionary] time outs are  
517 not to be used as a form of discipline, (2) at least one school employee  
518 remain with the student, or be immediately available to the student  
519 such that the student and school employee are able to communicate  
520 verbally, throughout the [exclusionary] time out, (3) the space used for  
521 [an exclusionary] a time out is clean, safe, sanitary and appropriate for  
522 the purpose of calming such student or deescalating such student's  
523 behavior, (4) the [exclusionary] time out period terminate as soon as  
524 possible, and (5) if such student is a child requiring special education,  
525 as defined in section 10-76a, or a child being evaluated for special  
526 education, pursuant to section 10-76d, as amended by this act, and  
527 awaiting a determination, and the interventions or strategies are  
528 unsuccessful in addressing such student's problematic behavior, such  
529 student's planning and placement team shall convene as soon as is  
530 practicable to determine alternative interventions or strategies.

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

533 For the fiscal [year] years ending June 30, 2023, to July 1, 2025,

534 inclusive, the Department of Public Health shall administer a school-  
535 based health center expansion grant program to provide grants to  
536 [certain] operators of school-based health centers for the expansion of  
537 school-based health centers and services provided by such centers.  
538 [The following operators of school-based health centers shall be  
539 eligible for a grant under this section: (1) The operator of a school-  
540 based health center for any of the thirty-six recommended sites for  
541 expanded mental health services contained in the final report of the  
542 School-Based Health Center Expansion Working Group, established  
543 pursuant to section 16 of public act 21-35, and (2) the operator of a  
544 school-based health center for any of the one hundred twenty-four  
545 recommended schools for expanded school-based health center  
546 medical and mental health services contained in the final report of the  
547 School-Based Health Center Expansion Working Group, established  
548 pursuant to section 16 of public act 21-35.] The department shall give  
549 priority to awarding a grant to those operators of a school-based health  
550 center that will provide services after regular school hours. Each such  
551 operator shall submit, in collaboration with the local or regional board  
552 of education for the school district in which the school-based health  
553 center is located, an application for a grant under this section at such  
554 time and in such manner as prescribed by the department.

555 Sec. 8. (NEW) (*Effective July 1, 2023*) On and after July 1, 2023, the  
556 Department of Education shall make available on the department's  
557 Internet web site all documents relating to the decisions of a due  
558 process hearing required under 34 CFR 300.500 to 300.537, as amended  
559 from time to time, and any corrective actions taken by the department  
560 in response to a complaint, pursuant to 34 CFR 300.151 to 300.153, as  
561 amended from time to time, regarding the provision of special  
562 education and related services by a local or regional board of  
563 education or other entity responsible for the provision of special  
564 education and related services to a student. The department shall  
565 redact any personally identifiable information of a student prior to  
566 making such decisions and documents available.

567       Sec. 9. Subsection (i) of section 10-76d of the general statutes is  
 568 repealed and the following is substituted in lieu thereof (*Effective July*  
 569 *1, 2023*):

570       (i) (1) No local or regional board of education shall discipline,  
 571 suspend, terminate or otherwise punish any member of a planning and  
 572 placement team employed by such board who discusses or makes  
 573 recommendations concerning the provision of special education and  
 574 related services for a child during a planning and placement team  
 575 meeting for such child.

576       (2) No birth-to-three service coordinator or qualified personnel, as  
 577 those terms are defined in section 17a-248, who discusses or makes  
 578 recommendations concerning the provision of special education and  
 579 related services for a child during a planning and placement team  
 580 meeting for such child or in a transition plan, as required by section  
 581 17a-248e, shall be subject to discipline, suspension, termination or  
 582 other punishment on the basis of such recommendations.

583       (3) No local or regional board of education shall discipline, suspend,  
 584 terminate or otherwise punish any school employee, as defined in  
 585 section 10-222d, who discusses or makes recommendations concerning  
 586 the provision of services or accommodations for a student as part of a  
 587 plan pursuant to Section 504 of the Rehabilitation Act of 1973, as  
 588 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	<i>July 1, 2023</i>	New section

Sec. 9	July 1, 2023	10-76d(i)
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**ED**      *Joint Favorable Subst.*