PA 25-67—HB 5001
Education Committee
Appropriations Committee

AN ACT CONCERNING THE QUALITY AND DELIVERY OF SPECIAL EDUCATION SERVICES IN CONNECTICUT

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§ 26 — PRIVATE PROVIDER ENROLLMENT REPORT

Requires special education private providers to submit an annual report on their enrollment to SDE

SUMMARY: This act makes numerous changes to special education laws and funding. A section-by-section analysis follows.
EFFECTIVE DATE: July 1, 2025, unless otherwise noted below.

§ 1 — DEFINITION OF "CHILD REQUIRING SPECIAL EDUCATION" AND OTHER TERMS

Allows children with developmental delays to qualify for special education through age eight without falling under a specific disability category; defines certain terms used later in the act

The act allows children with developmental delays to qualify for special education through age eight without falling under a specific disability category under the federal Individuals with Disabilities Education Act (IDEA; see *Background — IDEA*).

Under prior law, a "child requiring special education" included children experiencing a developmental delay only if they were age three through five; the act increases this range to age three through eight. By law, a "developmental delay" is a significant delay in physical, communication, cognitive, social-emotional, or adaptive development measured by appropriate diagnostic methods.

The IDEA requires states to provide special education to qualifying students that fall within specified disability categories. It also allows states, at their discretion, to include three- through nine-year-olds (or any subset of that age range) with developmental delays in their definition of children requiring special education (20 U.S.C. § 1401 (3)(B)). States that do so (1) agree to provide a free appropriate public education (FAPE) to these students and comply with the IDEA's requirements and (2) can count these students as children with a disability for determining IDEA grants.

The act also defines other terms explained below in context.

Background — IDEA

The IDEA is the main federal law governing special education (20 U.S.C. § 1400 et seq.; 34 C.F.R. § 300.1 et seq.). It authorizes grants to states and school districts and attaches a series of conditions to funding, which states agree to adhere to by accepting funding. The IDEA guarantees students with qualifying disabilities the right to a FAPE tailored to their unique needs and implemented under a planning document called an Individualized Education Program (IEP). It also requires school districts to identify and evaluate students who may need special education, educate students with disabilities with their nondisabled peers as much as possible, and follow certain procedural safeguards, among other things.

The IDEA's definition of disability is categorical and education-specific. To be a "child with a disability" under the IDEA (and to qualify for special education services), a child must (1) have a disability that falls under one of the listed categories and (2) need special education and related services because of it. The categories are autism, deaf-blindness, hearing impairment (including deafness), intellectual disability, developmental delay (for certain ages), orthopedic impairment, serious emotional disturbance, specific learning disability, speech or language impairment, traumatic brain injury, vision impairment, multiple disabilities, and other health impairments (20 U.S.C. § 1401 (3); 34 C.F.R. § 300.8(c)).

§ 2 — PROHIBITION ON INCREASING CHARGES FOR SPECIAL EDUCATION SERVICES DURING THE SCHOOL YEAR

Generally prohibits a charging entity from increasing its costs to a school board for special education services beginning with the 2025-26 school year; permits increases in some situations

Beginning with the 2025-26 school year, the act generally prohibits a charging entity (see below) from increasing its charges to a local or regional board of education ("school board") for special education services required under a student's IEP, except in response to a change in the student's IEP.

The act also allows the State Department of Education (SDE) to permit a charging entity to increase its charges for special education services upon request if there is a substantial increase in costs for the (1) services being provided for a student or (2) charging entity's operation. The education commissioner must determine the process for these requests, including any required documentation proving the increase. The commissioner must review each request and issue a written decision approving or denying it within 60 days of receipt.

Under the act, a "charging entity" is an approved private provider of special education services, a regional educational service center (RESC), a magnet school operator, a state charter school, an educational cooperative agreement, a school board operating an outplacement program, or a special education transportation services provider, or as part of the Open Choice interdistrict public school attendance program.

§§ 3 & 24 — ESTABLISHING A RATE SCHEDULE FOR DIRECT SPECIAL EDUCATION SERVICES AND REQUIRING PRIVATE CONTRACTS TO CONFORM TO THE SCHEDULE

Sets separate paths to establish rates for (1) public special education providers and any provider of related services and (2) private special education providers

The act establishes (1) one way to determine the rates for public provider special education services and for related services provided by either a public or private provider ("charging entity," see above) and (2) another way to determine the rates for private provider special education services.

Related Services and Public Provider Special Education Services Rates

The act requires SDE, in consultation with the Office of Policy and Management (OPM), to set a rate schedule by January 1, 2028, for (1) special education services, excluding special education transportation, provided by a public special education services provider and (2) related services that a charging entity provides under an IEP.

Under the act "related services" are developmental, corrective, and other supportive services as needed to help a special education student benefit from special education, including speech, behavioral, and occupational therapies but not special education transportation services. "Special education transportation services" are transportation services to and from special education outplacements by a provider of special education transportation services.

In establishing the rate schedule, SDE must (1) consult with stakeholders and education officials in other states experienced in rate setting and (2) consider charging entity operating expenses, the costs that school boards pay, the educator-to-student ratio, staff professional qualifications, and any other considerations SDE finds relevant.

The rate schedule must include billing standards that describe how the charging entity's operational expenses should be proportionally and appropriately attributed to the services. SDE must, at least biennially, review the rate schedule and billing standards and may revise them as necessary.

By December 31, 2027, SDE must set individual rates for each special education and related service. However, the act allows SDE to do so as early as July 1, 2025.

If the rates are set earlier than the act's deadline, the act requires SDE to notify each school board about the rate. SDE must post it on the department's website no later than January 1 of the year after they were set, and the posted rate will become effective on the following July 1. Otherwise, it must post the rates and complete these notifications before January 1, 2028, and the rates go into effect July 1, 2028.

Service Charges to Align With Established Rates. If SDE sets rates for public provider special education services and charging entity related services before the December 31, 2027, deadline, then charged rates must align with the rates SDE sets as long as they were posted on or before January 1 of the prior school year. Otherwise, starting with the 2028-29 school year, the rates must align with the rates SDE sets as long as the rates were posted on or before January 1 of the prior school year as required by the act.

Under the act, any amount charged to and paid by a school board for services over the rate schedule amount is ineligible for an excess cost grant reimbursement or the act's new special education expansion development grant (see § 7).

Private Provider Special Education Services Rates and General Assembly Approval

The act establishes a separate process to develop rates for private special education service providers that includes submitting proposed rates to the General Assembly for a vote.

The act requires the education commissioner to consult with approved nonprofit and approved for-profit private special education service providers to develop proposed individual rates for each special education service, excluding transportation services. As with the process described above for public providers, SDE must develop the rates by December 31, 2027, but may develop them as early as July 1, 2025.

In addition to consulting with providers, the commissioner must follow the same process mentioned above, including (1) consulting with stakeholders and education officials in other states experienced in rate setting and (2) considering specified data. Billing standards must accompany the rates.

Once rates are developed, the commissioner must submit all proposed rates by the following January 1 to the General Assembly for approval or disapproval. If the

General Assembly fails to approve or disapprove the proposed rates by the March 15 following submission, they are deemed approved. Any proposed rate that the General Assembly approves or is deemed approved becomes effective on the following July 1.

Reporting Requirements

The act sets reporting requirements for the provider rates. For the window during which SDE has discretion to set rates, the department must submit a report on any rates that have been established under the act by January 1, 2026, and by January 1, 2027, to the Appropriations and Education committees. Starting by January 1, 2028, SDE must annually submit the required rate schedule to the same two committees.

Contracts Must Conform to Rate Schedule (§ 24)

The act requires that any contract between a private provider and a school board entered into or amended on or after July 1, 2026, that is subject to the act's rate setting requirements, be in alignment with the rates or rate schedule as appropriate. EFFECTIVE DATE: July 1, 2025, except the provision requiring school board contracts with private providers to be in alignment with the rates or rate schedule is effective July 1, 2026.

§ 4 — BILLING STANDARDS FOR SPECIAL EDUCATION TRANSPORTATION COSTS

Requires SDE to develop and update billing standards for the costs that special education transportation providers charge; beginning with the 2027-28 school year, requires all costs that transportation service providers charge for special education transportation services align with SDE's billing standards

By January 1, 2027, the act requires SDE to develop, and update as necessary, billing standards for the costs that special education transportation service providers charge to school boards for special education transportation services to and from outplacements. The department must notify each school board about the billing standards and post them on SDE's website.

Beginning with the 2027-28 school year, all costs that special education transportation service providers charge to school boards for these services must align with the SDE's billing standards.

Beginning by January 1, 2027, SDE must annually submit the billing standards to the Education Committee.

§ 5 — DEFINING REASONABLE COSTS FOR SPECIAL EDUCATION SERVICES

Beginning July 1,2025, prohibits the presumption that "reasonable costs" for special education services are the actual cost incurred by special education providers; beginning July 1, 2026,

makes the "reasonable costs" for these services the charges allowed under the rate schedule the act creates

Beginning July 1, 2025, the act prohibits a presumption that "reasonable costs" are the actual cost incurred for providing special education and related services under a student's IEP.

Then, beginning July 1, 2026, the act requires the "reasonable costs" of providing special education and related services under a student's IEP to be the amounts that can be charged to a school board by a charging entity under the act's rate schedule (see § 3).

The act specifies that the definition applies when determining the reasonable costs of providing special education and related services under the laws for:

1. charter school operators charging the school district where a student lives (CGS § 10-66ee(d)(7));
2. special education private providers, school boards, or other public or private agencies or institutions determining what the school district will pay the provider (CGS § 10-76d(d));
3. excess cost grant calculations when determining the grant eligibility threshold (CGS § 10-76g);
4. expenses of Advisory Board for Special Education members (CGS § 10-76i);
5. state agency placement for non-special education reasons (CGS § 10-253(b));
6. magnet school operators charging back to the school district where a student lives (CGS § 10-264*l*(h); and
7. Open Choice Program determination of what a receiving school district can charge the school district where the student lives (sending school district) (CGS § 10-266aa(i)).

§§ 6 & 7 — NEW SPECIAL EDUCATION GRANT

Entitles each school board to a new special education and expansion development (SEED) grant; imposes restrictions on how the funds must be used; creates a penalty for improper use; requires school boards to annually report on how grant funds are spent; exempts the grant from a district's minimum budget requirement (MBR) calculation

Beginning with FY 26, the act entitles each school board to the SEED grant the act creates. Each district is entitled to its fully-funded grant based on a formula. However, if the total amount of the grant calculation for FY 26 exceeds the amount appropriated in the budget, then the amounts payable to a school board must be reduced proportionately.

Under the act, the grants must be paid directly to school boards and the funds must be spent only for special education purposes. If a school board gets an increase in its special education grant over the previous year, it must increase its budgeted special education appropriation by the amount of the increase. Funds from the grant cannot be used to replace previously existing special education funding.

Under the act, "special education purposes" are:

1. directly providing special education and related services to students;
2. Tier 2 interventions (targeted interventions for students who need help but usually have not been identified as needing special education);
3. academic and behavioral interventions;
4. hiring and salaries for special education teachers, paraeducators, and behavioral and reading specialists who work directly with students;
5. equipment purchases and maintenance; and
6. curriculum materials.

The act specifically excludes (1) administrative functions or operating expenses related to providing special education and related services or (2) services provided by a third-party contractor.

Grant Calculation

Under the act, the fully funded grant for each school district results from multiplying the foundation amount by the base aid ratio by the special education needs student count for the fiscal year before the year in which the grant is to be paid. (This method is similar to the Education Cost Sharing (ECS) grant that every town receives.) Beginning in FY 26, each school district is entitled to the new special education grant in an amount equal to its fully funded grant.

Specifically, the factors in calculating the grant include the:

1. foundation amount of $11,525 per student (the same figure used in the ECS formula);
2. base aid ratio for each town, which is a measurement of town property and income wealth (the same formula used in ECS, see *Background — Base Aid Ratio*); and
3. special education needs student count, which is 50% of the number of resident students (students enrolled in public schools in a town as of October 1 at the town's expense) who are special education students.

The grant must be calculated using the data of record as of the December 1 before the fiscal year the grant is to be paid, adjusted for the difference between the final entitlement for the prior fiscal year and the preliminary entitlement for that same year (as calculated using the data of record as of the December 1 before the fiscal year when the grant was paid).

Grant Payment Schedule

Under the act, the comptroller must pay grants to school boards, upon certification by the education commissioner, in installments during the fiscal year as follows: 25% of the grant in October, 25% in January, and the balance generally in April. The balance must be paid in March rather than April to any board that has not adopted the uniform fiscal year and that would not otherwise get the final payment within its fiscal year.

Penalty for Failing to Follow Grant Requirements

The act sets penalties for school boards, including regional boards of education, that do not (1) use the funds exclusively for special education or (2) increase their budgeted appropriation for special education from one year to the next by their grant increase amount. It also subjects them to penalties for using grant funds to replace other existing special education funding.

Upon the State Board of Education's (SBE's) determination that a school board failed in any fiscal year to meet these requirements, the board must forfeit twice the amount of the improper use or shortfall. SDE must withhold the amount forfeited from the grant payable to the school board in the second fiscal year immediately following the failure by deducting the amount from the board's special education and expansion development grant payment. But the act allows SBE to waive the forfeiture (1) upon agreement with the school board that the board must increase its special education appropriation during the fiscal year in which the forfeiture would occur by an amount at least equal to the forfeiture or (2) for other good cause shown.

While the grant is not designed specifically for regional boards of education, presumably they could receive some of the grant funding passing through one of the local boards that make up the regional district. This would then make the regional board obligated to meet the grant requirements.

Required Reporting

The act requires local and regional boards, beginning by July 15, 2026, to annually submit an expenditure report to the education commissioner with a summary and itemization of how SEED grant funds were spent during the prior fiscal year to directly provide special education and related services to students. It must include whether the grant was used to hire any new special education teachers, paraeducators, or behavioral or reading specialists. Boards getting grants less than $10,000 in a fiscal year are exempt from the reporting requirement for that year.

Grant Exempted From a Town's MBR

By law, when a town or school district receives additional state funding for education over what it received in the previous year, it must be added to the town's MBR for education. Generally, a town cannot decrease its MBR for education from one year to the next, and an increase in state grant funds cannot be used to decrease the town's financial support for education (there are certain exceptions).

Beginning with FY 26, the act exempts a school district from including the amount it receives for the SEED grant in its MBR calculation for the following fiscal year. So, this grant will not increase a town's MBR.

Background — Base Aid Ratio

By law, the base aid ratio is a measure of town wealth (measured by property wealth and income level) used in the ECS formula. There is a minimum of 10% base aid ratio for alliance districts and priority school districts and a minimum 1% base aid ratio for all other towns.

§ 8 — LICENSURE STANDARDS FOR PRIVATE SPECIAL EDUCATION PROVIDERS

Requires SDE to develop licensure standards for private special education providers and submit them to the Education Committee by January 1, 2026

The act requires SDE to develop licensure standards for private special education providers in the state. These standards must at least include:

1. the application and review process for getting licensed;
2. defined periods for both initial licensure and license renewal;
3. minimum requirements tailored to the specific types of special education services provided; and
4. licensure fees, set at $5,000 for each initial application and $1,500 for each renewal.

By January 1, 2026, SDE must submit the licensure standards and any legislative recommendations necessary for implementation to the Education Committee.

By law, the education commissioner approves private special education providers in the state. The approval process, detailed in state regulations, includes a site visit by SDE staff and requires the provider to, among other things, (1) agree to implement each student's IEP; (2) participate in and contribute to the planning and placement team (PPT) for each student; (3) complete periodic reviews and evaluations of each student; and (4) have various policies and procedures, including to permit staff of the sending school board to visit the facility and observe the students. The regulations also give SBE or the education commissioner the power to suspend or revoke approvals when acting on the board's behalf.

§ 9 — UNANNOUNCED ON-SITE VISITS OF SPECIAL EDUCATION PROVIDERS

Requires (1) SDE to make unannounced on-site visits at RESCs and private special education providers; (2) the education commissioner to notify the providers about the site visit findings and any required corrective actions; (3) providers to show proof of compliance within 30 days after receiving the finding; (4) a provider to be fined up to $100 a day for each day of noncompliance; and (5) SDE to notify school boards about the findings and necessary compliance proof

Beginning July 1, 2027, the act requires SDE to make annual unannounced on-site visits of randomly selected sites of RESC special education programs or private special education providers providing services under a contract with a school board. The private providers are included regardless of whether they are approved by the education commissioner.

Each site visit must at least include:

1. reviewing documentation of employee qualifications and compliance with certification and in-service training requirements relevant to each employee;
2. reviewing compliance with criminal history and child abuse and neglect registry checks for each employee as required under state law (see § 21,

which expands who must undergo these checks);
3. administering a service quality questionnaire to the parents or legal guardians of students receiving services from the RESC or the private provider; and
4. reviewing student outcomes, including attendance data and restraint and seclusion rates.

Site Visit Findings and Corrective Actions

Within 10 business days after the site visit, the education commissioner must notify the RESC or private provider in writing about the site visit findings and any required corrective actions.

Each RESC or private provider that receives written findings with required corrective actions must submit written proof of compliance with the corrective actions to SDE within 30 days after receiving the findings.

Penalties for Failing to Submit Proof of Compliance

Under the act, any RESC or private provider that does not submit proof of compliance by the deadline must be fined up to $100 per day for each day of noncompliance with the act's requirements. (Presumably, the fine must be paid to SDE, but the act does not indicate that.) The act prohibits a school board from knowingly placing any additional special education students with a noncompliant RESC or private provider.

Within 15 days after the submission or receipt of the written records required under the act, SDE must post the written records to SDE's online public database in a way that complies with the student record confidentially requirements of the Family Educational Rights and Privacy Act (FERPA, 20 U.S.C. § 1232g). It must also send them to each school board that has placed a student with the RESC or private provider.

§ 10 — TRANSFERRING OUT-OF-DISTRICT SPECIAL EDUCATION STUDENTS

Prohibits certain entities from further transferring out-of-district special education students except in certain circumstances

The act prohibits entities that receive an out-of-district placement of a special education student through an agreement or contract with a sending school board from transferring the student to any other school or facility, unless certain conditions are met. These entities include school boards, interdistrict magnet school operators, state or local charter school governing councils, and private providers of special education services. Under the act, if one of these entities receives an out-of-district placement, a further transfer is allowed only if the:

1. sending school board initiates a PPT meeting on the issue, or the student's parent or guardian requests it (or the student requests it directly, if over age 18 or emancipated), and

2. PPT finds that the transfer better fits the student's educational needs.

Under the act, a representative of the entity that received the out-of-district placement must be invited to attend and participate in the PPT meeting but cannot request that a PPT meeting be held for this purpose.

§ 11 — MODEL CONTRACTS FOR STUDENT PLACEMENT WITH A PRIVATE SPECIAL EDUCATION PROVIDER OR RESC

Requires SDE to prepare model contracts to be used when placing a student with an approved private special education provider or with a RESC; requires SDE to make the model contracts available to school boards by July 1, 2026

The act requires SDE to prepare model contracts for placing a student with an education commissioner-approved private special education provider or with a RESC. By July 1, 2026, SDE must make the model contracts available to school boards for their use.

Under existing law and unchanged by the act, contracts with private providers must include an explanation of how the tuition or costs for services are calculated and a description of the child's educational program with a statement of goals and objectives.

§ 12 — REPORT ON SPECIAL EDUCATION STUDENT PLACEMENTS

Requires school boards to annually report on information related to special education student placements where the board is paying any portion of the cost

Beginning by June 30, 2026, the act requires each local and regional school board to annually report to SDE information on each special education student placement where the board is paying any portion of the cost.

The report must include:

1. whether the placement resulted from a PPT decision, a settlement agreement, or a special education hearing;
2. whether the placement is with an approved or nonapproved special education services private provider, a RESC, an interdistrict magnet school program operator, a state charter school, a cooperative agreement, a school board operating an outplacement program, or part of the Open Choice Program;
3. the amount being paid by the board;
4. the special education services provided;
5. the location of the facility where the services are being provided;
6. the total number of agreements on special education nondisclosure or waiver of rights (that is, rights under the federal IDEA) the board enters with a student, parent, or guardian during the prior school year; and
7. any other information SDE requests.

Under the act, SDE must disaggregate the information and annually post it on the department's special education data system, in a way that complies with FERPA.

EFFECTIVE DATE: Upon passage

§ 13 — FUNCTIONAL BEHAVIOR ASSESSMENTS BEFORE OUT-OF-DISTRICT PLACEMENT

Generally requires school boards to do a functional behavior assessment and develop or update a behavioral intervention plan before placing a student out of district

Beginning September 1, 2025, the act generally requires school boards to do a functional behavior assessment and make or update a behavioral intervention plan for students with challenging behavior before placing them out of district.

The act (1) exempts a board from the assessment and plan requirements if the time to do them would be a safety risk to any student or staff member at the school and (2) requires SDE, by September 1, 2025, to develop guidance for boards to determine the circumstances under which this exemption applies. No later than two business days after deciding that the exemption applies, a school board must file a notice with SDE describing the reasons behind its decision.

Under the act, functional behavior assessments involve gathering and analyzing data to identify the reasons for a student's behavior that negatively impacts school climate or interferes, or is at risk of interfering, with a student's learning or a student's or staff member's safety.

§ 14 — REPORT ON BEHAVIORAL HEALTH ISSUES AFFECTING SPECIAL EDUCATION STUDENTS

Requires the Transforming Children's Behavioral Health Policy and Planning Committee to submit a report to the Education Committee and Committee on Children on behavioral health issues affecting special education students

By January 1, 2027, the act requires the Transforming Children's Behavioral Health Policy and Planning Committee (see *Background — Transforming Children's Behavioral Health Policy and Planning Committee*) to submit to the Education Committee and Committee on Children a report that examines and makes recommendations about behavioral health issues affecting special education students. To accomplish this, the act requires SDE, in compliance with FERPA, to give the committee all data and information it requests for the report.

Under the act, the report must include the (1) behavioral intervention methods special education private providers use and (2) feasibility and effect of requiring them to use proactive, highly individualized evidence-based interventions like the Assessment of Lagging Skills and Unsolved Problems. It must specifically include the feasibility and effect of requiring the providers' staff to be trained on these interventions, emphasizing problem-solving as a main goal.

Additionally, the act requires the report to have best practices for SDE to monitor and randomly audit the use of physical restraint and seclusion on special education students. It specifically requires best practices on how to:

1. ensure the accuracy and consistency of the annual incident compilation reports SDE receives from school boards;

2. intervene in schools and special education programs that report a high number of incidents;
3. enforce related laws, such as through site visits and reviewing incident reports and parental notifications;
4. train staff and administrators to reduce reliance on these interventions; and
5. develop uniform rules or regulations for using the interventions on any student.

Background — Transforming Children's Behavioral Health Policy and Planning Committee

By law, the Transforming Children's Behavioral Health Policy and Planning Committee evaluates the prevention, early intervention, and behavioral health treatment services available to children from birth to age 18 and makes recommendations on administering the behavioral health care system for children. Its members include, among others, certain legislative committee chairpersons and ranking members and executive branch officials (or their designees) and legislatively-appointed members with certain qualifications (CGS § 2-137).

§ 15 — BUILDING EDUCATIONAL RESPONSIBILITY WITH GREATER IMPROVEMENT NETWORKS COMMISSION

Creates new study requirements for the BERGIN Commission related to special education; generally extends the commission's end date to July 1, 2030; adds 20 additional members to the commission

PA 23-167 created the Building Educational Responsibility with Greater Improvement Networks (BERGIN) Commission to study education funding, accountability measures, financial reporting adequacy, and financial impact to school boards of certain education programs (e.g., magnet school programs).

The act expands the commission's study responsibilities to include the following special education-related topics: the need for new programs and services, peer review of special education programs, Tier 2 interventions, the Connecticut Special Education Data System (CT-SEDS), respite care access, delivery effectiveness and acknowledgment of meeting standards, the proposed statewide workload analysis model, and service qualification under Medicaid and private insurance. Under the act, reports on these studies are due by December 1, 2026, and must include findings and recommendations. The act allows the commission to form subcommittees to meet these new responsibilities.

The act also extends the due dates of two reports related to the commission's existing study requirements as shown in the table below.

Extended Report Submission Deadlines

Topic	*Recipient*	*Prior Deadline*	*New Deadline*
Education funding for school boards, charter schools, and interdistrict magnet schools	Appropriations and Education committees	February 1, 2024	January 15, 2026
Alliance districts and charter schools	Education Committee	January 15, 2025	January 15, 2026

Under the act, SDE must comply with all data and information requests made by the commission to make the reports required by the act and existing law.

Corresponding to the act's new and extended reporting requirements, the act postpones the commission's end date to the later of when it submits its last report or July 1, 2030, instead of the later of the last report's submission or July 1, 2025.

Previously, the BERGIN commission's members included the House speaker, Senate president pro tempore, SDE commissioner, and OPM secretary (or their designees) and 16 members appointed by legislative leaders. The act adds 20 more members to the commission, including various professionals in the special education field, to be appointed by legislative leaders and the SDE commissioner by July 23, 2025.

EFFECTIVE DATE: Upon passage

New Special Education Studies and Related Reports

Need-Based Special Education. The act requires the commission to do a needs-based study to determine if additional special education programs and services are required to meet statewide demand. It also requires the commission to develop and recommend a new methodology for SDE, in consultation with OPM, to use when reviewing applications from special education private providers to become approved providers (e.g., application and applicant criteria).

To make the determination about additional programs and services, the act requires the commission to review approved and nonapproved public and private special education schools and their offered programs and services, including whether they have a waitlist for these services.

The act requires a report on the study to be submitted to OPM, SDE, and the Appropriations and Education committees.

Peer Review Processes for Special Education. The act requires the commission to study and consider recommendations for creating a peer review process for the special education program in each school district. The process must assess each district periodically and identify best practices for use in other districts with similar special education and student needs. The report for this study must be submitted to SDE and the Education Committee.

Tier 2 Interventions. The act requires the commission to (1) examine the use and implementation of Tier 2 interventions of multitiered systems of supports and scientific research-based interventions in public schools; (2) identify the potential benefits of, or barriers to, implementing them; and (3) make recommendations on improving the implementation. Tier 2 interventions are for students who fail to

accomplish the learning benchmarks of Tier 1 (foundational academic) instruction. They consist of short-term, specialized, and typically research-based supports, in addition to Tier I instruction.

As part of the examination, the commission must consider at least the following:

1. requiring SDE to revise existing guidelines to include current research and best practices;
2. requiring mandated training and certification of staff supervising and using these interventions;
3. requiring reading intervention, if the main issue is reading-related, before a special education placement is made; and
4. methods to incentivize school boards to hire more reading intervention teachers.

The commission must submit a report on the study to SDE and the Appropriations and Education committees.

Changes to CT-SEDS. The commission must also review and recommend changes to CT-SEDS, including considering its (1) accessibility and usability by educators, parents, guardians, and students and (2) requirements that exceed statutory and regulatory requirements for IEPs. The recommendations can be developed, in part, based on the findings of SDE's report on CT-SEDS (see § 17 below). The commission must report on the review to SDE and the Education Committee.

Respite Care Access. The act requires the commission to (1) study the access to respite care for families of children with disabilities and (2) submit a report about it to SDE and the Education and Public Health committees. Under the act, the report must (1) assess current respite services availability, (2) identify access and delivery gaps, and (3) evaluate how respite care supports families in keeping children with disabilities safe at home and in their communities.

Delivery Effectiveness and Acknowledgment of Meeting Standards. The act requires the commission to make recommendations for (1) standards for measuring special education delivery effectiveness by school boards and (2) how to publicly acknowledge school districts that consistently meet or exceed these standards, and those that fail to do so. The commission must submit a report on the study to SDE and the Education Committee.

Statewide Workload Analysis Model. The act requires the commission to review and make recommendations for legislation on the implementation of the proposed statewide special education workload analysis model (see § 16 below). The commission must submit a report on the study to the Education Committee.

Service Qualification Under Medicaid and Private Insurance. The act requires the commission, in consultation with Office of Health Strategy, Office of the Healthcare Advocate and Department of Social Services, to study whether certain special education services can be billed to Medicaid or other private insurance. The commission must submit a report on the study to the Education and the Human Services, Insurance and Real Estate committees.

Additions to the Commission's Membership

The act adds 20 members to the BERGIN Commission's membership, who must be appointed by July 23, 2025. These additional members include:

1. three appointed by the House speaker, including a parent of a child receiving special education services, a Disability Rights Connecticut representative, and an individual who can be a General Assembly member;
2. three appointed by the Senate president pro tempore, including a parent of a child receiving special education services, a Connecticut Association of Public School Superintendents representative, and an individual who can be a General Assembly member;
3. three appointed by the House majority leader, including a parent of a child receiving special education services, a special education teacher who is also a Connecticut Education Association member, and an individual who can be a General Assembly member;
4. three appointed by the Senate majority leader, including a special education teacher who is also an American Federation of Teachers-Connecticut member, a Connecticut Council of Administrators of Special Education representative, and an individual who can be a General Assembly member;
5. three appointed by the House minority leader, including a parent of a child receiving special education services, a special education teacher who is also an American Federation of Teachers-Connecticut member, and an individual who can be a General Assembly member;
6. three appointed by the Senate minority leader, including a Connecticut Association of Private Special Education Facilities representative, a special education teacher who is also a Connecticut Education Association member, and an individual who can be a General Assembly member; and
7. two designated by the SDE commissioner.

§ 16 — SPECIAL EDUCATION WORKLOAD ANALYSIS MODEL

Requires SDE to develop a proposed statewide special education workload analysis model for teachers and school service providers and submit it to the BERGIN Commission and Appropriations and Education committees by July 1, 2026

The act requires SDE, in consultation with the BERGIN Commission and the OPM secretary, to develop a proposed statewide special education workload analysis model for teachers and school service providers implementing student IEPs. Under the act, "workload" is the number of students with an IEP that a teacher or provider is responsible for and the time required to implement each one.

The model must set standards that limit the teachers' and providers' workloads and have provisions on the:

1. severity of the student's needs in the IEP;
2. level and frequency of services needed for a student to meet the IEP's goals and objectives; and
3. time required for planning services, evaluations (including classroom observations), coordination of services, staff development, follow-up, and traveling to and from different locations to provide special education and related services.

By July 1, 2026, SDE must submit the proposed statewide workload analysis model to the BERGIN Commission and the Appropriations and Education committees. It must also make the proposed model available through CT-SEDS by September 1, 2026.

§ 17 — SDE REPORT ON CT-SEDS

Requires SDE to develop a report on the functions of CT-SEDS and submit it to the BERGIN Commission and Education Committee by January 1, 2026

The act requires SDE to develop a report on CT-SEDS's functions. The report must:

1. explain each field in the data system's purpose, how the data and information in each field is used, and how each field relates to student outcomes and
2. identify which fields or collected data and information in the system exceed the requirements of the federal IDEA.

By January 1, 2026, SDE must submit the report to the BERGIN Commission and the Education Committee.

§§ 18 & 19 — DUE PROCESS HEARINGS

Makes several changes on due process hearings, including (1) generally requiring all claims to be disclosed before the start of the hearing, (2) requiring hearing officers to consider all evaluations presented, (3) generally limiting hearings to four days' duration, and (4) requiring hearing officers' written decisions to include specific findings of fact related to educating students with disabilities with their nondisabled peers

The federal IDEA and related state statute and regulations establish procedures for resolving special education-related disputes between school districts and parents or guardians, including the right to request and receive a due process hearing before an SDE-appointed impartial hearing officer.

Parents or guardians may make a written request for one of these hearings if a school district (1) proposes or initiates a change in a child's identification, evaluation, or educational placement, or refuses to change or initiate such a change, or (2) refuses or fails to provide FAPE to the child. School boards may similarly request this hearing, including for instances when a parent or guardian refuses consent for special education evaluations (34 C.F.R. § 300.507(a) and CGS § 10-76h(a) & (b)). The act makes several changes to due process hearing procedures.

Disclosure in Prehearing Conferences

By law, parties in a dispute must (1) participate in a prehearing conference to resolve the issues, if possible, and to narrow the scope and (2) disclose specified information at least five business days before the hearing.

Existing law requires parties to disclose (1) documentary evidence they will present at the hearing, (2) a list of witnesses they plan to call at the hearing, and (3) all completed evaluations and recommendations based on the offering party's

evaluations that they will use at the hearing. The act additionally requires the parties to disclose all claims they will raise at the hearing and allows a hearing officer to bar parties from raising those they did not.

Weighing Evaluations

By law, hearing officers must hear all testimony relevant to the dispute by the party requesting the hearing and any other directly involved party. Officers may hear additional testimony they deem relevant. The act specifies that the hearing officers must consider all evaluations presented and used during the hearing.

Length of Hearing

The act requires hearing officers to limit the time period for offering testimony and arguments to four days, unless there is good cause for presenting additional testimony or arguments. The hearing officer must issue a written decision to allow additional testimony or arguments.

Hearing Officer Decision

Under existing state law, a due process hearing officer has the authority to:

1. confirm, modify, or reject a student's identification, evaluation, or educational placement or the provision of FAPE to the student;
2. determine the appropriateness of educational placements where the parent or guardian (or child, in some circumstances) has placed the student in a program other than the one prescribed by the PPT (known as "unilateral placement"); or
3. prescribe alternative special education programs for the student.

The federal IDEA requires hearing officers to make decisions on substantive grounds based on a determination as to whether the student received FAPE (20 U.S.C. § 1415 (f)(3)(E)(i)), and state law requires the decision to be issued in writing, generally within 45 days after the hearing begins. The act requires this written decision to include specific findings of fact that generally relate to IDEA's requirement that a student be educated in the least restrictive environment (LRE, see *Background — Least Restrictive Environment*). Specifically, the decision must have findings of fact determining:

1. whether the district has made reasonable efforts to accommodate the child in a regular classroom;
2. the educational benefits available to the child in a regular classroom (with appropriate supplementary aids and services), compared to the benefits of being in a special education classroom;
3. whether the child's inclusion in the classroom may have negative effects on classmates' education; and
4. whether the school has included the child in programs with nondisabled students to the maximum extent appropriate.

Background — Least Restrictive Environment

The IDEA requires that students with disabilities be educated with their nondisabled peers to the maximum extent appropriate; this is known as the LRE requirement. Special classes, separate schooling, or other removal of students with disabilities may happen only if the nature or severity of a student's disability makes it so that education in a regular classroom environment cannot be achieved satisfactorily with supplementary aids and services (20 U.S.C. § 1412 (a)(5); 34 C.F.R. § 300.114(a)).

§ 20 — SPECIAL EDUCATION PROGRAM SUPERVISION

Specifies that the education commissioner supervises approved private special education providers

By law, the education commissioner approves and supervises programs and facilities in any agency or school that provides training for children requiring special education and that receive state funds. The act specifies that this includes the commissioner supervising approved special education private providers. It also makes conforming changes.

§ 21 — CHANGES TO THE IEP FORM

Requires SDE to remove the portion of the state's IEP form that is used to list the people who will implement the IEP

The act requires SDE, by January 1, 2026, to update the state's IEP form to remove the requirement to list the people who will implement the IEP.

§ 22 — SPECIAL EDUCATION AND EXCESS COST GRANT PROJECTIONS DATA REPORTING

Requires SDE to (1) annually make certain disaggregated, student-level, and statewide data available on its website and (2) submit excess cost grant projections to the Appropriations and Education committees and the Office of Fiscal Analysis on January 30 and March 30 each year

Data Posting

Starting by February 28, 2026, the act requires SDE to annually make certain disaggregated, student-level, and statewide data available on its website. The act specifies that the data must exclude any personally identifiable information and comply with the FERPA.

The act requires SDE to post disaggregated data on the special education and expansion development grant the act creates (see § 7 above), specifically the (1) total number of special education students statewide and in each district, (2) state aid percentage, and (3) total grant each school board received.

Under the act, SDE must post student-level data on students included in each school board's December 1 filing for the excess cost grant. The data must at least

include:

1. the school district;
2. its net current expenditures per pupil threshold and total anticipated costs above this threshold;
3. the total anticipated costs for transportation, tuition, and room and board (if any);
4. the facility code; and
5. grant type category.

SDE must also post statewide student population data on students included in the excess cost grant filings, including the:

1. number of students by multilingual learner status, qualifying primary disability, and facility;
2. number of students in the age categories of (a) 3 and 4, (b) 5 to 12, (c) 13 to 18, and (d) 19 and older; and
3. average number of tuition days.

Excess Cost Grant Projections

The act requires SDE to submit excess cost grant projections to the Appropriations and Education committees and the Office of Fiscal Analysis twice each year, on January 30 and March 30, with the first submissions due in 2026. Specifically, it must submit:

1. the total amount each school board is eligible to be paid under the excess cost grant program;
2. each board's net current expenditures per pupil threshold, tier reimbursement percentage, and capped payment amount;
3. the number of students with expenses projected to exceed 4.5 times the net current expenditures per pupil threshold, for each board and statewide; and
4. the number of students with expenses projected to exceed three times the board's net current expenditures per pupil threshold for each child the board previously outplaced, but for whom the board is now providing direct in-district special education and related services without the assistance of a third-party contractor who is not employed by the board.

§ 23 — DYSLEXIA REPORT

Requires the Office of Dyslexia and Reading Disabilities to report to the Education Committee on recent developments and best practices on dyslexia evaluations, interventions, and student outcomes and on teacher preparation capacity

The act requires the Office of Dyslexia and Reading Disabilities within SDE to develop a report on (1) recent developments and evidence-based best practices pertaining to dyslexia evaluations, interventions, and student outcomes in the state and (2) capacity of in-state public and independent higher education institutions to prepare current and aspiring elementary school educators with structured literacy teaching skills. The commissioner must submit the report to the Education Committee by February 1, 2026.

§ 25 — TRANSITIONAL COLLEGE READINESS AND REMEDIAL SUPPORT PROGRAM OFFERINGS AT HIGHER EDUCATION INSTITUTIONS

Requires the Board of Regents for Higher Education to continue offering certain transitional college readiness, embedded remedial support, and intensive remedial support programs at the state's public higher education institutions (PA 25-99 narrows this provision to only one academic year)

The act requires the Board of Regents for Higher Education (BOR) to continue offering, for the fall 2025, spring 2026, and each following semester, every transitional college readiness, embedded remedial support, and intensive remedial support program that they offered at public higher education institutions in the fall 2024 and spring 2025 semesters. (PA 25-99, § 8, narrows this provision by requiring BOR to do so only for the fall 2025 and spring 2026 semesters.)

§ 26 — PRIVATE PROVIDER ENROLLMENT REPORT

Requires special education private providers to submit an annual report on their enrollment to SDE

Beginning January 1, 2026, the act requires approved special education private providers to annually submit a report to SDE on their enrollment, including the:

1. total number of enrolled students;
2. total number of enrolled students organized by each student's state of residence, or prior residence in the case of a residential facility; and
3. special education services provided organized by state of residence.

Additionally, if the provider has a waiting list, the provider must report similar information as described above for students on the waiting list.

Under the act, beginning by February 1, 2026, SDE must annually submit the enrollment data compiled from the reports to OPM, the Office of Fiscal Analysis, and the Appropriations, Education, and Government Oversight committees.