

Connecticut State Department of Education

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TO: Directors of Special Education and Pupil Services
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FROM: Leslie M. Avera, Associate Commissioner *LMA*
Division of Educational Programs and Services

DATE: February 20, 1998

SUBJECT: Update #9

It's been a while since I've provided an update to you but, as you can imagine, we've been very busy at the Department. IDEA training, production of the Report on Special Education and Related Services, program review, preparation of a procedures manual, IEP form (attachment 5) and procedural safeguards, development of eligibility guidelines, teacher licensure requirements (attachment 1) and the State Implementation Agreement, and the revising of statutory language have occupied our time over the past few months. I am pleased to announce that the State Board of Education approved the Report and its accompanying work plan, "Connecticut Agenda for Improving Services to Students, Especially Students Eligible for Special Education and Pupil Services" (attachment 6). The Department extends its gratitude to those of you who provide advice and input on our projects and serve on our many workgroups. Your assistance has been invaluable. This update will catch you up on our activities, and provide you with current information about issues of concern. Bureau staff join me in wishing you an enjoyable spring!

School Health Services

Dates to Remember

- March 3, 1998 - School Nurse Supervisors Meeting - updates on Immunizations, HIV, IDEA 97, Diabetes Management; and
- March 26, 1998 - *Critical Issues in School Health* annual conference. Keynotes on "Kids, Drugs and Schools" (S. Kenneth Schonberg, MD, Montefiore Medical Center) and "Funding and Reimbursement for School Health Services: Ready or Not" (Anne Sheetz, Director of School Health, Mass. Dept. of Health). Workshop topics include School Readiness, Infectious Disease, Teen Suicide, Legal Ethical Issues with Adolescents, Assessing Aggressive and Violent Students, and Health Education—Improving Life Styles in At-Risk Students. Call Nancy Sullivan, 860-349-8995 for information (registration deadline 3/16/98).

School Nurses and IEP Team Meetings

With the changes in IDEA and an accumulation of questions from the field, it seems appropriate to review IDEA requirements and practice guidelines as they relate to school nurse representation at IEP team meetings. It is

important to note that the Congressional Committee Report on IDEA 97 contains significant language regarding this topic. In discussing the definition of the IEP team, the report states:

...the committee recognizes that there are situations that merit the presence of a licensed registered school nurse on the IEP team...The committee wishes to encourage, to the greatest extent practicable and when appropriate, the participation of a licensed registered school nurse on the IEP team to help define and make decisions about how to safely address a child's educationally related health needs.

This language is in keeping with guidelines in *Serving Students with Special Health Care Needs* (Connecticut State Department of Education, 1992).

Key concepts from IDEA 97, the Congressional Committee Report, *Serving Students with Special Health Care Needs*, and relevant state laws include the following:

- The school nurse should be an integral member of early intervention and pre-referral teams in order to identify, and recommend interventions for, health-related behaviors and conditions which may underlay learning problems.
- The school nurse should assess the health status of students in order to: 1) identify actual or potential health problems (and individual responses to those problems) that may be related to learning; and 2) identify students' health and safety needs in school. For some students, a review of the student's health records and parent phone contact is sufficient; for other students, the assessment may require an in-depth health history obtained from the parent and student, student observation, and communication with the student's health care providers and other team members.
- The school nurse should provide the IEP team with relevant health information for determination of special education eligibility and IEP planning for individual students. This can be done in writing, when appropriate.
- The school nurse should attend IEP team meetings for individual students when the nursing assessment identifies health and safety issues that are related to a student's individualized needs and education program. The school nurse should be involved in decision making regarding attendance at IEP team meetings when such attendance is indicated by the student's health history and nursing assessment findings.
- The school nurse should contribute health-related goals and objectives for students' IEPs, when indicated.
- The school nurse determines the level and intensity of nursing services required to meet the health and safety needs of students and recommends the appropriate level of school health services to the IEP team.
- "School nurse" refers to a licensed registered nurse (RN) or nurse practitioner (APRN) qualified according to Connecticut General Statutes, Section 10-212, and regulations 10-212-1 through 10-212-7.

The SERC courses (fall/winter each year) on "Health Assessments for Students with Disabilities" and "IEPs: Developing the Health Component" are designed to assist school nurses, especially those new to the field, in understanding their role and responsibilities on IEP teams.

Teacher Licensures

On January 7, 1998 the State Board of Education declared its intent to repeal the existing teacher certification regulations and to adopt new license requirements that will be effective July 1, 2003. The proposed regulations represent a critical component of an overall State Department of Education plan to enable and assist school districts in providing quality education for all children. They will revise the special education teacher license requirements to enable future educators to promote positive outcomes for all students within a more realistic grade spectrum and to align the service of special education with the school district curriculum. In addition, the proposal responds to longstanding concerns that there is a body of knowledge and experience that teachers of students with significant

developmental delays in the emotional, cognitive, communicative and physical domains must possess. The proposal for new license requirements provides:

- an endorsement for elementary/special education that will allow the teacher to practice as a regular and special education professional;
- an endorsement for secondary/special education (which includes middle and high school) that will allow the teacher to teach a content discipline and practice as a special education teacher; and
- a cross endorsement to teach students with severe cognitive, physical, and/or behavior disabilities requiring highly specialized and distinct instructional approaches.

The proposed regulations will revise the elementary, middle, and secondary teacher license requirements to include competencies in: applying theories of child development; implementing evaluating and modifying behavior management techniques; teaching presocial skills; collaborating and consulting with other professionals; program planning using alternate models of instruction and creating adapted learning environments; and applying a variety of instructional methodologies to teach and assess student learning. These license areas will also require field experiences with students of different ages, cultural and linguistic backgrounds and exceptionalities. The proposed regulations in their entirety can be obtained from Abigail L. Hughes, Chief, Bureau of Certification and Teacher Preparation, P. O. Box 2219, Hartford, Connecticut 06145. A summary of the changes is enclosed (attachment 1).

Surrogate Parents

Transition from Birth to Three to Special Education

The State of Connecticut operates two systems for the appointment of surrogate parents in order to serve eligible individuals in accordance with the requirements of the Individuals with Disabilities Act (IDEA). Eligible children who are younger than three years of age are provided a surrogate parent through the Birth to Three System administered by the Department of Mental Retardation (DMR). Eligible students between the ages of three and twenty-one, inclusive, are provided a surrogate parent through the State Department of Education (SDE).

As an eligible child approaches age three, the Birth to Three System, with the consent of the Birth to Three surrogate parent, refers the child to the Local Education Agency (LEA) which will have responsibility for the child at age three. This referral is made in order to ensure a timely evaluation of the child by the LEA and, if the child is determined eligible for special education, to ensure that the child receives preschool special education services through the LEA.

The procedure for transitioning an eligible child from the DMR Surrogate Parent Appointment System to the SDE Surrogate Parent Appointment System is as follows:

1. When the child reaches two and one-half years of age, the Birth to Three System:
 - obtains from the child's Birth to Three surrogate parent consent to release information regarding the child to the LEA which will have responsibility for the child at age three;
 - requests from DCF a copy of the DCF-603 form ("Notification to LEA Regarding a Child Within the Care of DCF"); and
 - makes a referral for special education to the LEA and includes relevant information and form DCF-603 with the referral;
2. Upon receipt of the referral packet, the LEA contacts SDE to obtain the appointment of an SDE surrogate parent;
3. Until SDE appoints a surrogate parent to represent the child, the child's Birth to Three surrogate parent is authorized to grant consent for evaluations necessary to determine eligibility for preschool special education services;

4. SDE, upon determination of the child's eligibility for surrogate parent representation, appoints a surrogate parent;
5. The LEA invites the SDE surrogate parent to a PPT meeting to determine whether the child is eligible for preschool special education services. The Birth to Three surrogate parent may also attend the meeting. Note: the PPT meeting which makes a determination regarding eligibility may be held in conjunction with the transition conference convened by the Birth to Three System.

The individual who is representing a child as a Birth to Three surrogate parent may request appointment as an SDE surrogate parent.

In the Birth to Three System, under certain circumstances, an eligible child's foster parent may be acting in place of the child's parent (and will be the individual who carries out the responsibilities delineated above as those of the Birth to Three surrogate parent). However, although no surrogate parent will have been appointed by DMR to represent the child, the child, upon referral for special education, will require an SDE surrogate parent.

If you have questions regarding the Birth to Three Surrogate Parent Appointment System, call Linda Goodman at the Department of Mental Retardation (860-418-6147).

Additional Surrogate Parents

The number of surrogate parents, appointed to represent eligible children in special education matters, continues to grow. We have recently contracted with five individuals to provide surrogate parent services and hope to add six more in the near future. (The most recent listing of contracted surrogate parents is attachment 7) In addition, we are continuing to increase the number of volunteers, such as foster parents, relatives, advocates and college professors, who provide surrogate parent services.

As the number of surrogate parents increases due to our efforts to provide more consistent surrogate parent representation, it will often be the case that a child who is moved to a new residence will receive surrogate parent services from an individual other than the contracted surrogate parent who is assigned to a particular territory. To avoid confusion, it is essential that school districts refrain from assuming that a particular individual has been or will be appointed as a child's surrogate parent. If we have not forwarded to your school district a copy of the appointment letter for a child's surrogate parent and you believe that the child requires a surrogate parent, contact the SDE Surrogate Parent Office directly. Staff may either call the office at (860) 638-4269 or may forward a referral form (attachment 8). As a result of that communication, we will either appoint a surrogate parent to represent the child or, if the child already has a surrogate parent, we will identify the individual who has been appointed to represent the child.

Please contact Art Carey at (860) 638-4206 if you have any questions or comments regarding the SDE surrogate parent appointment system.

DCF Residential Placements

Recently the Bureau has received several telephone inquiries regarding school district responsibilities for children placed by the Department of Children and Families (DCF) in residential facilities. Specifically, we have been asked whether residentially-placed children must attend an education program operated by these facilities. Based upon these conversations, it appears that it would be beneficial at this time to restate the provisions of the SDE-DCF interagency agreement, dated March 15, 1993, regarding this matter (attachment 9).

The agreement describes a system applicable to each child placed by DCF in a residential facility. The system has two basic components:

1. DCF, via a Placement Review Team, must delineate the boundaries of the child's treatment program by applying four specific clinical criteria to the child's current condition; and
2. The child's LEA must provide an educational program within the parameters of those treatment boundaries.

There are three classifications of "treatment boundaries":

1. The child is required to remain within the residential facility for the entire school day; or
2. The child is required to remain within the residential facility for part of the school day; or
3. The child is not required to remain within the residential facility for any part of the school day.

If the DCF Placement Review Team determines that the child is required to remain within the residential facility for the entire school day, the child must receive educational services within the facility's education program. If the child is a special education student, the LEA PPT determines the specific services which will be provided at that site.

If the DCF Placement Review Team determines that the child is not required to remain within the residential facility for any part of the school day and the child is a regular education student, the child must receive educational services in a public school which serves the town in which the facility is located. If the DCF Placement Review Team determines that the child is not required to remain within the residential facility for any part of the school day and the child is a special education student, the LEA PPT determines the specific services which will be provided to the child as well as the site(s), in a community-based school and/or within the facility's education program, at which the services will be provided.

If the DCF Placement Review Team determines that the child is required to remain within the residential facility for part of the school day and the child is a regular education student, the child receives educational services in public school for part of the day and within the facility's education program for the rest of the day. If the DCF Placement Review Team determines that the child is required to remain within the residential facility for part of the school day and the child is a special education student, the LEA PPT determines the specific services which will be provided to the child as well as the site(s), in a community-based school for part of the day and/or within the facility for all or part of the day, at which the services will be provided.

The agreement also includes procedures for review and appeal of the decisions of the DCF Placement Review Team.

Please note that the March 15, 1993 agreement is applicable only to children placed in residential facilities. Its terms are not applicable to children placed in group homes, temporary shelters and hospitals.

Please contact Art Carey at (860) 638-4206 if you have any questions regarding procedures related to children placed by DCF in residential facilities.

Approved Private Special Education Facilities

The Ahlbin Centers' Ripple Program, Bridgeport, is no longer seeking the State Department of Education's approval for its special education program. Please remove this program from the list of approved facilities.

TRANSITION

Enclosed you will find a copy of the Parent and Student Handbook for Supplemental Security Income and Social Security Disability Insurance (attachment 2). These booklets were developed and printed as part of the Transition Grant SSI Project and are available to you, your staff, students and parents. Please contact Karen Halliday at (860) 638-4242 if you would like additional copies.

PRIMARY MENTAL HEALTH PROGRAM

The Primary Mental Health Program commenced activities in September 1997 with a full day of training, half day on Enhance!, the new curriculum, and half day on "Working with Young Children from Divorce Situations" This session was well attended and many districts in the program have implemented the curriculum. There have been several training sessions since September, with others to be held in March and April. It appears that the weather has had a significant impact on attendance, but districts are encouraged to participate in these trainings as much as possible.

The Request for Proposal (RFP) for the 1998-99 school year is being revised and should be ready for dissemination by mid-March. Districts intending to apply for the first time should consider having discussions between the teachers in the primary grades (K-3) and the mental health teams in the district. These meetings could facilitate linking program components to the social curricula in the district.

A bidders conference will be held on March 11, 1998 9:00 a.m. - 11:00 noon in the SECR classroom, 25 Industrial Park Road, Middletown. Please call Norma Sproul at 860-638-4241 if you plan on attending.

LD GUIDELINES

The work of the LD Task Force continues on schedule. In March a draft version will be distributed to parents of children with learning disabilities, advocates, university faculty, state department of education consultants, administrators of general and special education, teaching staff and pupil personnel staff, to provide written comment and feedback to the committee. The task force continues to project that a draft will be available for wide distribution to the field in July 1998.

State Implementation Agreement

On January 13, 1998 representatives of the U.S. Department of Education, the Office of Special Education Programs (OSEP) visited Connecticut to meet with staff from the Connecticut State Department of Education and a group of stakeholders from across the state to discuss the implementation of IDEA 97 within Connecticut. The ideas generated during the day will be reviewed for approval. The following people generously gave the time to provide the Connecticut State Department of Education feedback on this plan: Larry Berliner, Attorney, Office of Protection and Advocacy; John Brady, Assistant Superintendent of Pupil Services, Westport; Doug Dupee, Director of Special Education, Bridgeport; Rosalind Garcia, elementary education teacher, New Haven; Valarie Lewis, Deputy Commissioner, Department of Higher Education; Tony Maida, Co-chair, Comprehensive System of Personnel Development Committee (CSPD) and Director of Special Education, Cooperative Education Services (CES); Nancy Prescott, Director, Connecticut Parent Advocacy Center (CPAC); Mariann Rossi-Ondusky, parent representative from the State Advisory Panel, Deep River; and Valerie Tracey, middle level special education teacher, Danbury. Upon the stakeholders review of the plan, copies will be made available for comment to ConnCase and the State Advisory Panel.

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Procedural Safeguards

Procedural Safeguards have been drafted for your use. The document contains all the required provisions of the State special education statutes and IDEA 97. A copy is enclosed (attachment 3).

Position Refill

We will be holding interviews for the Bureau Chief position in March, with a prospective hiring date of May 1, 1998. Applications are being received for the guidance and special education/reading position and a job description for the Gifted and Talented position is being written.

Literacy Project

Susan Kennedy, bureau consultant, spoke at the ConnCase meeting on January 6, 1998, and gave an overview of the NICHD research on reading and offered suggestions for implementation of the findings. Susan will present this information again at a meeting in Manchester on March 10, 1998, at which time her presentation will be videotaped and distributed upon request to interested parties.

Department partnerships in both Hartford and Bridgeport are moving forward and staff training in the areas of phonemic awareness and code-based instruction are critical components of these efforts.

Susan and Marianne Kirner are co-hosting a meeting on February 25, 1998 in the "fishbowl" at 25 Industrial Park Rd. for those individuals who have expressed an interest in being recommended by or contracted by the SDE/SERC to respond to the various professional development requests we are receiving from districts.

1998 ADHD Task Force Report

Enclosed is a copy of the 1998 Task Force Report on Attention-Deficit/Hyperactivity Disorder (attachment 4). We are hopeful that the report will assist you as you work with students with ADHD and their families. You may make copies of the report for your staff. Thanks to the members of the Task Force for their work in this area.

Draft IEP Form

The recent Reauthorization of IDEA has created a number of new requirements for school districts. In particular, the information to be included in the Individualized Education Program (IEP) has been expanded. States have been advised by the United States Department of Education, Office of Special Education Programs (OSEP), that all IEPs in effect on or after July 1, 1998, must meet these new requirements.

To make it easier for districts to comply with this requirement, the Department has worked with representatives from each of the CONN-CASE regions to develop the enclosed draft IEP form. We believe that this draft form complies with all statutory and proposed regulatory requirements of IDEA 97.

This draft form is being made available for use by districts on a voluntary basis. This voluntary use will provide an opportunity for parents, school districts, and other interested parties to evaluate the form and make comments/suggestions to the Department regarding ways to make the IEP more "user friendly" for all concerned.

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IDEA "97" Training for Parents

The Bureau will be coordinating six regional seminars for parents on IDEA "97" in the spring of '98. The current plan is to hold four evening programs and two Saturday sessions. Once plans for the IDEA training have been solidified, districts will be notified of the dates and time of the training sessions, and will be encouraged to promote the training seminars to parents.

The Bureau, through the Special Education Resource Center (SERC), has scheduled two specially designed IDEA "97" training seminars for parents who have children with hearing impairments for the spring of '98. The training sessions are scheduled for April 8, 1998, at ACES and May 13, 1998, at SERC. Both training sessions will run from 6:00 p.m. to 8:30 p.m.. Please disseminate the enclosed flyer (attachment 10).

Pupil Services Program Standards

Standards for districts to use in self-evaluating their overall pupil services programs, as well as their health, language speech and hearing, psychology and social work services, are being circulated for peer review to several pupil services organizations and ConnCase. Following revisions to the standards recommended through this process, they will be published and disseminated for use in enhancing the quality of pupil services.

Attachments

cc: Theodore S. Sergi, Commissioner, Department of Education
Betty Sternberg, Division of Curriculum & Instruction
Rosemary Baggish, CAPSEF
Edward Prenata, Council on Developmental Disabilities
Bonnie Moran, Special Education Advisory Council
Bureau Staff