

Breakdown of SB 1561 and HB 7277: Special Education Omnibus Bill

Section 1

- Adds statutory definitions for “charging entity,” “private provider of special education services,” “provider of special education transportation services,” and “unilateral placement.”

Section 2

- Requires OPM, in consultation with the CSDE, to collect and analyze the tuition, rates, and other fees for special education and related services that are charged to local and regional boards of education by private providers, RESCs, interdistrict magnet schools, state charter schools, and other charging entities.
- In its analysis, OPM is required to examine the operating expenses of the charging entities and determine how the entities are incorporating operating expenses into the tuition, rates, and fees they are charging.
- OPM may also request the Auditors of Public Accounts share any findings from audits to assist OPM in its analysis.

Section 3

- Requires OPM, in consultation with the CSDE, to establish by January 1, 2026 a universal special education and related services rate schedule for all charging entities.
- Rate schedule shall be developed using the analysis conducted in Section 2.
- The rate schedule would be required to include an individualized rate for each special education service provided to a student pursuant to their IEP, as well as standards for how a charging entity may include its operating expenses into the total costs for services charged to a local or regional board of education.
- OPM would be required to, at least biennially, review and modify the rate schedule as necessary.
- The rate schedule would go into effect for the 2026-27 school year. Districts would be notified by the CSDE by April 1.
- Any amount charged to and paid by a local or regional board of education that exceeds the amount prescribed in the rate schedule would not be eligible for Excess Cost reimbursement.
- Charging entities that charge amounts exceeding the amount prescribed in the rate schedule would be prohibited from accepting additional students from local and regional boards of education until the charging entity conforms to the rate schedule. Existing students may continue to receive services from the charging entity until the end of the school year.

Section 4

- Prohibits, beginning with the 2025-26 school year, charging entities from increasing during the school year the amount charged to a local or regional board of education for the provision of special education and related services.
- Permits the OPM, upon request, to allow a charging entity to increase the amount it charges to a local or regional board of education for special education services if there is a substantial increase in costs (1) for the services being provided for a student or (2) in the operation of the charging entity.

Section 5

- Statutory language changes to reflect creation of rate schedule.

- Adds some language for when a nonapproved facility may be allowed for the education of a student with disabilities.

Section 6

- Defines, for the purposes of several statutes and beginning on July 1, 2026, “reasonable cost” as the amount allowed to be charged to a local or regional board of education by a charging entity as established by the rate schedule.
- Beginning July 1, 2025, establishes there shall be no presumption that “reasonable costs” means the actual cost incurred for the provision of special education and related services pursuant to a student’s IEP.

Section 7

- Lowers the Excess Cost grant threshold for FY 2026 and each fiscal year after for students with disabilities who are brought back to being educated in-district instead of outplaced.
- If a student was previously outplaced and is now being educated in-district without the assistance of a third-party contractor, districts would be eligible for reimbursement through the Excess Cost grant for costs that exceed three times the net current expenditures per pupil for the district for two fiscal years.

Section 8

- Establishes a special education offset grant for FY 2026, and each year after, which every town would be entitled to.
- Grant be would be based off the ECS formula and a town’s fully funded grant would be the product of its base aid ratio (same definition as ECS), the foundation amount (same definition as ECS), and the town’s special education need students for the fiscal year prior to the year in which the grant is to be paid. Special education need students is defined as 50% of the number of resident students who are children requiring special education services.
- All funds provided through the grant must be used for special education purposes only.
- Districts can’t use the grant to supplant funding for special education.
- The budgeted appropriation for special education for any district receiving an increase in funds from the grant cannot be less than the amount appropriated for special education for the prior year plus the increase in funds.
- “Special education purposes” is defined as the direct provision of special education and related services to students; academic and behavioral interventions; the hiring and salaries of special education teachers, paraeducators, and behavioral and reading specialists who work directly with students; equipment purchases; maintenance; and curriculum materials. It does not include administrative functions or operating expenses or special education services provided by any third-party contractor.
- Requires districts to submit an annual report to the CSDE that includes a summary and itemization of how grant funds were used during the prior fiscal year and whether the grant was used to hire any new special education teachers, paraeducators, or behavioral or reading specialists.

Section 9

- Establishes, for FY 2026 and each year after, a special education transportation grant program to reimburse districts in an amount proportional to their special education transportation costs.
- OPM would be required to distribute no more than \$50 million through the grant.

Section 10

- Appropriates \$50 million in FY 2026 and FY 2027 from the Special Transportation Fund to pay for the special education transportation grant program.

Section 11

- Requires the Department of Transportation to develop recommended coordinated bus routes for all outplaced special education students.
- Requires every district to provide the Department of Transportation with the data necessary for the department to develop the bus routes. If a district fails to provide the data, it would not be eligible for a special education transportation grant.
- Does not require any district to use the developed bus routes.

Section 12

- Creates, beginning in FY 2027, a competitive grant program for local and regional board of education to support in-district or regional special education programming and services for students with disabilities.
- This is essentially the governor's bill and the version that passed out of the Education Committee (SB 1244), but this version specifies that grants may be used to: (1) enhance and improve existing special education programming and services in the school district or start-up costs related to the creation of in-district or regional special education programming, (2) for planning and operational expenses related to such in-district or regional special education programming and services, and (3) for the provision of early interventions for students with dyslexia and multilingual learners.

Section 13

- Increases a district's school construction reimbursement percentage if the project for a new building, or for the renovation and expansion of an existing building, includes plans for the expansion or creation of in-district special education programming and services.
- The reimbursement percentage would be increased by 15 percentage points for the portion of the project used primarily for special education purposes.

Section 14

- Modifies the Non-Priority List to add, beginning July 1, 2026, minor capital improvements to the portion of an existing school building that will be used primarily for providing special education and related services to student in the least restrictive environment.

Section 15

- Requires the Department of Administrative Services to, before January 1, 2026, notify districts of the expansion to the Non-Priority List.
- Requires the DAS to develop criteria for prioritizing these special education Non-Priority List projects.

Section 16

- Requires any district, RESC, interdistrict magnet school program, charter school, and private provider of special education services that charges a local or regional board of education to educate an outplaced student to return to the sending district a prorated portion of the funds they paid, if the outplaced student transitions out or withdraws from outplacement provider during the school year.

Section 17

- Requires outplacement providers to convene a PPT meeting prior to any student's transition or withdrawal from the outplacement program.

Section 18

- Requires, by December 1, 2026, the OPM, in consultation with the CSDE, to develop and update at least annually, a listing of each special education program offered by any RESC, private provider of special education services, or local and regional board of education that accepts outplaced students.

Section 19

- Requires the OPM to approve contracts between districts and provide providers of special education services.
- Requires districts, beginning with the 2026-27 school year, to submit to the commissioner of the CSDE the documentation used by the district to determine that the private provider is more appropriate for the educational needs for the student than any public school arrangement.

Section 20

- Requires the OPM to develop licensure standards for private providers of special education services.

Section 21

- Requires the CSDE, beginning July 1, 2027, to conduct annual unannounced on-site visits of each site at which a RESC or private provider is providing special education services.
- Outlines requirements for the commissioner of the CSDE to report findings of the visit and timelines for a RESC or private provider to rectify any issues.

Section 22

- Statutory language changes to reflect changes made elsewhere in the bill.

Section 23

- Requires any RESC or private provider to send written notice to the parent or legal guardian of a student, the sending district, and the CSDE regarding any staffing changes that impact the provision of special education services, including, but not limited to: vacancies, long-term absences (10 or more consecutive school days), and assignments of long-term substitutes.

Section 24

- Prohibits any entity receiving an outplaced student from transferring that student to another school or facility unless certain conditions are met and processes followed.

Section 25

- Requires, by July 1, 2026, the CSDE to establish a model contract for the placement of a student with a private provider of special education services.

Section 26

- Requires, by January 1, 2026, the CSDE, in consultation with the Office of the Child Advocate, to develop guidance for local and regional boards of education concerning

circumstances in which a placement in a residential facility is appropriate for a student requiring services in addition to special education services, and information and resources for parents and legal guardians of students requiring special education concerning inclusion in school.

Section 27

- Requires, beginning July 1, 2025, each local and regional board of education to annually report to the CSDE each placement of a student receiving student education services.
- Report is required to include:
 - Whether such placement is a result of a decision of a planning and placement team meeting, a settlement agreement or a special education hearing
 - Whether such placement is with an approved or nonapproved private provider of special education services, RESC, operator of an interdistrict magnet school program, state charter school, a cooperative arrangement, a local or regional board of education operating an outplacement program, or as part of the state-wide interdistrict public school attendance program;
 - The amount being paid by such board;
 - The special education services being provided;
 - The location of the facility at which such special education services are being provided; and
 - Any other information requested by the department.

Section 28

- Requires local and regional boards of education to conduct a functional behavior assessment of a student prior to outplacing them due to challenging behavior.
- Requires the CSDE to develop guidance, no later than September 1, 2025, for local and regional boards of education to determine circumstances in which the time required to conduct a functional behavior assessment and develop or update a behavioral intervention plan would put at risk the safety of any student or school staff.

Section 29

- Requires, beginning September 1, 2025, any IEP for a child with a behavioral goal listed to specify one or more corresponding services to help the child achieve the goal.

Section 30

- Requires the Transforming Children's Behavioral Health Policy and Planning Committee to submit a report to the Education Committee by January 1, 2027.

Section 31

- Requires the BERGIN Commission to conduct a needs-based study to determine if additional special education programs and services are required in the state to meet student demand.
- Requires the Commission to develop and recommend a new methodology for the CSDE, in consultation with the OPM, to use when reviewing applications for entities wanting to become approved private providers.
- Requires the Commission to study and consider recommendations for the creation of a peer review process for the special education program in each school district that will review each district periodically.
- Requires the Commission to examine the current utilization and implementation of Tier 2 interventions of multitiered systems of supports and scientific research-based

interventions in public schools, and identify any potential benefits of implementing Tier 2 interventions and any barriers to such implementation and make recommendations to improve such implementation of Tier 2 interventions.

- Requires the Commission to conduct a study concerning the creation of a new job classification of IEP manager, which shall be a non-teaching position and responsible for completing all portions of an IEP form that does not require specific input from the classroom teacher or other school personnel who work with the student for which such form is prepared.
- Requires the Commission to review and recommend changes to the Department of Education's Connecticut Special Education Data System (CT-SEDS).
- Requires the Commission to conduct a study concerning access to respite care for families of children with disabilities in the state.
- Extends the deadlines for the Commission's existing reports, requires all new additional reports to be completed by January 1, 2027, and extends the Commission's existence until July 1, 2030.

Section 32

- Prohibits the commissioner of the CSDE from approving any new or additional private providers of special education until July 1, 2027.

Section 33

- Establishes, beginning in FY 2027, the special education training, education, and testing competitive grant program.
- Would award grants to individual educators and paraeducators for the purpose of covering the costs associated with any professional training, education, and testing requirements relating to the individual's ability to provide special education and related services.
- Recipients must commit to three years of employment providing special education services in an Alliance District.

Section 34

- Requires the CSDE to conduct a study regarding the availability of paraeducator examinations offered in a language other than English.
- Study would be due to the Education Committee by January 1, 2026.

Section 35

- Requires the Connecticut Educator Preparation and Certification Board to review and make any recommendations necessary to redefine, update or make relevant the preparation and certification requirements for individuals seeking or holding a comprehensive special education endorsement.
- Such review and recommendations shall include, but need not be limited to, an analysis of whether such individuals should be required to pass the foundations of reading examination
- Requires the Board to submit a report on its review and recommendations to the Education Committee by February 1, 2026.

Section 36

- Requires the School Paraeducator Advisory Council to review and make any recommendations necessary to redefine, update or make relevant the preparation and

examination requirements for paraeducators assisting in the provision of special education and related services.

- Requires the Council to submit a report on its review and recommendations to the Education Committee by February 1, 2026.

Section 37

- Requires the commissioner of the CSDE to develop a report on the functions of the Connecticut Special Education Data System.
- Such report shall (1) provide explanations regarding (A) the purpose of each field in the data system, (B) how the data and information in each field is used, and (C) how each field relates to student outcomes, and (2) identify which field or data and information collected by the data system exceeds the requirements of the federal IDEA.
- Requires report to be submitted to the BERGIN Commission and the Education Committee by September 1, 2025.

Section 38

- Requires the commissioner of the CSDE, in consultation with the BERGIN Commission, to develop a proposed state-wide special education workload analysis model for teachers and school service providers implementing a student's IEP.
- The model shall establish standards that limit the workload of such teachers and school service providers, and include, but need not be limited to: provisions addressing (1) the severity of the needs of the student contained in such student's individualized education program, (2) the level and frequency of services necessary for a student to achieve the goals and objectives contained in such student's individualized education program, and (3) the time required for (A) planning services, (B) evaluations, including classroom observations, (C) coordination of services required by a student's individualized education program, (D) staff development, (E) follow-up, and (F) traveling to and from different locations in the provision of special education and related services.
- Requires the model to be submitted to the BERGIN Commission and the Education and Appropriations Committees by January 1, 2026.

Section 39

- Requires the BERGIN Commission to, no later than January 1, 2027, to review and make recommendations for legislation concerning the implementation of the proposed state-wide special education workload analysis model.

Section 40

- Expands statutory definition of "a child requiring special education" to include children up to age 8 (instead of the current age 5) who are experiencing developmental delay.

Sections 41 and 42

- Clarifies and makes changes to the special education hearing process.
- Public agency has the burden of proving the appropriateness of the child's program or placement, except in cases on unilateral placement. In that instance, the burden of proof falls on the party who filed for due process.

Section 43

- Requires the State Board of Education to adopt regulations regarding the burden of proof for unilateral placements.

Section 44

- Requires the commissioner of the CSDE to update the IEP form.

Section 45

- Requires, no later than February 28, 2026 and annually thereafter, the commissioner of the CSDE to make the data available concerning each district's special education offset grant and Excess Cost grant.
- Requires the commissioner of the CSDE to submit, no later than January 30 and March 30, to the Education and Appropriations Committees and Office of Fiscal Analysis, information concerning annual projections for the Excess Cost grant.

Section 46

- Requires the commissioner of the CSDE to submit a report of recent developments and best practices regarding dyslexia evaluations and interventions to the Education Committee by February 1, 2026.

Section 47

- Requires the commissioner of the DMV to issues special education support plates by July 1, 2026.
- Proceeds would go into the special education support account to be used to support the special education offset grant.

Section 48

- Statutory language changes to reflect changes made elsewhere in the bill.

Section 49

- Establishes requirements for contracts between local and regional boards of education and private providers of special education services.

Section 50

- Require, for the 2025 fall semester and 2026 spring semester, the Board of Regents for Higher Education to continue to offer each transitional college readiness program, embedded remedial support program, and intensive remedial support program that the was offered in the fall semester of 2024 and spring semester of 2025.

Section 51

- Establishes an Office of the Educational Ombudsperson with the CSDE.
- Ombudsperson would serve students and families of students in the pursuit of preschool, elementary and secondary education, special education, vocational education and adult education.

Section 52

- Requires each local and regional board of education to hire or designate an existing employee to serve as an instructional support teacher in each school.

Section 53

- Requires the CSDE, beginning with the 2026-27 school year, to host at least quarterly trainings for persons hired or designated as instructional support teachers.

Section 54

- Establishes a grant program, beginning in FY 2026, to support local and regional boards of education provide support services for students who require special education and have experienced trauma or have behavioral health needs.

Section 55

- Requires, by July 1, 2026, the CSDE, in consultation with the Connecticut Parent Advocacy Center, to develop a special education family guide that assists parents and guardians of students receiving special education and related services in understanding the process and laws governing the provision of special education.
- The guide is required to include, but is not limited to, an explanation of the:
 - Allowable number of days to (A) diagnose that a student requires special education or related services, and (B) hold an initial planning and placement team meeting;
 - Consequences for failure of the school district to (A) meet the aforementioned deadline and (B) include the appropriate administrators at the initial and subsequent planning and placement team processes; and
 - Recourses available to parents and guardians if an in-home tutor does not attend tutoring sessions.