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What laws and regulations govern how special education services are provided in public schools of choice?

Connecticut state statutes contain certain, limited requirements on the provision of services and payment for students with disabilities who attend school outside the district in which they reside.^{1,2} The Connecticut State Department of Education (CSDE) released nonregulatory guidance in 2003, which attempted to clarify this relationship.³ However, the number of students enrolled in public schools of choice has increased substantially since the guidance was released. For example, the number of students enrolled in charter schools and interdistrict magnet schools increased 379 percent between 2003 and 2022,⁴ and the number of students enrolled in the Open Choice program increased five percent between 2013 and 2023.⁵ Therefore, the number of students with disabilities enrolled in these programs has also increased.

Who is responsible for the provision of special education services for students who attend school outside their resident local school district?

The school the eligible student attends is responsible for ensuring the appropriate special education services are provided, whether these services are provided through the public school of choice or the sending school district.^{6,7}

Is the sending district or the public school of choice responsible for hosting the planning and placement team (PPT) meeting for students identified as eligible for special education services?

It depends on the type of public school of choice. In the case of interdistrict magnet schools and state charter schools, the PPT meeting is held by the sending district, which must invite representatives of the choice district to the PPT meeting.^{8,9} In the case of the Open Choice program, statute does not clearly define which district holds the PPT meeting,¹⁰ but in practice it is the receiving district. In the case of local charter schools, statute does not specifically assign a responsible party to hold the PPT meeting, but the most recent guidance from the CSDE states the sending district is responsible for holding the PPT meeting in any charter school, although this guidance was released before any local charter schools existed in Connecticut.¹¹

¹ Conn. Gen. Statutes ch. 164, §§ 10-66ee, 10-74d.

² Conn. Gen. Statutes ch. 172, §§ 10-264i, 10-266aa.

³ Connecticut State Department of Education. (2003). *Students with Disabilities & Parental Choice in Connecticut*. Hartford, CT: Author. Retrieved from <https://portal.ct.gov/-/media/SDE/Special-Education/ParentalChoice.pdf>.

⁴ U.S. Department of Education, Institute of Education Sciences, National Center for Education Statistics. (n.d.). Common Core of Data: ELSI Table Generator. Retrieved from <https://nces.ed.gov/ccd/elsi/tableGenerator.aspx>.

⁵ Connecticut General Assembly, Legislative Program Review and Investigations Committee. (2016). *Hartford Region Public School Choice Programs*. Hartford, CT: Author. Retrieved from <https://www.cga.ct.gov/prl/docs/2015/Hartford%20Region%20Public%20School%20Choice%20Programs%20-%20Staff%20Report.pdf>.

⁶ Conn. Gen. Statutes ch. 164, § 10-66ee.

⁷ Conn. Gen. Statutes ch. 172, §§ 10-264i, 10-266aa.

⁸ Conn. Gen. Statutes ch. 164, § 10-66ee.

⁹ Conn. Gen. Statutes ch. 172, § 10-264i.

¹⁰ Conn. Gen. Statutes ch. 172, § 10-266aa.

¹¹ Connecticut State Department of Education. (2003). *Students with Disabilities & Parental Choice in Connecticut*. Hartford, CT: Author. Retrieved from <https://portal.ct.gov/-/media/SDE/Special-Education/ParentalChoice.pdf>.

Is the sending district or the public school of choice responsible for paying for special education services?

In general, a student's resident school district is responsible for the majority of special education expenses, but the details of this arrangement vary by school type:

- For students with disabilities attending interdistrict magnet schools, the sending district must pay for the difference between the reasonable cost of educating the student with disabilities and the total of the local tuition, state per-student grant amount, and any federal or private funding sources.¹²
- For students with disabilities participating in the Open Choice program, the sending district must pay for the difference between the reasonable cost of educating the student and the state per-student grant, which can range from \$3,000-\$8,000, depending on the percentage of students participating in the Open Choice program the receiving district serves.¹³
- For students with disabilities attending state charter schools, the sending district must pay the difference between the "reasonable cost" of educating the student and the weighted state per-student grant, which varies based on the student need characteristics and demographics of the charter school district.¹⁴ In May 2024 the Connecticut State Board of Education issued a declaratory ruling defining the meaning of "reasonable cost" to mean the actual costs incurred by the charter school — inclusive of time spent on administrative and planning costs — provided that costs are documented in "clear and unambiguous detail."¹⁵ While the relevant local school districts are appealing this ruling, the ruling allows state charter schools to seek reimbursement from the sending districts for the actual costs of fulfilling a student's Individualized Education Plan (IEP) and for associated administrative and planning activities necessary for providing special education services.¹⁶
- For students with disabilities attending local charter schools, the sending district must pay the tuition amount agreed upon in the charter, including the reasonable special education costs for eligible students.¹⁷
- Receiving schools and districts are also eligible for federal special education funding.^{18,19}

¹² Conn. Gen. Statutes ch. 172, § 10-264l.

¹³ Conn. Gen. Statutes ch. 172, § 10-266aa.

¹⁴ Conn. Gen. Statutes ch. 164, § 10-66ee.

¹⁵ Connecticut State Board of Education. (2024, May 1). *Brass City Charter School Declaratory Ruling*. Hartford, CT: Author. Retrieved from https://portal.ct.gov/-/media/sde/board/boardmaterials050124/consideration_of_declaratory_ruling_brass_city_charter_school.pdf.

¹⁶ *Ibid*.

¹⁷ *Ibid*.

¹⁸ Conn. Gen. Statutes ch. 164, §§ 10-66ee, 10-74d.

¹⁹ Conn. Gen. Statutes ch. 172, §§ 10-264l, 10-266aa.

What complications can arise with the current arrangements for the provision of special education services to students in public schools of choice?

Every student with disabilities is unique and has distinct educational needs. Services provided to students with disabilities are delineated in each student's IEP, which is designed during the PPT meeting.²⁰ Because the school district that is responsible for hosting the PPT meeting is usually not the school or district implementing the IEP, a number of complications can occur. The following scenarios are intended to describe some common occurrences, but do not refer to any individual district, student, or school. Additionally, the scenarios listed below do not encompass all scenarios or all possible complications or challenges that could arise.

Scenario A: Open Choice

School District A is the receiving district for students from School District B through the Open Choice program. School District A holds the PPT meeting but is not required under Connecticut law to invite a representative from School District B. School District A has been educating Alyssa since kindergarten, and she is now in fourth grade. Through the PPT meeting, School District A has determined it cannot provide the special education services that Alyssa needs, and decides to send Alyssa to an out-of-district special education program in order to meet the requirements of her IEP. The cost of this program is \$85,000 per year. School District A sends School District B the bill for the private outplacement, less the \$3,000 per-student grant it receives from the State. School District B must pay \$82,000 per year for the remainder of Alyssa's schooling, without ever having been a part of the PPT process.

Scenario B: Interdistrict Magnet School

Jason is a resident student of School District C, but his parents have elected to enroll him in Interdistrict Magnet School D. Jason has been a student at his magnet school since prekindergarten and is now in the eighth grade. This means that each year, School District C must hold a PPT meeting for Jason, and send a special education professional to the meeting, even though School District C has never educated Jason, and doesn't know him except through the PPT meetings. When preparing for Jason to enter high school, there is a disagreement at his PPT meeting. The special education professional from School District C believes Interdistrict Magnet School D is advocating for a higher level of services than School District C would provide a similar student, and Jason's mother feels like School District C is trying to deny Jason services.

Scenario C: Charter School

Jaden is transferring from his resident School District E to Charter School F as he enters the sixth grade. When the classroom teacher at Charter School F advocates for increasing Jaden's level of services during his PPT meeting, School District E states it cannot afford to provide those services at Charter School F and will instead itself implement Jaden's program of special education with in-kind services. The in-kind services Jaden receives from School District E are out of sync with the daily activities of Charter School F, which is disruptive to Jaden's school day.

²⁰ Connecticut State Department of Education. (2003). *Students with Disabilities & Parental Choice in Connecticut*. Hartford, CT: Author. Retrieved from <https://portal.ct.gov/-/media/SDE/Special-Education/ParentalChoice.pdf>.