



2025 SPECIAL EDUCATION LEGISLATIVE UPDATE

A Shipman & Goodwin LLP® Legislation Summary

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SPECIAL EDUCATION LEGISLATIVE UPDATE

In its recently adjourned session, the General Assembly passed two major bills regarding special education. Although the Governor has not yet signed these bills, we wanted to provide a brief and non-exhaustive overview of the bills' most important provisions that would impact special education in Connecticut. Please contact any of our special education attorneys if you have any questions.

SUBSTITUTE SENATE BILL NUMBER 1 (AS AMENDED BY SENATE "A")

Private special education provider contract requirements:

Currently, private special education providers must explain how they calculate tuition and costs in order to be eligible for state reimbursement. This bill requires private providers to explain tuition, rates, and fees, not tuition and costs. The bill also requires private providers to follow the rate schedule established by Section 3 of HB 5001.

Nonapproved facility placement:

Under current law, a planning and placement team (PPT) or a hearing officer may determine that placement at a nonapproved facility is appropriate. The bill requires the PPT or hearing officer to make their determination, in part, on whether there is no other provider able to offer the student an appropriate public education. (The bill also allows a court to make this determination, in addition to the PPT and hearing officer.)

Nonapproved facility reimbursement:

Under the bill, when a board of education incurs expenses for a placement in a nonapproved facility: (a) if the PPT determines that placement, then the board will not be reimbursed through the state's excess cost grant or HB 5001's new special education and expansion development grant; but (b) if a hearing officer or court determines this placement, then the board may be reimbursed through these two grants.

New competitive grant to support in-district special education programs:

The bill creates a new competitive grant program to support in-district or regional special education programs. If a municipality receives state funding through this new competitive grant program, the municipality need not include that amount in its minimum budget requirement (MBR) for education. (In other words, the municipality may receive the grant without increasing its MBR.)

New training, education, and testing grant:

The bill also creates a new special education training, education, and testing competitive grant program. Current and prospective educators and paraeducators are eligible, but they must commit to three years of providing special education and related services in a school in an alliance district.

New behavioral health support services grant:

Another new grant established by this bill aims to help boards of education provide support services for special education students who have experienced trauma or have behavioral health needs.

Office of the Educational Ombudsperson:

The bill establishes an Office of the Educational Ombudsperson to, among other things, review and attempt to resolve complaints from families, assist school district employees involved in PPT meetings and monitor the implementation of federal, state and local laws and policies relating to students.

Instructional support partners:

Starting in the 2026-2027 school year, boards of education must hire or designate an employee to serve as an “instructional support partner” for each school or school building. The instructional support partner must spend at least 50 percent of their time on duties related to IEP development, PPT meetings, attending and providing trainings on student interventions and IEP administration, among other tasks.

HOUSE BILL NUMBER 5001 (AS AMENDED BY HOUSE “A”)

Developmental delay exceptionality designation:

Under the Individuals with Disabilities Education Act (IDEA), a state may, at its discretion, define the term “child with a disability” to include a child aged three through nine, or any subset of that age range, who needs special education and related services due to developmental delays. 20 U.S.C. § 1401(3)(B). The bill increases Connecticut’s definitional range from ages three through five to ages three through eight for children experiencing developmental delays.

Fixed annual costs for private provider services:

The bill generally prohibits a “charging entity” (including approved private providers of special education services and special education transportation services providers) from increasing its charges to a board of education for special education services during the school year unless the change is due to a change in the student’s IEP. (However, the State Department of Education (SDE) may permit an increase if there is a substantial increase in costs for the provided services.)

Rate-setting for private providers of special education and related services (including transportation):

The bill requires the SDE to set rates that special education and related services providers can charge to boards of education. The SDE must publish the rate schedule by January 1, 2028 (effective on July 1, 2028). Similarly, the bill also requires the SDE to develop billing standards for special education transportation service providers charging boards of education for outplacement transportation. SDE must develop these billing standards by January 1, 2027 (effective with the start of the 2027-2028 school year).

Competitive grant program to expand in-district special education programming:

The bill establishes a new special education and expansion development grant (SEED grant). The grant is paid directly to boards of education and may only be expended for special education purposes. These purposes include the direct provision of special education and related services, Tier 2 interventions, academic and behavioral interventions, the hiring and salaries of special education teachers, paraeducators, and specialists, and the purchase and maintenance of equipment and curriculum materials. (The bill excludes coverage for administrative expenses and special education and related services provided by third-party contractors.) The grant calculation method is similar to the Education Cost Sharing formula (e.g., the same foundation amount of \$11,525 per student). Accepting the grant will not increase a municipality’s MBR.

Requirements before changing student outplacement:

The bill prohibits boards of education and other entities from transferring an out-of-district special education student to any other school or facility unless a PPT finds that the transfer better fits the student's educational needs.

Reporting responsibilities to SDE:

The bill requires each board of education to annually report to SDE each special education student placement where the board is paying any portion of the cost. The bill lists various requirements for the report and provides that the SDE may request additional information.

FBAs and BIPs:

The bill requires boards of education to conduct a functional behavior assessment and develop or update a behavioral intervention plan before placing a student with challenging behavior out of district. However, a board of education is exempt from this requirement if taking the time to comply would pose a safety risk. (The SDE shall develop guidance for boards of education to determine the circumstances under which this exemption applies.)

Due process hearings:

The bill makes several changes to due process hearings, including: (a) requiring the parties to disclose, before the hearing, all the claims they will raise at the hearing (the hearing officer may bar undisclosed claims); (b) requiring hearing officers to consider all evaluations presented; (c) limiting hearings to four days unless the hearing officer issues a written decision finding good cause to lengthen its duration; and (d) requiring hearing officers' written decisions to include specific findings of fact related to the IDEA's least restrictive environment requirement.

IEP changes:

The bill requires the SDE to revise the state's IEP form to remove the requirement to list the people who will implement the IEP.

Additional state oversight of private special education providers:

The bill adds two new compliance requirements for private providers. First, the SDE shall develop licensure standards for private providers. Second, the SDE shall conduct annual, unannounced, randomly-selected site visits at the locations of private providers and regional educational service centers.

As summarized above, this recent special education legislation is significant. We encourage boards of education, administrators and educators to review this new legislation, as there will be numerous implications across district offices and at the school level. We will continue to analyze recent legislation from the General Assembly and will provide additional updates in the future.

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