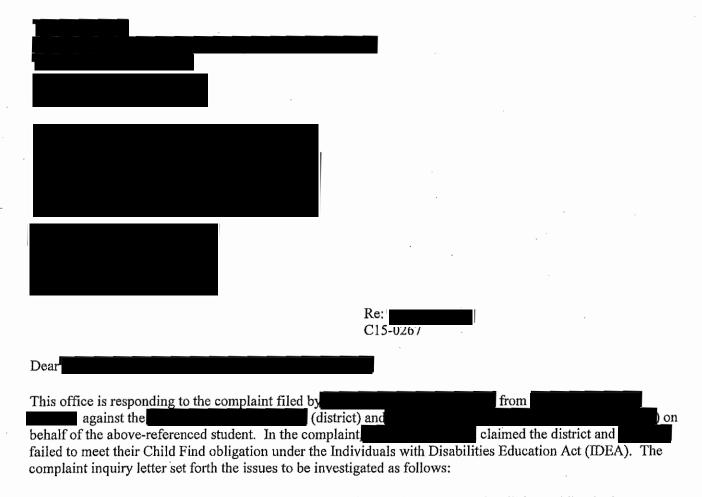


STATE OF CONNECTICUT

STATE DEPARTMENT OF EDUCATION



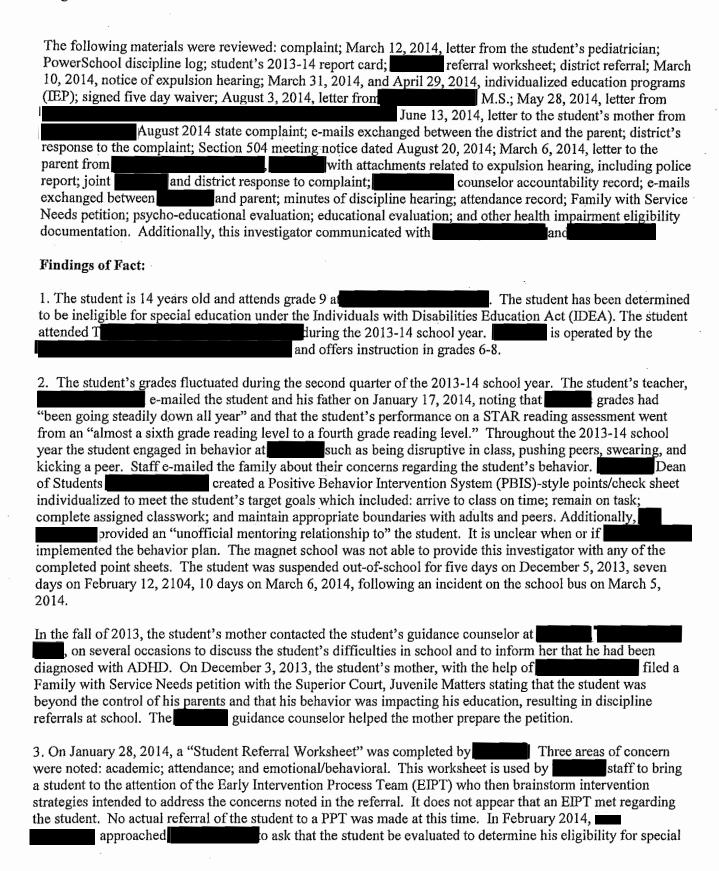
February 17, 2015

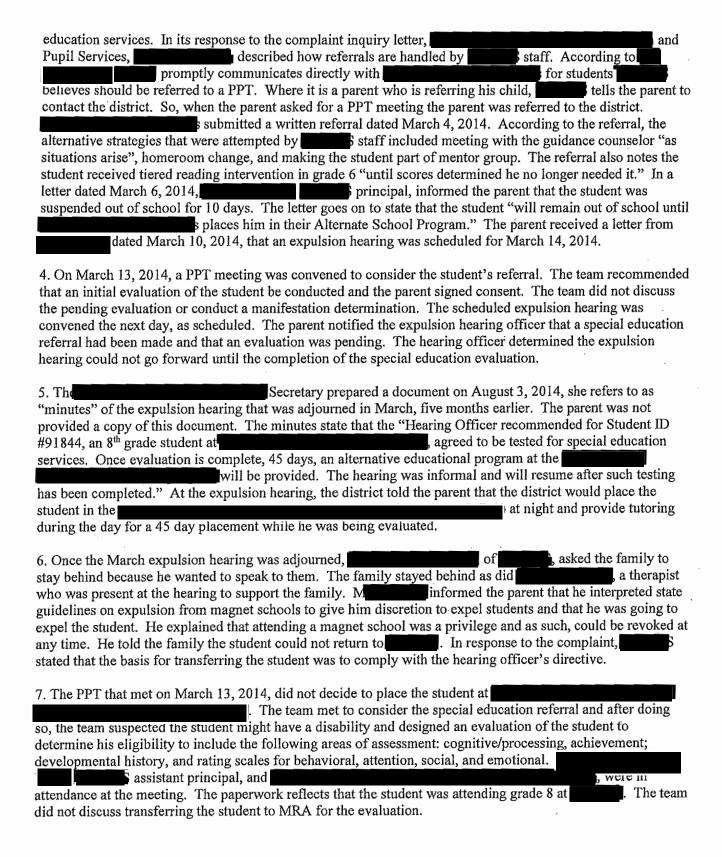


Issue 1: 34 CFR § 300.111 requires the State to ensure that all children with disabilities residing in the State who are in need of special education and related services are identified, located and evaluated. Regulations of Connecticut State Agencies (RCSA) § 10-76d-6 states that each board of education is responsible for the identification of children requiring special education and related services. RCSA § 10-76d-7 requires the prompt referral to a planning and placement team (PPT) of any student who demonstrates unsatisfactory attendance, behavior or academic performance in order to determine if the student should be evaluated.

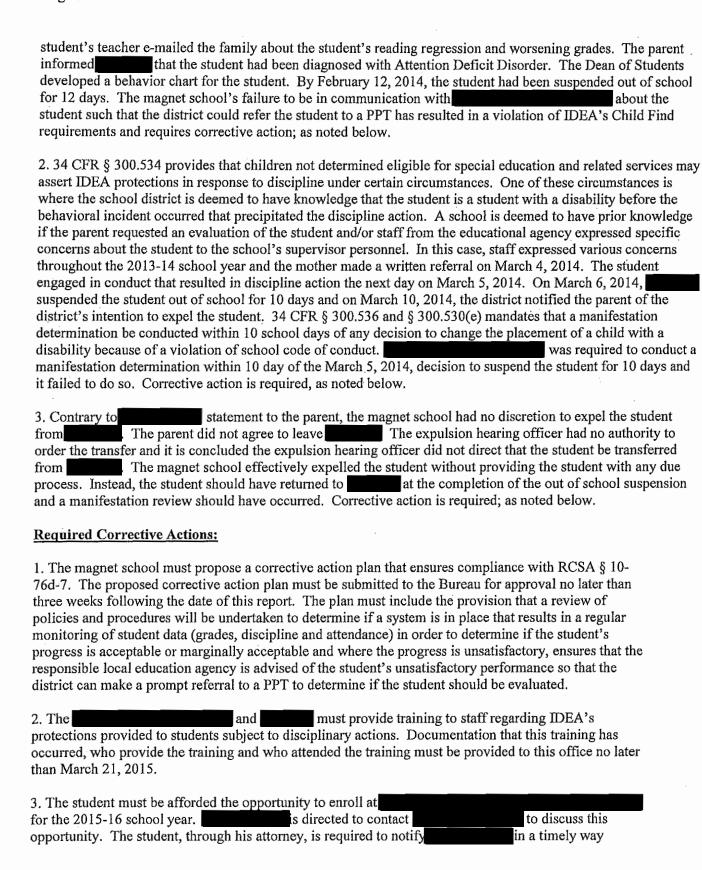
Issue 2: 34 CFR § 300.534 provides that children not determined eligible for special education and related services may assert IDEA protections in response to discipline under certain circumstances. One of these circumstances is where the school district is deemed to have knowledge that the student is a student with a disability before the behavioral incident occurred that precipitated the discipline action. 34 CFR § 300.536 and § 300.530(e) require a manifestation determination be conducted within 10 school days of any decision to change the placement of a child with a disability because of a violation of school code of conduct.

February 17, 2015 Page 2





8. After the expulsion hearing, having no other education program to attend, the student began attending the The PPT met on April 29, 2014, to review the evaluation results. The team determined the student was not engible for special education services. The student received a letter dated May 28, 2014, from the principal of the addressed To Whom it May Concern stating the student was now a registered student at	
9. On July 22, 2014, informed the parent the district was not going to pursue the expulsion hearing. Thereafter, the student was offered a Section 504 Plan and enrolled in the December 2014, when the complaint was filed, the student was attending that had not received any disciplinary offenses and is earning mostly A's and B's	
10. The district and take the position that the parent and the district agreed that the student would be placed at while he was being evaluated. This position is set forth in a July 2, 2014, e-mail to the parent in which states that the student was "exited as a joint agreement between you and for Special Education services and you agreed to it." However, had clearly stated in his letter to the parent dated March 6, 2014, that the student "will remain out of school until places him in their Alternate School Program." Further, old the parents the same thing after the expulsion hearing adjourned. There was no agreement between the parent and state that the student would transfer to	
Conclusions:	
34 CFR § 300.111 requires the State to ensure that all children with disabilities residing in the State who are in need of special education and related services are identified, located and evaluated. RCSA §10-76d-6 states that each board of education is responsible for the identification of children requiring special education and related services. RCSA § 10-76d-7 requires the prompt referral to a planning and placement team of any student who demonstrates unsatisfactory attendance, behavior or academic performance in order to determine if the student should be evaluated. Child Find is one of the most important responsibilities of a public school district. If educators are not diligent in carrying out their Child Find responsibilities, schools are certain to overlook students in need. Under the IDEA, districts have an affirmative duty to identify, locate, and evaluate all students who need, or are suspected to need, special education and related services. This duty is not dependent on the parent asking for an evaluation. Failing to meet Child Find requirements is a matter of serious concern that can deprive FAPE to a student who should have been identified. School districts are required to have an effective screening mechanism and procedures in place that will enable them to find such children. The Child Find duty requires referral for an evaluation when the district has reason to suspect a disability and reason to suspect that special education services may be needed to address that disability. Meeting Child Find obligations isn't always a clear-cut process for a district. District Child Find systems must ensure that district staff understands how to apply IDEA Child Find requirements consistently and the need to effectively communicate information about students.	
1. Consistent with RCSA § 10-76d-7, this student should have been referred to a PPT to determine whether of an evaluation was warranted to determine his eligibility for special education and related services as the student demonstrated unsatisfactory academic performance and behavior earlier in the 2013-14 school year than March of 2014. While State law requires general education interventions prior to making a special education referral, in this case, there is little evidence that provided much in the way of general education supports. While the Early Intervention Process Team was notified of the student's difficulties, no action was taken by the team. The student's teachers noted the student's poor behavior from the start of the 2013-14 school year. The student's mother asked for help from the magnet school in December. In January the	



I will be monitoring the district's and the magnet school's compliance with the required corrective actions. If you should have any questions, please do not hesitate to contact me a

