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## OLR Bill Analysis

### sHB 5001 (as amended by House "A" and "B")\*

#### **AN ACT CONCERNING RESOURCES AND SUPPORT SERVICES FOR PERSONS WITH AN INTELLECTUAL OR DEVELOPMENTAL DISABILITY.**

#### TABLE OF CONTENTS:

#### SUMMARY

#### § 1 — TRANSITIONAL LIFE SKILLS COLLEGE PROGRAM

*Requires the DDS commissioner to create a plan to establish a Transitional Life Skills College program to provide transition support for certain people with IDD*

#### § 2 — OPM EVALUATION OF IDD EMPLOYMENT ASSISTANCE PROGRAMS

*Requires the OPM secretary to (1) analyze existing employee assistance programs for people with IDD and other disabilities, (2) recommend financial incentives for businesses to hire them, and (3) create a related workforce plan*

#### § 3 — REDUCING DDS MEDICAID WAIVER PROGRAM WAITLISTS

*Requires the DDS commissioner to reduce the waiting lists for services in DDS-administered Medicaid waiver programs; requires the new statewide coordinator of IDD programs and services (other than ASD) to annually report to the legislature on the waiting lists*

#### § 4 — REDEFINING IDD AND SERVICE ELIGIBILITY

*Requires the OPM secretary to (1) develop and recommend new statutory definitions for IDD, (2) identify related programs that may need to be updated based on the new definitions, (3) evaluate whether IQ should be used in the definitions, and (4) evaluate the level-of-need assessment tool used by state agencies serving people with IDD*

#### § 5 — AUTISM MEDICAID WAIVER PROGRAM EXPANSION

*Requires the DSS commissioner, within available appropriations, to expand the Medicaid waiver program for people with ASD to reduce the number of people on the program's waiting list*

#### § 6 — DESPP MISSING PERSONS CLEARINGHOUSE

*Expands the scope of the DESPP's missing persons information clearing house to include information on missing people with IDD*

#### §§ 7 & 8 — LOCAL VOLUNTARY PUBLIC SAFETY REGISTRATION SYSTEM FOR PEOPLE WITH IDD

*Creates a voluntary public safety registration system that municipal police departments may implement for children and adults with IDD to collect specified information that can help emergency services personnel interact with these children and adults*

§§ 9 & 10 — EMERGENCY SERVICES AWARENESS PROGRAMS AND SENSORY KITS

*Requires DDS, DCF, and DESPP to develop guidelines and best practices for municipal emergency services awareness programs for children and adults with specified disorders and disabilities; requires DAS to develop and acquire sensory kits for emergency services personnel who interact with these children and adults and allows municipalities to apply to DESPP for these kits by September 1, 2025; authorizes DESPP to determine the eligibility criteria and formula for distributing the kits*

§ 11 — HUMAN SERVICES CAREER PIPELINE PROGRAM

*Requires the Chief Workforce Officer to establish a Human Services Career Pipeline program to ensure there is a sufficient human services workforce to serve the needs of residents who are elderly or have disabilities*

§ 12 — RIGHTS OF PEOPLE UNDER DDS SUPERVISION

*Requires the DDS commissioner to review the rights of people placed or treated under the commissioner's supervision in public or private facilities to determine whether modifications are needed*

§ 13 — STATE AGENCY ONLINE DATA PORTAL

*Requires OPM to create a plan to develop an online portal to share information across agencies to ensure efficient and safe services delivery*

§ 14 — ESTABLISHMENT OF NEW PROGRAM COORDINATOR POSITIONS

*Requires OPM to establish two new positions for statewide coordinators of services for people with ASD and other IDD*

§ 15 — CONNECTICUT SENTENCING COMMISSION STUDY

*Requires the Connecticut Sentencing Commission to study the experience of people with IDD or ASD who are in the criminal justice system*

§ 16 — FUNDS FOR GROUP HOME COMPLIANCE WITH FIRE REGULATIONS

*Requires DAS, by January 1, 2025, and within available appropriations, to give financial assistance to private group home providers to comply with certain fire regulations; requires DAS to assess the level of need for these funds and review other states' fire regulations*

§ 17 — IDD AWARENESS AND ADVOCACY DAY

*Designates May 23 as "Intellectual and Developmental Disabilities Awareness and Advocacy Day"*

§ 18 — PILOT PROGRAM FOR PEOPLE WITH ASD

*Requires DSS to establish a two-year pilot program with a hospital to provide nonresidential outpatient day services for people with ASD*

§ 19 — IDD AND DEMENTIA STUDY

*Requires the ADS commissioner to study the higher prevalence of dementia and other conditions in people with IDD and determine whether state programs address this*

§ 20 — STUDY ON TRANSPORTATION NEEDS FOR PEOPLE WITH IDD

*Requires DOT to study the demand and need for statewide and local transportation services for people with IDD*

**§ 21 — STUDY ON NONMEDICAL TRANSPORTATION SERVICES FOR PEOPLE WITH AN INTELLECTUAL DISABILITY**

*Requires DOT to study ways to provide nonmedical transportation for people with an intellectual disability*

**§ 22 — MODERNIZING AND MAINTAINING BUS STOPS AND SHELTERS**

*Requires DOT and each transit district to jointly develop plans to modernize and maintain Connecticut's bus stops and shelters and for new construction of them to be done according to these plans*

**§ 23 — NORTHWEST NONMEDICAL TRANSPORTATION SERVICES PILOT PROGRAM**

*Requires DDS to create a pilot program to provide nonmedical transportation services to people with an intellectual disability in northwestern Connecticut*

**§ 24 — NOTICE ON DOT-FUNDED TRAINING PROGRAMS**

*Requires DOT to create a notice on the training programs that are available that instruct how to safely use commuter railroad systems and public transit services*

**§ 25 — VIDEO PRESENTATION ON INTERACTING WITH PEOPLE WITH DISABILITIES**

*Requires (1) DMV to create a video presentation that instructs and gives best practices on ways to appropriately interact with certain people with disabilities, (2) DMV and certain other departments to post the presentation on their websites, and (3) applicants for a public passenger license endorsement to watch the presentation*

**§ 26 — STATEWIDE TRANSITION SERVICES COORDINATOR AND ASSISTANT COORDINATOR**

*Requires SDE to employ a statewide transition services coordinator and assistant coordinator to coordinate the provision of transition resources, services, and programs*

**§ 27 — SPECIAL EDUCATION AND TRANSITION SERVICES TRAINING PROGRAM**

*Requires SDE to develop a training program on special education and transition services legal requirements and best practices*

**§ 28 — INTERAGENCY MEMORANDA OF UNDERSTANDING AND LIAISONS**

*Requires agencies that have MOUs by law with SDE to each appoint a liaison to the department's statewide transition services coordinator; also makes a conforming change*

**§ 29 — INTERAGENCY COORDINATION OF TRANSITION SERVICES**

*Requires SERC to develop and maintain an online listing of the transition resources, services, and programs that certain state agencies provide*

**§§ 30 & 31 — TRAINING PROGRAM**

*Requires SDE to work with other state entities and RESCs to develop a training program on public transition programs*

§ 31 — DISTRICT TRANSITION COORDINATOR

*Requires each board of education to appoint a transition coordinator for the district*

§§ 32-37 — AGE FOR SPECIAL EDUCATION ELIGIBILITY

*Aligns special education statutes to a federal court ruling requiring boards of education to provide special education until an eligible student graduates high school or until the end of the school year when the student reaches age 22*

§ 38 — PROGRAM REVIEW BY SERC

*Requires SERC to conduct a review of each public transition program and report its findings to the Education Committee*

§ 39 — PROVIDING INFORMATION AT PPT MEETINGS

*Aligns state law with federal requirements for interpreters at PPT meetings and translated IEP documents to ensure student, parent, and guardian understanding; requires boards of education to give parents, guardians, or surrogate parents information about conservatorship, guardianship, decision-making alternatives, and mediation services*

§ 40 — PPT COORDINATION OF TRANSITION SERVICES

*Requires a student's PPT to coordinate transition services during meetings at two points in the student's high school career*

§ 41 — ONLINE RESOURCE FOR ADULT STUDENTS

*Requires SDE to develop an online resource about establishing guardianship, conservatorship, or other decision-making alternatives for when a student reaches age 18 and is receiving special education or related services*

§ 42 — SDE INTERAGENCY REPORTING

*Requires SDE to report the number of students statewide who received transition services information as part of a PPT meeting or may qualify for services to applicable state agencies annually*

§§ 43 & 44 — AGENCY STAFFING

*Requires DDS and ADS to employ enough staff, within available appropriations, to provide transition services*

§ 45 — MEDIATION SERVICES COORDINATOR

*Requires SDE to employ a mediation services coordinator position in its Bureau of Special Education to coordinate and oversee special education mediation services and approved mediators; establishes training and continuing education requirements for mediators*

§ 46 — MEDIATION REQUESTS

*Specifies the parties that may submit a request to the mediation services coordinator for mediation services and requires the coordinator to notify relevant parties and provide language translation services*

§ 47 — ADMINISTRATIVE HEARINGS

*Makes changes in the special education administrative hearing laws on (1) the order in which the parties must testify, (2) publishing the hearing officers' decisions, and (3) using mediation in place of proceeding directly to a hearing*

§ 48 — STATEWIDE SPECIAL EDUCATION AUDITS

*Requires SDE to randomly audit school districts' implementation of federal special education law*

**§ 49 — IN-SERVICE TRAINING**

*Expands required in-service training topics to include laws governing PPT meetings and 504 plans*

**§ 50 — INDIVIDUAL SERVICE COORDINATORS**

*Requires individual service coordinators for children receiving early intervention services to help facilitate the transition to public school special education services*

**§§ 51 & 52 — INFORMATION FOR STUDENTS AND PARENTS**

*Requires SDE to develop an informational handout of students explaining IEPs, 504s, and associated student rights in the classroom; requires boards of education to give students and parents information about their rights, resources, and advocacy groups*

**§ 53 — SUPPORTIVE HOUSING GRANTS FOR NONPROFITS**

*Requires DDS to establish a program to provide grants to qualifying private nonprofits for supportive housing for people with an intellectual disability or other developmental disabilities; creates related administration and reporting requirements*

**§ 54 — COMMUNITY-BASED GROUP HOMES PLAN FOR REENTERING INDIVIDUALS**

*Requires the DDS commissioner to (1) within available appropriations and in collaboration with the housing and correction commissioners, create a plan for a comprehensive program for community-based group homes for people with intellectual disabilities reentering society from the correctional system and (2) submit the plan to the legislative committees of cognizance January 1, 2024*

**§ 55 — MUNICIPAL AFFORDABLE HOUSING PLANS**

*Expands the municipal affordable housing planning requirement by requiring plans submitted to OPM after October 1, 2023, to specify how the municipality will improve affordable housing unit accessibility for people with an intellectual disability or other developmental disabilities*

**§§ 56-59 — ABLE ACCOUNTS**

*Authorizes a personal income tax deduction up to \$5,000 for individuals or \$10,000 for joint filers for contributions made to ABLE accounts; establishes a credit against the corporation business and personal income taxes for contributions employers make into employees' ABLE accounts, capped at \$2,500 per employee per year; exempts ABLE accounts from claims by the state against the estates of Medicaid beneficiaries; and requires an ABLE program director of outreach be designated*

**§ 60 — COMPENSATION FOR FAMILY CAREGIVERS**

*Requires DSS to apply for federal approval to compensate family caregivers under DDS-administered Medicaid waivers*

**§ 61 — JOBSCT TAX REBATE PROGRAM**

*Decreases, from 25 to 15, the number of new FTEs that a business must create and maintain to be eligible for the JobsCT tax rebate program if at least one of these FTEs is an individual with intellectual disability; makes these FTEs eligible for a 50% rebate; increases, from \$10 million to \$15 million, the cap on the aggregate rebate amount that may be awarded in a fiscal year for discretionary FTEs*

**§ 62 — PRICE PREFERENCE FOR IDD WORKFORCE**

*Allows DAS to give a price preference for bids on open market orders of contracts for businesses with a workforce of at least 10% people with IDD*

**§ 63 — WORKFORCE DEVELOPMENT GRANT PROGRAM**

*Creates a workforce development grant program for nonprofit organizations with a workforce of at least 10% people with IDD*

**§ 64 — SUPPORT ORDERS FOR ADULT CHILDREN WITH DISABILITY**

*Starting October 1, 2023, increases the age up to which a court may issue support orders for adult children with certain disabilities, from up to 21 to up to 26*

**§§ 65-68 — COMMUNITY RESIDENCES**

*Extends an existing prohibition on zoning regulations treating certain community and child-care residences (i.e., group homes) and hospice facilities housing six or fewer people differently than single-family homes to those housing eight or fewer people; updates, for certain public health provisions and restrictions on zoning regulations, the definition of “community residence”; and exempts certain community and child-care residences from proximity and density restrictions*

**SUMMARY**

This bill evaluates and expands support and services for people with intellectual or developmental disabilities (IDD) as described in the section-by-section analysis below.

\*House Amendment “A” replaces the underlying bill with provisions that make several changes, including:

1. eliminating sections that (a) create a Transition Academy, instead requiring the Department of Development Services (DDS) to create a plan for a Transitional Life College; (b) require a review of best transportation practices; (c) increase income and asset limits for HUSKY C; (d) require an agency review of the rights of those under DDS supervision; (e) create an online portal for agencies to share information; (f) create a caregiver point of contact at the Office of the Healthcare Advocate; and (g) create a new position in the Office of Healthcare Strategy;
2. modifying sections to, among other things, (a) add requirements to the Office of Policy and Management (OPM) report on employment assistance programs; (b) transfer certain reporting

duties to OPM's statewide coordinator; (c) require OPM, rather than DDS, to evaluate the level-of-need assessment tool used by state agencies that serve people with IDD; (d) add requirements to OPM's study on defining IDD and extend the due date by one year; (e) require the Department of Social Services (DSS) to reduce the number of people on the waiting list for the Autism Spectrum Disorder (ASD) Medicaid waiver by an unspecified amount, rather than at least 600 people; and (f) grant the Connecticut Sentencing Commissioner access to information to complete its study of people with IDD or ASD who are in the criminal justice system; and

3. adds new sections on (a) public safety and emergency services (§§ 7-10 & 16), (b) workforce issues (§§ 11 & 61-63), (c) disability rights (§ 12), (d) agency staffing and information sharing (§§ 13 & 14), (e) a pilot program serving people with ASD (§ 18), (f) transportation (§§ 20-25), (g) education (§§ 26-52), (h) housing (§§ 53-55 & 65-68), (i) ABLE accounts (§§ 56-59), (j) family caregivers (§ 60), and (k) support orders (§ 64).

\*House Amendment "B" removes provisions authorizing bonding for the following programs or services established under the bill: (1) the local voluntary public safety registration system for people with IDD, (2) a funding pool to help private providers comply with fire regulation requirements, (3) supportive housing grants for nonprofits, and (4) the workforce development grant program for nonprofits that hire people with IDD.

EFFECTIVE DATE: Various, see below

## **§ 1 — TRANSITIONAL LIFE SKILLS COLLEGE PROGRAM**

*Requires the DDS commissioner to create a plan to establish a Transitional Life Skills College program to provide transition support for certain people with IDD*

The bill requires the Department of Developmental Services (DDS) commissioner to produce a plan to establish a Transitional Life Skills College program to provide transitional tools and life skills development for participants with IDD who are at least age 22 and



transitioning from (1) the K-12 education system or (2) living with parents or guardians to living independently or quasi-independently through a DDS-administered residential program.

Under the bill, the plan must include the following:

1. use of unused DDS-owned property for multiple campuses across the state, accounting for population and distribution of likely participants;
2. duration of enrollment depending on participants' individual needs;
3. a residential component;
4. family-centered practices for participants with parents or guardians;
5. a nonresidential component for parents and guardians to acclimate participants to DDS-administered residential programs; and
6. DDS oversight, including unannounced site visits, an evaluation of cost effectiveness, and audits of participant outcomes.

By January 1, 2025, the commissioner must report on the plan to the Appropriations, Human Services, and Public Health committees.

EFFECTIVE DATE: July 1, 2023

## **§ 2 — OPM EVALUATION OF IDD EMPLOYMENT ASSISTANCE PROGRAMS**

*Requires the OPM secretary to (1) analyze existing employee assistance programs for people with IDD and other disabilities, (2) recommend financial incentives for businesses to hire them, and (3) create a related workforce plan*

The bill requires the OPM secretary to consult with the (1) aging and disability services (ADS), DDS, economic and community development (DECD), labor (DOL), and revenue (DRS) commissioners; (2) Office of Workforce Strategy (OWS); (3) Autism Spectrum Disorder Advisory Council; (4) Council on Developmental Disabilities; and (5) Connecticut



Business Industry Association to do the following:

1. analyze existing employment assistance programs for people with disabilities, including IDD, and the capacity and demand for them;
2. recommend financial incentives for businesses to employ a greater number of these people; and
3. create a workforce plan that incentivizes businesses to provide training programs, offer modified interviews, and reserve market-rate, full-time jobs.

Under the bill, the OPM secretary must report his findings and recommendations by January 1, 2025, to the Appropriations; Commerce; Finance, Revenue and Bonding; Human Services; Labor; and Public Health committees.

EFFECTIVE DATE: Upon passage

### **§ 3 — REDUCING DDS MEDICAID WAIVER PROGRAM WAITLISTS**

*Requires the DDS commissioner to reduce the waiting lists for services in DDS-administered Medicaid waiver programs; requires the new statewide coordinator of IDD programs and services (other than ASD) to annually report to the legislature on the waiting lists*

The bill requires the DDS commissioner, in consultation with the social services (DSS) commissioner and OPM secretary, to reduce the waiting lists for services in DDS-administered Medicaid waiver programs.

By January 1, 2024, and annually thereafter, OPM's staff person employed to help state agencies coordinate IDD programs and services (other than for ASD) (see § 15 below), must consult with the DDS commissioner and report to the Appropriations, Human Services, and Public Health committees on the following:

1. the number of people (a) on the waiting lists and (b) who are underserved and waiting for additional waiver program services;

2. the number of people added to and subtracted from waiting lists in the previous calendar year; and
3. whether, and by how much, waiting lists have increased or decreased in the previous calendar year.

EFFECTIVE DATE: July 1, 2023

#### **§ 4 — REDEFINING IDD AND SERVICE ELIGIBILITY**

*Requires the OPM secretary to (1) develop and recommend new statutory definitions for IDD, (2) identify related programs that may need to be updated based on the new definitions, (3) evaluate whether IQ should be used in the definitions, and (4) evaluate the level-of-need assessment tool used by state agencies serving people with IDD*

The bill requires the OPM secretary, in consultation with the ADS, DDS, education (SDE), public health (DPH), and DSS commissioners; the Council on Developmental Disabilities; and the Autism Spectrum Disorder Advisory Council to (1) develop and recommend new statutory definitions for IDD and identify related programs for people with these disabilities that may need to be changed or redesignated in accordance with any new definitions, (2) evaluate whether IQ should be a factor in these definitions, and (3) evaluate the level-of-need assessment tool used by state agencies that serve people with IDD.

Under the bill, the evaluation must do the following:

1. examine statutory definitions for IDD in states nationwide;
2. analyze other states' best practices and assessment tools;
3. assess alternative tools, models, or ways to capture a person's service needs;
4. evaluate how funding levels for services and programs are determined for each person in Connecticut and other states; and
5. determine the best state models that allow service delivery via self-directed care.

In developing the recommendations, the secretary and state officials must solicit and consider input from people with IDD and their families

and caregivers.

Under the bill, the secretary must report by January 1, 2025, to the Appropriations, Education, Human Services, and Public Health committees recommendations on (1) statutory definitions, programs redesignations, and qualifying criteria for services; (2) other states' best practices for providing services for people with IDD; and (3) level-of-need assessment tool models. The report must include a summary of the input obtained and how it was incorporated into the recommendations.

EFFECTIVE DATE: Upon passage

### **§ 5 — AUTISM MEDICAID WAIVER PROGRAM EXPANSION**

*Requires the DSS commissioner, within available appropriations, to expand the Medicaid waiver program for people with ASD to reduce the number of people on the program's waiting list*

The bill requires the DSS commissioner, in consultation with the OPM secretary and within available appropriations, to expand the Medicaid waiver program for people with autism spectrum disorder (ASD) to reduce the number of people on the waiting list to receive program services.

Starting by January 1, 2024, and annually afterwards, the statewide coordinator of programs and services for people with ASD, appointed under the bill (see § 15 below), must consult with the DSS commissioner and report to the Appropriations and Human Services committees on the following:

1. the number of people (a) waiting for services, (b) underserved and waiting for additional services, and (c) added to and subtracted from waiting the list in the previous year;
2. whether, and by how much, waiting lists have increased or decreased in the previous year; and
3. recommendations to further reduce the waiting list and associated costs.

EFFECTIVE DATE: July 1, 2023

## **§ 6 — DESPP MISSING PERSONS CLEARINGHOUSE**

*Expands the scope of the DESPP's missing persons information clearing house to include information on missing people with IDD*

By law, the Department of Emergency Services and Public Protection (DESPP) administers a missing persons information clearinghouse that holds information to help law enforcement agencies locate missing persons ages 65 and older or ages 18 and older with a mental impairment. Starting January 14, 2024, the bill expands the clearinghouse to also include information on missing people with IDD.

As under current law, the clearinghouse must collect, process, maintain, and disseminate this information if a report prepared by DESPP has been filed by the missing person's relative, guardian, conservator, attorney, health care representative, or nursing home administrator. In practice, any police department may prepare the report for clearinghouse action.

EFFECTIVE DATE: July 1, 2023

## **§§ 7 & 8 — LOCAL VOLUNTARY PUBLIC SAFETY REGISTRATION SYSTEM FOR PEOPLE WITH IDD**

*Creates a voluntary public safety registration system that municipal police departments may implement for children and adults with IDD to collect specified information that can help emergency services personnel interact with these children and adults*

The bill creates a voluntary public safety registration system that municipal police departments may implement for (1) parents and guardians of children and adults with IDD, including autism spectrum disorder, cognitive impairments, and nonverbal learning disorders, and (2) adults with these disabilities that are not represented by a parent, guardian, or other representative. It requires DESPP, within available appropriations, to develop a form that municipal police departments may distribute to these parents, guardians, and unrepresented adults to collect specified information that can help emergency services personnel (i.e., police, firefighting, medical, ambulance, and others) interact with the children and adults. Under the bill, participating municipal police departments must record the information collected in a database that police officers and emergency dispatchers can access in specified situations.

EFFECTIVE DATE: Upon passage

***Form's Required Components***

Under the bill, DESPP must develop the form, within available appropriations, by January 1, 2024, and publish it on its website by July 1, 2024. Beginning July 15, 2024, municipal police departments may make copies of it available in a publicly accessible area of their departments. If the municipal police department in a municipality in which a child or adult with IDD resides has made the form available or maintains the database described below, the form may be completed and returned to the department by the (1) parents and guardians of the child (i.e., under age 18), (2) adult (i.e., age 18 or older) with IDD with legal decision-making capacity, or (3) person with legal decision-making authority for an adult with IDD who lacks legal decision-making authority.

Under the bill, the form must contain a section in which the parent, guardian, adult, or person with decision-making authority, as applicable, consents to the release of specified information about the child or adult with disabilities. At a minimum, this includes consenting to the release of the following:

1. the person's name, nickname, date of birth, sex, height, weight, eye and hair color, address, and any scars or identifying marks;
2. the name and telephone number of someone the personnel may contact in an emergency affecting the person;
3. the person's language and communication skills, including whether he or she (a) is verbal or nonverbal, (b) speaks American Sign Language, and (c) can read or write, communicate by pointing to pictures, repeat questions, or respond to yes or no questions;
4. whether the person is sensitive to noise, touch, light, crowds, or other stimuli;
5. conditions, circumstances, or items the person dislikes or avoids

- (e.g., eye contact, being wet or dirty, interacting with strangers, and certain clothing or shoes);
6. atypical behaviors he or she exhibits (e.g., speaking loudly, self-injury, running if chased, vocal stimming, making high-pitched noises, disregarding or having no sense of danger, and sensory seeking);
  7. relevant medical information (e.g., hearing or visual impairments, seizure disorders, motor or vocal tics, or a high pain tolerance); and
  8. methods the personnel can use to calm him or her (e.g., a calm and quiet voice, noise-canceling headphones, time alone, specific food items, or asking him or her how the personnel can help).

### ***Database for Police and Emergency Dispatchers***

The bill requires participating municipal police departments to record the information provided on this form in a searchable electronic database they maintain. They must make this database available to (1) each police officer they employ so that they can determine whether someone with an IDD lives at an address to which they are responding and (2) the municipality's public safety answering point (PSAP). Under the bill, departments must remove a person's information from the database at the request of (1) the child's parent or guardian, (2) an adult with legal decision-making capacity, or (3) a person with legal decision-making authority for an adult lacking legal decision-making authority.

Starting July 15, 2024, each emergency dispatcher employed by a PSAP must, when practicable, search this database when dispatching emergency services to a residential address. They must do so to (1) determine whether a child or adult with an IDD lives there and (2) communicate information about this person to the responding emergency services personnel.

### ***Grant Program***

By January 1, 2024, the DESPP commissioner must, within available appropriations, set up a grant program for municipalities and local

police departments to establish and implement this local voluntary registration system. He must set the grant program's requirements and application process.

### ***Background — Related Bill***

sHB 6719 (File 62), favorably reported by the Children's Committee contains similar provisions that create a voluntary public safety registration system that can help emergency services personnel interact with children and adults with IDD.

## **§§ 9 & 10 — EMERGENCY SERVICES AWARENESS PROGRAMS AND SENSORY KITS**

*Requires DDS, DCF, and DESPP to develop guidelines and best practices for municipal emergency services awareness programs for children and adults with specified disorders and disabilities; requires DAS to develop and acquire sensory kits for emergency services personnel who interact with these children and adults and allows municipalities to apply to DESPP for these kits by September 1, 2025; authorizes DESPP to determine the eligibility criteria and formula for distributing the kits*

### ***Emergency Services Programs***

The bill requires DDS, DESPP, and the Department of Children and Families (DCF), by December 31, 2023, to jointly develop guidelines and best practices for municipalities to create and implement emergency services awareness programs for children and adults with an autism spectrum disorder, cognitive impairments, nonverbal learning disorders, and intellectual and other developmental disabilities. The departments must publish the guidelines and best practices on their respective websites by January 1, 2024.

At a minimum, the emergency services awareness programs must give these children and adults an opportunity to observe and interact with (1) uniformed emergency services personnel, (2) their vehicles and their associated flashing lights and sirens, and (3) mock traffic stops. They must be held in a setting suited to the children's and adults' developmental and sensory needs.

### ***Sensory Kits***

By January 1, 2024, the bill requires the Department of Administrative Services (DAS) to develop and acquire sensory kits for DESPP to distribute to emergency services personnel who interact with



children and adults with autism spectrum disorder, cognitive impairments, or nonverbal learning disorders. DAS must do so in consultation with the E-911 Commission and the DESPP Coordinating Advisory Board, which advises the department on ways to improve emergency response communications and related issues. The kits must (1) help these children and adults manage emotions and anxiety while interacting with emergency services personnel and during emergencies to which they respond and (2) include noise-canceling headphones, dark tinted glasses, and anxiety-reducing tactile objects or toys.

The bill allows municipalities to apply to DESPP for these sensory kits, as the department prescribes, by September 1, 2025. DESPP must choose up to 75 municipalities to receive the kits, based on criteria it develops, including (1) whether a municipality created and implemented emergency services awareness program according to DESPP's guidelines and best practices and (2) the municipality's demonstrated need for the kits. DESPP must determine the number of kits to distribute to each selected municipality based on a formula it sets, which must consider the municipality's population and demonstrated need for the kits.

### ***Background — Related Bill***

sHB 6719 (File 62), favorably reported by the Children's Committee contains similar provisions related to the development and distribution of sensory kits for use by emergency services personnel.

EFFECTIVE DATE: Upon passage

### **§ 11 — HUMAN SERVICES CAREER PIPELINE PROGRAM**

*Requires the Chief Workforce Officer to establish a Human Services Career Pipeline program to ensure there is a sufficient human services workforce to serve the needs of residents who are elderly or have disabilities*

The bill requires the Office of Workforce Strategy's (OWS) Chief Workforce Officer (CWO) to establish a Human Services Career Pipeline Program to ensure a sufficient number of trained providers are available to serve the needs of residents who are elderly or have IDD, other developmental disabilities, physical disabilities, cognitive impairment, or mental illness ("human services providers"). The CWO must do this

by July 1, 2024, and in consultation with the (1) ADS, DDS, DMHAS, DOL, DPH, and DSS commissioners; (2) Governor’s Workforce Council; (3) Office of Higher Education executive director; (4) Council on Developmental Disabilities; (5) Autism Spectrum Disorder Advisory Council; and (6) regional workforce development boards.

The bill requires the program to include (1) training and certification for CPR, first aid, and medication administration and (2) job placement and retention incentives in the human services job sector after completing the program.

The bill requires the CWO to consult with the labor commissioner and develop a plan for the program that includes the following:

1. a strategy to increase the number of people pursuing human services careers,
2. recommended salary and working conditions needed to retain enough human services providers to serve state residents, and
3. the program’s estimated funding needs.

Under the bill, the CWO must also consult with the ADS, DDS, DOL, and DSS commissioners; the Council on Developmental Disabilities; and the Autism Spectrum Disorder Advisory Council to determine the greatest needs for qualified human services providers and barriers to hiring and retaining them. The CWO must also help local and regional boards of education to enhance or establish partnerships with human services providers and higher education institutions to offer pathways to obtain human services credentials (e.g., diplomas, certificates, or licenses) and jobs.

Starting by January 1, 2026, the CWO must annually report on the program to the Aging, Appropriations, Higher Education and Employment Advancement, Human Services, Labor, and Public Health committees.

EFFECTIVE DATE: July 1, 2023

## **§ 12 — RIGHTS OF PEOPLE UNDER DDS SUPERVISION**

*Requires the DDS commissioner to review the rights of people placed or treated under the commissioner's supervision in public or private facilities to determine whether modifications are needed*

Existing law grants people placed or treated under the DDS commissioner's supervision in public or private facilities certain rights, such as the right to (1) prompt, sufficient, and appropriate medical and dental treatment; (2) be free from unnecessary or excessive physical restraint; and (3) communicate freely and privately with any person of their choosing (CGS § 17a-238).

The bill requires the DDS commissioner, in consultation with the ADS commissioner, Council of Developmental Disabilities, and Autism Spectrum Disorder Advisory Council, to review these rights to determine whether additions or changes are needed to ensure that these people are afforded all rights due to them and may seek a remedy in court for a violation of their rights.

Under the bill, the commissioner must report to the Human Services and Public Health committees by December 1, 2023, on his recommendations for any (1) changes needed to these statutory rights and (2) action needed to ensure that the rights of all people with IDD or other developmental disabilities are protected.

EFFECTIVE DATE: Upon passage

## **§ 13 — STATE AGENCY ONLINE DATA PORTAL**

*Requires OPM to create a plan to develop an online portal to share information across agencies to ensure efficient and safe services delivery*

The bill requires OPM, in consultation with DAS, ADS, DCF, DDS, DMHAS, DOC, DSS, SDE, and the Office of Early Childhood, to create a plan to develop a secure online portal to share basic critical information across agencies to ensure efficient and safe services delivery.

The portal must include a way for (1) an agency to note when it performs or schedules a site visit (i.e., a client meeting or inspection conducted outside of the office) and (2) the person conducting a site visit

to record notes that can be shared across agencies.

The bill requires the plan to (1) review the feasibility of using existing state agency online portals, or a new online portal; (2) detail data sharing and privacy requirements for sharing this information across state agencies in accordance with state and federal law; and (3) be submitted to the Appropriations and Human Services committees by July 1, 2024.

EFFECTIVE DATE: July 1, 2023

#### **§ 14 — ESTABLISHMENT OF NEW PROGRAM COORDINATOR POSITIONS**

*Requires OPM to establish two new positions for statewide coordinators of services for people with ASD and other IDD's*

The bill requires OPM to establish, by October 1, 2023, two new positions: (1) one to serve as the statewide coordinator of state-provided programs and services for people with ASD and (2) one to identify state-provided programs and services for people with other IDD's and help state agency commissioners coordinate them.

EFFECTIVE DATE: Upon passage

#### **§ 15 — CONNECTICUT SENTENCING COMMISSION STUDY**

*Requires the Connecticut Sentencing Commission to study the experience of people with IDD or ASD who are in the criminal justice system*

The bill requires the Connecticut Sentencing Commission to study the experience of people with IDD or ASD who are in the criminal justice system. The study must include (1) incarceration rates of people with IDD and ASD compared to their overall population in the state, (2) the advisability and cost of pre-sentencing behavioral assessments for these people, and (3) other states' best practices.

To help complete the study, the bill grants the commission access to (1) each database in the statewide criminal justice information technology system and (2) any offender-based tracking system or criminal or judicial database not integrated into the statewide system.

Under the bill, the commission must report the study results, including recommendations for related sentencing considerations, to

the Human Services, Judiciary, and Public Health committees by December 31, 2025.

EFFECTIVE DATE: July 1, 2023

**§ 16 — FUNDS FOR GROUP HOME COMPLIANCE WITH FIRE REGULATIONS**

*Requires DAS, by January 1, 2025, and within available appropriations, to give financial assistance to private group home providers to comply with certain fire regulations; requires DAS to assess the level of need for these funds and review other states' fire regulations*

The bill requires DAS to consult with DESPP and OPM, to create a funding pool, by January 1, 2025, and within available appropriations, for private providers to apply for financial assistance to comply with the fire regulation requirement that group homes be equipped with a 5,000-gallon water tank. The DAS commissioner must prescribe application requirements for the funding and post them on the DAS website.

Additionally, the bill requires the DAS commissioner, in consultation with DESPP, the Connecticut Council of Small Towns, the Connecticut Conference of Municipalities, and the Connecticut Builders Trade Association, to assess the level of need for these funds and review other states' fire regulations for group homes, including the New England states, California, and Colorado, to determine whether any changes are needed to Connecticut regulations.

The commissioner must report on the level of need for the funds to the Appropriations; Finance, Revenue and Bonding; Human Services; Planning and Development; Public Health; and Public Safety committees by October 1, 2024.

EFFECTIVE DATE: July 1, 2024

**§ 17 — IDD AWARENESS AND ADVOCACY DAY**

*Designates May 23 as "Intellectual and Developmental Disabilities Awareness and Advocacy Day"*

The bill designates May 23 as "Intellectual and Developmental Disabilities Awareness and Advocacy Day" to promote awareness of and advocacy for people with IDD. It requires suitable exercises to be

held at the Capitol and in public schools (1) on this day or (2) if that day is not a school day, on the school day before this day or another day the local or regional board of education prescribes.

EFFECTIVE DATE: Upon passage

### **§ 18 — PILOT PROGRAM FOR PEOPLE WITH ASD**

*Requires DSS to establish a two-year pilot program with a hospital to provide nonresidential outpatient day services for people with ASD*

The bill requires the DSS commissioner, in consultation with the statewide coordinator of programs and services for people with ASD created under the bill (see § 14 above), to establish, within available appropriations, a two-year pilot program in partnership with a hospital to provide nonresidential outpatient day services for people with ASD.

Under the bill, the DSS commissioner must prescribe the qualifications for a hospital to participate in the program and the services the participating hospital must offer. The commissioner must select a hospital for the program by September 1, 2024, and the hospital must start providing services by October 1, 2024. The commissioner must report on the development and implementation of the program to the Human Services and Public Health committees by January 1, 2025.

EFFECTIVE DATE: July 1, 2023

### **§ 19 — IDD AND DEMENTIA STUDY**

*Requires the ADS commissioner to study the higher prevalence of dementia and other conditions in people with IDD and determine whether state programs address this*

The bill requires the ADS commissioner to (1) study the higher prevalence of Alzheimer’s disease, dementia, and other related disorders in people who have intellectual disability or other developmental disabilities and (2) determine whether public or private programs adequately address this higher prevalence. She must consult with the OPM secretary, the DPH commissioner, the Council on Developmental Disabilities, and the Autism Spectrum Disorder Advisory Council.

The bill requires the ADS commissioner to report to the Aging,

Appropriations, and Human Services committees by June 1, 2024.

EFFECTIVE DATE: Upon passage

**§ 20 — STUDY ON TRANSPORTATION NEEDS FOR PEOPLE WITH IDD**

*Requires DOT to study the demand and need for statewide and local transportation services for people with IDD*

The bill requires the Department of Transportation (DOT) commissioner to study the demand and need for statewide and local transportation services for people with IDD, including autism spectrum disorder. The study must at least address the following:

1. expanding the operating hours, including evening hours, for commuter railroad system and state-funded public transit services;
2. determining the daily transportation needs of people with IDD, including traveling to and from work, educational facilities, medical appointments, stores, and other places to enjoy life's amenities;
3. determining how accessible using these services is for them; and
4. a specific analysis of each transit district's services that identifies underserved locations, specific routes for possible expansion to meet the needs, and the associated costs.

The bill also requires the DOT Commissioner to (1) collaborate with the DDS commissioner and each transit district, (2) consult with the Council on Developmental Services and the Autism Spectrum Disorder Advisory Council, and (3) consider the best practices of other states in providing these services. He must report on the study results and recommendations to the Human Services, Public Health, and Transportation committees by January 1, 2025.

EFFECTIVE DATE: Upon passage

***Background — Related Bill***



sSB 1080 (File 441), § 2, favorably reported by the Transportation Committee, requires a similar study.

**§ 21 — STUDY ON NONMEDICAL TRANSPORTATION SERVICES FOR PEOPLE WITH AN INTELLECTUAL DISABILITY**

*Requires DOT to study ways to provide nonmedical transportation for people with an intellectual disability*

The bill requires the DOT commissioner to study ways to provide nonmedical transportation services to and from work, educational facilities, stores, and other places for people with an intellectual disability, including the following:

1. issuing a request for proposals (RFP) for providing these services to people with an intellectual disability whose transportation needs are not currently serviced by public transportation in Connecticut;
2. providing incentives, such as DDS grants or payments or a business tax credit, to employers who arrange or pay for transportation to and from work for their employees with IDD;
3. providing incentives, such as a DDS payment or tax credit, to employees who arrange for transportation to and from work for their coworkers with IDD; and
4. issuing a RFP, or requiring transit districts to issue RFPs, for school bus owners to transport people with IDD once or twice a week before and after regular school hours.

The study must at least have an (1) analysis of the initial capital costs and operational costs for providing these services, (2) operational feasibility assessment and consideration of the reliability and convenience for each way identified, and (3) assessment of whether expanding each way identified to other people, including to people with autism spectrum disorder and people who are 60 years old or older, would increase its cost efficiency.

The bill further requires the DOT Commissioner to (1) collaborate with the DDS and DSS commissioners, (2) consult with the Council on

Developmental Services and the Autism Spectrum Disorder Advisory Council, and (3) consider the best practices of other states in providing transportation services to people with IDD, including autism spectrum disorder. He must report on the study results and recommendations to the Human Services and Transportation committees by July 1, 2025.

EFFECTIVE DATE: Upon passage

**§ 22 — MODERNIZING AND MAINTAINING BUS STOPS AND SHELTERS**

*Requires DOT and each transit district to jointly develop plans to modernize and maintain Connecticut's bus stops and shelters and for new construction of them to be done according to these plans*

The bill requires the DOT commissioner and each transit district to jointly develop plans to modernize and maintain Connecticut's bus stops and shelters, which must:

1. ensure all bus stops and shelters are constructed and maintained in compliance with the federal Americans with Disabilities Act's (ADA's) physical accessibility guidelines;
2. include sidewalks, appropriate curb cuts and ramps, shelter from weather conditions, and lighting and signage that give real-time transportation service information to conveniently and safely serve users of all ages and abilities;
3. consider installing solar photovoltaic systems at bus stops and shelters to operate the lights and allow the charging of mobile electronic devices; and
4. include ways to ensure the maintenance and safety of bus stops and shelters after their construction.

By July 1, 2024, the DOT commissioner must submit to the Transportation Committee a plan on bus stops and shelters owned by DOT and another for those owned by transit districts.

Beginning July 1, 2024, the bill requires that each bus stop or shelter constructed by DOT or a transit district must be built according to the

above plans and comply with the ADA's applicable physical accessibility guidelines. (Existing law already requires that the state building code, which generally regulates the design, construction, use, and alteration of buildings and structures including bus stops and shelters, be in substantial compliance with the ADA (CGS §§ 29-252 & 29-269).)

EFFECTIVE DATE: Upon passage

**Background — Related Bill**

HB 6747 (File 167), favorably reported by the Transportation Committee, requires a similar plan.

**§ 23 — NORTHWEST NONMEDICAL TRANSPORTATION SERVICES PILOT PROGRAM**

*Requires DDS to create a pilot program to provide nonmedical transportation services to people with an intellectual disability in northwestern Connecticut*

The bill requires DDS, within available appropriations, to create a pilot program to provide nonmedical transportation services for people with an intellectual disability in the northwestern region of Connecticut. Under the bill, the services must include transportation to and from work, educational facilities, stores, and other places located within a 20-mile radius of the residence of a person with an intellectual disability. They must also be provided at least two days per week so long as one of those days is on the weekend or includes evening hours.

By December 1, 2023, the department must issue a RFP to select a transportation provider for implementing and operating the program. The selected transportation provider may expand services to other people, including to people with other developmental disabilities, such as autism spectrum disorder, and to people who are 60 years old or older, if DDS approves the expansion and determines it will not adversely affect the services to people with an intellectual disability.

Starting by January 1, 2025, and until the pilot program ends, the department must annually submit a report to the Human Services, Public Health, and Transportation committees on the program's operation and its utility to the people with an intellectual disability.

EFFECTIVE DATE: Upon passage

**Background — Related Bill**

sSB 1080 (File 441), § 4, favorably reported by the Transportation Committee, requires DDS to issue a RFP for providing nonmedical transportation services for people with IDD whose needs are not currently met by public transportation.

**§ 24 — NOTICE ON DOT-FUNDED TRAINING PROGRAMS**

*Requires DOT to create a notice on the training programs that are available that instruct how to safely use commuter railroad systems and public transit services*

By January 1, 2024, the bill requires DOT to (1) create a notice on the training programs it funds that are available that instruct how to safely use commuter railroad systems and public transit services and (2) give the notice to DDS and the State Education Resource Center. DDS must then give this notice to its service providers and the Center must publish the notice on its website. The bill further requires DOT to revise the notice as necessary.

EFFECTIVE DATE: Upon passage

**Background — Related Bill**

sSB 1080 (File 441), § 5, favorably reported by the Transportation Committee, requires DOT, in consultation with DDS, to ensure people with IDD who receive DDS services have access to any DOT-funded travel training program on how to safely use commuter railroad systems and public bus services.

**§ 25 — VIDEO PRESENTATION ON INTERACTING WITH PEOPLE WITH DISABILITIES**

*Requires (1) DMV to create a video presentation that instructs and gives best practices on ways to appropriately interact with certain people with disabilities, (2) DMV and certain other departments to post the presentation on their websites, and (3) applicants for a public passenger license endorsement to watch the presentation*

The bill requires the Department of Motor Vehicles (DMV), in consultation with DDS, DSS, ADS, DMHAS, and DSS to create, and revise as needed, a video presentation that instructs and gives best practices on ways to appropriately interact with people with disabilities who may be receiving services from the departments. The bill allows

them to use materials and video presentations developed by a governmental entity, independent contractor, or any other party in developing their own. They must post their video presentation and any other training resources on ways to appropriately interact with people with IDD in a conspicuous location on their respective websites.

Starting January 1, 2024, before issuing or renewing a driver's license with a public passenger endorsement, DMV must require that applicants watch the video presentation.

EFFECTIVE DATE: October 1, 2023

**§ 26 — STATEWIDE TRANSITION SERVICES COORDINATOR AND ASSISTANT COORDINATOR**

*Requires SDE to employ a statewide transition services coordinator and assistant coordinator to coordinate the provision of transition resources, services, and programs*

The bill requires the State Department of Education (SDE) to employ a statewide transition services coordinator within its Bureau of Special Education. Specifically, the bill assigns the following duties to the coordinator:

1. coordinating the provision of transition resources, transition services, and public transition programs throughout the state in collaboration with other state agencies' appointed liaisons (i.e., from the Office of Early Childhood and the aging and disability services, developmental services, children and families, social services, and correction departments);
2. establishing minimum standards for public transition programs and metrics for measuring them;
3. performing unannounced site visits of public transition programs to (a) determine their effectiveness and suggest improvements and (b) post data on SDE's website about how the program measured against the office's minimum standards;
4. developing a course on SDE's website for educators and school staff who do not provide transition services to inform them about the services and these programs' purpose, essential

- programming, and deadlines;
5. establishing minimum standards for training transition coordinators;
  6. maintaining a record of each transition coordinator's training program completion; and
  7. establishing best practices for providing transition services and distributing them to each transition coordinator.

Under the bill, "transition resources" are sources of information, counseling, or training about transition services or programs; and "transition services" are for students who require special education that facilitates their transition from school to postsecondary activities, such as education and training, employment, or independent living. These services, as recommended by the student's planning and placement team (PPT) are provided by "public transition programs," operated by boards of education or regional education service centers (RESCs) for students ages 18 to 22, based on the goals in their individualized education program (IEP).

The bill also requires the education commissioner to hire at least one assistant statewide transition services coordinator to help with the statewide coordinator's duties. The commissioner must make staff available as the statewide coordinator's and the assistant coordinator's needs require.

EFFECTIVE DATE: July 1, 2023

***Background — Planning and Placement Team (PPT)***

The PPT determines the specific educational needs of a child with a disability and develops an IEP for the child pursuant to state and federal special education law (Conn. Agencies Regs., § 10-76a-1(14)). The PPT consists of a student's parents, teachers, school administrators, and educational specialists.

**§ 27 — SPECIAL EDUCATION AND TRANSITION SERVICES TRAINING PROGRAM**

*Requires SDE to develop a training program on special education and transition services legal requirements and best practices*

The bill requires SDE's Bureau of Special Education to develop by July 1, 2024, and update at least annually, a training program on special education and transition services legal requirements and best practices. This training must be delivered via on-demand, online courses. It may be delivered in person at the bureau's discretion.

EFFECTIVE DATE: July 1, 2023

## **§ 28 — INTERAGENCY MEMORANDA OF UNDERSTANDING AND LIAISONS**

*Requires agencies that have MOUs by law with SDE to each appoint a liaison to the department's statewide transition services coordinator; also makes a conforming change*

By law, SDE must enter into memoranda of understanding (MOUs) with other state agencies about providing special education and related services to children. This includes education, health care, and transition services. The bill additionally requires the MOU to address the provision of transition resources and public transition programs. The MOUs must account for current programs and services, use best practices, and be updated or renewed at least every five years.

Current law requires the department to have MOUs with the Office of Early Childhood and the development services, children and families, social services, and correction departments. The bill makes a conforming change by adding ADS in place of the Bureau of Rehabilitation Services, which is within ADS.

Additionally, the bill requires each of the above agencies that have an MOU with SDE, along with the Labor, Mental Health and Addiction Services, and Public Health departments, to appoint an employee to act as a liaison to SDE's statewide transition services coordinator. The liaisons must provide information and advice to the statewide coordinator about the transition resources, transition services, and public transition programs that their respective agency provides.

EFFECTIVE DATE: July 1, 2023



**§ 29 — INTERAGENCY COORDINATION OF TRANSITION SERVICES**

*Requires SERC to develop and maintain an online listing of the transition resources, services, and programs that certain state agencies provide*

Under current law, the State Board of Education (SBE), in collaboration with DDS, the Bureau of Rehabilitation Services, and the Office of Workforce Strategy (OWS), must coordinate the provision of transition resources, services, and programs to children requiring special education and related services. The bill removes this requirement and instead requires the State Education Resource Center (SERC) to collaborate with SDE, DDS, DSS, ADS, OWS, and OPM to do the following:

1. annually collect information about transition resources, programs, and services provided by other state agencies (which current law similarly requires SBE to do) and
2. develop and maintain an easily accessible and navigable online listing, rather than a fact sheet as under current law, that includes a plain language description of the transition resources, transition services, and public transition programs that each agency provides, along with the eligibility requirements and application deadlines for each one.

Under current law, SBE must distribute to boards of education a fact sheet describing these transition resources, services, and programs; and boards must then distribute the fact sheet to parents, teachers, and administrators. Beginning in the 2024-25 school year, the bill instead requires SDE's statewide transition services coordinator to (1) ensure the online listing is updated and accurate, (2) post a link to the listing on SDE's website in an easily accessible location, and (3) distribute a notice about the listing to each board of education. Boards must distribute this notice annually to parents, guardians, surrogate parents, emancipated minors, or 18-year-old pupils at a PPT meeting for each child in grades six through 12 requiring special education services.

The bill also (1) requires ADS, DDS, DSS, and OPM to each add a link to the above online listing on their respective websites in an easily

accessible location and (2) makes other related conforming changes.

EFFECTIVE DATE: January 1, 2024

## **§§ 30 & 31 — TRAINING PROGRAM**

*Requires SDE to work with other state entities and RESCs to develop a training program on public transition programs*

### ***Development (§ 30)***

The bill requires SDE, in consultation with DDS, ADS, and the RESCs, to develop a training program for educators, school paraprofessionals, and transition coordinators by July 1, 2024. Under the bill, a “transition coordinator” is a director of pupil personnel, or other board of education employee who the director designates, who helps parents and students navigate the transition resources, transition services, and public transition programs available (see § 26 above). The bill requires that the training program comply with the statewide transition services coordinators’ minimum standards (see § 26 above).

### ***Providers (§ 30)***

Under the bill, each RESC must provide the training program at no cost to (1) transition coordinators, educators, and school paraprofessionals who provide transition services and (2) any other educators or staff interested in doing so.

### ***Required Enrollment (§ 31)***

The bill requires all transition coordinators to complete the training program. If a school district appoints a new coordinator before the RESC’s training program begins, then the bill requires that person to complete the program within the three years immediately after the program begins. Conversely, if a district appoints a new coordinator after the training program begins, then that person must complete the program within one year after being appointed.

The bill also requires each educator and school paraprofessional who provides special education to students age 14 or older to complete the training program. If the person is hired before the training program begins, then the bill requires that person to complete the program within

the five years immediately after the program begins. Conversely, if the person is hired after the training program begins, then that person must complete the program within one year after the date of hire.

EFFECTIVE DATE: Upon passage for the provisions on the program's development and providers, and July 1, 2023, for provisions on program enrollment.

### **§ 31 — DISTRICT TRANSITION COORDINATOR**

*Requires each board of education to appoint a transition coordinator for the district*

The bill requires each local and regional board of education to ensure the designation of a transition coordinator by January 1, 2024. It allows either the district's pupil personnel director to serve in the position or another board employee appointed by the director. Every transition coordinator must ensure that the parents of students requiring special education (1) receive information about transition resources, transition services, or public transition programs and (2) are aware of the eligibility requirements and application details that specifically apply to their student.

EFFECTIVE DATE: July 1, 2023

### **§§ 32-37 — AGE FOR SPECIAL EDUCATION ELIGIBILITY**

*Aligns special education statutes to a federal court ruling requiring boards of education to provide special education until an eligible student graduates high school or until the end of the school year when the student reaches age 22*

The bill makes changes in various special education laws to align with the ruling in the class action lawsuit *A.R. v. Connecticut State Board of Education*. In this case, the Second Circuit of the U.S. Court of Appeals affirmed the U.S. District Court for the District of Connecticut's ruling that special education eligibility cannot end when a student turns 21 (5 F.4th 155 (2d Cir., 2021)).

Specifically, these conforming changes affect special education laws by doing the following:

1. requiring local and regional boards of education to provide special education until the child graduates from high school or

- until the end of the school year when the child reaches age 22 (rather than until age 21 as under current law), whichever occurs first (§§ 32 & 34), and requiring SBE to adopt regulations to implement this requirement (§ 32);
2. requiring SBE to state in its “special education bill of rights for parents” that (a) parents’ and children’s rights are protected until children have graduated from high school or at the end of the school year when the child reaches age 22, whichever occurs first, and (b) parents have the right to ask the board to consider providing their child with transition services from age 18 through that time period, rather than until age 21 (§ 33);
  3. requiring that the liaison between a school district and the criminal justice system assist all relevant educational service providers in ensuring that people in justice system custody age 22 or younger, rather than 21 or younger, are promptly evaluated for special education services eligibility, which must be provided until the child graduates from high school or until the end of the school year when the child reaches age 22, whichever happens first (§ 35);
  4. defining the term “child” in special education law to mean any person age 22 or younger, rather than age 21 or younger, or, for children requiring special education, until the child graduates from high school or until the end of the school year when the child reaches age 22, whichever happens first (§ 36); and
  5. removing an obsolete reference to state regulations that limit a child’s special education eligibility age to 21 years old (§ 37).

EFFECTIVE DATE: July 1, 2023

**§ 38 — PROGRAM REVIEW BY SERC**

*Requires SERC to conduct a review of each public transition program and report its findings to the Education Committee*

Under the bill, the State Education Resource Center (SERC), under SDE’s supervision, must review each public transition program by

examining at least the following aspects:

1. each program's types of transition services;
2. staff numbers and qualifications;
3. program location relative to the student's or student's family's residence; and
4. any metrics for measuring the program's performance (e.g., student and family feedback; student placement in jobs, postsecondary education, or adult training or programs).

By February 1, 2024, SERC must submit its findings, including best practices and innovative programs, to the Education Committee.

EFFECTIVE DATE: July 1, 2023

### **§ 39 — PROVIDING INFORMATION AT PPT MEETINGS**

*Aligns state law with federal requirements for interpreters at PPT meetings and translated IEP documents to ensure student, parent, and guardian understanding; requires boards of education to give parents, guardians, or surrogate parents information about conservatorship, guardianship, decision-making alternatives, and mediation services*

#### ***Interpreters and Translated Documents***

Federal special education regulations require boards of education to ensure that the parent understands the proceedings at a PPT meeting, including arranging for an interpreter for parents whose native language is not English (34 C.F.R. § 300.322(e)). The bill aligns state law with this requirement by requiring local or regional boards of education to provide these interpreters and translated documents for students, parents, or guardians when needed or upon request.

The bill grants a student's parents, guardians, or surrogate parents the right to have a language interpreter, including a registered interpreter for persons who are deaf, hard of hearing, or deafblind, attend in person or be available by telephone or through an online technology platform, website, or other electronic application approved by SBE at PPT meetings where the student's educational program is developed, reviewed, or revised. The board of education must provide

an interpreter if there is an apparent need or if the parent, guardian, surrogate parent, or student requests one. The interpreter must participate or be available in all portions of the PPT meeting.

The bill also requires boards of education to provide translations of the following documents in the primary language of the student, parent, guardian, or surrogate parent: (1) a student's IEP and any related documents and (2) any relevant information about IEPs that SDE creates, including information about transition resources and services for high school students. Boards must supply translated documents if there is an apparent need or upon request.

### ***Conservatorship and Mediation Information***

The bill requires local or regional boards of education to give the following information at the following times to students, parents, guardians, or surrogate parents of students who are eligible for special education and related services:

1. at the first PPT meeting after a student reaches age 14 and then annually, information on the full range of decision-making supports, including alternatives to guardianship and conservatorship, and SDE's online resource about the process for establishing guardianship, conservatorship, or other decision-making alternatives once the student reaches age 18 (see § 41 below) and
2. in writing at the beginning of the school year, and read aloud at the end of the first PPT meeting of each school year, the notice created by the mediation services coordinator about available mediation services (see § 46 below).

EFFECTIVE DATE: July 1, 2023

### ***Background — Related Bill***

sSB 1200 (File 570), § 4, favorably reported by the Education Committee, grants parents, guardians, students, and surrogate parents the right to have translation services at PPT meetings provided by either (1) a certified interpreter who attends the meeting in-person or is

available by phone or through an online platform or (2) an internet website or other electronic application.

#### **§ 40 — PPT COORDINATION OF TRANSITION SERVICES**

*Requires a student's PPT to coordinate transition services during meetings at two points in the student's high school career*

##### ***Meeting Post-Fourteenth Birthday***

Under the bill, if a student's IEP contains a statement of transition service needs, then the student's PPT must do the following at its first meeting after the student's fourteenth birthday:

1. notify each state agency that the student may be eligible, pending parent, guardian, or student permission when applicable, for a public transition program or adult program that the agency offers and
2. give the parent, guardian, surrogate parent, or student a listing of these agency programs that includes for each one a plain language description, eligibility requirements, and application deadlines and instructions.

##### ***Meeting Two Years Before Transfer of Services***

Subsequently, at a meeting approximately two years before a student's anticipated graduation or the end of the school year when the student will turn 22 years old, whichever comes first, the PPT must do the following, pending parent, guardian, surrogate parent, or student permission when applicable:

1. re-notify each state agency about the student's potential eligibility for a transition program or adult program that it offers;
2. invite a representative from each of the applicable agencies to attend the PPT meeting to establish contact with and counsel the parent, guardian, surrogate parent, or student on the process for the student's anticipated services transfer; and
3. allow and facilitate contact and coordination between each applicable agency and the above parties to ease the transfer of

services process.

At this meeting, the bill requires the PPT to also give these parties the following: (1) a listing of each adult program for which the student may be eligible, including a plain language description, eligibility requirements, and application deadlines and instructions and (2) help completing an application to any of these programs.

EFFECTIVE DATE: July 1, 2023

#### **§ 41 — ONLINE RESOURCE FOR ADULT STUDENTS**

*Requires SDE to develop an online resource about establishing guardianship, conservatorship, or other decision-making alternatives for when a student reaches age 18 and is receiving special education or related services*

The bill requires SDE, by July 1, 2024, to develop a plain language, online resource for parents, guardians, or surrogate parents with a child age 14 or older who requires special education and related services. This resource must have information and training resources about decision-making options once the student reaches age 18. SDE must develop it in consultation with in-state disability rights advocacy groups.

Specifically, the bill requires this resource to include at least the following information: (1) the child’s and parent’s rights under federal special education law when the child reaches age 18 (see *Background*) and (2) alternatives to guardianship and conservatorship, including supported decision-making, powers of attorney, advance directives, and other decision-making alternatives. Under the bill, “supported decision-making” is a tool used by a person with a disability to retain decision-making authority through the help of one or more individuals, chosen by the person, in understanding the nature and consequences of potential personal and financial decisions and in communicating these decisions.

The bill requires SDE to post the online resource on its website in an easily accessible location. The department also must provide information about it to (1) SERC so that it may be included in online listing of the transition resources, services, and programs provided by state agencies (see § 29 above) and (2) each local and regional board of



education to distribute to parents and guardians at the first PPT meeting after students reach age 14. SDE must update this resource as necessary.

EFFECTIVE DATE: July 1, 2023

**Background — Federal Special Education Law**

Under federal special education law, when a student with a disability reaches the “age of majority” (i.e., becomes a legal adult) under state law, all parental rights transfer to the student. However, if the student is unable to give informed consent about his or her educational program, then the state must establish procedures for appointing the student’s parent, or, if unavailable, another appropriate individual, to represent the student’s educational interests throughout the period of special education eligibility (20 U.S.C. § 1415(m)).

**§ 42 — SDE INTERAGENCY REPORTING**

*Requires SDE to report the number of students statewide who received transition services information as part of a PPT meeting or may qualify for services to applicable state agencies annually*

The bill requires SDE, starting by July 1, 2024, to annually report the aggregate number of students from all school districts who had PPT meetings during the previous year where information about transition services and programs was provided. This aggregate number may be reduced, to the extent possible, to the number of students who may qualify for the services or programs that state agencies provide. SDE must report this data to (1) each state agency that provides services and programs for adults with disabilities, including DDS, DSS, and ADS, and (2) the Appropriations, Education, Human Services, and Public Health committees.

EFFECTIVE DATE: July 1, 2023

**§§ 43 & 44 — AGENCY STAFFING**

*Requires DDS and ADS to employ enough staff, within available appropriations, to provide transition services*

For any students receiving special education whose PPT finds that they are potentially eligible for DDS services, the bill requires the DDS commissioner to employ, within available appropriations, enough

transition advisors to provide transition services.

It also requires the ADS commissioner to employ, within available appropriations, enough vocational rehabilitation staff to provide transition services for students requiring special education, if their PPT determines that they may be eligible to receive services from ADS.

EFFECTIVE DATE: July 1, 2023

## **§ 45 — MEDIATION SERVICES COORDINATOR**

*Requires SDE to employ a mediation services coordinator position in its Bureau of Special Education to coordinate and oversee special education mediation services and approved mediators; establishes training and continuing education requirements for mediators*

### **Creation**

The bill requires the education commissioner to employ a mediation services coordinator position in SDE's Bureau of Special Education. The position must be separate and distinct from any of the department's investigatory or enforcement functions.

### **Duties**

Under the bill, the mediation services coordinator must do the following:

1. facilitate the expansion of SDE's mediation services that are offered in place of parties proceeding directly to a special education hearing;
2. oversee and coordinate these services for each school district statewide;
3. maintain a list of special education mediators who (a) meet minimum training requirements the bill sets and (b) are sufficient in number to meet each district's needs;
4. promote mediation's benefits to each local and regional board of education, parents, guardians, and special education advocacy groups;
5. solicit feedback from school boards, parents, and guardians

about the mediation process (a) at an open annual meeting, (b) after any mediation ends, and (c) in any other way the coordinator chooses; and

6. create (a) a statement on mediation impartiality and confidentiality, (b) an explanation of the mediation process, and (c) a notice of available mediation services, each further explained below.

### ***Coordinator-Created Resources***

***Impartiality and Confidentiality Statement.*** The bill requires the mediation services coordinator to create and post on SDE’s website a statement that, at a minimum, prohibits bureau employees and special education mediators from sharing information with the department tasked with investigatory or enforcement functions unless state or federal law requires it.

The bill also requires mediators to remain impartial and maintain the confidentiality of any matter discussed during mediation.

***Process Explanation.*** The bill also requires the coordinator to create and post on SDE’s website a resource that explains the mediation process in plain language, including how to request and prepare for a mediation. This resource must be translated into the state’s most commonly spoken languages.

***Notice of Available Services.*** The bill requires the coordinator to create a brief notice that is suitable to be read aloud during a PPT meeting that lists available mediation services and includes a link to the plain-language process explanation described above. It also must be translated into the state’s most commonly spoken languages and be distributed by local or regional boards of education to parents, guardians, and surrogate parents of students requiring special education.

### ***Mediator Oversight***

***Pre-Service Training Requirements.*** The bill requires SDE’s Bureau of Special Education to verify that each mediator on the mediation

service coordinator's list has completed (1) at least 40 hours of mediation skills training using an SDE-approved module or course and (2) training in special education law using a module or course provided by SDE or another bureau-approved provider for the minimum hours the bureau requires.

The bill allows the bureau to waive one of these training requirements for certain applicant mediators under the following conditions:

1. for the mediation skill training requirement, if the applicant submits proof of completing (a) a 40-hour mediation skills training or (b) an equivalent mediation skills course from a higher education institution or
2. for the special education law training requirement, if the applicant (a) has sufficient, direct professional experience in special education law or (b) submits proof of completing a comparable special education law course from a higher education institution.

Additionally, the bill requires the bureau to exempt at least five mediators from the pre-service training requirements entirely. These mediators must (1) have conducted special education mediation for SDE before July 1, 2023, and (2) be included on the list of mediators that the mediation services coordinator maintains.

***Continuing Education Requirements.*** The bill requires each approved mediator on the list to complete at least two hours of continuing education every two years in subject areas the bureau prescribes. SDE or any other bureau-approved office may provide the continuing education.

EFFECTIVE DATE: July 1, 2023

## **§ 46 — MEDIATION REQUESTS**

*Specifies the parties that may submit a request to the mediation services coordinator for mediation services and requires the coordinator to notify relevant parties and provide language translation services*

The bill allows the following parties to request a mediation at any time through the mediation services coordinator for identification, evaluation, educational placement, or IEP implementation, among other reasons:

1. a parent or guardian of a student requiring special education and related services;
2. a student who requires these services and is either (a) 18 years old or older or (b) an emancipated minor;
3. a surrogate parent;
4. the DCF commissioner, or her designee, on behalf of any child in DCF custody; or
5. the local or regional board of education responsible for providing special education and related services to a student.

After the coordinator receives a mediation request, the bill requires him or her to give the requester and other parties subject to the request the following:

1. notice that a conflict exists between the parties,
2. a statement that the mediation process is voluntary and facilitated by a neutral mediator, and
3. an invitation to all parties to participate.

The coordinator also must provide language translation services by (1) an interpreter who is present in person or available by telephone or an online technology platform or (2) through an internet website or other SBE-approved electronic application.

EFFECTIVE DATE: July 1, 2023

#### **§ 47 — ADMINISTRATIVE HEARINGS**

*Makes changes in the special education administrative hearing laws on (1) the order in which the parties must testify, (2) publishing the hearing officers' decisions, and (3) using mediation in place of proceeding directly to a hearing*

By law, certain aggrieved parties may request an administrative hearing before an SDE-provided hearing officer when the school district responsible for providing special education services proposes or refuses to initiate or change the (1) student's identification, evaluation, or educational placement or (2) free appropriate public education (FAPE) given to the student. The bill modifies the order in which the parties must testify and makes changes in the laws on publishing the hearing officers' decisions and using mediation in place of proceeding directly to a hearing.

### ***Testimony Order***

By law and unchanged by the bill, the hearing officer or board must hear testimony relevant to the disputed issue by the requesting party and any other party directly involved. In a dispute over providing FAPE, the bill additionally requires that the hearing officer or board hear the testimony of the party responsible for providing special education to the student (i.e., the local or regional board of education or unified school district) before hearing any other party's testimony.

### ***Decision Publishing***

Current law requires that the hearing officer's findings of fact, conclusions of law, and decision be written without personally identifiable information about the student who is the subject of the dispute, so that the decisions may be available for public inspection. The bill adds the requirement that the decisions be promptly indexed and published (however, the bill does not define what is considered "prompt").

### ***Mediation Prior to Hearing***

By law and unchanged by the bill, mediation is available as a dispute resolution process before seeking an administrative hearing. Current law requires the parties to agree in writing to request a state mediator from SDE. The bill instead allows any one party to request that the mediation services coordinator appoint a mediator, and it does not require the request to be written or signed as under current law. The coordinator must notify all parties using the process in the bill (see § 46 above) and appoint a mediator if all parties agree to mediate.

The bill requires the coordinator to invite all parties to a mediation with a person selected from the list of special education mediators the coordinator maintains (see § 45 above). It also makes conforming changes related to the mediator’s appointment. By law and unchanged by the act, the mediator must certify in writing to the parties whether the mediation was successful or not; however, the bill additionally specifies that the mediator must certify this to the Bureau of the Special Education rather than SDE in general.

Additionally, the bill requires SDE to create and publish online a plain language explanation of the department’s process for resolving special education complaints and the administrative hearing process. This explanation must be translated into the state’s most commonly spoken languages.

EFFECTIVE DATE: July 1, 2023

#### **§ 48 — STATEWIDE SPECIAL EDUCATION AUDITS**

*Requires SDE to randomly audit school districts’ implementation of federal special education law*

The bill requires SDE to conduct audits of special education programs each year in randomly selected school districts to oversee their implementation of federal special education law (i.e., the Individuals with Disabilities Education Act (IDEA)). The audits must at least include the following components:

1. interviews of teachers and staff who provide special education services and parents and guardians of children who require these services;
2. unannounced, on-site visits to observe classroom practice and any other facet of the administration or provision of special education services to ensure compliance with IEPs and state and federal law and guidance; and
3. a review of students’ IEPs.

EFFECTIVE DATE: July 1, 2023

## **§ 49 — IN-SERVICE TRAINING**

*Expands required in-service training topics to include laws governing PPT meetings and 504 plans*

By law, local and regional boards of education must provide in-service training to their licensed teachers, administrators, and pupil personnel that covers various topics, such as health and mental health risk reduction education, school violence prevention, and cardiopulmonary resuscitation and other emergency life-saving procedures. The bill expands these training topics to include (1) the laws governing PPT meeting implementation and 504 plans and (2) an annual update of new state and federal policies about special education, recommendations, and best practices.

EFFECTIVE DATE: July 1, 2023

### ***Background — 504 Plans***

Section 504 of the federal Rehabilitation Act of 1973 protects students with mental or physical disabilities from discrimination in public schools (29 U.S.C. § 794). Students who receive school accommodations under this law have them memorialized in a written plan, commonly known as a “504 plan.”

## **§ 50 — INDIVIDUAL SERVICE COORDINATORS**

*Requires individual service coordinators for children receiving early intervention services to help facilitate the transition to public school special education services*

By law, each child eligible for Birth-to-Three program early intervention services is assigned an individual service coordinator from the profession most relevant to the child’s or family’s needs. This coordinator is responsible for implementing the child’s individualized family service plan (IFSP).

Within the three months before an eligible child’s third birthday, the bill requires the child’s individual service coordinator to (1) notify the child’s parent or guardian so that they may meet, upon request, to discuss the contact information for the person who administers or coordinates special education services for the child’s public school district and (2) give the child’s IFSP to the public school district’s special education coordinator.



EFFECTIVE DATE: July 1, 2023

**§§ 51 & 52 — INFORMATION FOR STUDENTS AND PARENTS**

*Requires SDE to develop an informational handout of students explaining IEPs, 504s, and associated student rights in the classroom; requires boards of education to give students and parents information about their rights, resources, and advocacy groups*

***Student Informational Handout***

The bill requires SDE to (1) develop an informational handout for students by January 1, 2024, that explains IEPs and 504 plans, including students' rights in the classroom; (2) make it available to boards of education; and (3) post it on the department website. In turn, boards of education must give it to each eligible student at the beginning of each school year. The handout must meet the following requirements:

1. be age-appropriate;
2. be prepared separately for students in grades K-4, 5-8, and 9-12;
3. be translated into multiple languages, including English, Spanish, Portuguese, French, and Polish; and
4. include a glossary of the most common tools used to implement an IEP or 504 plan.

***Additional Information on Rights and Resources***

***Upon Identification for Special Education.*** By law, immediately when a student is formally identified as requiring special education and at each PPT meeting thereafter, the board of education must inform the student's parent, guardian, surrogate parent, or student (if over age 18 or an emancipated minor) of his or her rights under special education laws and regulations, including some specifically enumerated rights. The bill adds to this list the following rights:

1. to obtain the plain language resources on SDE's website that explain the hearing and appeals process available to the student if there is a disagreement about the IEP, identification, evaluation, educational placement, or provision of FAPE to the student;

2. to receive information about free and low-cost legal assistance; and
3. to receive SDE's "Parent's Guide to Special Education" in addition to other relevant information and resources on IEPs as under current law.

***When Each School Year Begins.*** Additionally, at the beginning of each school year, the bill requires the board of education to give these parties SDE's "Parent's Guide to Special Education in Connecticut" and the rights and resources available to the student with an IEP or 504 plan.

EFFECTIVE DATE: July 1, 2023

***Background — Related Bill***

sHB 6883 (File 592), favorably reported by the Education Committee, contains substantially similar provisions to sections 28-54 of this bill.

**§ 53 — SUPPORTIVE HOUSING GRANTS FOR NONPROFITS**

*Requires DDS to establish a program to provide grants to qualifying private nonprofits for supportive housing for people with an intellectual disability or other developmental disabilities; creates related administration and reporting requirements*

The bill requires the DDS commissioner to establish a program to provide grants to qualifying private nonprofits for supportive housing for people with an intellectual disability or other developmental disabilities, including autism spectrum disorder. It prohibits the commissioner from spending more than (1) \$5 million on the grant program in any one DDS service region and (2) 2% of the program's funding on directly related administrative expenses.

The bill requires the commissioner to prioritize nonprofits that reserve at least 50% of a housing site's initial residential capacity for individuals with these disabilities who are on a supportive housing waiting list DDS or DSS maintains. Under the bill, a grant recipient must annually report to the DDS commissioner, on a form he develops, on how it spent its funding.

The bill requires the DDS commissioner to (1) develop and publish guidelines for awarding grants under the program and a uniform

application form and (2) post these materials on the DDS website by July 1, 2024. Beginning January 1, 2025, he must annually report to the Housing, Human Services, and Public Health committees, on how grant funds were awarded and spent under the program.

EFFECTIVE DATE: July 1, 2023

***Background — Related Bill***

sHB 6707 (File 166), § 1, reported favorably by both the Housing and Finance, Revenue and Bonding committees, contains provisions authorizing up to \$5 million of state GO bonds for DDS to provide grants to private nonprofits for supportive housing for people with intellectual disability or autism spectrum disorder.

**§ 54 — COMMUNITY-BASED GROUP HOMES PLAN FOR REENTERING INDIVIDUALS**

*Requires the DDS commissioner to (1) within available appropriations and in collaboration with the housing and correction commissioners, create a plan for a comprehensive program for community-based group homes for people with intellectual disabilities reentering society from the correctional system and (2) submit the plan to the legislative committees of cognizance by January 1, 2024*

The bill requires the DDS commissioner, within available appropriations and in collaboration with the housing and correction commissioners, to create a plan for a comprehensive program for community-based group homes for people with intellectual disabilities reentering society from the correctional system. Under the bill, the program must provide these individuals supportive services, at least including (1) assistance with daily living tasks, (2) transportation assistance, (3) medical care, and (4) job training.

The bill requires the DDS commissioner, by January 1, 2024, to submit the plan to the Housing, Human Services, Public Health, and Public Safety and Security committees.

EFFECTIVE DATE: October 1, 2023

***Background — Related Bill***

sHB 6707 (File 166), § 2, reported favorably by both the Housing and Finance, Revenue and Bonding committees, contains similar provisions.

**§ 55 — MUNICIPAL AFFORDABLE HOUSING PLANS**

*Expands the municipal affordable housing planning requirement by requiring plans submitted to OPM after October 1, 2023, to specify how the municipality will improve affordable housing unit accessibility for people with an intellectual disability or other developmental disabilities*

The bill expands the municipal affordable housing planning requirement by requiring plans submitted to OPM after October 1, 2023, to specify how the municipality will improve affordable housing unit accessibility for people with an intellectual disability or other developmental disabilities.

Existing law requires all municipalities to adopt an affordable housing plan and submit a copy to OPM by June 1, 2022, and then at least once every five years. The plan must detail how the municipality will increase its number of affordable housing developments, as defined under CGS § 8-30g. By law, “affordable housing development” generally means a proposed housing development that is either government assisted housing or a set-aside development subject to an affordability deed restriction.

Under existing law, municipalities that fail to submit a plan following the required timeline must send a letter to OPM (1) explaining why the plan was not submitted and (2) designating a date by which it will do so.

EFFECTIVE DATE: October 1, 2023

***Background — Related Bills***

HB 6592 (File 131), favorably reported by the Housing Committee, contains similar provisions.

sHB 6781 (File 208), § 24, reported favorably by the Housing Committee, contains provisions generally replacing the current municipal affordable housing planning requirement with a requirement that municipalities prepare or amend a plan to affirmatively further fair housing.

**§§ 56-59 — ABLE ACCOUNTS**

*Authorizes a personal income tax deduction up to \$5,000 for individuals or \$10,000 for joint filers for contributions made to ABLÉ accounts; establishes a credit against the corporation business and personal income taxes for contributions employers make into employees' ABLÉ accounts, capped at \$2,500 per employee per year; exempts ABLÉ accounts from claims by the state against the estates of Medicaid beneficiaries; and requires an ABLÉ program director of outreach be designated*

The bill makes several changes to the state treasurer's federally qualified Achieving a Better Life Experience (ABLE) program (see *Background*). Specifically, it:

1. requires the state treasurer to designate a director of outreach for the ABLÉ program from among the existing employees in his office who must coordinate outreach and marketing efforts for ABLÉ accounts (§ 56);
2. authorizes a personal income tax deduction up to \$5,000 for individual taxpayers or \$10,000 for joint filers for contributions made to ABLÉ accounts established through Connecticut's ABLÉ program (§ 57);
3. establishes a credit against the corporation business and personal income taxes for contributions employers make into employees' ABLÉ accounts, capped at \$2,500 per employee per year (§ 58); and
4. exempts ABLÉ accounts, to the extent allowed by federal law, from claims by the state against the estates of Medicaid beneficiaries (§ 59).

EFFECTIVE DATE: October 1, 2023, except the tax deduction and tax credit provisions take effect January 1, 2024, and apply to taxable and income years beginning on or after that date.

### ***Employer ABLÉ Account Contribution Tax Credit***

Under the bill, taxpayers may claim this credit against the corporation business or personal income tax (but not the withholding tax) for contributions they make to the state-administered ABLÉ accounts of their employees, up to \$2,500 per employee per income or taxable year, as applicable. (It is unclear if the bill applies to

contributions to just ABLE accounts that employees establish for themselves or if it extends to cover those that employees establish on behalf of someone else, like a child.)

The tax credit under the bill may be claimed by the shareholders or partners of S corporations or entities treated as partnerships for federal income tax purposes. For single member limited liability companies treated as disregarded entities for federal tax purposes, it may be claimed by their owners.

***Background — ABLE Program***

Similar to 529 plans for education savings, ABLE accounts (also known as 529A plans) are tax-advantaged savings plans designed to encourage savings for a designated beneficiary’s future expenses. They allow individuals to retain assets to offset costs associated with living with a disability (up to certain account limits) without affecting eligibility for means-tested public programs such as supplemental security income (SSI) and Medicaid. Individuals may open an ABLE account, or one may be opened on their behalf, if they developed their disability before age 26 and either (1) qualify for SSI or Social Security disability income (SSDI) or (2) have a certification from a licensed physician stating that their disability meets the “marked and severe” standard set forth in federal law. Account funds may be used to cover “qualified disability expenses,” which are disability-related expenses that help increase or maintain a person’s health, independence, or quality of life (e.g., housing, transportation, education, and assistive technology costs).

Total annual contributions to an ABLE account by all individuals are generally capped at the federal gift tax exclusion amount (\$17,000 per year, as of January 1, 2023), though certain employed ABLE account owners may make additional deposits.

***Background — Related Bill***

HB 6753 (File 190), favorably reported by the Banking Committee, has substantially similar provisions, except it (1) does not require that the ABLE program’s director of outreach be an existing employee of the

state treasurer's office and (2) caps contributions employers make into employees' ABLE accounts at \$10,000 per employee per year.

## **§ 60 — COMPENSATION FOR FAMILY CAREGIVERS**

*Requires DSS to apply for federal approval to compensate family caregivers under DDS-administered Medicaid waivers*

The bill requires the DSS commissioner, in consultation with the DDS commissioner, to apply to the federal Centers for Medicare and Medicaid Services (CMS) for a Medicaid waiver by November 1, 2023, to authorize compensation for family caregivers, including legally responsible relatives, who provide personal care assistance services to DDS-administered Medicaid waiver participants. The requirement applies to the three home- and community-based Medicaid waivers administered by DDS that serve people with intellectual disabilities: the Comprehensive Supports Waiver, the Individual and Family Support Waiver, and the Employment and Day Supports Waiver.

Under the bill, a family caregiver is a caregiver related by blood or marriage to a Medicaid waiver participant, or the participant's legal guardian. A legally responsible relative is a participant's spouse, parent, or legal guardian.

EFFECTIVE DATE: Upon passage

### ***Background — Legislative Approval Process***

State law requires the DSS commissioner to submit federal waiver applications, renewals, and amendments to the Appropriations and Human Services committees before submitting them to CMS for approval. The committees must:

1. hold a public hearing within 30 days after receiving the application;
2. approve, deny, or modify a waiver application; and
3. appoint a conference committee if the committees do not agree on the decision (CGS § 17b-8).

## **§ 61 — JOBSCT TAX REBATE PROGRAM**

*Decreases, from 25 to 15, the number of new FTEs that a business must create and maintain to be eligible for the JobsCT tax rebate program if at least one of these FTEs is an individual with intellectual disability; makes these FTEs eligible for a 50% rebate; increases, from \$10 million to \$15 million, the cap on the aggregate rebate amount that may be awarded in a fiscal year for discretionary FTEs*

The bill decreases the number of full-time equivalent employees (FTEs) that a business must create and maintain to be eligible for the JobsCT tax rebate program if at least one of these FTEs is an individual with intellectual disability. It also allows the business to earn an increased rebate amount for each FTE who is an individual with intellectual disability.

Specifically, the bill allows a business to qualify for a rebate by creating and maintaining at least 15 new FTEs if at least one of these FTEs is an individual with intellectual disability. Currently, the law requires that a business create and maintain at least 25 new FTEs to be eligible for a rebate.

By law, the rebate amount is based on a percentage of the state income tax paid by the new FTEs. Generally, it equals 25% of the income tax paid, but the bill allows businesses to receive a 50% rebate for income tax paid by FTEs who are individuals with intellectual disability.

Separately, the bill increases, from \$10 million to \$15 million, the cap on the aggregate rebate amount that may be awarded in a fiscal year for discretionary FTEs. Generally, these are FTEs who earn less than the program's general wage requirements but meet certain other criteria (see *Background*). It retains the overall rebate cap of \$40 million per fiscal year.

Lastly, the bill requires the Department of Economic and Community Development (DECD) commissioner to post information about the JobsCT program on its website, including information about rebates available for employing individuals with intellectual disability. DECD must post this information by January 1, 2024.

EFFECTIVE DATE: January 1, 2024, and applicable to taxable years starting on or after that date.



**Rebate Eligibility**

The JobsCT tax rebate program allows companies in specified industries (e.g., manufacturing and bioscience) to earn rebates against the insurance premiums, corporation business, and pass-through entity (PE) taxes for reaching certain job creation targets.

Under current law, an eligible business qualifies for the rebate if it creates and maintains at least 25 new FTEs. The bill instead allows it to qualify by creating and maintaining at least 15 new FTEs if at least one of the new FTEs is an individual with intellectual disability. Under the bill, “intellectual disability” means a significant limitation in intellectual functioning existing concurrently with deficits in adaptive behavior that originated during the developmental period before 18 years old.

Under existing law, new FTEs are generally those that did not exist in the state when the business applied to the DECD commissioner for acceptance into the program (see *Background*). To qualify as a new FTE, an employee must be paid wages sourced to the state (i.e., qualified wages) of at least 85% of the median household income for the location where the position is primarily based or \$37,500, whichever is greater.

**Rebate Calculation**

Under existing law, a business’s rebate is based on (1) the number of new FTEs created or maintained, (2) their average wage, and (3) the state income tax that a single filer would pay on this average wage. Generally, the rebate equals 25% of the average state income tax that these employees would pay, multiplied by the number of employees.

However, for FTEs who are individuals with intellectual disability, the bill sets a rebate amount of 50% of the average state income tax that these employees would pay, multiplied by the number of employees who meet this criterion. Existing law also allows a 50% rebate for new FTEs in an opportunity zone or distressed municipality. Existing law sets a rebate floor of \$1,000 per new FTE and caps the rebates at \$5,000 per new FTE.

The bill generally subjects businesses that qualify under its new

threshold to the same deadlines for creating and maintaining new FTEs that apply to businesses under existing law. Among other things, an approved qualified business must (1) employ at least 15 new FTEs in Connecticut (including at least one who is an individual with intellectual disability) by December 31 in the calendar year that is two years before the calendar year in which it claims the rebate and (2) maintain at least 15 new FTEs (including one who is an individual with intellectual disability) in the calendar year immediately before the calendar year in which it claimed the rebate.

***Background — New FTEs***

By law, new FTEs are those that did not exist in the state when the business applied to the DECD commissioner for acceptance into the program. They exclude FTEs (1) acquired due to a merger or acquisition, (2) employed in the state by a related person (e.g., entities controlled by the business) within the previous 12 months, or (3) hired to replace FTEs that existed in the state after January 1, 2020. The law allows the DECD commissioner to issue implementation guidance.

***Background — Discretionary FTEs***

By law, a discretionary FTE is an FTE paid qualified wages who does not meet the program's general wage requirements (see above) but is approved by the DECD commissioner. The commissioner may approve a business's JobsCT application in whole, in part, or with amendments, if a majority of the new discretionary FTEs meet any of the following criteria:

1. are receiving, or have received, services from the Department of Aging and Disability Services because of a disability;
2. are receiving employment services from the Department of Mental Health and Addiction Services or participating in employment opportunities or day services operated or funded by the Department of Developmental Services;
3. have been unemployed for at least six of the preceding 12 months;

4. have been convicted of a misdemeanor or felony;
5. are veterans;
6. lack a postsecondary credential and are not currently enrolled in a postsecondary institution or program; or
7. are currently enrolled in a workforce training program fully or substantially funded by the employer that results in the individual earning a postsecondary credential.

### **§ 62 — PRICE PREFERENCE FOR IDD WORKFORCE**

*Allows DAS to give a price preference for bids on open market orders of contracts for businesses with a workforce of at least 10% people with IDD*

The bill allows the administrative services commissioner to give a price preference of up to 10% for open market orders or contracts to a business that has a workforce of at least 10% individuals with IDD when it submits its bid or proposal. A price preference is the percentage by which a bid may be reduced for purposes of awarding a contract to the lowest qualified bidder

EFFECTIVE DATE: October 1, 2023

#### ***Background — Related Bill***

HB 6754 (File 313), favorably reported by the Commerce Committee, includes this provision (§ 2).

### **§ 63 — WORKFORCE DEVELOPMENT GRANT PROGRAM**

*Creates a workforce development grant program for nonprofit organizations with a workforce of at least 10% people with IDD*

The bill requires the DECD commissioner to establish a workforce development program, within available appropriations, to make grants to nonprofit organizations that employ a workforce of at least 10% individuals with IDD. Grants made under this program must be awarded for infrastructure expenditures, start-up costs, or expansion costs.

Grants awarded under the bill are capped at (1) \$25,000 for organizations with a workforce consisting of at least 10% but not more

than 30% individuals with IDD and (2) \$75,000 for organizations with a workforce that has more than 30% individuals with IDD.

The bill requires DECD to set the application procedure and create a competitive application award process. The bill allows the department to enter into an agreement with a third-party to operate the program.

EFFECTIVE DATE: July 1, 2023

**Background — Related Bill**

HB 6754 (File 313), favorably reported by the Commerce Committee, contains identical provisions (§ 3).

**§ 64 — SUPPORT ORDERS FOR ADULT CHILDREN WITH DISABILITY**

*Starting October 1, 2023, increases the age up to which a court may issue support orders for adult children with certain disabilities, from up to 21 to up to 26*

Current law allows the court to make appropriate support orders for children up to age 21 who (1) have an intellectual disability, a mental disability, or who are physically disabled and (2) live with a parent who they are primarily dependent on for support. Starting October 1, 2023, this bill increases the age limit for these support orders to up to age 26.

The bill’s age limit increase applies to support orders entered on or after October 1, 2023, as (1) part of a divorce, legal separation, or annulment decree or (2) an initial support order not claiming one of these decrees. In cases entered before this date, the court may make the support orders only until the child attains age 21, as allowed under existing law.

Under the bill, as under existing law, the child support guidelines do not apply to these support orders.

**Intellectual Disability**

Under the bill, “intellectual disability” is a significant limitation in intellectual functioning existing concurrently with deficits in adaptive behavior that originated during the developmental period before age 18. “Significant limitation in intellectual functioning” is an intelligence

quotient (IQ) more than two standard deviations below the mean as measured by general intellectual functioning tests that are individualized, standardized, and clinically and culturally appropriate to the individual. “Adaptive behavior” is the effectiveness or degree with which an individual meets the standards of personal independence and social responsibility expected for the individual's age and cultural group as measured by tests that are individualized, standardized, and clinically and culturally appropriate to the individual (CGS § 1-1g).

### ***Mental Disability***

Under the bill, “mental disability” refers to an individual who has a record of, or is regarded as having one or more mental disorders, as defined in the most recent edition of the American Psychiatric Association's “Diagnostic and Statistical Manual of Mental Disorders” (CGS § 46a-51(20)).

### ***Physically Disabled***

Under the bill, “physically disabled” refers to any individual who has any chronic physical handicap, infirmity, or impairment, whether congenital or resulting from bodily injury, organic processes, or changes or from illness, including epilepsy, deafness or being hard of hearing, or reliance on a wheelchair or other remedial appliance or device (CGS § 46a-51(15)).

EFFECTIVE DATE: October 1, 2023

### ***Background — Related Bill***

HB 6571 (File 578), favorably reported by the Judiciary Committee contains identical provisions on support orders.

### **§§ 65-68 — COMMUNITY RESIDENCES**

*Extends an existing prohibition on zoning regulations treating certain community and child-care residences (i.e., group homes) and hospice facilities housing six or fewer people differently than single-family homes to those housing eight or fewer people; updates, for certain public health provisions and restrictions on zoning regulations, the definition of “community residence”; and exempts certain community and child-care residences from proximity and density restrictions*

The bill makes several changes in laws governing where certain community and child-care residential facilities (i.e., certain group homes

for adults or children, respectively, who have disabilities) may be located. Principally it does the following:

1. increases the size, from those housing six people to those housing eight people, of these residences (and certain hospice residences) that are protected from zoning regulations, treating them differently than single family homes;
2. modifies the definition of “community residence” (to no longer use the term “mentally ill”) that applies to a public health provision and restriction on zoning regulations allowing for multi-family dwellings; and
3. exempts certain community and child-care residences from a density restriction and prohibitions on their locating within 1,000 feet from one another.

EFFECTIVE DATE: October 1, 2023

### ***Zoning Regulations***

Under current law, zoning regulations may not treat certain community residences, child-care residences, or hospices that house six or fewer people, plus staff, differently than single family dwellings. The bill extends this protection to these residences and hospices that house eight or fewer people, plus staff. Unchanged by the bill, this protection applies to the following:

1. DCF-licensed child-care facilities for children with mental or physical disabilities;
2. DDS-licensed facilities for adults with intellectual disabilities;
3. DPH-licensed facilities, if licensing is necessary, in which adults receive mental health or addiction services paid for or provided by DMHAS; and
4. not-for-profit, licensed hospices that meet certain building code and zoning requirements.

Additionally, under existing law and the bill, zoning regulations may not prohibit community residences from any areas that are zoned to allow residences with two or more dwelling units (i.e., multi-family housing) (CGS § 8-3g). For purposes of this restriction on zoning regulations, the bill's revised definition of "community residence" applies (see *Definition of "Community Residence" for Certain Purposes*).

### ***Proximity and Density Restrictions***

Under current law, community and child-care residences may not locate within 1,000 feet of an existing community or child-care residence unless the municipal zoning authority approves it. The bill exempts from this prohibition the above-listed community and child-care residences (i.e., DCF-, DDS-, or DPH-licensed residences that provide certain services and house eight or fewer people).

The bill also exempts these same community and child-care residences from another, similar restriction in current public health law that prohibits (1) a community residence from locating within 1,000 feet from an existing community residence or (2) the cumulative capacity of multiple community residences from exceeding 0.1% of the municipality's population. Under current law, this prohibition applies to a certain, defined type of "community residence," which the bill changes as described below (see *Definition of "Community Residence" for Certain Purposes*).

### ***Definition of "Community Residence" for Certain Purposes***

Under current law, for the public health proximity and density restriction (CGS § 19a-507b) and the zoning restriction (CGS § 8-3g), "community residence" is defined as a DPH-licensed facility that houses and provides group living activities and psychosocial rehabilitation and other support services to eight or fewer mentally ill adults who have been discharged from a state-operated or licensed facility or referred by a psychologist or psychiatrist.

The bill replaces the term "mentally ill adults" with "adults impacted by mental health disorders," which it defines as adults who experience symptoms, or are in remission from, a mental or emotional condition

that has a clinically significant impact on one or more areas of their functioning and who require care and treatment. As under current law, these individuals generally do not include those who are a danger to themselves or others, are alcohol- or drug-dependent, are placed in community-based residential homes by the Department of Corrections or a Superior Court order, or were found incompetent to stand trial for certain crimes.

The bill applies the new definition of “community residence” to the (1) existing law’s restriction on zoning regulations for areas zoned for multi-family housing, (2) public health proximity and density restriction, modified by the bill as described above, and (3) existing related public health provisions on these community residences (e.g., requiring community residences to mail a copy of their DPH licensing application to the municipality in which they intend to locate (CGS § 19a-507b(c)&(d)).

***Background — Related Bill***

sHB 6559 (File 212), favorably reported by the Planning and Development Committee, repeals the proximity and density restrictions, standardized the use of “community residence” as it applies to zoning provisions, and repealed provisions in existing law allowing residents to, with their municipality’s approval, petition agencies to revoke the licenses of certain community and child-care residences, among other things.

**COMMITTEE ACTION**

Human Services Committee

Joint Favorable Substitute Change of Reference - APP  
Yea 21 Nay 0 (03/21/2023)

Appropriations Committee

Joint Favorable  
Yea 52 Nay 0 (04/20/2023)