

OFFICE OF LEGISLATIVE RESEARCH
PUBLIC ACT SUMMARY



PA 23-137—sHB 5001
Human Services Committee
Appropriations Committee

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

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§ 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 INTELLECTUAL DISABILITY WORKFORCE

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

§ 63 — WORKFORCE DEVELOPMENT GRANT PROGRAM

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

§ 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 differently than single-family homes to cover those housing up to eight (rather than six) 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 act evaluates and expands services for people with intellectual or developmental disabilities (IDD) as described in the section-by-section analysis below.

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 support certain people with IDD who are transitioning out of high school or to independent living

The act 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.

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The plan must at least include the following:

1. using 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.

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

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 act requires the Office of Policy and Management (OPM) secretary, in consultation with certain officials, to:

1. identify and 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 have training programs, offer modified interviews, and reserve market-rate, full-time jobs.

He must do the above in consultation with the (1) aging and disability services (ADS), DDS, economic and community development, labor, and revenue services commissioners; (2) Office of Workforce Strategy's unit focusing on individuals with disabilities; (3) Autism Spectrum Disorder Advisory Council; (4) Council on Developmental Disabilities; and (5) Connecticut Business Industry Association.

Under the act, 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 act requires the DDS commissioner, in consultation with the social services

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(DSS) commissioner and OPM secretary, to reduce the waiting lists for services in DDS-administered Medicaid waiver programs.

Starting by January 1, 2024, OPM's staff person employed to help state agencies coordinate IDD programs and services (other than for autism spectrum disorder (ASD)) (see § 14 below), must annually 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. how many people were added and removed 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 act requires the OPM secretary, in consultation with the ADS, DDS, education, 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 accordingly,
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.

In doing so, the OPM secretary must:

1. examine statutory definitions for IDD in states nationwide;
2. analyze other states' best practices for level-of-need 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 these recommendations, the secretary and state officials must solicit and consider input from people with IDD and their families and caregivers.

Under the act, 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

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include a summary of the input obtained and how it was incorporated into the recommendations.

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§ 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; requires the ASD statewide coordinator to report on the number of ASD individuals waiting for services

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

Starting by January 1, 2024, the act requires the statewide coordinator of programs and services for people with ASD (see § 14 below) to annually 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 the waiting 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 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 15, 2024, the act expands the clearinghouse to also include information on missing people with IDD.

By 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 testifying the missing person is 65 or older or 18 or older with a mental impairment. The act makes a conforming change allowing the testimony to indicate a missing individual has IDD. 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 act 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 ASD, cognitive impairments, and nonverbal learning disorders, and (2) adults with these disabilities that are not represented by a parent, guardian, or other representative. (PA 23-204, § 170, limits the voluntary registration system to children with IDD.) 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 act, participating municipal police departments must record the information collected in a database that police officers and emergency dispatchers can access in specified situations.

(PA 23-204, § 170, establishes a notification and opt-in procedure municipal police departments must follow when registrants turn 18. It also requires departments to remove a person's information from the database when he or she turns 18 unless they opt to keep their information there, according to the procedure outlined in the act.)

EFFECTIVE DATE: Upon passage

Form's Required Components

Under the act, 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 or 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 that capacity. (PA 23-204, § 170, makes numerous conforming changes to limit the registration system to children with IDD, including limiting the individuals who may complete and return the form to the parents and guardians of the child.)

Under the act, 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 person 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

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- 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 act 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 IDD lives at an address to which they are responding and (2) the municipality's public safety answering point (PSAP). Under the act, 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 capacity.

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 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 Act

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PA 23-205, § 95, authorizes up to \$800,000 in state general obligation (GO) bonds in FY 24 for DESPP to use for the grant program described above.

§§ 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 Awareness Programs

The act 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 ASD, cognitive impairments, nonverbal learning disorders, and IDD. 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 act 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 ASD, 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 act 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 an emergency services awareness program according to the state agencies' guidelines and best practices noted above 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.

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 act requires the Office of Workforce Strategy's 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, 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, labor (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 act 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.

It 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 state residents 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 act, the CWO must also consult with the ADS, DDS, Mental Health and Addiction Services (DMHAS), DOL, and DSS commissioners; Council on Developmental Disabilities; and Autism Spectrum Disorder Advisory Council to determine the greatest needs for human services providers and barriers to hiring and retaining qualified providers. 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 Employees, 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

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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) receive 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, including a legal representative of their choosing (CGS § 17a-238).

The act requires the DDS commissioner, in consultation with the ADS commissioner, Council on Developmental Disabilities, and Autism Spectrum Disorder Advisory Council, to review the rights of people with IDD to determine whether (1) additions or changes are needed to the rights noted above and (2) other statutory 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 act, 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 for people under his supervision and (2) action needed to ensure that the rights of all people with IDD 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 act requires the OPM secretary, in consultation with DAS, ADS, DCF, DDS, DMHAS, DSS, the State Department of Education, the Department of Correction, 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 act 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 IDDs

The act 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

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for people with ASD and (2) one to identify state-provided programs and services for people with other IDD 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 act 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 act grants the commission access to (1) each database in the statewide criminal justice information technology system and (2) any offender-based tracking system or state or local criminal or judicial database not integrated into the statewide system.

Under the act, 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 act requires DAS to consult with DESPP and OPM and create a funding pool, by January 1, 2025, 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 act 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 and Security committees by October 1, 2024.

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EFFECTIVE DATE: July 1, 2024

Background — Related Act

PA 23-205, § 96, authorizes up to \$200,000 in state GO bonds in FY 25 for DAS to use for the program described above.

§ 17 — IDD AWARENESS AND ADVOCACY DAY

Designates May 23 as “Intellectual and Developmental Disabilities Awareness and Advocacy Day”

The act 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, within available appropriations, to establish a two-year pilot program with a hospital to provide nonresidential outpatient day services for people with ASD

The act requires the DSS commissioner, in consultation with the statewide coordinator of programs and services for people with ASD created under the act (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 act, 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 Alzheimer’s disease, dementia, and other related conditions in people with IDD and determine whether programs adequately address it

The act requires the ADS commissioner to (1) study the higher prevalence of Alzheimer’s disease, dementia, and other related disorders in people with IDD and (2) determine whether public or private programs adequately address this prevalence. In doing so, she must consult with the OPM secretary, DPH

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commissioner, Council on Developmental Disabilities, and Autism Spectrum Disorder Advisory Council.

The act requires the ADS commissioner to report on the study 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 act requires the Department of Transportation (DOT) commissioner to study the demand and need for statewide and local transportation services for people with IDD, including ASD. The study must at least address the following:

1. expanding the operating hours, including evening hours, for commuter rail 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 act 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. 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

§ 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 act 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 met 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

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who arrange for transportation to and from work for their coworkers with IDD; and

4. issuing an 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 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 identified way to other people, including to people with ASD and people who are 60 years old or older, would increase its cost efficiency.

The act also 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. 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 (1) DOT and each transit district to jointly develop plans to modernize and maintain Connecticut's bus stops and shelters and (2) new construction of them to be done according to these plans

The act requires the DOT commissioner and each transit district to jointly develop plans to modernize and maintain Connecticut's bus stops and shelters. They must:

1. ensure all bus stops and shelters are built and maintained in compliance with the federal Americans with Disabilities Act's (ADA) physical accessibility guidelines;
2. include sidewalks, appropriate curb cuts and ramps, shelter from weather conditions, lighting, and signage that shows real-time transportation service information to serve users of all ages and abilities conveniently and safely;
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 act 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

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§ 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 act 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. 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 an 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 ASD, 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 people with an intellectual disability.

EFFECTIVE DATE: Upon passage

§ 24 — NOTICE ON DOT-FUNDED TRAINING PROGRAMS

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

The act requires DOT, by January 1, 2024, to (1) create a notice on department-funded training programs regarding the safe use of commuter rail and public transit services, (2) revise the notice as needed, and (3) 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.

EFFECTIVE DATE: Upon passage

§ 25 — VIDEO PRESENTATION ON INTERACTING WITH PEOPLE WITH DISABILITIES

Requires (1) DMV to create a video presentation that instructs and shows 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 act requires the Department of Motor Vehicles (DMV), in consultation with DDS, ADS, the Department of Mental Health and Addiction Services (DMHAS), and DSS to create, and revise as needed, a video presentation that instructs and

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shows best practices on ways to appropriately interact with people with disabilities who may receive department services. The act 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 providing transition resources, services, and programs

The act requires the State Department of Education (SDE) to employ a statewide transition services coordinator within its Bureau of Special Education. Specifically, the act 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 (OEC) 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 at public transition programs to determine their effectiveness and suggest improvements, and posting 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. creating 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 act, "transition resources" are sources of information, counseling, or training about transition services or programs. "Transition services" are for students who require special education to facilitate 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 that boards of education or regional education service centers (RESCs) operate for students ages 18 to 22, based on the goals in their individualized education programs (IEPs).

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The act 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 under 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.

Background — Individualized Education Program (IEP)

An IEP is a written statement detailing the student's academic achievement level, goals for future achievement, and specialized educational services needed to reach the goals. Federal law requires school boards to develop IEPs for students eligible to receive special education and related services (Individuals with Disabilities Education Act, 20 U.S.C. § 1400 et seq.).

§ 27 — SPECIAL EDUCATION AND TRANSITION SERVICES TRAINING PROGRAM

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

The act requires SDE's Bureau of Special Education to develop by July 1, 2024, and update at least annually, a training program on the legal requirements and best practices for special education and transition services. 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 must have MOUs by law with SDE to each appoint a liaison to the department's statewide transition services coordinator; also makes conforming changes

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 act additionally requires the MOU to address providing transition resources and public transition programs. By law and unchanged by the act, the MOUs must account for current programs and services, use best practices, and be updated or renewed at least every five years.

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Existing law requires the department to have MOUs with the OEC and the development services, children and families, social services, and correction departments. The act makes a conforming change by adding ADS in place of the Bureau of Rehabilitation Services (BRS), which is within ADS. It also adds ADS, in place of BRS, to the list of state agencies that must enter into MOUs with each other for providing special education and related services.

Additionally, the act 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 give 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

Prior law required the State Board of Education (SBE), in collaboration with BRS, DDS, and the Office of Workforce Strategy (OWS), to coordinate the provision of transition resources, services, and programs to children requiring special education and related services. The board also had to distribute to boards of education a fact sheet describing these resources, services, and programs. Boards were then required to distribute the sheet to parents, teachers, and administrators.

The act instead requires the State Education Resource Center (SERC) to collaborate with SDE, DDS, DSS, ADS, OWS, and OPM to develop and maintain an easily accessible and navigable online listing 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. Additionally, similar to prior law, this new group of collaborating state entities must annually collect information about transition resources, programs, and services provided by other state agencies.

Beginning in the 2024-25 school year, the act 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 act also (1) requires ADS, DDS, DSS, and OPM to each place 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

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

Development (§ 30)

The act 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 act, a “transition coordinator” is a director of pupil personnel, or other board of education employee who the director designates, who helps the school district’s parents and students navigate the available transition resources, transition services, and public transition programs. The act requires that the training program comply with the statewide transition services coordinators’ minimum standards (see § 26 above).

Providers (§ 30)

Under the act, 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 taking it.

Required Enrollment (§ 31)

The act requires all transition coordinators to complete the training program. If a school district appoints a new coordinator before a RESC’s training program begins, then the act 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 act also requires each educator and school paraprofessional who provides special education to students aged 14 or older to complete the training program. If the person is hired before the training program begins, then that person must 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 act 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 or another board employee appointed by the director to serve in the position. Every transition coordinator must ensure that the parents of students requiring special education (1) receive information about

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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 act 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 reaches age 21 (5 F.4th 155 (2d Cir., 2021)).

Specifically, these conforming changes affect several categories of special education law.

EFFECTIVE DATE: July 1, 2023

Special Education Services (§§ 32 & 34)

The act makes conforming changes to require (1) 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 prior law), whichever occurs first, and (2) SBE to adopt regulations to implement this requirement. The act also explicitly extends this requirement to children who are placed in a school district by the Department of Children and Families commissioner, offices of a Native American tribe’s government, and DMHAS and Department of Public Health (DPH) residential facilities operators, among others.

Parental Rights (§ 33)

The act makes conforming changes requiring SBE to state in its “special education bill of rights for parents” that (1) 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 (2) 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.

Juvenile Justice (§ 35)

The act also makes conforming changes 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

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eligibility. These services must be provided until the student graduates from high school or until the end of the school year when the student reaches age 22, whichever happens first.

Special Education Terminology (§§ 36 & 37)

Lastly, the act makes conforming changes defining the term “child” in special education law to mean any person 22 years old or younger, rather than 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. It also removes an obsolete reference to state regulations that limit a child’s special education eligibility age to 21 years old.

§ 38 — PROGRAM REVIEW BY SERC

Requires SERC to review each public transition program and report its findings to the Education Committee

Under the act, 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; 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 act 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.

Specifically, the act grants a student’s parents, guardians, or surrogate parents

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the right to have a language interpreter, including a registered interpreter for persons who are deaf, hard of hearing, or deafblind, during PPT meetings where the student's educational program is developed, reviewed, or revised. The interpreter may be in person, available by telephone or through an online technology platform, or through a website or other electronic application approved by SBE. 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 for all portions of the PPT meeting.

The act 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 act 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 eligible for special education and related services.

At the first PPT meeting after a student reaches age 14 and then annually, boards must provide (1) information on the full range of decision-making supports, including alternatives to guardianship and conservatorship, and (2) 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).

Additionally, boards must provide the notice created by the mediation services coordinator about available mediation services (see § 45 below) in writing at the beginning of the school year. This notice also must be read aloud at the end of the first PPT meeting of each school year.

EFFECTIVE DATE: July 1, 2023

§ 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 act, 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 happens first, the PPT must do the following pending parent, guardian, surrogate parent, or student permission:

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 act 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 act requires SDE, by July 1, 2024, to develop a plain language, online resource for students and parents, guardians, or surrogate parents with a child aged 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, this resource must 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 — Students Aged 18 and Older*) and (2) alternatives to guardianship and conservatorship, including supported decision-making, powers of attorney, advance directives, and other decision-making alternatives. Under the act, “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 act requires SDE to post the online resource on its website in an easily accessible location. The department also must give information about it to (1) SERC, so that it may be included in the 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 give to parents and guardians at the first PPT meeting after students reach age 14. SDE must update this resource as needed.

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EFFECTIVE DATE: July 1, 2023

Background — Students Aged 18 and Older

Under federal special education law, when a student with a disability reaches the “age of majority” under state law (i.e., becomes a legal adult), 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 annually to applicable state agencies and legislative committees the number of students statewide who (1) received transition services information as part of a PPT meeting or (2) may qualify for services

The act requires SDE, starting by July 1, 2024, to annually report the total number of students from all school districts who had PPT meetings during the previous school year where information about transition services and programs was provided. This 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, the Department of Social Services (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

The act requires the DDS commissioner to employ, within available appropriations, enough transition advisors to provide transition services for any students receiving special education whose PPT finds that they are potentially eligible for DDS 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 — SPECIAL EDUCATION 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

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mediators; establishes the coordinator's oversight authority over mediator training and continuing education requirements

The act requires the education commissioner to employ a mediation services coordinator in SDE's Bureau of Special Education. The position must be separate and distinct from any of the department's investigatory or enforcement functions.
EFFECTIVE DATE: July 1, 2023

Duties

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

1. facilitate the expansion of SDE's mediation services offered in place of parties proceeding directly to a special education administrative hearing;
2. oversee and coordinate these services for each school district statewide;
3. maintain a list of special education mediators who (a) meet the act's minimum training requirements and (b) are sufficient in number to meet each district's needs;
4. promote mediation's benefits to each board of education, parents and 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 act 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 from any mediation with any employee from the department tasked with investigatory or enforcement functions unless state or federal law requires it.

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

Process Explanation. The act also requires the coordinator to create and post on SDE's website a plain-language resource that explains the mediation process, 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 act requires the coordinator to create a brief notice that is suitable to be read aloud during a PPT meeting and lists available mediation services. The notice must include 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 boards of education to parents, guardians, and surrogate parents of students requiring special education.

Mediator Oversight

Pre-Service Training Requirements. The act requires SDE’s Bureau of Special Education to verify that each mediator on the mediation service coordinator’s list completes (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 act allows the bureau to waive one of these training requirements for certain applicant mediators under the following conditions:

1. the mediation skills training requirement, if the applicant submits proof of completing (a) a 40-hour mediation skills training or (b) an equivalent course related to mediation skills from a higher education institution or
2. 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 course related to special education law from a higher education institution.

Additionally, the act 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 act 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.

§ 46 — SPECIAL EDUCATION MEDIATION REQUESTS

Specifies the parties that may request mediation services from the mediation services coordinator and requires the coordinator to notify relevant parties and provide language translation services

The act allows the following parties to request a mediation at any time through the mediation services coordinator for any special education matter, including 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) at least age 18 or (b) an emancipated minor;
3. a surrogate parent;
4. the Department of Children and Families (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 act 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) information about the mediation

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process, (3) a statement that the mediation process is voluntary and facilitated by a neutral mediator, and (4) an invitation to all parties to participate.

The coordinator also must provide language translation services (1) by 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 — SPECIAL EDUCATION ADMINISTRATIVE HEARINGS

Makes changes in the special education administrative hearing laws on testimony, hearing officer decisions, and mediation

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 act 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.

EFFECTIVE DATE: July 1, 2023

Testimony Order

By law and unchanged by the act, 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 about providing FAPE, the act 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

By law, the hearing officer's findings of fact, conclusions of law, and decision must 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 act adds the requirement that the decisions be promptly indexed and published.

Mediation Prior to Hearing

By law and unchanged by the act, mediation is available as a dispute resolution process before an administrative hearing. Prior law required the parties to agree in writing to request a state mediator from SDE. The act 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. The coordinator must then notify all parties using the process in the act (see § 46 above) and appoint a mediator if all

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parties agree to mediate.

The act 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 act additionally specifies that the mediator must certify this to the Bureau of the Special Education rather than to SDE in general.

Additionally, the act requires SDE to create and publish on its website 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.

§ 48 — STATEWIDE SPECIAL EDUCATION AUDITS

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

The act 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 aspect 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, 504 plans, and updates to state and federal special education policies

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 CPR and other emergency life-saving procedures. The act 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. §

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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 eligible children’s 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 act 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 for 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 (§§ 51 & 52)

The act requires SDE to develop an informational handout for students by January 1, 2024, that explains IEPs and 504 plans, including students’ rights in the classroom; make it available to boards of education; and 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 (1) be age-appropriate; (2) be prepared separately for students in grades K through four, five through eight, and nine through 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 (§ 52)

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

1. to obtain the plain language resources on SDE’s website that explain the

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administrative 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 existing law.

When Each School Year Begins. Additionally, at the beginning of each school year, the act 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

§ 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 administrative and reporting requirements

The act requires the Department of Developmental Services (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 act 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 the Department of Social Services (DSS) maintains. Under the act, a grant recipient must annually report to the DDS commissioner, on a form he develops, on how it spent its funding.

The act 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 the awarded grant funds were spent under the program.

EFFECTIVE DATE: July 1, 2023

Background — Related Act

PA 23-205, § 97, authorizes up to \$15 million in state GO bonds for DDS to use for the grant program described above.

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

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

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community-based group homes for people with intellectual disabilities reentering society from the correctional system

The act 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 act, the program must provide these people supportive services, which may include, among other things, assistance with daily living tasks and transportation, medical care, and job training.

The act 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

§ 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 act expands existing law's municipal affordable housing planning requirement by requiring plans submitted to the Office of Policy and Management (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 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.

EFFECTIVE DATE: October 1, 2023

§§ 56-59 — ACHIEVING A BETTER LIFE EXPERIENCE (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 the state treasurer to designate an ABLE program director of outreach

The act makes several changes to the state treasurer's federally qualified ABLE program (see *Background — ABLE Program*). Specifically, it:

1. requires the state treasurer to designate a director of outreach for the ABLE program from among the existing employees in his office who must coordinate outreach and marketing efforts for ABLE accounts (§ 56);

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2. authorizes a personal income tax deduction up to \$5,000 for individual taxpayers or \$10,000 for joint filers for contributions made to ABLE accounts established through Connecticut's ABLE program (§ 57);
 3. 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 (§ 58); and
 4. exempts ABLE 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 tax and income years beginning on or after that date.

Employer ABLE Account Contribution Tax Credit

Under the act, 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 ABLE accounts of their employees, up to \$2,500 per employee per income or taxable year, as applicable. The tax credit under the act 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 qualifying health care provider 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.

§ 60 — COMPENSATION FOR FAMILY CAREGIVERS

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

The act 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. (PA 23-204, § 171, requires DSS to amend the current waivers rather than applying for a new one, and requires amendments to be implemented upon CMS approval.)

Under the act, a “family caregiver” is (1) a caregiver related by blood or marriage to a Medicaid waiver participant or (2) the participant’s legal guardian. A “legally responsible relative” is a participant’s spouse, parent, or legal guardian.

EFFECTIVE DATE: Upon passage

§ 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 act 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. Under the act, “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.

Specifically, existing law generally requires that a business create and maintain at least 25 new FTEs to be eligible for a rebate (see *Background — New FTEs*). The act 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.

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 act allows businesses to receive a 50% rebate for income tax paid by FTEs who are individuals with intellectual disability.

Separately, the act 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 — Discretionary*

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FTEs). It retains the overall rebate cap of \$40 million per fiscal year.

Lastly, the act requires the Department of Economic and Community Development (DECD) commissioner to post information about the JobsCT program on the agency's 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 tax years starting on or after that date.

Rebate Calculation

The JobsCT tax rebate program allows companies in specified industries (e.g., manufacturing and bioscience) to earn rebates against the corporation business, pass-through entity (PE), and insurance premiums taxes for reaching certain job creation targets. 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, it 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 act 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 (1) allows a 50% rebate for new FTEs in an opportunity zone or distressed municipality and (2) sets a rebate floor of \$1,000 per new FTE and caps the rebates at \$5,000 per new FTE.

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.

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.

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 law lists several types of employees whom the commissioner may approve as discretionary FTEs, including those who (1) are receiving, or have received, services from the Department of Aging and Disability Services because of a disability or (2) are receiving employment services from the Department of

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Mental Health and Addiction Services or participating in employment opportunities or day services operated or funded by DDS.

§ 62 — PRICE PREFERENCE FOR INTELLECTUAL DISABILITY WORKFORCE

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

The act allows the administrative services (DAS) 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 intellectual disability 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

§ 63 — WORKFORCE DEVELOPMENT GRANT PROGRAM

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

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

Grants awarded under the act are capped at (1) \$25,000 for organizations with a workforce consisting of at least 10% but not more than 30% individuals with intellectual disability and (2) \$75,000 for organizations with a workforce that has more than 30% individuals with intellectual disability.

The act requires DECD to set the application procedure and create a competitive application award process. It allows the department, under existing procedures for state consultants and personal service agreements, to enter into an agreement with a third-party to operate the program.

EFFECTIVE DATE: July 1, 2023

Background — Related Act

PA 23-205, § 98, authorizes up to \$1,000,000 in state general obligation (GO) bonds in FY 24 for DECD to use for the grant program described above.

§ 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

Existing law allows the court to make appropriate support orders for children

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up to age 21 who (1) have an intellectual disability or a mental disability or are physically disabled and (2) live with a parent on whom they are primarily dependent for support. Starting October 1, 2023, the act increases the age limit for these support orders to up to age 26.

The act'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 act, as under existing law, the child support guidelines do not apply to these support orders.

The act also makes a technical change regarding the definition of "mental disability."

EFFECTIVE DATE: October 1, 2023

§§ 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 differently than single-family homes to cover those housing up to eight (rather than six) 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 act 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 maximum size, from those housing up to six people to those housing up to eight people, of these residences (and certain hospice residences) that cannot be treated differently than single family homes by zoning regulations;
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

The law prohibits zoning regulations from treating certain community residences, child-care residences, or hospices differently than single family dwellings if they house a certain number of people, plus staff. Under prior law, this protection covered residences and hospices that housed up to six people. The act extends this protection to those that house eight or fewer people, plus staff. Unchanged by the act, this protection applies to the following:

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1. Department of Children and Families (DCF)-licensed child-care facilities for children with mental or physical disabilities;
2. DDS-licensed facilities for adults with intellectual disabilities;
3. Department of Public Health (DPH)-licensed facilities, if licensing is necessary, in which adults receive mental health or addiction services paid for or provided by the Department of Mental Health and Addiction Services; and
4. nonprofit, licensed hospices that meet certain building code and zoning requirements.

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

Proximity and Density Restrictions

The law generally prohibits community and child-care residences from locating within 1,000 feet of an existing community or child-care residence unless the municipal zoning authority approved it. The act 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).

It also exempts these same community and child-care residences from another, similar restriction in 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 prior law, this prohibition applied to a certain, defined type of "community residence," which the act changes as described below (PA 23-204, § 172, removes this act's exemptions for child-care residences and certain community residences, which are not subject to this proximity and dispersion restriction under prior law or the act; see *Definition of "Community Residence" for Certain Purposes*).

Definition of "Community Residence" for Certain Purposes

Under prior law, for the public health proximity and density restriction (CGS § 19a-507b) and the zoning restriction (CGS § 8-3g), "community residence" was 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 act 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

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treatment. As under prior 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 Correction or a Superior Court order, or were found incompetent to stand trial for certain crimes.

The act 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 act 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)).