House of Representatives

General Assembly

File No. 621

January Session, 2025

Substitute House Bill No. 7076

House of Representatives, April 9, 2025

The Committee on Education reported through REP. LEEPER of the 132nd Dist., Chairperson of the Committee on the part of the House, that the substitute bill ought to pass.

AN ACT PROVIDING EDUCATION MANDATE RELIEF.

Be it enacted by the Senate and House of Representatives in General Assembly convened:

Section 1. Section 10-15c of the general statutes is repealed and the following is substituted in lieu thereof (*Effective July 1, 2026*):

(a) The public schools shall be open to all children five years of age and over who reach age five on or before the first day of September of any school year, and each such child shall have, and shall be so advised by the appropriate school authorities, an equal opportunity to participate in the activities, programs and courses of study offered in such public schools, at such time as the child becomes eligible to participate in such activities, programs and courses of study, without discrimination on account of race, as defined in section 46a-51, color, sex, gender identity or expression, religion, national origin, sexual orientation or disability; provided a child who has not reached the age of five on or before the first day of September of the school year may be admitted <u>if the local or regional board of education adopts an early admission policy that permits such child to be admitted</u> (1) upon a

written request by the parent or guardian of such child to the principal of the school in which such child would be enrolled, and (2) following an assessment of such child, conducted by such principal and an appropriate certified staff member of the school, to ensure that admitting such child is developmentally appropriate.

(b) Nothing in subsection (a) of this section shall be deemed to amend other provisions of the general statutes with respect to curricula, facilities or extracurricular activities.

Sec. 2. Subdivision (2) of section 10-76a of the general statutes is repealed and the following is substituted in lieu thereof (*Effective July 1, 2026*):

(2) "Child" means any person twenty-two years of age or younger. **[**or, for children requiring special education, until such child is graduated from high school or at the end of the school year during which such child reaches age twenty-two, whichever occurs first.**]**

Sec. 3. Subparagraph (C) of subdivision (9) of subsection (a) of section 10-76d of the general statutes is repealed and the following is substituted in lieu thereof (*Effective July 1, 2026*):

(C) Not later than the planning and placement team meeting that occurs approximately two years prior to a child's anticipated graduation from high school or the end of the school year in which a child will reach **[**twenty-two**]** twenty-one years of age, whichever is expected to occur first based on such child's individualized education program, the planning and placement team shall (i) upon the approval of the parent or guardian of such child, or a surrogate parent of such child appointed pursuant to section 10-94g or such child if such child is an emancipated minor or eighteen years of age or older, (I) notify any state agency that provides a program for adults for which such child may be eligible about the potential eligibility of such child, (II) invite a representative from each such agency to attend the planning and placement team meeting for the purpose of establishing contact with and counseling the parent, guardian, surrogate parent or child on the process for the

anticipated transfer of services upon such child graduating from high school or upon [the end of the school year in which] such child [reaches] reaching twenty-two years of age, whichever is sooner, and (III) permit and facilitate contact and coordination between each such agency and such parent, guardian, surrogate parent or child for the purpose of easing the process for the transfer of services, (ii) provide such parent, guardian, surrogate parent or child a listing of each program for adults for which such child may be eligible that includes, but is not limited to, (I) a plain language description of such program, (II) eligibility requirements for such program, and (III) deadlines and instructions for applications to such programs, and (iii) assist such parent, guardian, surrogate parent or child in completing an application to any such programs.

Sec. 4. Subsection (b) of section 10-76d of the general statutes is repealed and the following is substituted in lieu thereof (*Effective July 1, 2026*):

(b) In accordance with the regulations of the State Board of Education, each local and regional board of education shall: (1) Provide special education for school-age children requiring special education who are described in subparagraph (A) of subdivision (5) of section 10-76a. The obligation of the school district under this subsection shall terminate when such child is graduated from high school or [at the end of the school year during which] upon such child [reaches] reaching age twenty-two, whichever occurs first; and (2) provide special education for children requiring special education who are described in subparagraph (A) or (C) of subdivision (5) of section 10-76a. The State Board of Education shall define the criteria by which each local or regional board of education shall determine whether a given child is eligible for special education pursuant to this subdivision, and such determination shall be made by the board of education when requested by a parent or guardian, or upon referral by a physician, clinic or social worker, provided the parent or guardian so permits. To meet its obligations under this subdivision, each local or regional board of education may, with the approval of the State Board of Education, make

agreements with any private school, agency or institution to provide the necessary preschool special education program, provided such private facility has an existing program which adequately meets the special education needs, according to standards established by the State Board of Education, of the preschool children for whom such local or regional board of education is required to provide such an education and provided such district does not have such an existing program in its public schools. Such private school, agency or institution may be a facility which has not been approved by the Commissioner of Education for special education, provided such private facility is approved by the commissioner as an independent school or licensed by the Office of Early Childhood as a child care center, group child care home or family child care home, as described in section 19a-77, or be both approved and licensed. The State Board of Education shall adopt or update regulations, in accordance with chapter 54, to implement the provisions of this subsection.

Sec. 5. Subsection (b) of section 10-76*ll* of the general statutes is repealed and the following is substituted in lieu thereof (*Effective July 1, 2026*):

(b) On or before July 1, 2015, the State Board of Education shall draft a written bill of rights for parents of children receiving special education services to guarantee that the rights of such parents and children are adequately safeguarded and protected during the provision of special education and related services until such children have graduated from high school or **[**at the end of the school year during which**]** upon such children **[**reach**]** reaching age twenty-two, whichever occurs first, under this chapter. Such bill of rights shall inform parents of: (1) The right to request consideration of the provision of transition services for a child receiving special education services who is eighteen years of age until such child has graduated from high school or **[**at the end of the school year during which**]** upon such child **[**reaches**]** reaching age twenty-two, whichever occurs first, (2) the right to receive transition resources and materials from the department and the local or regional board of education responsible for such child, (3) the requirement that the local

or regional board of education responsible for such child shall create a student success plan for each student enrolled in a public school, beginning in grade six, pursuant to subsection (k) of section 10-221a, **[**and**]** (4) the right of such child to receive realistic and specific postgraduation goals as part of such child's individualized education program, and (5) the right to an opportunity to establish contact with and receive information about and assistance with applying for programs provided by any state agency that provides services in attaining the postgraduation goals in a child's individualized education program, pursuant to subparagraph (C) of subdivision (9) of subsection (a) of section 10-76d, as amended by this act.

Sec. 6. Section 10-95p of the general statutes is repealed and the following is substituted in lieu thereof (*Effective July 1, 2026*):

(a) There is established a division of postsecondary educational programs within the Technical Education and Career System. The division shall administer any postsecondary educational program that (1) was offered at a technical education and career school during the school year commencing July 1, 2016, or (2) is approved by the Technical Education and Career System board.

(b) Any student admitted for enrollment in a postsecondary educational program administered by the division shall have a high school diploma or its equivalent, or have **[**completed the school year in which such student reaches**]** reached twenty-two years of age if such student was receiving special education and related services and did not graduate from high school.

Sec. 7. Subsection (a) of section 10-253 of the general statutes is repealed and the following is substituted in lieu thereof (*Effective July 1, 2026*):

(a) Children placed out by the Commissioner of Children and Families or by other agencies or persons, including offices of a government of a federally recognized Native American tribe, private child-caring or child-placing agencies licensed by the Department of

Children and Families, and eligible residents of facilities operated by the Department of Mental Health and Addiction Services or by the Department of Public Health who are eighteen to twenty-one years of age or, for children requiring special education, when such child is graduated from high school or **[**at the end of the school year during which**]** upon such child **[**reaches**]** reaching age twenty-two, whichever occurs first, shall be entitled to all free school privileges of the school district where they then reside as a result of such placement, except as provided in subdivision (4) of subsection (e) of section 10-76d. Except as provided in subsection (d) of this section and subdivision (4) of subsection (e) of section 10-76d, payment for such education shall be made by the board of education of the school district under whose jurisdiction such child would otherwise be attending school where such a school district is identified.

Sec. 8. Subdivision (3) of subsection (h) of section 10-253 of the general statutes is repealed and the following is substituted in lieu thereof (*Effective July 1, 2026*):

(3) In each district, the liaison shall assist the school district, the Court Support Services Division of the Judicial Branch and any relevant educational service providers in ensuring that:

(A) All persons twenty-two years of age or younger in justice system custody are promptly evaluated for eligibility for special education services to be provided until such child is graduated from high school or **[**at the end of the school year during which**]** upon such child **[**reaches**]** reaching age twenty-two, whichever occurs first, pursuant to section 17a-65 and any other applicable law;

(B) Students in justice system custody and returning to the community from justice system custody are promptly enrolled in school pursuant to this section and section 10-186;

(C) Students in justice system custody and returning to the community from justice system custody receive appropriate credit for school work completed in custody, pursuant to this section or section

10-220h;

(D) All relevant school records for students who enter justice system custody and who return to the community from justice system custody are promptly transferred to the appropriate school district or educational service provider, pursuant to section 10-220h.

Sec. 9. Section 10-226b of the general statutes is repealed and the following is substituted in lieu thereof (*Effective July 1, 2025*):

(a) Whenever the State Board of Education finds that racial imbalance exists in a public school, it shall notify in writing the board of education having jurisdiction over said school that such finding has been made, except the State Board of Education shall not notify a board of education of such finding until July 1, **[**2025**]** 2029.

(b) As used in sections 10-226a to 10-226e, inclusive, "racial imbalance" means a condition wherein the proportion of pupils of racial minorities in all of the grades of a public school of the secondary level or below taken together substantially exceeds or falls substantially short of the proportion of such public school pupils in all of the same grades of the school district in which said school is situated taken together.

Sec. 10. Section 10-226c of the general statutes is repealed and the following is substituted in lieu thereof (*Effective July 1, 2025*):

(a) Any board of education receiving notification of the existence of racial imbalance as specified in section 10-226b, as amended by this act, shall forthwith prepare a plan to correct such imbalance and file a copy of said plan with the State Board of Education, except such board of education shall not be required to prepare and file said plan until July 1, **[**2025**]** 2029. Said plan may be limited to addressing the imbalance existing at any school and need not result in a district-wide plan or district-wide pupil reassignment. A school district may request an extension of time in cases in which the number of students causing said imbalance is fewer than five students at a school.

(b) Any plan submitted by the board of education of any town under

sections 10-226a to 10-226e, inclusive, shall include any proposed changes in existing school attendance districts, the location of proposed school building sites as related to the problem, any proposed additions to existing school buildings and all other means proposed for the correction of said racial imbalance. The plan shall include projections of the expected racial composition of all public schools in the district. The plan may include provision for cooperation with other school districts to assist in the correction of racial imbalance.

Sec. 11. Section 10-226d of the general statutes is repealed and the following is substituted in lieu thereof (*Effective July 1, 2025*):

Upon receipt of any plan required under the provisions of subsection (b) of section 10-226c, the State Board of Education shall review said plan. If it determines that the plan is satisfactory, it shall approve the plan and shall provide to the board of education such assistance and services as may be available. The board of education shall submit annual reports on the implementation of the approved plan, as the State Board of Education may require. The State Board of Education shall not take action on any plan received on or after July 1, 2024, until July 1, **[**2025**]** 2029.

Sec. 12. Section 10-234gg of the general statutes is repealed. (*Effective from passage*)

This act shall take effect as follows and shall amend the following sections:		
Section 1	*July 1, 2026*	10-15c
Sec. 2	*July 1, 2026*	10-76a(2)
Sec. 3	*July 1, 2026*	10-76d(a)(9)(C)
Sec. 4	*July 1, 2026*	10-76d(b)
Sec. 5	*July 1, 2026*	10-76ll(b)
Sec. 6	*July 1, 2026*	10-95p
Sec. 7	*July 1, 2026*	10-253(a)
Sec. 8	*July 1, 2026*	10-253(h)(3)
Sec. 9	*July 1, 2025*	10-226b
Sec. 10	*July 1, 2025*	10-226c

Sec. 11	*July 1, 2025*	10-226d
Sec. 12	*from passage*	Repealer section

Statement of Legislative Commissioners:

In Section 6(b), "if such student was receiving special education and related services and did not graduate from high school" was added for clarity.

ED *Joint Favorable Subst.*

The following Fiscal Impact Statement and Bill Analysis are prepared for the benefit of the members of the General Assembly, solely for purposes of information, summarization and explanation and do not represent the intent of the General Assembly or either chamber thereof for any purpose. In general, fiscal impacts are based upon a variety of informational sources, including the analyst's professional knowledge. Whenever applicable, agency data is consulted as part of the analysis, however final products do not necessarily reflect an assessment from any specific department.

OFA Fiscal Note

State Impact:

Agency Affected	Fund-Effect	FY 26 $	FY 27 $
Department of Developmental Services	GF - Cost	None	See Below
Correction, Dept.	GF - Potential Savings	None	See Below
Judicial Department	GF - Potential Savings	None	See Below
Children & Families, Dept.	GF - Potential Savings	None	Less than 200,000

Note: GF=General Fund

Municipal Impact:

Municipalities	Effect	FY 26 $	FY 27 $
Local and Regional School Districts	Potential Savings	See Below	See Below

Explanation

The bill relieves various mandates that result in a fiscal impact including: (1) making considerations for kindergarten early admittance optional; (2) ending a student's eligibility for special education on the day they turn 22, rather than at the end of the year in which they turn 22; and (3) delaying when districts must meet racial imbalance requirements. These changes result in potential savings to the Department of Correction, Judicial Department, and the Department of Children and Families as well as local and regional school districts, as described below.

Section 1 results in a potential savings to local and regional school districts starting in FY 27. The section makes it optional, rather than

required, for districts to consider admitting students to kindergarten who turn five after September 1. The savings is dependent on whether districts choose to opt out and the number of children who otherwise would have been admitted.

Sections 2 – 8 end a student's eligibility for special education on the day they turn 22, rather than at the end of the year in which they turn 22. This results in potential savings to local and regional districts, the Department of Correction (Unified School District #1), and the Judicial Department beginning in FY 27. The savings may be significant for some districts depending on the number of students who turn 22 during the school year and the cost of their services.

In section 2, redefining "child" for special education purposes will result in a potential savings for the Department of Children and Families (DCF), beginning in FY 27. The agency will no longer be mandated to pay for special education costs of DCF-placed students over age 22 that lack a legal nexus to a local education authority. Actual savings in any given fiscal year would depend on (1) the number of such students; (2) the number of school days from each student's 22nd birthday until the termination of placement or the end of the school year, whichever occurs first; and (3) the applicable per diem special education rate.[1] These savings would be mitigated should the agency continue to support these costs on a discretionary basis.

Section 3 results in a cost to the Department of Developmental Services (DDS) beginning in FY 27 related to ending a student's eligibility for special education services in the school system upon the date of their 22nd birthday as opposed to the end of the school year in which their 22nd birthday falls. The total cost will be dependent upon the number of children who age out of special education in their school district and transition to adult services within DDS before the end of the school year. The number of children and duration of services are not

[1] Fiscal year-to-date, DCF has incurred costs of $54,600 associated with one no-nexus student over age 22.

known at this time.

Sections 9 – 11 delay potential costs incurred by certain local and regional school districts. The sections delay, until July 1, 2029, any action that the State Board of Education (SBE) or a local or regional school district are required to take when SBE has found that racial imbalance exists in such district. This correspondingly delays, until FY 30, any costs a district would incur in order to comply with such laws.

Section 12 repeals the requirement for districts to report certain information to the Commission for Educational Technology and does not have a fiscal impact.

The Out Years

The annualized ongoing fiscal impact identified above would continue into the future subject to inflation.

OLR Bill Analysis
sHB 7076

AN ACT PROVIDING EDUCATION MANDATE RELIEF.

SUMMARY

This bill makes the following unrelated changes to the state's education laws:

1. makes the kindergarten waiver process optional by requiring local and regional boards of education (school boards) to consider admitting children under age five only if they adopt an early admission policy (§ 1);

2. ends a student's eligibility for special education on the student's 22nd birthday, rather than at the end of the school year in which the student turns age 22, and makes conforming changes (§§ 2-8);

3. extends the temporary pause on enforcement of the state's school racial imbalance law (§§ 9-11); and

4. repeals a requirement that school boards annually report to the Commission for Educational Technology certain information on their use of internet websites, online services, or mobile applications that do not have a contract that meets the standards required under the state data privacy laws information (§ 12).

EFFECTIVE DATE: July 1, 2026, except that the (1) racial imbalance provisions are effective July 1, 2025, and (2) report repeal is effective upon passage.

§ 1 — KINDERGARTEN WAIVERS

Existing law generally requires a child to be at least age five by September 1st of the school year in order to enroll in public school

kindergarten. But current law establishes a mandatory waiver process that allows children under age five to be admitted if the (1) child's parent or guardian makes a written request to the school principal and (2) principal and an appropriate certified school staff member do an assessment that shows the child is developmentally ready.

The bill makes the waiver process optional for school districts by allowing children under age five to enroll in kindergarten only if the school board adopts an early admissions policy. Any admissions policy must require the same written request and evaluation as required under current law.

§§ 2-8 — AGE FOR SPECIAL EDUCATION ELIGIBILITY

School Boards (§§ 2-4)

PA 23-137 (§§ 32-37) extended qualifying students' eligibility for special education through the end of the school year during which a student turns age 22. (By law, the school year runs from July 1 to June 30.)

The bill instead ends a student's eligibility for special education on their 22nd birthday and makes various conforming changes. In doing so, the bill reverts to the eligibility limit established in 2020 by a federal court ruling and codified in PA 22-80 (§ 31) (see BACKGROUND). Under the bill, as under current law, school boards' obligation to provide special education ends earlier if the student graduates from high school before hitting the age limit.

Parental Rights (§ 5)

The bill adds a new component to the "special education bill of rights for parents" by requiring that it inform parents of the rights to (1) get information on state agency programs providing services for attaining a child's post-graduation goals in the child's Individualized Education Program (IEP) and (2) establish contact with, and receive help applying for, these programs.

The bill also makes conforming changes requiring the State Board of Education (SBE) to state in its bill of rights that (1) parents' and

children's rights are protected until children graduate from high school or reach age 22 (rather than at the end of the school year when the child turns 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 until 22.

Connecticut Technical Education and Career System (CTECS) Postsecondary Programs (§ 6)

Under current law, any student admitted to one of CTECS's postsecondary programs must have a high school diploma or have completed the school year in which the student turned age 22. The bill instead requires that admitted students have a high school diploma or have reached age 22 if the student was receiving special education and did not graduate from high school.

Other Agencies or Liaisons (§§ 7 & 8)

The bill similarly amends the age eligibility requirement for children receiving special education who are placed in a school district by the Department of Children and Families commissioner, offices of a Native American tribe's government, Department of Mental Health and Addiction Services, or Department of Public Health residential facilities operators, among others.

It also makes this change for a state law 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 who are age 22 or younger are promptly evaluated for special education services eligibility.

§§ 9-11 — RACIAL IMBALANCE LAW

The racial imbalance law requires SBE, when it finds a racial imbalance at a public school, to give written notification to the school's board of education. In response, the notified school board must prepare a plan to correct the imbalance and submit it to SBE for approval.

PA 24-93, §§ 3-5, paused enforcement of this law for one year by prohibiting SBE from notifying a school board of a racial imbalance at

one of its schools until July 1, 2025. The bill extends this prohibition until July 1, 2029. It similarly extends provisions (1) suspending the requirement that a board notified of an imbalance prepare and file a correction plan, and (2) prohibiting SBE taking any action on any plan received on or after July 1, 2024.

By law a "racial imbalance" is a proportion of minority students enrolled in all grades in a public school that substantially exceeds, or substantially falls short of, the proportion of minority students in the same grades in all the district's public schools (see BACKGROUND).

BACKGROUND

Age of Special Education Eligibility: A.R. v. Connecticut State Board of Education

The federal Individuals with Disabilities Education Act (IDEA) requires schools to provide a free, appropriate public education to qualifying students with disabilities between ages 3 to 21, inclusive; however, states are not required to do so for children ages 3 through 5 or 18 through 21 if they do not otherwise provide public education to individuals in those age ranges (20 U.S.C. § 1412(a)(1)). Prior to 2020, Connecticut required school boards to provide special education to qualifying students through the end of the school year in which the student turned 21.

In 2020, 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. It reasoned that since Connecticut provides adult education that can result in a high school diploma for young adults, the IDEA requires the state to provide special education to students with disabilities through the entirety of age 21 and until a student's 22nd birthday (*A.R.* v. *Connecticut State Board of Education*, 5 F. 4th 155 (2d Cir. 2021)).

Racial Imbalance Defined

State regulations define "racially imbalanced" as any school in which the percentage of minority students enrolled falls outside the range of

25 percentage points more or less than the district-wide percentage (Conn. Agencies Regs., § 10- 226e-3(b)). For example, in a school district that has an overall minority enrollment of 50%, any individual school that has less than 25% or more than 75% minority enrollment in comparable grades across the district would be considered racially imbalanced.

COMMITTEE ACTION

Education Committee

Joint Favorable Substitute
Yea 42 Nay 3 (03/24/2025)