




STATE OF CONNECTICUT  
DEPARTMENT OF EDUCATION



**TO:** Superintendents of Schools  
Directors of Charter Schools  
Directors of Interdistrict Magnet Schools  
Executive Directors, Regional Educational Service Centers

**FROM:** Bryan Klimkiewicz, Bureau Chief of Special Education 

**DATE:** November 2, 2017

**SUBJECT:** Residential Placements and Noneducational Public Agencies

On December 5, 2016, the Commissioner of Education Dr. Dianna R. Wentzell sent the attached memo concerning the Department of Developmental Services (DDS) funding of residential placements for certain school-aged students with intellectual disabilities. The Connecticut State Department of Education (CSDE), Bureau of Special Education (BSE), is aware that due to state budget constraints DDS may, in some cases, determine it is no longer able to fund these residential placements. The CSDE has been assessing the implications of this development for local education agencies (LEAs) and families.

The United States Office of Special Education Programs (OSEP) is also aware of this development and has directed the CSDE to advise it of the mechanisms the CSDE has in place to monitor situations in which a noneducational public agency ceases funding for a student's residential placement for budgetary reasons unrelated to any consideration of the provision of a free and appropriate public education (FAPE) to the student. Therefore, in response to this request from OSEP, the CSDE will be monitoring instances where a noneducational public agency ceases funding residential placements for school-aged students in these situations.

In order to conduct this monitoring, the CSDE requires information from your agency. Beginning on December 1, 2017, responsible LEAs must notify the BSE, in writing, when a noneducational public agency withdraws funding for a student's residential placement for budgetary reasons unrelated to any consideration of what a student may need to receive FAPE; this obligation applies only to school-aged students who are eligible for special education. Such notice must be provided when the responsible LEA becomes aware that funding will cease and must include a description of any action which has been taken by the LEA in response, including, but not limited to, the convening of a planning and placement team (PPT) meeting to consider what services the student will need in order to make educational progress including whether the student requires a residential placement to make such progress. While this obligation to provide notification to the BSE will apply most directly to residential placements funded by DDS, there may be some instances where this applies to residential placements made by other noneducational public agencies.

The following specific information is to be provided: the SASID number of the student; the identity of the noneducational public agency ceasing funding; the date on which funding will cease, if known; whether a PPT meeting has been scheduled (provide date) or convened (provide date) to address the impact of cessation of funding; and the name and contact information of a person the BSE can contact to obtain additional information.

The requested information can be sent via e-mail to: Educational Consultant Michael Tavernier at [michael.tavernier@ct.gov](mailto:michael.tavernier@ct.gov). If you have any questions or concerns, you may contact the Bureau Chief of the Bureau of Special Education Bryan Klimkiewicz at 860-713-6910 or at [bryan.klimkiewicz@ct.gov](mailto:bryan.klimkiewicz@ct.gov).



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*STATE BOARD OF EDUCATION*



**TO:** Superintendents of Schools  
Directors of Charter Schools  
Directors of Interdistrict Magnet Schools  
Executive Directors, Regional Educational Service Centers  
Directors of Special Education

**FROM:** Dr. Dianna R. Wentzell, Commissioner of Education 

**DATE:** December 5, 2016

**SUBJECT:** Residential Placements

As you may know, it has been the practice of the Department of Developmental Services (DDS) to provide funding to support residential placements for certain school-aged children with an intellectual disability on a case-by-case basis. Although DDS has understood its decision to provide funding in this area to be discretionary, its decision to do so has led to confusion regarding whether it has a legal obligation to fund such residential placements. As a result, DDS sought an opinion from the Attorney General of Connecticut regarding its fiscal responsibilities and the duties of local education agencies (LEAs) with respect to residential placements. The Attorney General issued an opinion letter, which can be accessed at [http://www.ct.gov/ag/lib/ag/opinions/2016/2016-01\\_residential\\_services.pdf](http://www.ct.gov/ag/lib/ag/opinions/2016/2016-01_residential_services.pdf).

In his opinion letter, the Attorney General agreed that DDS is not legally required under state law to pay for the cost of residential placements to school-aged children with disabilities, but is free to provide such services in its discretion, as has been the agency's practice. Due to current state budget constraints, DDS has determined that it must reevaluate its funding in this area. In this process, DDS may determine that it is no longer able to fund residential placements in certain cases. In such cases, DDS will advise the affected families or guardians to contact their LEA to request a planning and placement team (PPT) for their child in order to determine whether a residential placement is necessary under the Individuals with Disabilities Education Act (IDEA).

The State Department of Education (SDE) is assessing the implications of this development for LEAs and families. The SDE recognizes that a decision to discontinue funding a residential placement presents significant challenges for LEAs and affected families, and we are working to fully understand the potential impacts in order to provide further guidance and assistance. As part of this ongoing effort, I am providing the following summary of LEAs' responsibilities under the IDEA with respect to cases in which a residential placement is sought, in the hope that it will be useful.

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As you know, LEAs are obligated to provide a free appropriate public education (FAPE) to students with disabilities pursuant to federal and state law. Under the IDEA, each student must be provided with an educational placement that allows the child to make meaningful educational progress. In some cases, a residential placement is found to be a necessary related service under the IDEA; in such cases, the law requires the LEA to pay for the cost of the placement.

Going forward, if an LEA receives notice from DDS or a parent or guardian of discontinuation of DDS funding for a residential placement, the LEA should conduct a PPT meeting in accordance with applicable special education laws. At the PPT meeting, the team must make a determination as to what services the student will need from the LEA in order to make educational progress, including whether the student requires a residential placement to make such progress. If a parent disagrees with the determination of the PPT, he or she may seek review of the decision through the complaint resolution process, mediation, or a hearing before a state-appointed hearing officer.

DDS maintains a critical role with respect to interagency collaboration in the transition planning process to support an effective transition from school to adulthood. Within its limited resources, the DDS Commissioner has assured me that her staff will strive to continue to provide insight and information regarding the DDS eligibility process, the services that are available, the individual needs of the young adult and what it means to transition to adult services.

Please share this information with your district's Special Education Director and school administrators and staff. If you have questions or concerns, you may contact the SDE Division of Legal and Governmental Affairs at 860-713-6520.

DRW:ph

cc: Morna A. Murray, Commissioner, Department of Developmental Services  
Joseph J. Cirsuolo, Ed.D, Executive Director, Connecticut Association of Public School Superintendents (CAPSS)  
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