

Sec. 10-76d-12. Planning and Placement Team Meetings; Transfer of Rights; exception

Each planning and placement team is responsible for initiating, conducting and maintaining a record of planning and placement team meetings for developing, reviewing or revising a child's individualized education program.

(a) **Parental participation.** Each board of education shall take steps to ensure that one or both of the child's parents are afforded the opportunity to participate in each meeting to develop, review or revise the individualized education program for that child. Every effort shall be made to schedule meetings at a mutually agreed upon time and place. Steps to ensure parental participation shall be taken in accordance with the following.

(1) At least five days prior to the meeting, parents shall be advised in writing, in their native language, of their rights to be participating members of the planning and placement team.

(2) Such notice shall also specify the purpose, time and location of the meeting and who has been invited.

(3) If neither parent can attend, reasonable effort shall be made to secure parental participation by other means such as conference calls or home visits.

(4) A meeting may be conducted without a parent in attendance if the board of education is unable to secure parental attendance. In this event, the board of education shall have a detailed record of its attempts to arrange parental participation.

(5) Each board of education shall take any and all actions necessary to ensure that the parents understand the proceedings at the meeting. This shall include, but not be limited to, providing an interpreter for the parents who are in need of such services.

(b) **Transfer of rights; exception.** When a child with a disability reaches the age of eighteen, (1) the board shall provide any notices required by the IDEA, sections 10-76a to 10-76ii, inclusive, of the Connecticut General Statutes and sections 10-76a-1 to 10-76d-19, inclusive, of the Regulations of Connecticut State Agencies to such child and the parents of such child, and (2) all other rights accorded to the parents of such child under the IDEA, sections 10-76a to 10-76ii, inclusive, of the Connecticut General Statutes and, section 10-76b-9 and sections 10-76d-1 to 10-76h-19, inclusive, of the Regulations of Connecticut State Agencies shall transfer to such child.

(c) All rights accorded to parents under the IDEA, sections 10-76a to 10-76ii, inclusive, of the Connecticut General Statutes and section 10-76b-9 and sections 10-76a-1 to 10-76d-19, inclusive, of the Regulations of Connecticut State Agencies shall transfer to the child with a disability of such parents at the age of eighteen who is incarcerated in an adult or juvenile, state or local correctional institution.

(d) Whenever a board transfers rights under these provisions, it shall notify the child with a disability and the child's parents of the transfer of rights.

(e) A child with a disability who has reached eighteen years of age may notify, in writing, the board of education that the parent of such child shall continue to have the right to make educational decisions on behalf of such child notwithstanding the fact the child has turned eighteen years of age. The child with a disability may revoke the granting of these rights at any time. If such child requires assistance to write or sign by reason of disability or inability to read or write, such assistance may be provided by a person of the child's choosing.

(f) Any child with a disability who has been determined to be incapacitated by a court shall be represented by the legal guardian appointed by the court.

(g) A child with a disability age eighteen or older who has not been determined incapacitated by a court may be certified as unable to provide informed consent or to make educational decisions and have an educational representative appointed for such child in accordance with the following procedures: (1) Two separate professionals shall state in writing they have conducted a personal examination or interview with such child, such child is incapable of providing informed consent to make educational decisions and such child has been informed of this decision and is informed of the right to challenge it. The professional shall be (A) a medical doctor licensed in the state where the doctor practices medicine; (B) a physician's assistant whose certification is countersigned by a supervising physician; (C) a certified nurse practitioner; (D) a licensed clinical psychologist; or (E) a guardian ad litem appointed for such child.

(2) When the board receives the required certification, the board shall designate an educational representative from the following list and in the following order of representation: (A) such child's spouse; (B) such child's parents; or (C) another adult relative willing to act as such child's educational representative.

(3) A child shall be certified as unable to provide informed consent pursuant to this section for a period of one year, except such child or an adult on behalf of such child, with a bona fide interest in and knowledge of such child may challenge the certification at any time, through verbal or written communication to any official of the board at which time the rights revert back to such child. For purposes of this subsection, "bona fide interest in and knowledge of the child" means an adult who understands and is familiar with the educational needs of such child including, but not limited to an adult who (A) is able to understand the nature, extent and probable consequences of a proposed educational program or option on a continuing or consistent basis for such child; and (B) can make a rational evaluation of the benefits or disadvantages of a proposed educational decision or program as compared with the benefits or disadvantages of another proposed educational decision or program on a continuing or consistent basis. In no case shall such adult be an employee of the board of education providing services to the child.

(h) Nothing in this section shall prevent a child who has reached the age of eighteen from authorizing another adult to make educational decisions on behalf of that child using a power of attorney consistent with the requirements of sections 1-42 to 1-56, inclusive, of the Connecticut General Statutes.

(Effective September 1, 1980; Amended July 1, 2013)