

2009 Legislative Outcomes

Effective May 14, 2009

HB 236, Graduation Policy

Requires schools adopt policies and procedures that allow students with disabilities who have completed four years of high school to participate in the graduation ceremony of their age peers if the IEP team determines appropriate. The bill does not confer a right to FAPE after graduation (exceeding IDEA requirements).

Effective July 1, 2009

SB 291 – Education Omnibus: Special Education Pupil Count

Adds public school students with a “services plan” to those with IEP’s as part of the definition of “special education pupil count” for the foundation formula.

Effective August 28, 2009

HB 289 – Due Process & Resolution Session Clean-up

Aligns state statutes on due process with IDEA provisions on 5 day disclosure and provides local school boards with the authority to designate an individual who can bind the district to a settlement in a resolution session.

SB 291 – Education Omnibus

Foster Children and Publicly Placed Students

For children placed in foster care or residential treatment facilities by the Department of Social Services, the standard school day is 6 hours unless the school determines a different school day length is necessary. The Commissioner of Education or his/her designee will be an ombudsman for these students and will have the final decision over disagreements about the length of school day. IDEA students are exempted from these provisions as the IEP team has decision-making authority on length of day. School districts must designate a staff person to serve as the education liaison for foster care children. The child placing agency is to promote educational stability for foster care students by considering the student’s school attendance area when making placement decisions. The student shall have the right to remain enrolled in and attend the school of origin pending resolution of school placement disputes.

Open Enrollment

Directs the Joint Committee on Education to undertake studies on open enrollment, charter school performance, and urban school district governance and provide reports and recommendations to the legislature before next legislative session.

School Flex Program

Establishes a School Flex Program to allow 11th and 12th graders to attend school a minimum of two instructional hours per school day with evidence of college or technical career education enrollment or attendance/proof of employment/labor that is aligned with the student's career academic plan as part of an overall plan for accumulation of credits and timely graduation. Students participating in the program will be considered full-time students of the district and will be counted in the school's average daily attendance for state aid purposes.

Compulsory Attendance

Changes the compulsory attendance age to either 17 years of age OR completion of sixteen credits toward high school graduation.

Bill-back

Amends the bill back provisions to districts of domicile to include billing for children who temporarily reside in a children's hospital for more than three days.

Seclusion and Restraint Policy

Requires districts to include in their school discipline policy a prohibition of placing a student in an unattended, locked space except for emergencies when waiting for law enforcement.

By January 1, 2010

SB 291 – Education Omnibus: Parents Bill of Rights

Requires DESE publish a "Parents' Bill of Rights" for parents of IDEA eligible student and requires school districts to provide the publication to parents upon determination that a student qualifies for an IEP and any time IDEA requires provision of procedural safeguards. The content of the Parents Bill of Rights is described in statute and DESE is charged with ensuring the content does not confer rights that exceed current state/federal law and keeping the content current with any changes in interpretation of such laws.

Beginning with the school year 2010-2011

SB 291 – Education Omnibus: Physical Activity

Requires districts to provide 150 minutes of moderate physical activity at the elementary level, recommends 225 minutes of physical activity at the middle school level, and requires a minimum of one recess period of twenty minutes per day at the elementary level. Students with disabilities shall participate to the extent appropriate as determined by IDEA or 504.

By July 1, 2011

HB 922 – Allergy Prevention Policy

Districts must adopt a policy on allergy prevention and response, with priority given to food-borne allergies. The policy must contain a number of elements including the role of school staff in managing an allergy problem (through a 504 plan or health plan). DESE, in cooperation with appropriate professional associations, shall develop a model policy by July 1, 2010.

SB 291 – Education Omnibus: Seclusion and Restraint Policy

Local districts must adopt a policy that addresses seclusion and restraint. DESE, in collaboration with appropriate organizations and experts, shall develop a model policy by July 1 2010.