

2012 SESSION CONNECTICUT GENERAL ASSEMBLY

In its 2012 session, the General Assembly passed a large education reform bill, Public Act No. 12-116, which makes substantial changes to existing education laws in Connecticut. The following is a general summary of the changes made by Public Act 12-116, as well as a brief review of other notable education legislation from the 2012 legislative session. A more thorough understanding of a particular provision of the Act may require further review of the actual language. A complete copy of each new statute is available online at <ftp://ftp.cga.ct.gov/2012/act/PA/pdf>, and the link for Public Act 12-116 is <ftp://ftp.cga.ct.gov/2012/act/PA/pdf/2012PA-00116-R00SB-00458-PA.PDF>.

School Readiness Programs

Effective July 1, 2012, the State Department of Education will provide funding for the creation of a total of 1,000 new slots in school readiness programs. 500 new slots will be established in educational reform districts identified pursuant to Conn. Gen. Stat. § 10-16p. 250 new slots will be established in priority and former priority school districts. 250 new slots will be established in school districts in which at least 40 percent of the students receive free or reduced lunches or which are located in one of the fifty poorest towns in the state.

If all of the funds allocated for the 1,000 new school readiness programs are not exhausted, up to \$80,000 of the unused funds shall be given to the Connecticut Health and Educational Facilities Authority to update study of space and facilities needed to provide universal early childhood education for children three and four years of age in the state. See Public Act No. 12-116 §§ 1, 2.

Extension of Early Literacy Pilot Program

Effective July 1, 2012, the authority of the Commissioner to identify schools to participate in an early literacy pilot program is extended through the 2013-2014 school year. See Public Act No. 12-116 § 4.

New Reading Assessment Programs

Effective July 1, 2012, the State Department of Education is responsible for developing or approving reading assessments to identify students in kindergarten through grade three who are below proficiency standards in reading. Such assessments are to be implemented beginning in the 2013-2014 school year. The Act sets forth five components for the proposed reading assessment. The assessments must:

1. include frequent screening and progress monitoring;
2. measure phonics, phonemic awareness, fluency, vocabulary, and comprehension;
3. allow for periodic formative assessment during the school year;

4. produce useful data for developing individual and classroom instruction; and
5. be compatible with best practices in reading

See Public Act No. 12-116 § 5.

Certified Staff K-3 to Take Reading Instruction Exam

Effective July 1, 2012, all employees holding an initial, provisional, or professional educator certificate with an early childhood nursery through grade three or elementary endorsement who work in kindergarten to third grade are required to take the practice version of the reading instruction exam previously approved by the State Board of Education. Each local and regional board of education must annually report the results of this practice exam to the State Department of Education. See Public Act No. 12-116 § 6.

State Responsibility to Develop Professional Development Program in Reading Instruction

By July 1, 2013, the Commissioner of the Department of Education must develop a professional development program in reading instruction for teachers. The program will count toward professional development requirements and must be based on student reading assessment data, provide differentiated and intensified training in teacher reading instruction, be used to identify mentor teachers who will train teachers in reading instruction, outline how model classrooms for reading instruction will be established in schools, inform principals on how to evaluate classroom and teacher performance in scientifically-based reading research and instruction, and be job-embedded and local when possible. The Commissioner must also annually review and assess the professional development requirements for teachers who hold a position requiring a professional educator certificate

with an early childhood nursery through grade three or elementary endorsement working in a position requiring such a certificate. See Public Act No. 12-116 § 7.

Commissioner to Establish Family Resource Centers

Effective July 1, 2012, the Commissioner is to establish at least ten family resource centers in alliance districts. Alliance districts are the thirty districts with the lowest district performance indices. The Commissioner is also to establish or expand at least twenty school based health clinics in alliance districts. See Public Act No. 12-116 § 8.

New Physical Exercise Requirement

Effective July 1, 2012, local and regional boards of education are to provide at least twenty minutes of physical exercise for students in grades K-5 unless a PPT develops an alternate schedule for a particular student. See Public Act No. 12-116 § 9.

Municipal Aid for New Educators Grant Program

Starting in the fiscal year ending June 30, 2014 is a Municipal Aid for New Educators Grant Program that will provide grants to education reform districts to be used to extend employment offers to students in teacher preparation programs who are academically in the top 10 percent of their graduating class. See Public Act No. 12-116 § 10.

Technical Assistance to Implement Cost Saving Strategies

Effective July 1, 2012, the Commissioner of Education may provide grants for technical assistance and regional cooperation to support districts that are attempting to implement cost saving strategy plans. See Public Act No. 12-116 § 11.

Incentive for Large Districts to Increase Number of Open Choice Students

Effective July 1, 2012, large school districts (those with more than 4,000 students) are eligible to receive increased funding of \$6,000 for each out-of-district student they accept through the Open Choice Program if the Commissioner determines that as of October 1, 2012 the district has increased the number of students in the program by at least 50%. See Public Act No. 12-116 § 12.

Exemplary Schools

Effective July 1, 2012, the State Department of Education may publicly recognize and promote the best practices of exemplary schools. See Public Act No. 12-116 § 13.

Access to Technical High Schools

Beginning July 1, 2012, boards of education are required to provide information regarding technical high schools, regional agricultural science and technology education centers, interdistrict magnet schools, charter schools, alternative high schools and interdistrict student attendance programs available in the district on their websites. See Public Act No. 12-116 § 14.

Unified Accounting System

The State Department of Education is required to develop and implement a uniform system of accounting for revenues and expenditures at the school and school district levels. The accounting system shall include a new chart of accounts that document the expenditure of funds by schools and school districts. Boards of education are to begin using the uniform accounting system in fiscal year ending June 30, 2015 by filing annual reports with the State Department of Education using the chart of

accounts, and meeting the provisions of § 10-227.

The financial reports will be subject to auditing by the Office of Policy and Management. See Public Act No. 12-116 § 15.

Small School District Study

The State Department of Education is to study issues of inefficiency related to small school districts (districts with fewer than 1,000 students). The Department is to consider:

1. disincentives for small districts in which the per pupil cost for prior fiscal year exceeded the state average per pupil cost of the prior fiscal year;
2. financial incentives for small district consolidation;
3. ECS grant bonuses for towns establishing regional school districts;
4. the financial effects of regional school districts and cooperative arrangements; and
5. the minimum budget requirement.

See Public Act No. 12-116 § 17.

Accountability

One of the most notable changes made by Public Act 12-116 are the revisions to the state's current educational accountability provisions regarding identification of schools in need of improvement. The State Department of Education is to prepare a state-wide performance management and support plan that will identify districts in need of improvement; classify schools in five performance categories (with one representing the highest performing schools and five representing the lowest performing schools); and identify "focus schools" that have a low performing sub-group of students. Schools will be gauged using the School Performance Index (SPI). The SPI is a measure of a school's weighted performance on statewide mastery tests in reading, writing,

mathematics, and science. Category placement will depend on SPI; change in SPI over time; student achievement growth as measured by standardized assessments; and high school graduation and dropout rates for subgroups of students. The Act also preserves the authority of the State Board of Education to intensely supervise low achieving category four and five schools and districts in need of improvement. The State Board of Education may also now appoint a Superintendent or Special Master in these low achieving districts. See Public Act No. 12-116 § 18.

The Commissioner's Network of Schools

To improve the academic achievement of low performing schools, the Commissioner of Education must establish a Commissioner's network of up to twenty-five select category four and five schools. After the schools are selected by the Commissioner, the local board of education must establish a turnaround committee consisting of two members appointed by the Board, who shall be an administrator and a parent; three members appointed by the teachers' bargaining unit, who shall be two teachers and a parent, and the Commissioner or his/her designee. The superintendent shall also be a nonvoting ex-officio member of the committee. The duty of this turnaround committee is to assist with the completion of an instructional audit, develop a turnaround plan, and monitor the implementation of the turnaround plan. If the turnaround plan is found deficient by the Commissioner, the Commissioner may develop a new turnaround plan and appoint a special master to implement it. The turnaround plan proposals may include changing hours and schedules of teachers and administrators, the length and schedule of the school day, the length and calendar of the school year, length of time teachers will be present beyond the school day, and the hiring

or reassignment of teachers and administrators. The number of Network schools which may be managed by an approved not-for-profit organization is limited. Each school in the Commissioner's Network shall participate for a minimum of three years. Once a Network school is ready to exit the Network, the Commissioner, in consultation with the local or regional board of education, will develop a plan for the transition of the school back to full control by the local or regional board of education. See Public Act No. 12-116 § 19.

School Governance Councils

Effective July 1, 2012, boards of education are permitted to establish school governance councils at schools identified as in need of improvement and must establish these councils for schools designated as a low achieving school (including category four and five schools) unless a similar council already exists.

The High School council consists of seven parents, five teachers, one non-voting administrator, two community leaders and two students. An elementary or middle school governance council includes all but the student members.

The school governance council's duties are to analyze school achievement data; review draft budgets and advise the principal before the budget is submitted to the superintendent, to assist the superintendent with the hiring of any new principal, help develop parent involvement policy for the school, and recommend to a local board of education that a school be reconstituted. See Public Act No. 12-116 § 23.

Local Charter Schools

Effective July 1, 2012, local and regional boards of education are required to provide financial support to local charter schools in an amount equal to the per

pupil cost minus the state aid for special education multiplied by the number of students attending the charter school in the current fiscal year. Beginning in 2014, the State Board of Education may grant up to \$3,000 per student enrolled in a local charter school to equalize funding. The Department of Education may also award grants of up to \$500,000 to any new local charter school, provided that the local board of education and the teachers' union agree upon a plan for staffing flexibility. See Public Act No. 12-116 § 29.

State Charter Schools

Towns in which a state charter school is located will receive a per-student grant of \$10,500 in FY 2013, \$11,000 in FY 2014 and \$11,500 in FY 2015. See Public Act No. 12-116 § 29.

Charter School Applications

New state and local charters will only be granted if, at the time of application, the school district in which the charter school would be located had at least one school participating in the Commissioner's Network or one school identified as low achieving. Preference shall be given to the schools that serve students:

- 1) with a history of low academic preference or behavioral and social difficulties;
- 2) receiving free or reduced price lunch;
- 3) requiring special education or are English language learners;
- or 4) of a single gender.

Preference for new state and local charter schools will also be given to charter schools that have a primary purpose to improve the academic performance of an existing school that has demonstrated substandard academic performance as determined by the Commissioner of Education. See Public Act No. 12-116 § 31.

Other Charter School Provisions

- The State Board of education may deny a charter

school's renewal application due to its failure to meet its objectives.

- Governing councils of Charter schools may now apply to the State Board of Education for a waiver of requirements of the enrollment lottery if the primary purpose of the school is to serve students with a history of behavioral and social difficulties, students identified as requiring special education, students who are English language learners or students of a single gender.
- The state will study "opt out enrollment lottery" processes for students who reside in the school districts in which a charter school is located. Opt-out lotteries would enter all students residing in the district into the drawing to establish who will attend the charter school, unless a student's family proactively opted out of such drawing. See Public Act No. 12-116 §§ 29-33.

Alliance Districts

By June 30, 2013, the Commissioner is to designate thirty school districts as alliance districts. Alliance districts are those districts with lowest district performances in math, reading, writing and science. Alliance districts may apply for supplemental state funds and the Commissioner may grant the funds provided they will be expended in accordance with an approved district improvement plan. The District Performance Index (DPI) will be used to identify alliance districts. DPI includes weighted performance on the statewide mastery test in reading, writing, math and science. See Public Act No. 12-116 § 34.

New Requirements for Teachers

Effective July 1, 2015, new teachers are required to have clinical experience, field experience or student teaching experience in four semesters of their teacher

preparation program. After July 1, 2016, to qualify for the professional educator's certificate, a teacher must hold a master's degree in an appropriate subject matter area. The professional educator certificate will be valid for five years and continue five years thereafter. If a teacher has taught under an appropriate certificate in another state for three years or more, or if a teacher has three or more years of experience in a nonpublic school approved by the State Board of Education within the preceding ten years, he or she is exempt from completing the beginning educator program.

Teachers may now apply to become and the State Board of Education may designate a person a "distinguished educator" who:

1. taught for at least five years;
2. has a professional educator certificate;
3. has advanced education beyond a masters degree; and
4. meets other Department of Education performance requirements.

As with the provisional and professional certificate holders, distinguished educators are eligible to become mentors in the beginning educator Program. See Public Act No. 12-116 §§ 34-38.

Professional Development

Public Act 12-116 eliminates the requirement that certificate holders successfully complete 90 CEUs every five years as a condition of renewal. However, beginning July 1, 2013, each board of education must make available a program of professional development not fewer than eighteen hours per year, most of which must be done in small groups or in an individual instructional setting. The professional development offered shall:

1. focus on increasing teacher and administrator effectiveness in increasing student knowledge;
2. focus on refining teaching methodology;
3. foster a collective responsibility for improving student performance; and
4. be comprised of professional learning that:
 - a. is aligned with state student academic achievement standards;
 - b. is conducted among educators at the school, facilitated by principals, coaches, mentors, distinguished educators or other appropriate teachers;
 - c. occurs frequently on an individual basis or among groups of teachers in a job-embedded process of continuous improvement; and
 - d. includes a repository of best practices for teaching methods developed by educators within each school.

Professional development for administrators and superintendents must include fifteen hours every five years of training in the evaluation and support of teachers under the required teacher and administrator evaluation and support program. See Public Act No 12-116 §§ 35, 39-40.

Teacher Evaluations

Section 51 of the Act Concerning Educational Reform builds on the 2010 reform legislation (P.A. 10-111) by expanding the elements of the teacher evaluation guidelines that the State Board of Education was required to adopt in consultation with the Performance Evaluation Advisory Council by June 30, 2012. The new Guidelines for Teacher Evaluation were adopted by the State Board of Education in accordance with the Act on June 27, 2012, and they are available at http://www.sde.ct.gov/sde/lib/sde/pdf/pressroom/adopted_peac_guidelines.pdf.

The Act elaborates on the requirements for the Guidelines. Now, the Guidelines provide that the evaluation programs must include:

1. use of the following four performance evaluation indicators: exemplary, proficient, developing and below standard;
2. use of multiple indicators of student academic growth and development;
3. methods for assessing student academic growth and development;
4. consideration of control factors tracked by the statewide public school information system that may influence teacher performance ratings;
5. minimum requirements for teacher evaluation instruments and procedures, including scoring systems to determine exemplary, proficient, developing and below standard ratings;
6. the development and implementation of periodic training programs regarding the teacher evaluation and support program to teachers whose performance is being evaluated and to administrators who are conducting performance evaluations;
7. provision of professional development services based on the individual or group of individuals' needs that are identified through the evaluation process;
8. the creation of individual teacher improvement and remediation plans for teachers whose performance is developing or below standard, designed in consultation with such teacher and his or her union representative;
9. opportunities for career development and professional growth; and
10. a validation procedure to audit evaluation ratings of exemplary or below standard by the department, or a third-party entity approved by the department, to validate such exemplary or

below standard evaluation ratings.

The Act also clarifies that superintendents must evaluate teachers annually, and teachers not evaluated are to receive a "not rated" designation for that year. Superintendents must report evaluation data to the Commissioner by June 30th of each year as follows:

1. frequency of evaluations;
2. aggregate evaluation ratings;
3. number of teachers who have not been evaluated; and
4. other requirements as determined by the State Department of Education.

See Public Act No. 12-116 § 51.

Pilot Program for Teacher Evaluation and Validation of the Guidelines

For the 2012-2013 school year, in accordance with the Act the Commissioner has established a teacher evaluation and support pilot program to operate in eight to ten districts. The Neag School of Education at the University of Connecticut will study the pilot program, and it must report back to the State Board of Education by January 1, 2014. After receiving that report, the State Board of Education is required to validate the Guidelines for teacher and administrator evaluation. See Public Act No. 12-116 §§ 51-53.

Training and Audit

Prior to the implementation of the new evaluation system (and not later than July 1, 2014), boards of education are to train all evaluators and provide an orientation for all teachers employed by such board on the evaluation and support program that they develop. Beginning July 1, 2014, the Commissioner of the Department of Education will annually begin to

select at least ten evaluation and support programs to audit at random. The information on the teacher evaluation and support program will now also be administered as part of regular in-service training for certified teachers, administrators, and pupil personnel. See Public Act No. 12-116 §§ 54-56.

Teacher Tenure

Public Act 12-116 makes significant changes to the Teacher Tenure Act, but these changes are not effective until July 1, 2014. While teachers will continue to achieve tenure after forty months of continuous employment for the same board of education (and teachers on the fast track may still achieve tenure in twenty months), tenure will only be achieved under the new law if the superintendent offers the teacher a contract for the following year on the basis of effective practice, as informed through performance evaluations.

There are also changes in the nonrenewal and termination processes. A teacher who is non-renewed will have three days after notice of non renewal to request a statement of the reason or reasons for nonrenewal. The Superintendent must then have to respond not later than four days after receiving the teacher's request. The teacher will be entitled to a hearing no later than ten days after receipt of a notice of termination, rather than the twenty days currently provided. Hearings will take place before the board of education or a subcommittee thereof. Both parties will be able to agree to have the hearing before a single impartial hearing officer. The option to conduct the hearing before a three person panel has been eliminated. As is currently the case, teachers continue to have no right to a hearing if the reason for non-renewal is elimination of the position or loss of the position to another teacher.

The Act will change the law in regard to tenured teachers as well. It adds "ineffectiveness" to "inefficiency or incompetence" as a reason to terminate a teacher's contract. For terminations after July 1, 2014, determination of incompetence or ineffectiveness must be based on performance evaluations developed in accordance with statute and the State's evaluation guidelines. When the superintendent gives written notice that the teacher's contract is under consideration for termination, he or she will then be required simultaneously to give the teacher a statement of the reasons for such consideration.

The timelines for hearings concerning the termination of tenured teachers have been shortened as well, including a requirement that the process be concluded within forty-five days (subject to an extension of fifteen days), and the provision for a three-member hearing panel will be eliminated. There are more significant changes when the reason for termination is "incompetence or ineffectiveness." The Act provides that the hearings must be completed in a total of twelve hours (six hours allotted to each side), with a timeline extension granted only when good cause is shown. Moreover, the hearing will be limited to whether the performance evaluation ratings of the teacher were determined and developed in good faith, in accordance with the program developed by the local or regional board, and were reasonable in light of the evidence presented. These welcome changes will simplify the termination process in such cases. See Public Act No. 12-116 § 57.

Acting Superintendents

Effective July 1, 2012, a local or regional board of education may appoint as acting superintendent a person that does not have a Connecticut

Superintendent certificate for a probationary period of time, not exceeding one school year. Such an acting superintendent must successfully complete a school leadership program approved by the State Board of Education. At the conclusion of the probationary period, the board of education may request a waiver of the certification requirement for the acting superintendent. See Public Act No. 12-116 § 58.

Education Cost Sharing (ECS)

No changes were made to the ECS formula. The State provided a \$50 million increase in ECS funding. See Public Act No. 12-116 §§ 59-61.

Minimum Budget Requirements (MBR)

Effective July 1, 2012, towns are permitted to reduce their budgeted appropriations for education if they realize new and documentable savings through increased intradistrict efficiencies approved by the Commissioner or through regional collaboration. Reductions are not to exceed one-half of the savings realized. See Public Act No. 12-116 § 62.

Increase in Per Pupil Grant Funding for Non-Sheff Interdistrict Magnet Schools

Effective July 1, 2012, non-Sheff interdistrict magnet schools will receive a grant amount of \$7,085 for each student who is not a resident of the town operating the magnet school. If the magnet school is operated by a RESC and enrolls less than 55% from a single town, then the magnet school will receive a per pupil grant of \$7,900. If the magnet school is operated by a RESC and more than 55% of the students are from a single town, the RESC will receive \$7,085 for each student who is not a resident of the dominant town and \$3,000 for those from the dominant town. Certain RESC operated interdistrict magnet schools enrolling between 55%- 80% of their students from one town, shall receive \$8,180 for each student enrolled for the

fiscal year ending June 30, 2013 and each fiscal year thereafter. See Public Act No. 12-116 § 63.

Vo-Ag Center Grant Increase

Effective July 1, 2012, the State grant to local boards of education in which a regional agricultural science and technology center is located increases from \$1,355 to \$1,750. See Public Act No. 12-116 § 64.

Extended Day Grants Phase Out

Effective July 1, 2012, the extended day grants for priority school districts will phase out once a district is no longer eligible for such grants. The phase out will decrease the grants to 75%, 50%, and 25% in the three years after the district is determined to no longer be eligible. See Public Act No. 12-116 §§ 65-66.

DMHAS to Fund Special Education Services

Currently the State Board of Education provides and funds the special education services in Department of Mental Health and Addiction Services (DMHAS) facilities. Effective July 1, 2012, DMHAS will provide and pay for special education services in its facilities. See Public Act No. 12-116 § 67.

Technical High Schools

Effective July 1, 2012, the State Board of Education may establish a board to govern the state technical high school system. The Board shall consist of:

1. four executives of Connecticut based employers;
2. five persons appointed by the State Board of Education;
3. the Commissioner of Economic and Community Development; and
4. the Commissioner of Labor.

The Governor will appoint the chairperson. Also, the Commissioner of Education, acting with the Board,

will recommend a candidate for Superintendent. See Public Act No. 12-116 §§ 69-87.

SDE Website Update

Effective July 1, 2012, the State Department of Education is required to make certain information available on its website including:

1. statewide performance management and support plan;
2. schools ranked by school performance index scores;
3. the formula of the school performance index; and
4. any alternative versions of the formula used outside of the elementary grade levels.

See Public Act No. 12-116 § 88.

Intensive Reading Initiatives

The Act requires that the Commissioner of Education create an intensive reading instruction program in accordance with statutory guidelines by the beginning of the 2012-2013 school year for students in kindergarten through third grade and to select low performing schools to participate in this program. See Public Act No. 12-116 § 89.

Minority Students and Special Education

Misidentification

Effective July 1, 2012, the Department of Education is to identify local or regional boards of education that misidentify racial minority students as requiring special education services because such students have a reading deficiency. Such boards will adopt a plan to reduce such misidentification and annually report to the Department of Education on the plan. See Public Act No. 12-116 § 90.

Statewide Reading Plan

On or before July 1, 2013, the State Department of Education must develop a statewide reading plan for kindergarten through third grade that must include:

1. alignment of reading standards, instruction and assessments;
2. teacher use of data on progress of students to adjust and differentiate instructional practices;
3. collection of information regarding each student's reading background, level and progress;
4. intervention for students not making adequate progress;
5. enhanced reading instruction for students above grade level;
6. coordination of reading instruction activities between parents, students, teachers and administrators at home and school;
7. reading plans;
8. parental involvement;
9. teacher training and reading performance tests;
10. incentives for schools that demonstrate significant improvement in student reading;
11. research-based literacy training for early childhood care; and
12. alignment of reading instruction with the common core state standards adopted by the State Board of Education.

See Public Act No. 12-116 § 91.

Reading Instruction Exam for Special Education and Remedial Language Teachers

Beginning July 1, 2013, teachers with a comprehensive special education endorsement or a remedial reading and remedial language arts endorsement must pass the reading instruction exam previously approved by the State Board of Education. See Public Act No. 12-116 §§ 92-93.

Incentive Program for School Achievement

Before July 1, 2014, the Commissioner of Education is required (within available appropriations) to establish an incentive program for schools that increase by 10% the number of students who meet or exceed the goal level in reading on the statewide exam and demonstrate the methodology used by the school to improve the reading skills and scores of their students. Incentives may include public recognition, financial awards, enhanced autonomy or operational flexibility. The Department of Education may accept private donations to implement this provision. See Public Act No. 12-116 § 94.

Early Childhood Education Course

Effective July 1, 2012, the Department of Education shall consult with the Board of Regents to design and approve a practice based preliteracy course with a focus in early childhood education to be included in a bachelor's degree program at an institution of higher education accredited by the Board of Governors of Higher Education. See Public Act No. 12-116 § 95.

OTHER LAWS AFFECTING SCHOOL DISTRICTS:

School Breakfast Programs

The Act establishes a pilot in-classroom school breakfast program. The State Department of Education may develop a competitive grant program to assist up to ten severe-need schools to establish or expand in-classroom breakfast programs. See Public Act No. 12-120 § 11.

Students with Diabetes

In addition to continuing to permit blood glucose self-testing under certain conditions, Public Law 12-198 now prohibits schools from restricting the time and location of such testing. In addition, qualified school

employees selected by the nurse or principal are now permitted to administer emergency glucagon injection under specified circumstances in the absence of the nurse. Also, school districts are to develop individualized health care and action plans for students with glycogen storage disease. See Public Act No. 12-198 §§ 1, 2, 6.

Private School Transportation

Private schools using transportation services of local or regional boards of education are required to have a policy by which parents will be notified when there may be an age difference of at least ten years among students riding the same school bus. See Public Act No. 12-132 § 48.

RESC Schools to Maintain Employee Background Information

RESCS must maintain fingerprints and other information for state national criminal history checks for school personnel for four years. See Public Act No. 12-120 § 21.

FMLA Benefits for Certain School Paraprofessionals

School paraprofessionals employed in an educational setting who have been employed for at least twelve months and worked at least nine hundred fifty (950) hours with an employer during the previous twelve-month period will be granted the same family and medical leave benefits that are provided to employees who have been employed for at least one year and have worked at least one thousand two hundred fifty (1,250) hours during the previous twelve-month period with an employer. See Public Act No. 12-43 § 1. Also see Shipman & Goodwin's 2012 Employment Legislative update (http://www.shipmangoodwin.com/files/16090_EmplLegislativeSummarySummer2012.pdf.)

Kindergarten Teachers Must Have Childhood Nursery through Grade 3 Certification

Public Act 12-63 allows any teacher who has received or will receive an elementary education grades one through six endorsement before July 1, 2013 to teach kindergarten through grade six; however after July 1, 2013, only students who have been admitted to a teacher preparation program in the elementary endorsement area on or before the start of the 2012 fall semester, complete the program and receive the endorsement by July 1, 2017, will be allowed to teach kindergarten under that endorsement. Otherwise, kindergarten teachers are required to possess a childhood nursery through grade three endorsement. See Public Act No. 12-63 § 1.

SPECIAL EDUCATION

Restraint and Seclusion

Under Public Act 12-88, a school must record each instance of the use of physical restraint and seclusion of a child. When recording such incident, a school must now specify whether the use of seclusion was in accordance with child's IEP or whether the use of either seclusion or physical restraint was an emergency. See Public Act No. 12-88 § 1.

PPT Information for Parents

Upon parent request, school districts are now required to give parents copies of any assessment or evaluation results to be used in determining eligibility at least three school days before the PPT meeting at which the team plans to review the results of such assessments. As soon as a child is identified as eligible for special education, districts must also

provide parents with State Department of Education information and resources regarding IEPs. Finally, prior to a referral PPT, school districts are now required to offer to meet with a student's parents, at their request, to explain the PPT process and discuss any concerns the parent may have regarding the child. See Public Act No. 12-173 § 1.

Special Education in Private Schools

Section 5 of Public Act 12-173 confirms that if a board of education provides special education programs or service for any child whose parent or guardian has chosen to educate such child in a private school, such programs or services shall be in compliance with the IDEA. See Public Act No. 12-173 § 5.

Special Education Excess Cost Grant

When a special education student is placed in out-of-home placement by DCF and has to attend school in another district as the "school of origin," the legislature has clarified that the excess cost grant is available to the nexus district in these circumstances. See Public Act No. 12-173 § 6. For further information regarding this section of Public Act 12-173, please visit <http://www.ctschoolaw.com/blog.aspx?entry=270>.

Hearing Impaired

Section 11 of Public Act 12-173 now requires that an IEP for a child identified as deaf or hearing impaired must include a language and communication plan. See Public Act No. 12-173 § 11. For further information regarding this section of Public Act 12-173, please visit <http://www.ctschoolaw.com/blog.aspx?entry=270>.