



## 2016 SESSION CONNECTICUT GENERAL ASSEMBLY

*In its 2016 regular and special sessions, the General Assembly made a number of changes in the statutes that affect public education in Connecticut. This summary is intended to give you a brief overview of some of the more significant changes that were made this year in the area of education. In addition, for more information about new legislation affecting employers in general, please see our [Employment Legislation Summary](http://www.shipmangoodwin.com/files/38107_Employment_Legislation_Summary_Summer2016.pdf) at [http://www.shipmangoodwin.com/files/38107\\_Employment\\_Legislation\\_Summary\\_Summer2016.pdf](http://www.shipmangoodwin.com/files/38107_Employment_Legislation_Summary_Summer2016.pdf).*

### STATUTORY CHANGES AFFECTING STUDENTS:

#### Student Data Privacy

Public Act 16-189 establishes a number of new requirements relating to the use and handling of student data. Section 2 of the Act requires boards of education to enter into a written contract with a contractor any time a board shares or provides access to student information, student records, or student-generated content (hereinafter “student data”) with such contractor. This requirement is effective October 1, 2016, and applies to contracts entered into, amended or renewed on or after that date. The Act also mandates that such contracts include certain provisions. For example, such contracts must include a statement that student data is not the property of, or under the control of, the contractor; a provision by which a board of education may request the deletion of such data in the possession of the contractor; procedures by which a student or parent/guardian may review personally identifiable information contained in such student data and correct any erroneous information; a statement that the contractor must ensure the

security and confidentiality of such data; procedures by which the contractor must notify the board of education when there has been an unauthorized release, disclosure or acquisition of such data; and a statement that the contractor must abide by the Family Educational Rights and Privacy Act (FERPA). The Act voids any contractual provision that conflicts with these requirements and voids any contract that fails to include all of the above provisions, provided the board of education has given reasonable notice to the contractor and the contractor has failed within a reasonable period of time to amend the contract to include the required provisions.

In addition, Section 2 of the Act requires contractors to implement and maintain certain security protocols, practices and technical safeguards to protect student data consistent with federal guidance related to protected health information and to otherwise meet or exceed industry standards for such security and safeguarding of data. The Act also provides that contractors may not use student data for any purposes other than those authorized under the

contract and may not use personally identifiable student information to engage in targeted advertising. Furthermore, boards of education will now be required to provide electronic notification to any student and the parents/guardian of any student affected by a contract not later than five business days after the contract is executed. This notice must specify when the contract was executed, provide a brief description of the contract and state which student information, student records or student-generated content may be collected under the contract. Boards must post such notice on their websites.

Section 3 sets forth numerous requirements for operators of websites, online services or mobile applications used for school purposes who collect, maintain or use student information. Operators must establish security procedures and practices to protect student information and must delete student data “within a reasonable amount of time if a student, parent or legal guardian of a student or local or regional board of education who has the right to control such student information requests the deletion of such” student data. These operators must also refrain from targeted advertising based on student data or unique identifiers. Section 3 also contains a number of restrictions on operators’ use and disclosure of student data. The Act further clarifies that these restrictions shall not limit, among other things, the ability of a student or his/her parent/guardian to download, export, transfer or otherwise save or maintain student data.

Section 4 of the Act establishes procedures for both contractors and boards of education when a breach of security occurs that results in the unauthorized release, disclosure or acquisition of student data or directory information (as defined under FERPA). Upon discovery of such a breach of student information, excluding directory information contained

in such student information, contractors must notify boards of education without unreasonable delay, but not more than thirty days after the discovery of the breach. Upon such a breach of directory information, student records, or student-generated content, contractors must notify boards of education without unreasonable delay, but not more than sixty days after the discovery of the breach. Within forty-eight hours of receiving notice of such a breach of security, boards must electronically notify students and parents/guardians of students whose student data was involved in the breach and the board must post such notice on its website.

Similarly, upon discovery of a breach of security that results in the unauthorized release, disclosure or acquisition of student data, operators of websites, online services or mobile applications used for school purposes who are in possession of or maintain student data as a result of a student’s use of such website, online services or mobile applications must notify the students or parents/guardians of the affected students without unreasonable delay, but not more than thirty days after the discovery of the breach involving the student information, excluding directory information. These operators must also notify students or parents/guardians of affected students of such a breach without unnecessary delay, but not more than sixty days after the discovery of the breach involving directory information, student records or student-generated content. The Act does not contain any specific enforcement mechanism or penalties for the failure of operators to abide by these requirements.

Finally, the Act creates a task force to study issues relating to student data privacy. The task force must submit its report by January 1, 2017.

Public Act 16-189 can be viewed at <https://www.>

[cga.ct.gov/2016/ACT/pa/2016PA-00189-R00HB-05469-PA.htm](http://cga.ct.gov/2016/ACT/pa/2016PA-00189-R00HB-05469-PA.htm).

## Juvenile Justice Reform, Including Truancy and Expulsion Hearing Procedures and Alternative Educational Opportunities for Expelled Students

Several provisions of Public Act 16-147, a juvenile justice reform bill, will significantly impact schools. Currently, Conn. Gen. Stat. § 46b-120 provides that a child who “is a truant or habitual truant or who, while in school, has been continuously and overtly defiant of school rules and regulations” may provide the basis for a “family with service needs” (FWSN) petition. Section 7 of the Act, effective August 15, 2017, removes that provision from the definition of a FWSN and thus, as of the effective date of the new statute, a student’s truancy, habitual truancy or continuous and overt defiance of school rules and regulations will no longer be grounds for a school official filing a FWSN petition.

As a result, Section 8 of the Act, effective August 15, 2017, amends Conn. Gen. Stat. § 10-198a, governing truancy policies and procedures, to remove the filing of a FWSN petition as an option in response to a student’s truancy. Currently, boards of education are required to maintain policies that provide, among other things, that schools must mail notices to parents/guardians of students in grades kindergarten to eight who fail to report to school if the school has received no indication for the reason for the absence. This mailed notice must warn parents/guardians that two unexcused absences in a month or five unexcused absences in a school year may result in the school filing a FWSN petition. In addition, the current law requires that a school file a FWSN petition if a parent/guardian fails to attend the mandatory meeting when a student is truant or otherwise fails

to cooperate with the school in attempting to solve the student’s truancy problem. Beginning August 15, 2017, filing FWSN petitions for these truancy-related circumstances will no longer be an option. Instead, boards of education must revise their truancy policies and procedures concerning truancy to include, by August 15, 2018, the implementation of a truancy intervention model identified by the Department of Education for any school that has a disproportionately high rate of truancy, as defined by the Commissioner of Education. Section 9 of the Act requires the Department of Education to identify these effective truancy intervention models and provide a list of those models by August 15, 2017.

Section 11 of the Act requires the Departments of Education, Children and Families and Mental Health and Addiction Services and the Court Support Services of the Judicial Department to develop a plan that includes cost options for school-based diversion initiatives to reduce juvenile justice involvement among children with mental health needs. The plan is to be introduced into schools and school districts with high rates of school-based arrests, disproportionate minority contact (i.e., disproportionate number of juvenile members of minority groups making contact with the juvenile justice system) and a high number of juvenile justice referrals, as determined by the Commissioner of Education.

Section 12 of the Act, effective August 15, 2017, makes several important revisions to the law governing student expulsions. First, with the implementation of this Act, the notice required to be provided to students or parents/guardians before any expulsion hearing must be provided at least five business days before the expulsion hearing, absent an emergency. In addition, the notice must include information about the rights of the parent/guardian and student relating to the expulsion proceeding. Specifically, the Act now provides that students

may be represented in expulsion proceedings by an attorney or other advocate. The law, however, does not define the term “other advocate.” Parents/guardians will now also have the right to have an expulsion hearing postponed for up to one week to allow the family time to seek representation. In the case of an emergency, the hearing must be held as soon after the expulsion as possible. The new law provides no guidance regarding how to address a situation where the parent/guardian’s postponement of the expulsion hearing extends beyond the expiration of the student’s out-of-school suspension period. Presumably, school officials will have to show an emergency situation to keep a student out of school more than ten days pending the expulsion hearing. Conn. Gen. Stat. § 10-233a(f) defines “emergency” as “a situation under which the continued presence of the pupil in school poses such a danger to persons or property or such a disruption of the educational process that a hearing may be delayed until a time as soon after the exclusion of such pupil as possible.”

Section 12 of the Act also makes several revisions to the requirements for the provision of an alternative educational opportunity during a student’s period of expulsion. Most significantly, when the law becomes effective, boards of education must offer (1) students under sixteen years old who are expelled, and (2) students between sixteen and eighteen years old who have been expelled for the first time and who comply with conditions set by the board of education, an alternative educational opportunity that is equivalent to “alternative education” as defined by Conn. Gen. Stat. § 10-74j with an “individualized learning plan.” Under existing law, alternative education is governed by Conn. Gen. Stat. § 10-74j, which provides that general alternative education must conform to guidelines from the State Board of Education (that have yet to be released) and must also be provided in accordance with Conn. Gen. Stat. §§ 10-15 and

10-16. These statutes require at least 180 days of actual school sessions per school year and 900 hours of actual school work for full-day kindergarten and grades one through twelve (and 450 hours of actual school work for half-day kindergarten). The provision of alternative educational opportunities that meet the 180-day/900-hour requirement will be a major change for most, if not all, public schools in Connecticut. The law does not remove the option of offering adult education programs as the alternative educational opportunity for students seventeen years or older. The new law fails to define the term “individualized learning plan.”

Section 12 of the Act also deletes the current provision of the expulsion statute that provides that boards of education are not required to provide an alternative educational opportunity to students between the ages of sixteen and eighteen years old who are expelled for conduct that endangers persons based on (1) possession of a firearm or deadly weapon, dangerous instrument or martial arts weapon on school property or at a school-sponsored activity, or (2) offering for sale or distribution on school property or at a school-sponsored activity a controlled substance whose manufacture, distribution, sale, prescription, dispensing, transporting or possessing with the intent to sell or dispense, offering, or administration is subject to criminal penalties. Accordingly, boards of education will no longer be required to include in their expulsion notices a statement that an alternative educational opportunity is not required for students expelled for such conduct. As a result, boards of education must offer an alternative educational opportunity to students between the ages of sixteen and eighteen expelled for such conduct provided it is the student’s first expulsion.

Section 12 further provides that boards of education must also report to police when a student is expelled

for possession of a dangerous instrument or martial arts weapon in addition to the current requirements for such reporting in circumstances of a student's expulsion for the possession of a firearm or deadly weapon. Finally, the law currently provides that a student who committed an expellable offense and returns to a school district after having been detained in a juvenile detention center, Connecticut Juvenile Training School or other residential placement, and who has not been expelled by the school district, must be permitted to return to school in the district and may not be expelled for additional time. Section 12 now extends this provision to include a student's return to school after participating in a diversionary program.

Section 14 of Public Act 16-147 requires the Departments of Education, Children and Families and Correction and the Judicial Department to collaborate to develop and submit a plan, by August 15, 2017, to the Juvenile Justice Policy and Oversight Committee to address the individualized educational needs and deficiencies of children in the justice system and those reentering the community from juvenile justice and correctional facilities. The plan is to be implemented by August 15, 2018, provided such implementation is within available resources. This implementation plan must include, among other things:

- Increased collaboration, monitoring and accountability between state agencies and boards of education to improve educational service delivery and outcomes for children in the juvenile justice system and those transitioning out from juvenile justice and correctional facilities, including the prompt sharing of educational records;
- Provisions for allowing such children and their parents/guardians to have input into education

plans developed by the state and boards of education for such children;

- The establishment of transition teams to reintegrate children exiting residential facilities by assisting in reconnection with educational and alternative education services provided by the board of education for the community to which the child reenters and coordinating the identification and adequate provision of any special education needs of the child;
- The designation of a reentry liaison for each board of education for children returning to the district to expedite the enrollment in the school district, who will provide that any such child receives appropriate academic credit for work performed while in the juvenile justice system; and
- The costs for implementing an array of academic and vocational transitional supports that are supported by research that include, but are not limited to, tutors, educational surrogates, coaches and advocates.

It is unclear from the legislation who or which agency will determine whether the implementation of such a plan will be "within available resources."

Public Act 16-147 can be viewed at <https://www.cga.ct.gov/2016/ACT/pa/2016PA-00147-R00HB-05642-PA.htm>.

## High School Graduation Requirements

Section 310 of May 2016 Special Session Public Act 16-4 provides that any town that received a school building project grant during the past twenty-five years may delay the graduation course credit requirements set forth in subsection (c) of Conn. Gen.



Stat. § 10-221a that were to have become effective commencing with the graduating class of 2021 until the school year beginning July 1, 2018. The new law applies only to subsection (c) of Conn. Gen. Stat. § 10-221a. As a result, the existing provision requiring boards of education to provide adequate student support and remedial services for students beginning in seventh grade commencing with the graduating class of 2021 remains unchanged.

May 2016 Special Session Public Act 16-4 can be viewed at <https://www.cga.ct.gov/2016/ACT/pa/2016PA-00004-R00SB-00503SS1-PA.htm>.

### Pilot Program for Minority Students in High School to Pursue a College Degree in Education

Special Act 16-10 establishes an educator pathways pilot program for minority students in grades eleven and twelve to take college courses in the field of education at participating state universities. The partnerships for this pilot program include the New Haven Board and West Haven Boards of Education and Southern Connecticut State University; the New Britain Board of Education and Central Connecticut State University; the Windham Board of Education and Eastern Connecticut State University; and the Danbury Board of Education and Western Connecticut State University. The partnering districts and universities must enter into an agreement by June 30, 2017, and the program will enroll minority students in grades eleven and twelve in the 2017-2018 and 2018-2019 school years.

Special Act 16-10 can be viewed at <https://www.cga.ct.gov/2016/ACT/sa/2016SA-00010-R00HB-05470-SA.htm>.

### Cancer Awareness Instruction

Section 3 of Public Act 16-188, effective July 1, 2016, adds to the health and safety component of the required program of study mandated by Conn. Gen. Stat. § 10-16b(a) instruction in cancer awareness, including, but not limited to, age and developmentally appropriate instruction in performing self-examinations for the purposes of screening for breast cancer and testicular cancer.

Public Act 16-188 can be viewed at <https://www.cga.ct.gov/2016/ACT/pa/2016PA-00188-R00SB-00179-PA.htm>.

## STATUTORY CHANGES AFFECTING SCHOOL DISTRICT OPERATION:

### Background and Employment Checks for School Employees

Public Act 16-67 includes new clarifications and requirements regarding background checks for new employees. Section 1 of the Act, effective July 1, 2016, amends Conn. Gen. Stat. § 10-221d to clarify that the criminal history and DCF registry background check requirements and the requirement that applicants disclose previous criminal convictions and any pending charges apply to governing councils of state and local charter schools and interdistrict magnet school operators, as well as local and regional boards of education. The Act also provides that regional educational service centers (RESA) that provide fingerprinting services for boards of education, charter school governing councils and interdistrict magnet school operators may provide the results of the criminal background checks to those entities as well as contractors if an employee of an applicant contractor is required to submit to

such record checks. In addition, the Act clarifies that a RESC may not charge a fee to such entities that exceeds any fees the RESC charges applicants for positions with the RESC. Section 1 of the Act also repeals a provision of Conn. Gen. Stat. 10-221d, which provided that that statute's requirements did not apply to persons who were required to submit to criminal history checks for a public passenger endorsement to operate a student transportation vehicle and a provision that granted boards of education discretion about whether to apply Section 10-221d's background check requirements to employees as teachers in adult education programs who are not required to hold teaching certifications.

Section 2 of the Act, effective July 1, 2016, replaces the current provisions of Conn. Gen. Stat. § 10-222c, which merely required a board of education to make a documented, good faith effort to contact previous employers of applicants to obtain information and recommendations before hiring that person, with entirely new employment check procedures. The new requirements apply to any applicant for a position, including for positions that are contracted, if the applicant would have direct student contact. Boards of education, charter school governing councils and interdistrict magnet operators may not offer employment for such positions until those entities comply with several new procedures.

As of July 1, 2016, each applicant must provide:

- the name and contact information of each current and former employer of the applicant that was a board of education, charter school governing council, interdistrict magnet school operator or other employment that involved contact with children;
- written authorization that:
  - o consents to the disclosure of certain required information from previous employers;
  - o consents to the disclosure of information from the State Department of Education regarding the applicant's eligibility for a position requiring a certificate, authorization or permit; information about the Department's knowledge about findings of substantiation against the applicant for child abuse, neglect or sexual misconduct; and information received by the Department that the applicant has been convicted of a crime or has pending criminal charges;
  - o releases those employers and the Department of Education from liability based on the disclosure of such information;
- a written statement regarding whether the applicant has:
  - o been the subject of an abuse, neglect or sexual assault investigation by a former employer, state agency or municipal police department, unless the investigation concluded that all allegations were unsubstantiated;
  - o ever been disciplined, asked to resign, resigned or otherwise separated from employment while an allegation of abuse, neglect or sexual misconduct was pending or under investigation, because an allegation of abuse, neglect or sexual misconduct was substantiated, or because the applicant was convicted of abuse, neglect or sexual misconduct;
  - o has ever had a professional or occupational license or certificate suspended or revoked,

or has ever surrendered such a license or certificate, while an allegation of abuse, neglect or sexual misconduct was pending or under investigation because an allegation of abuse, neglect or sexual misconduct was substantiated, or because the applicant was convicted of abuse, neglect or sexual misconduct.

Applicants who knowingly provide false information or knowingly fail to disclose the information above shall be subject to discipline that may include denial of employment or termination of the contract of a certified employee under Conn. Gen. Stat. § 10-151.

Boards of education, charter school governing councils and interdistrict magnet school operators, using a form developed by the State Department of Education by June 30, 2016, must request the information above from an applicant's current or former employers, and such employers must respond with such information within five business days of that request. In addition, those entities conducting the employment check may request additional information from the applicant's current or former employers, and those employers must also respond to that follow-up request within five business days. The review of that information may be conducted by telephone or through written communication. Boards of education, charter school governing councils and interdistrict magnet school operators must also request and review the information from the State Department of Education referenced above. Moreover, such entities must now notify the State Department of Education upon receiving information that an applicant or current employee has been disciplined for a finding of abuse, neglect or sexual misconduct.

Boards of education, charter school governing councils and interdistrict magnet school operators

may not employ an applicant who does not provide such information and authorization as set forth above. Such entities, may, however, temporarily employ or contract with an applicant for up to ninety days, pending review of the required information, as long as the applicant provides such information and authorization, the entities have no knowledge of information about the applicant that would disqualify him or her from employment and the applicant affirms that he or she is not disqualified from such employment.

The new law also prohibits boards of education, charter school governing councils and interdistrict magnet school operators from entering into any collective bargaining agreement, employment contract, agreement for resignation or termination, severance agreement or any other contract or agreement or from taking action that (1) has the effect of suppressing information relating to an investigation into a report of suspected abuse, neglect or sexual misconduct by a current or former employee; (2) affects the ability of the board, council or operator to report suspected abuse, neglect of sexual misconduct to appropriate authorities or (3) requires the board, council or operator to expunge information about an allegation of finding or suspected abuse, neglect or sexual misconduct from any documents unless the allegations are dismissed or found to be false after an investigation.

The Act further provides that boards of education, charter school governing councils and interdistrict magnet school operators may not employ any person as a substitute teacher unless that person and the board, council and operator comply with the employment check provisions above. Boards, councils and operators must maintain a list of persons who are employable as substitute teachers and such entities may not hire any person as a substitute teacher who is not on that list. Persons may remain



on that substitute teacher list as long as the person is continuously employed as a substitute teacher, provided the board, council or operator does not have any knowledge of a reason that such person should be removed from the list.

Section 2 of Public Act 16-67 also applies many of these requirements to applicants who are contractors. Contractors must require any employee with the contractor who would be in a position involving direct student contact to submit the information and authorizations described above, and the contractor must follow similar procedures in reviewing such information. Contractors must provide boards of education, charter school governing councils and interdistrict magnet school operators with whom the contractor has contracted with information about any finding regarding abuse, neglect or sexual misconduct and the board, council or operator will determine whether that employee may work in a position involving direct student contact. Any determination by a board that such an employee may not work under any such contract shall not constitute a breach of contract.

Section 2 of the Act further provides that any employer and the Department of Education shall be immune from criminal and civil liability for providing information required by the Act, as long as the employer and Department did not knowingly provide false information.

Section 2 also revises the existing language of Conn. Gen. Stat. § 10-222c and provides that, as a general requirement, prior to offering an applicant employment, boards of education, charter school governing councils and interdistrict magnet school operators must make a documented, good faith effort to contact each current and former public school employer or other employer that caused the applicant to have contact with children to obtain information

and recommendations related to the applicant's fitness for employment. The new language establishes that such good faith effort will not be construed to require more than three telephonic requests made on three separate days.

Finally, Section 2 provides that boards of education may not hire any applicant who has been terminated or has resigned from employment if the person has been convicted of violating the law requiring mandatory reporting of abuse, neglect and sexual assault of a student by a school employee, when the allegation of abuse, neglect or sexual assault has been substantiated. This new provision replaces the current law which prohibits such employment regardless of whether the underlying allegation of abuse, neglect or sexual assault was unsubstantiated.

Public Act 16-67 can be viewed at <https://www.cga.ct.gov/2016/ACT/pa/2016PA-00067-R00HB-05400-PA.htm>.

## Teachers' Retirement System Changes

Public Act 16-91, effective July 1, 2016, provides several changes to the Teachers' Retirement System procedures. Section 1 of the Act allows a member of the Teachers' Retirement System to retain the co-participant retirement plan option after the divorce of the member and the designated co-participant subsequent to the member's retirement by filing a qualified domestic relations order with the Teachers' Retirement Board (TRB).

Section 2 of the Act reduces from twenty-five to ten years the period of time for which the TRB credits interest to the contributions of a nonvested member who has ceased teaching.

Section 3 of the Act also amends Conn. Gen. Stat.

§ 10-183v, which governs the reemployment of retired teachers. Section 3 provides two exceptions to the current general rule that a teacher receiving retirement benefits may receive no more than 45% of the maximum salary level for the assigned position. The first exception, beginning July 1, 2016 and continuing through June 30, 2018, provides that the 45% limitation shall not apply to a teacher who (1) is receiving retirement benefits on thirty-four or more years of credited service; (2) is reemployed in an alliance district and (3) was serving as a teacher in that district on July 1, 2015. The second exception, beginning July 1, 2016, provides that a teacher receiving retirement benefits may be reemployed in a teaching position and receive compensation, health insurance and benefits and other employment benefits provided to active teachers of the school district if the teacher does not receive a retirement income during the reemployment. In such cases, payment of the teacher's retirement income will resume on the first day of the month following the termination of such reemployment.

Section 3 also specifies that notice of reemployment under the current 45% limitation provision or these two new provisions need only be provided to the TRB by employing boards of education (rather than also by the teacher), and such notice must be provided at the beginning and end of school year or assignment, if the assignment is less than a school year.

Finally, Section 3 of the Act provides that teachers who are reemployed shall be eligible for the same health insurance benefits provided to active teachers, although provision of such benefits must be approved by the TRB for teachers reemployed under the current provision permitting reemployment in subject shortage areas or in priority school districts.

Public Act 16-91 can be viewed at <https://www.cga.ct.gov/2016/ACT/pa/2016PA-00091-R00SB-00267-PA.htm>.

## Minimum Budget Requirement

Acknowledging that the budget adjustments will result in some towns receiving a reduction in state aid, Section 125 of May 2016 Special Session Public Act 16-3, effective July 1, 2016, provides that a town may reduce its budgeted appropriation for education in an amount equal to its aid reduction. The Act leaves the existing exceptions to the minimum budget requirement unchanged.

May 2016 Special Session Public Act 16-3 can be viewed at <https://www.cga.ct.gov/2016/ACT/pa/2016PA-00003-R00SB-00502SS1-PA.htm>.

## Magnet School Tuition

Public Act 16-139 provides that, for the 2015-2016 school year, and each subsequent school year, boards of education that operate interdistrict magnet schools that did not charge magnet school tuition to other boards of education for the 2014-2015 school year may not charge tuition to other boards of education unless the operator receives authorization from the Commissioner of Education and, if authorization is granted, the operator provides written notice to the sending boards of education by September first of the year before the tuition will be charged regarding the tuition to be charged for each student. In considering requests for authorization to charge magnet school tuition, the Commissioner will consider the average per pupil expenditure of the board of education magnet school operator, the amount of any per pupil subsidy and any revenue from other sources received by the board of education magnet school operator. This Act does not apply to regional educational service center magnet school operators or magnet school operators in the Sheff region.

Public Act 16-139 can be viewed at <https://www.cga.ct.gov/2016/ACT/pa/2016PA-00139-R00HB-05553-PA.htm>.

## Farm to School Program

In furtherance of the state's farm to school program set forth in Conn. Gen. Stat. § 22-38d, Public Act 16-37 requires the state to amend its regulations concerning nutrition standards for school breakfasts and lunches provided by boards of education to facilitate purchases from local farmers. The state must amend these regulations by October 1, 2017. In addition, effective October 1, 2016, any bid submitted by a food service management company in response to a request for proposals or bid solicitation by boards of education posted to the State Contracting Portal, and regarding the board's school nutrition program, must include information detailing the consistency of the bid with the state's farm to school program and how the bid facilitates the purchase of products from local farmers by the board of education. Furthermore, in awarding such a contract, in accordance with other laws and rules governing awards of contracts, all other factors being equal, boards of education must give preference to the proposal or bid that facilitates the purchase of products from local farmers by the board.

Public Act 16-37 can be viewed at <https://www.cga.ct.gov/2016/ACT/pa/2016PA-00037-R00SB-00076-PA.htm>.

## Extension of the School Security Grant Program

Public Act 16-171 extends the existing school security infrastructure competitive grant program an additional year, until fiscal year ending June 30, 2017. The grant program reimburses towns, regional educational service centers, the governing

authority for a state charter school, the Department of Education on behalf of technical high schools, incorporated or endowed high schools or academies and the supervisory agents for nonpublic schools for certain expenses related to school security incurred on or after January 1, 2013.

Public Act 16-171 can be viewed at <https://www.cga.ct.gov/2016/ACT/pa/2016PA-00171-R00SB-00236-PA.htm>.

## Posting of Careline Information

Section 2 of Public Act 16-188, effective July 1, 2016, requires boards of education to post in a conspicuous location frequented by students in each school the telephone number for the Department of Children and Families Careline and the website address that provides information about the Careline. The posting must be in various languages that are the most appropriate for the students enrolled in that school.

Public Act 16-188 can be viewed at <https://www.cga.ct.gov/2016/ACT/pa/2016PA-00188-R00SB-00179-PA.htm>.

## MISCELLANEOUS STATUTORY CHANGES AFFECTING SCHOOLS:

### Criminal Statutes Regarding School Threats

Sections 6 and 7 of Public Act 16-67, effective October 1, 2016, increase the criminal penalties for making school threats. The penalty for threatening in the first degree with the intent to cause evacuation of a building on the grounds of a public or nonpublic preschool, school or institution of higher education during school hours or when the building is being

used for school activities has been increased from a class D felony to a class C felony. The penalty for threatening in the second degree when the person threatened is in a building on the grounds of a public or nonpublic preschool, school or institution of higher education during school hours or when the building is being used for school activities has been increased from a class A misdemeanor to a class D felony. Recognizing that such threats may be made by students, Section 8 of the Act, effective October 1, 2016, requires the state's Board of Pardons and Paroles to grant an absolute pardon to any person convicted of these school-based threats if (1) the person committed the offense before he or she was eighteen years old, (2) at least three years have elapsed from the date of such conviction, or discharge from supervision of the court or from commitment to an institution or agency; (3) the person has no subsequent juvenile or criminal proceeding that is pending; (4) the person has reached age eighteen; and (5) the person has not been convicted as an adult of a felony or misdemeanor during the subsequent three-year period. Finally, Section 9 of the Act, effective October 1, 2016, provides that any individual who reports an act of school-based threatening in the first degree shall have an absolute defense to any civil action brought as a result of making the report, provided the reporting individual exercised due care and acted in good faith.

Public Act 16-67 can be viewed at <https://www.cga.ct.gov/2016/ACT/pa/2016PA-00067-R00HB-05400-PA.htm>.

## Red Ribbon PASS Program

Public Act 16-132 requires the Department of Education to create a Red Ribbon PASS Program and to establish standards to recognize boards of education that qualify as a highly performing, physically active school system, or as an improving

physically active school system. Boards of education may submit requests for such recognition by providing the district's results on the Connecticut physical fitness assessment and a demonstration of how the district met the Department of Education's standards.

Public Act 16-132 can be viewed at <https://www.cga.ct.gov/2016/ACT/pa/2016PA-00132-R00HB-05467-PA.htm>.

## Recommendations of the Minority Teacher Recruitment Task Force

Section 1 of Public Act 16-41 extends the report deadline for the Minority Teacher Recruitment Task Force established last year to June 30, 2017, expands the scope of the task force to review an analysis of the causes of minority teacher shortages in Connecticut, modifies the membership of the task force and extends the duration of the task force until January 1, 2026.

Section 2 of the Act, effective July 1, 2016, establishes a Minority Recruitment Policy Oversight Council within the Department of Education. The Council will advise the Commissioner of Education on ways to (1) encourage minority middle and secondary school students to attend higher education institutes and enter teacher preparation programs; (2) recruit minority higher education students to enroll in teacher preparation programs and pursue teaching careers; (3) recruit and retain minority teachers in Connecticut schools; (4) recruit minority teachers from other states to teach in Connecticut schools; and (5) recruit minority professionals in other fields to enter teaching.

Section 3 of the Act requires that not later than January 1, 2017, and annually thereafter, the Department of Education must conduct a survey of

students participating in minority teacher recruitment programs offered by regional educational resource centers or at public institutions of higher education in Connecticut.

Section 4 of the Act, effective July 1, 2016, revises teacher preparation program requirements so that a satisfactory score on the state reading, writing and mathematics competency examination will no longer be a requirement for admission to such a program. Instead the scores will be used as a diagnostic tool to provide remedial instruction to such persons in accordance with forthcoming guidelines that will be adopted by the State Board of Education. Under Section 5 of the Act, the State Board of Education must adopt these guidelines by January 1, 2017.

Section 6 of the Act requires the Department of Education to submit a report on the effectiveness of minority teacher recruitment programs by July 1, 2017, and then annually thereafter.

Under Section 7 of the Act, effective July 1, 2016, the Department of Education must review and approve proposals for alternate route to certification programs for persons employed as school support staff (board certified behavior analyst, board certified assistant behavior analyst, athletic coach or school paraprofessional) to be run by institutions of higher education, boards of education, regional educational resource centers or approved private, nonprofit teacher or administrator training organizations. The Act also sets forth other criteria that proposals must include.

Sections 8 and 9 of the Act, effective July 1, 2016, revise the criteria for the state awarding an educator certificate to out-of-state teachers and for the state entering into interstate agreements with other states to award educator certificates to qualifying applicants.

Public Act 16-41 can be viewed at <https://www.cga.ct.gov/2016/ACT/pa/2016PA-00041-R00SB-00379-PA.htm>.

## Other Task Forces and Committees

The General Assembly enacted several pieces of legislation establishing various task forces and committees:

Section 5 of Public Act 16-188 creates a task force to review, streamline and align state policies relating to school climate, bullying, school safety and social-emotional learning. The task force will examine how boards of education are implementing safe school climate plans and will make recommendations regarding school climate standards for boards of education to use to develop and implement safe school climate plans and an accountability methodology that uses the results from student surveys to assess the effectiveness of safe school climate plans. The task force must submit its report by January 1, 2017.

Public Act 16-188 can be viewed at <https://www.cga.ct.gov/2016/ACT/pa/2016PA-00188-R00SB-00179-PA.htm>.

Public Act 16-114 requires the Commissioner of Education and the Board of Regents for Higher Education to establish a committee to coordinate the education of middle and high school students about careers in manufacturing. By January 1, 2017, and on or before August first each year thereafter, the committee will compile a catalog of manufacturing programs at colleges and universities in the state. The Commissioner of Education and the committee will also develop and administer a program to introduce middle and high school students and their parents/guardians and school counselors to careers in manufacturing. The Department of Education



will also develop a best practices guide to assist boards of education to incorporate relationships with manufacturing in middle and high school curricula.

Public Act 16-114 can be viewed at <https://www.cga.ct.gov/2016/ACT/pa/2016PA-00114-R00HB-05423-PA.htm>.

Section 1 of Special Act 16-9 creates a task force to study issues relating to the recruitment of manufacturing teachers to examine the need for such teachers at various grade levels; the interest among persons employed in manufacturing in teaching a manufacturing course in schools; obstacles and constraints that exist in the law and collective bargaining agreements or at the technical high schools, Board of Regents for Higher Education and private educational institutions that inhibit the recruitment of persons to teach manufacturing in schools; and potential state actions to improve and increase such recruitment. The task force must submit its report by January 1, 2017.

Section 2 of Special Act 16-9 creates a task force to study issues relating to professional development requirements set forth in Conn. Gen. Stat. §§ 10-148a and 10-148b, and the in-service training requirements set forth in Conn. Gen. Stat. § 10-220a for educators. The task force will study how boards of education are implementing the professional development and in-service training requirements; the content prescribed by such requirements, including any duplicative requirements and the frequency of such training; the time required to complete such training each year; the costs of such requirements; and the effect such requirements have on the provision of instruction. The task force will make recommendations for streamlining the professional development and in-service training requirements. The task force must submit its report by January 1, 2017.

Special Act 16-9 can be viewed at <https://www.cga.ct.gov/2016/ACT/sa/2016SA-00009-R00HB-05468-SA.htm>.

## Dyslexia Training for Remedial Reading, Remedial Language and Reading Consultant Endorsements

Public Act 16-92 provides that on or after July 1, 2017, any person seeking a remedial reading, remedial language arts or reading consultant endorsement must, in addition to current requirements, have completed a program of study in the diagnosis and remediation of reading and language arts that includes supervised practicum hours and instruction in the detection and recognition of, and evidence-based structured literacy interventions for, students with dyslexia.

Public Act 16-92 can be viewed at <https://www.cga.ct.gov/2016/ACT/pa/2016PA-00092-R00SB-00317-PA.htm>.

## Distinctions for Exemplary Veteran Education Programs

Section 1 of Public Act 16-188, effective July 1, 2016, provides that the State Board of Education, in consultation with the Department of Veterans' Affairs, shall award an exemplary veterans education program distinction to boards of education that provide students with opportunities to learn about the contributions of veterans or collaborate with veterans organizations.

Public Act 16-188 can be viewed at <https://www.cga.ct.gov/2016/ACT/pa/2016PA-00188-R00SB-00179-PA.htm>.

## School Readiness Council Membership

Section 6 of Public Act 16-100 amends the required membership of school readiness councils to include the local homeless education liaison designated by the local or regional board of education pursuant to the McKinney-Vento Homeless Assistance Act.

Public Act 16-100 can be viewed at <https://www.cga.ct.gov/2016/ACT/pa/2016PA-00100-R00HB-05306-PA.htm>.

## Innovation Waivers

Section 21 of Public Act 16-163 removes Conn. Gen. Stat. § 10-281 (relating to the provision of transportation for students to nonprofit nonpublic schools located within the school district) from the list of statutes for which boards of education may not be granted innovation waivers from the Commissioner of Education.

Public Act 16-163 can be viewed at <https://www.cga.ct.gov/2016/ACT/pa/2016PA-00163-R00SB-00178-PA.htm>.

## Interdistrict Magnet School Grants

Section 66 of May 2016 Special Session Public Act 16-3, effective July 1, 2016, makes several adjustments to how the Department of Education limits per pupil grants based on enrollment levels and other criteria. Section 66 also provides that these magnet school grants may be paid to interdistrict magnet school operators as an aggregate total, and each operator may distribute the aggregate grant among the magnet schools it operates pursuant to a distribution plan approved by the Commissioner of Education. Section 87 of the Act extends the Commissioner of Education's authority to provide

supplemental magnet school transportation grants through fiscal year 2016.

May 2016 Special Session Public Act 16-3 can be viewed at <https://www.cga.ct.gov/2016/ACT/pa/2016PA-00003-R00SB-00502SS1-PA.htm>.

## Municipal Revenue Sharing Grants and Regional Services Grant for Merging of Certain RESC Services With Municipalities' Services

Section 189 of May 2016 Special Session Public Act 16-3, effective July 1, 2016, provides that for the fiscal year ending June 30, 2018, and each fiscal year thereafter, 35% of the regional services grants, established in last year's legislation, will be awarded to regional councils of government for the purpose of assisting regional education service centers in merging their human resource, finance or technology services with the services provided by municipalities within the region.

Section 189 also provides that the reduction in municipal revenue sharing grants for a municipality in response to its budget expenditures exceeding a 2.5% increase over the previous year (or the rate of inflation) applies to a municipality's adopted budget expenditures, which is defined to include expenditures from the municipality's general fund and from any non-budgeted funds. The Act amends the law, however, so that this reduction in grants does not apply when the adopted budget expenditures exceed the cap by an amount proportionate to an increase in population as determined by the Secretary of the Office of Policy and Management. In addition, Section 189 also added budgeting for an audited deficit, nonrecurring grants, capital expenditures and payments on unfunded pension liabilities to the list of expenditures that are excluded from the calculation of municipal spending for this grant system.

May 2016 Special Session Public Act 16-3 can be viewed at <https://www.cga.ct.gov/2016/ACT/pa/2016PA-00003-R00SB-00502SS1-PA.htm>.

## Regional Efficiencies

Section 2 of Public Act 16-144, effective from passage, provides that any local or regional board of education or regional educational service center serving a population of greater than one hundred thousand may submit a proposal under the regional performance incentive program operated by the Office of Policy and Management for a regional special education initiative.

Section 4 of the Act requires the Department of Education to conduct a study of ways local school districts may reduce costs and increase efficiencies in the provision of student transportation. The Department must submit its report of the results of its study and its recommendations by June 30, 2017.

Public Act 16-144 can be viewed at <https://www.cga.ct.gov/2016/ACT/pa/2016PA-00144-R00HB-05601-PA.htm>.

## Motor Vehicle Statute Changes Affecting Schools

Section 8 of Public Act 16-55, effective July 1, 2016, amends the current law that permits a person who is age seventy or older to hold a license endorsement for transporting students requiring special education so that the driver's required physical examination must be conducted annually by a medical examiner (rather than the current requirement of twice per year). The law provides that such driver must agree to submit to a physical examination more frequently if directed to do so by the medical examiner or the superintendent.

Section 10 of Public Act 16-55, effective October 1, 2016, adds a properly designated and certified motor vehicle inspector to the limited list of individuals excluded from the state criminal statute prohibiting the possession of a weapon on school grounds.

Public Act 16-55 can be viewed at <https://www.cga.ct.gov/2016/ACT/pa/2016PA-00055-R00HB-05412-PA.htm>.

