



In its 2021 regular and special sessions, the General Assembly made a number of changes in the statutes that affect independent schools in Connecticut. This summary provides a brief overview of some of the more significant changes. Links to the new legislation are provided in the electronic version of this publication.

Immunizations and Religious Exemptions

Public Act No. 21-6, *An Act Concerning Immunizations*, became effective on April 28, 2021. The Act modifies, in multiple ways, Conn. Gen. Stat. § 10-204a, which previously permitted exemptions based on religious beliefs for students enrolled in grades kindergarten through twelve.

The Act will gradually phase out of the religious exemption to vaccines in Connecticut as certain students will no longer be able to claim exemption from state-mandated vaccines due to a sincerely held religious belief. However, under the Act's legacy provision, any child who was enrolled in kindergarten through twelfth grade **on or before** April 28, 2021 **and** whose parents or guardian had obtained and presented a religious exemption to the applicable school **before** April 28, 2021 may continue to rely on that exemption. This includes students who transfer from a public or non-public school in Connecticut with an exemption already in place.

Students enrolled in preschool or pre-k who had presented a religious exemption before April 28, 2021 will have until September 1, 2022 (or within 14 days after transfer into the school, whichever is latest) to comply with Connecticut's immunization requirements. Alternative vaccine schedules are also available to these preschool or pre-k students with existing religious exemptions provided they present a declaration from a physician, a physician assistant, advanced practice registered nurse, or local health agency stating that initial immunizations have been given to the child and additional immunizations are in process according to an alternative vaccination schedule, in a form prescribed by the Commissioner of Public Health.

In addition, the Act still continues to allow for medical exemptions for any child who presents a certificate from a physician, physician assistant, or advanced practice registered nurse stating that, in the opinion of such professional, such immunization is medically contraindicated because of the child's physical condition. However, when it becomes available, which is supposed to be on or before October 1, 2021, such certificate must comply with the requirements of a form prescribed by the Commissioner of Public Health. This form is to be made available on the Department of Public Health website.

Finally, the Act maintains the requirement that schools collect and report immunization data to DPH, and it now also requires DPH to release annual immunization rates for each public and nonpublic school in the state, although the data may not contain information that identifies specific individuals.

On May 25, 2021, the SDE issued [Guidance Regarding Public Act 21-6, “An Act Concerning Immunizations.”](#) Although this guidance does not have the force of law, it does provide helpful information on many aspects of the Act.

Education and Training in Exertional Heat Illness

Beginning with the 2022-2023 school year, [Public Act No. 21-87](#) requires any person who holds a coaching permit issued by the State Board and who coaches intramural or interscholastic athletics to (1) complete an exertional heat illness awareness education program before beginning coaching for the season, and (2) review such program annually before the start of each coaching season. The Act also authorizes the State Board to revoke coaching permits of individuals who fail to comply with these requirements.

By January 1, 2022, the Connecticut Interscholastic Athletic Conference (“CIAC”) must consult with organizations representing athletic trainers, sports medical doctors, and others to develop or approve an exertional heat illness awareness education program. The program must be published on the State Board’s website and include: recognizing signs and symptoms of exertional heat illness; how to obtain proper medical treatment for a person suspected of having an exertional heat illness; the nature and risk of exertional heat illness, including the danger of continuing in athletic activity after experiencing exertional heat illness; and the proper method for allowing a student who sustained such illness to return to athletic activity.

Schools outside of the CIAC, or that employ coaches that are not required to hold a coaching permit will still want to take note of this new legislation as it will undoubtedly influence evolving expectations for staff training and standards of care for student-athletes.

Emergency Action Plans for Interscholastic and Intramural Athletic Events

[Public Act No. 21-92](#) requires, for the school year beginning July 1, 2022 and every school year thereafter, each supervisory agent of a nonpublic school, in consultation with local emergency medical services providers and allied health professionals, to develop and implement an emergency action plan to respond to serious and life-threatening sports-related injuries that occur during interscholastic and intramural athletic events.

Such plan must contain procedures to follow if a student sustains a serious injury or illness while participating in an interscholastic or intramural athletic event. The plan must contain various components, including:

1. the employees, coaches or licensed athletic trainers in each school who will be responsible for implementing the plan and a description of their responsibilities;
2. the location or venue where the athletic events occur;
3. a description, including the location, of the equipment and supplies available at the site to assist in responding to an emergency;
4. the procedures to follow when a student sustains a serious sports-related injury, including responding to the injured student, summoning emergency medical care, assisting local first responders in getting to the injured student, and documenting the actions taken;
5. the protocols to follow during cardiac or respiratory emergencies, including the operation of an automatic external defibrillator, use of cardiopulmonary resuscitation or the administration of medication, in accordance with Conn. Gen. Stat. § 10-212a;
6. the protocols to follow when a student is observed to exhibit signs, symptoms or behaviors consistent with a concussion or is diagnosed with a concussion, in accordance with Conn. Gen. Stat. § 10-149c;
7. the protocols to follow when a student suffers from a traumatic brain injury or spinal cord injury, which must

include instructions that are based on the level of training of the person implementing the emergency action plan and be in compliance with best practices and state law; and

8. the protocols to follow in the event of heat and cold-related emergencies, provided such protocols meet current professional standards.

The Act further requires supervisory agents of nonpublic schools to annually review, and update as necessary, the emergency action plan. In addition, the employees, coaches and licensed athletic trainers identified in the plan must be certified in cardiopulmonary resuscitation, have completed a first aid course, and rehearse the plan annually.

Finally, the Act requires schools to distribute the plan to all school employees, coaches, and licensed athletic trainers identified in the plan; post it in all athletic facilities and sites where interscholastic and intramural athletic events take place; and make it available on the school's website.

Youth Coaches and Information Concerning Sexual Assault

[Public Act No. 21-64](#) requires the Governor's Task Force on Justice for Abused Children to develop and post guidelines on their website by December 1, 2021 to instruct youth coaches about ways to appropriately interact with youth athletes. For purposes of this new law, youth coaches are defined to be "any person who (A) holds or is issued a coaching permit by the State Board of Education, or (B) volunteers or is paid to act as a head coach, manager or instructor or an assistant coach, assistant manager or assistant instructor of a youth athletic activity." A "youth athletic activity" is defined as "an organized athletic activity involving participants of not less than seven years of age and not more than nineteen years of age, who (A) (i) engage in an organized athletic game or competition against another team, club or entity or in practice or preparation for an organized game or competition against another team, club or entity, or (ii) attend an organized athletic camp or clinic the purpose of which is to train, instruct or prepare such participants to engage in an organized athletic game or competition, and (B) (i) pay a fee to participate in such organized athletic game or competition or attend such camp or clinic, or (ii) whose cost to participate in such athletic game or competition or attend such camp or clinic is sponsored by a municipality, business or nonprofit organization." Not later than January 1, 2022, and annually thereafter, each operator of a youth athletic activity must distribute a copy of the guidelines to each youth coach. The Task Force must also develop and post guidelines on their website by December 1, 2021 that describe, among other things, the stages of grooming typically employed by those who engage in child sexual abuse and make these guidelines available on the Task Force's website. On or after January 1, 2022, upon the enrollment or registration of any participant in a youth athletic activity, each operator of a youth athletic activity must distribute a copy of these guidelines to the parent or guardian of the participant.

Age-Related Information on Employment Applications

Effective October 1, 2021, [Public Act No. 21-69](#) makes it a discriminatory employment practice for employers, including independent schools, to request or require a prospective employee's age, date of birth, dates of attendance at or date of graduation from an educational institution on an initial employment application, unless the employer requests or requires such information based on a bona fide occupational qualification or need or in order to comply with state or federal law.

Disclosure of Salary Range for a Vacant Position

Effective October 1, 2021, [Public Act No. 21-30](#) amends Conn. Gen. Stat. § 21-40z to prohibit employers, including independent schools, from failing or refusing to provide a job applicant with the "wage range" of the position for which the applicant is applying. Under this law, "wage range" is defined as "the range of wages an employer anticipates

relying on when setting wages for a position, and may include reference to any applicable pay scale, previously determined range of wages for the position, actual range of wages for those employees currently holding comparable positions or the employer's budgeted amount for the position."

Accordingly, employers must provide the wage range before or when offering the applicant the job, or when the applicant requests it during the application process—whichever is earlier. Notably, this law does not only apply to applicants. Rather, the Act also prohibits employers from failing or refusing to provide their employees with their position's wage range when hired, when their position changes, or upon employee request.

Equal Pay for Comparable Work

Section 2 of [Public Act No. 21-30](#) amends Conn. Gen. Stat. § 31-75 (the State's equal pay law). Currently, the law provides that an employee alleging pay discrimination must prove that the employer pays employees of one sex a lower wage than employees of the opposite sex for equal work that requires equal skill, effort and responsibility under similar working conditions. Beginning October 1, 2021, employees will now be required to prove the employer pays employees of one sex a lower wage for comparable work when viewed as a composite of skill, effort and responsibility under similar working conditions.

Employers will still be able to defend against such a claim by showing that their pay system differentiates between employees based upon a bona fide factor other than sex, such as education, training or experience. The Act identifies other bona fide factors to include credentials, skill and geographic location.

Breastfeeding in the Workplace

[Public Act No. 21-27](#) adds three new conditions to the existing requirement that an employer provide a lactation room or other location in the workplace for a mother to express breast milk. Previously, Conn. Gen. Stat. § 31-40w only required that such room or location be private, in close proximity to the work area, and not a toilet stall. Effective October 1, 2021, absent undue hardship, such room or location must also:

1. be free from intrusion and shielded from the public while an employee expresses breast milk;
2. include or be situated near a refrigerator or employee-provided portable cold storage device in which the employee can store her breast milk; and
3. include access to an electrical outlet.

Pursuant to this Act, an employer is not required to meet these new conditions if it can establish that it would suffer an undue hardship.

Sexual Harassment Prevention Training

Conn. Gen. Stat. § 46a-54(15) requires that employers generally must provide their employees, within specified deadlines, two hours of training on sexual harassment laws and remedies available to victims. The Commission on Human Rights and Opportunities (CHRO) was required to develop and make available to employers a free, online training video that meets these training requirements. Under [Public Act No. 21-109](#), effective October 1, 2021, if an employee has training provided by the CHRO while employed by a different employer within the two years preceding the date of hire, a new employer may consider such prior training to meet the sexual harassment training requirements.

Time Off to Vote

Employers are now required, through June 30, 2024, to give an employee two hours of unpaid time off on the day of a regular state or special election to vote, if the employee requests it at least two days in advance. Section 94 of [June Special Session, Public Act No. 21-2](#) is effective from passage.

Recreational Marijuana

Effective July 1, 2021, Connecticut became one of a growing number of states to legalize the recreational use of marijuana. Pursuant to [June Special Session, Public Act No. 21-1](#) it is now legal in Connecticut for individuals age 21 or older to possess, use or otherwise consume marijuana or marijuana products, subject to certain restrictions and limitations, effective July 1, 2021.

Effective October 1, 2021, Section 86 of the Act amends Conn. Gen. Stat. § 19a-342 to expand the existing ban on smoking on school grounds by expressly prohibiting smoking (or vaping) marijuana on school grounds or in “any area” of school buildings or facilities under the school’s control. More specifically, the Act amends current law to define “smoke” or “smoking” as “the burning of a lighted cigarette, cigar, pipe or any other similar device, whether containing, wholly or in part, tobacco, cannabis, or hemp.” The new law maintains the obligation to post signs stating that use of electronic nicotine delivery systems, and now electronic cannabis delivery systems, or vapor products must be posted in a conspicuous place, but clarifies that signs need not be posted in every room of the building.

Many of the workplace provisions related to the possession and use of recreational marijuana by employees do not go into effect until July 1, 2022. However, it is important for independent schools to recognize that the law exempts certain employers, including independent schools, from many of these workplace requirements, thus providing schools with greater flexibility to develop employment policies regulating the possession and use of recreational marijuana on their campuses. Like any employer, schools can prohibit employees from being under the influence of marijuana while working (including while working remotely) or when reasonably expected to be performing job responsibilities, including when faculty and staff are on call or otherwise on duty, such as overnight duty in a dorm. In developing employment policies, boarding schools will want to ensure they are clear with residential faculty about the rules for employee possession and use of recreational marijuana when living on campus.

In addition, independent schools who require employees to drive school buses or student transportation vehicles are still required to conduct random urinalysis drug tests in accordance with state and federal law. As a result, even the otherwise lawful use of recreational marijuana in Connecticut may have negative employment consequences for such employees and schools should be certain to alert faculty and staff to the consequences of testing positive for marijuana as a result of such testing.

In addition, effective July 1, 2021, Section 95 of the Act generally prohibits an educational institution from disciplining a student based **solely** on the basis of a drug test that yields a positive result solely for a specific metabolite of THC. The Act does not explicitly state whether this provision applies to all educational institutions (or just colleges or universities) and also imposes limitations on this prohibition, such as when failing to impose discipline would violate NCAA rules or cause the school to lose federal funding.

Finally, while the new law does not specifically prohibit the possession, use or consumption (other than smoking) of recreational marijuana in school buildings or on school grounds, schools should be mindful that any entity receiving Federal grants must provide a drug-free workplace, and marijuana (cannabis) remains a controlled substance under Federal law.

Prohibition Against Discrimination on the Basis of Race, Including Hair Texture and Protective Hairstyles

While Conn. Gen. Stat. § 46a-60 already prohibits discrimination on the basis of race, [Public Act No. 21-2](#), effective March 4, 2021 (known as the CROWN Act), now defines “race” as “inclusive of ethnic traits historically associated with race, including but not limited to, hair texture and protective hairstyles.” “Protective hairstyles” is defined as “includes but is not limited to, wigs, headwraps and hairstyles such as individual braids, cornrows, locs, twists, Bantu knots, afros and afro puffs.”

Timeline for Filing Complaints of Discrimination with the CHRO

Under current law, claimants have 300 days to file complaints for certain types of discrimination (e.g., employment and several types of state agency discrimination) and 180 days for other types (e.g., housing, public accommodations, and credit). Effective October 1, 2021, [Public Act No. 21-109](#) allows claimants to file all types of discriminatory practice complaints with the CHRO within 300 days after an alleged act that occurs on or after October 1, 2021.

Racism Declared a Public Health Crisis

[Public Act No. 21-35](#) declares racism to be a public health crisis and establishes a Commission on Racial Equity in Public Health to (a) make recommendations to decrease racism’s effect on public health and (b) create a strategic plan to eliminate health disparities and inequities across several sectors. Among other things, the Act establishes a working group to develop recommendations for the strategic expansion of school-based health center services.

Student Transportation Vehicles and Buses

[Public Act No. 21-106](#) makes various changes to laws related to school transportation vehicles and buses. Section 8, effective October 1, 2021, increases the minimum insurance coverage requirements for non-livery service vehicles, including buses and student transportation vehicles that transport eight or more passengers.

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