

Education Legislation Summary

2008 SESSION

CONNECTICUT GENERAL ASSEMBLY

In its 2008 session, the General Assembly passed a number of new laws affecting boards of education and school districts. The following is a general summary of these new laws. Application of a specific law to a particular set of facts or particular situation may require a more detailed analysis of the law's provisions. These new laws are available online at <ftp://ftp.cga.ct.gov/2008/act/pa/>, or we can send you copies at your request.

STUDENT MATTERS

Changes in Suspension Law Postponed to July 1, 2009

Public Act 08-160, "An Act Concerning School Learning Environment," made three significant changes to the provisions of Public Act 07-66, which created a presumption in favor of in-school suspensions and allowed out-of-school suspensions only in limited circumstances. First, it postponed the ***implementation date of the limitation on out-of-school suspensions from July 1, 2008 until July 1, 2009***. Second, it required that, by October 1, 2008, the State Department of Education issue guidelines to aid school districts in making determinations as to whether a suspension may be served in-school or out-of-school. Third, it clarified that in-school suspensions may be served in the school the pupil attends or any other school building under the jurisdiction of the board of education. Thus, under Public Act 08-160, there is no legal change in how suspensions may be handled during the 2008-2009 school year.

On **July 1, 2009**, however, the combined provisions of Public Acts 08-160 and 07-66 will become effective. Under those provisions, the length of a permissible in-school suspension will increase from five days to ten days. In-school suspensions will be required unless the school administration determines that a student poses such a danger to persons or property or such a disruption of the educational process that the student should be excluded from school during the period of suspension. In-school suspensions may be served in the school the student attends or any other school building under the jurisdiction of the board of education.

Major Changes in Bullying Policies Required

Public Act 08-160, "An Act Concerning School Learning Environment," also broadened the definition of bullying. Formerly, in order to constitute bullying, the law required incidents of bullying to be repeated against the same student over time. Now, the law only requires that such acts be committed more than once against any student during the school year.

Current law requires school districts to develop a policy to address the existence of bullying in its schools. Public Act 08-160 requires that schools districts "implement" these plans. In addition, Public Act 08-160 requires the following changes to a district's bullying plan:

- School staff who witness bullying or receive reports of bullying must now notify school



administrators in writing. Formerly, there was no requirement that the notification be in writing.

- Under current law, school staff is required to review anonymous reports of bullying. This law clarified that no disciplinary action may be imposed based solely on an anonymous report of bullying.
- Under current law, the bullying policy must contain an intervention strategy. Each policy must now also contain a prevention strategy. The requirements for a district's "prevention and intervention strategy" are discussed more specifically below.
- Each school is now required to report annually the number of verified acts of bullying to the State Department of Education in a manner prescribed by the Commissioner.
- Each school bullying policy must also identify the school personnel (which may include but is not limited to pupil services personnel) who are responsible for receiving and investigating complaints of bullying.
- Each time an instance of bullying is verified, the school must invite the victim's parents and the perpetrator's parents to attend at least one meeting.
- Each school district must submit its bullying policy to the State Department of Education by February 1, 2009, and the policy must be included in the district's publication of rules, procedures and standards of conduct, as well as all student handbooks, by July 1, 2009.

Public Act 08-160 also provides new guidance as to what a school district may include in its prevention and intervention strategy, including:

- Implementation of a positive behavioral interventions and supports process, or another evidence-based model approach, identified by the Department of Education, for safe school climate or for the prevention of bullying.
- Completion of a school survey to determine the prevalence of bullying.
- Establishment of a bullying prevention coordinating committee with broad representation to review the survey results and implement the prevention and intervention strategy.
- Adoption of school rules that prohibit bullying, harassment and intimidation and establish appropriate consequences for violators.
- Provision of adequate adult supervision of areas where bullying is likely to occur, such as outdoor areas, the lunchroom, hallways and other specific areas where bullying is likely to occur.
- Adoption of grade-appropriate bullying prevention curricula from kindergarten through high school.
- Provision of individual interventions with the bully, parents and school staff as well as the victim, parents and school staff.
- Implementation of school wide training related to safe school climate.
- Promotion of parental involvement in bullying prevention through individual or team participation in meetings, trainings and individual interventions.
- For school districts that have not yet implemented an evidence-based model approach to bullying prevention, inclusion of training regarding bullying prevention in in-service training programs.

Finally, Public Act 08-160 places numerous obligations on the State Department of Education, including an obligation

to review all of the policies it collects and an obligation to develop model policies to prevent bullying for grades kindergarten through 12. *Effective July 1, 2008, except as noted above.*

New Initiative for the Education of Children With Autism and Other Developmental Disabilities

Special Act 08-5 and Public Act 08-169, Section 31, contain identical provisions that are intended to change the way that children with autism and other developmental disabilities are taught. These provisions direct the Commissioners of Education and Developmental Services, and the President of Southern Connecticut State University, in conjunction with state local and other entities, to define autism and developmental disabilities. They also direct this group to develop recommendations for a comprehensive state-wide plan for incorporating methods of teaching children with autism and developmental disabilities into teacher preparation programs, certification requirements for teachers, in-service training and training for paraprofessionals. In addition, these provisions set forth several issues that the group “shall, at a minimum,” address when developing its recommendations. *Effective upon passage.*

High School Credit Available For Private World Language Courses and Other Subject Areas

Under Public Act 08-138, students who take a world language course offered by a non-profit organization may receive a maximum of four credits towards high school graduation, if the student passes an examination prescribed by the Commissioner of Education. A student may receive a maximum of four credits under this procedure.

This law also allows a student to receive credit toward high school graduation by passing a subject area proficiency examination identified and approved by the Commissioner, without regard to how many hours the student spent in a public school classroom. *Effective July 1, 2008.*

Student Records Transfer Laws Apply to Charter Schools; Membership of Charter School Governing Councils Clarified

Public Act 08-50 applies existing legal requirements concerning notification of enrollment and transfer of student records to state charter schools. The law also clarifies that the governing council of a state charter school shall include the chair of the board of education of the town in which the school is located, or his or her designee, at all times. *Effective July 1, 2008.*

EMPLOYEE MATTERS

BEST Program to be Phased Out

Public Act 08-107 eliminates the Beginning Educator Support and Training (BEST) program, effective July 1, 2009. The video component from the BEST assessment for new teachers has been eliminated entirely, beginning with the 2008-2009 school year. This law also establishes a 21-member task force to develop a new mentor assistance program in lieu of BEST. The task force is required to complete its work no later than January 1, 2009, so that a new mentor assistance program can be in place for the 2009-2010 school year. *Effective July 1, 2009, except as noted above.*

Final Authority in Certificate Revocations Transferred to the Commissioner of Education

Under existing law, certificates, permits or authorizations issued by the State Board of Education are automatically revoked when the holder is convicted of certain felonies or criminal acts, subject to the holder's right for reconsideration by the State Board of Education. Public Act 08-148 changed the procedure for such requests for reconsideration. Under the new law, the final decision regarding a request for reconsideration is no longer made by the State Board of Education. Instead, the Board makes only an initial determination as to whether a revocation should be upheld or overturned. The final decision maker is now the Commissioner of Education. *Effective July 1, 2008.*

Temporary Ninety Day Certificates Authorized for Early Childhood Educators

Public Act 08-153, Section 7, added the area of early childhood education to the list of areas in which the State Board of Education is authorized to issue a temporary ninety-day certificate to any applicant upon request of a board of education. *Effective upon passage.*

Changes in Teacher Retirement

Public Act 08-112 contains four provisions that affect teacher retirement. First, for certain retired teachers who fit within defined criteria, the monthly state health insurance premium subsidy will increase from \$110 to \$220. Second, the subsidy from the State Teachers' Retirement Board to local boards of education will also increase by the same amount. Third, the ten-year limit for teachers who wish to purchase service credit for out-of-state teaching has been

eliminated. Teachers must pay the full present actuarial cost of the additional benefits arising from the purchased service exceeding ten years, however. Fourth, this law makes an exception to the general rule that teachers cannot receive credit in the Teachers' Retirement System for public school employment that is outside of an individual's teaching certificate or permit. For teachers who were notified on or after December 1, 2003 that they did not have a proper certificate or permit for a portion of their career, the State Teachers' Retirement Board cannot rescind service credit that was previously earned, and is required to restore any credit that was rescinded prior to the effective date of the act. *Effective upon passage.*

GENERAL SCHOOL DISTRICT OPERATION

Participatory Democracy in Third Grade

Public Act 08-153, Section 3, permits elementary schools to meet the requirement of including instruction on participatory democracy in their curriculum by including it in third grade, as well as in fourth or fifth grade. *Effective July 1, 2008.*

District Curriculum Committee Required

Public Act 08-153, Section 6, requires each board of education to create a school district curriculum committee. The purpose of the committee is to recommend, develop, review and approve all curricula for the school district. *Effective July 1, 2008.*

The “Arts” Defined for Curriculum Purposes

Public Act 08-153, Section 8, defines the subject of “the arts,” which is a required program of instruction in public schools. Under this new definition, “the arts” includes any form of visual or performing arts, which may include, but is not limited to, dance, music, art and theater. *Effective July 1, 2008.*

On-Line Reverse Auction Procurement Now Authorized for Goods and Supplies

A process known as a “reverse auction” is now available to public entities in Connecticut, including school districts. In a reverse auction, qualified bidders, unknown to each other, submit on-line, real time bids or proposals for the opportunity to supply goods or supplies to the public entity or its auction manager. The lowest bidder typically receives the contract, and the purchaser obtains the lowest possible cost. This process is not mandatory; it is simply an option that is now available to school districts.

Public Act 08-141 permits a reverse auction for the procurement of goods and supplies only. This law does *not* apply to the purchase of services, such as architects, contractors and construction managers. *Effective on passage.*

EDUCATION FUNDING

Education Cost Sharing

Public Act 08-170 makes a series of adjustments in the Education Cost Sharing (ECS) formula, and related matters. The most significant changes are noted below.

- Starting in 2010, the range of the minimum proportion of an annual increase in an ECS grant that must be allocated to education spending in order to meet a town’s Minimum Budget Requirement (MBR) has increased to 50% to 80%. This is a change from the prior range of 15% to 65%. There is an exception for towns in regional school districts with declining enrollments.
- The amount of the ECS increase that school districts whose students had failed to make Adequate Yearly Progress (AYP) in math or reading must spend on education has been capped at 20%, effective in 2009.
- There is a slight reduction in the 2008-2009 ECS phase-in grants, and Priority School District (PSD) grants, so that the total figure is consistent with the biennial budget.

Effective July 1, 2008.

Sheff Compliance

In order to assist the state in meeting the goals of the 2008 stipulation and order in the *Sheff v. O’Neil* case, the Legislature enacted a number of changes in the laws pertaining to magnet schools in Public Act 08-170. Some of the most significant changes are the following:

- Any community college, any university within the Connecticut State University system, the University of Connecticut, any independent college, or any third-party not-for-profit corporation that is approved by the Commissioner of Education may now start and operate an

interdistrict magnet school programs that will assist the state with meeting the goals of the 2008 *Sheff* stipulation and order, as determined by the Commissioner of Education (hereinafter “a *Sheff* interdistrict magnet school”).

- In addition to the standard criteria guiding the Commissioner of Education’s approval of operating grants for interdistrict magnet schools, the Legislature required the Commissioner to consider whether a *Sheff* interdistrict magnet school is meeting the desegregation standards set forth in the 2008 *Sheff* stipulation and order prior to approving an operating grant for that school’s second year and beyond.
- The Legislature included provisions addressing funds for academic support programs, summer school programs and transportation for a *Sheff* interdistrict magnet school.
- The Commissioner of Education was authorized to issue, within available appropriations, operating grants of \$75,000 for start-up costs, for any new *Sheff* interdistrict magnet school.
- New *Sheff* interdistrict magnet schools that begin operations between July 1, 2008 and June 30, 2009 may enroll students directly from any school district, even if the school district does not have a participation agreement concerning the magnet school. Such schools must then establish district participation agreements by the start of the 2009-2010 school year.
- Students may enroll in any interdistrict magnet school or any Open Choice program if their home districts are not participating in such a program and the interdistrict magnet school unused student capacity after accommodating students from participating district. Those

students will be given preference in enrollment for unused capacity, to an extent determined by the Commissioner of Education.

Effective July 1, 2008.

Changes in School Construction Requirements

Public Act 08-169 authorizes \$345.37 million in new grant commitments, and reauthorizes some previously authorized projects. It also exempts certain school construction projects from statutory and regulatory requirements. This law also contains significant changes in the school construction process. The most significant changes are listed below:

- Change orders on school projects funded by the Department of Education must be submitted to the Commissioner of Education within six months after issuance, in the manner prescribed by the Commissioner.
- School buildings that are converted to non-school use within 20 years after approval of the state grant will revert to the state, provided that the state paid 95% or more of the project’s cost. This is a change from the previous 100% requirement. The Commissioner retains the ability to excuse a reversion of the title for good cause.
- The process for selecting architects and construction managers for state-funded school construction projects has changed. School districts will first need to issue a request for qualifications (RFQ), and firms that meet the RFQ criteria will then respond to a request for proposals (RFP). The school district is then required to determine a maximum of four responsible qualified firms, based on criteria

that are set forth in the RFQ and the RFP. Such criteria must include price, experience with projects of similar size and scope, organizational structure, and past performance. From those four firms, the school district must select the “most responsible qualified proposer” under the criteria set forth in the request for proposal.”

This law also authorizes \$3 million in state bond funds for the start-up capital costs for new *Sheff* interdistrict magnet schools. Such funds may be used for buying portable classrooms, leasing space, and purchasing equipment. This law also extends the deadline for submitting proposals for grants for school building projects that will implement *Sheff* goals by two months, and allows *Sheff* projects to be added to the school construction priority list after the Department of Education submits the list to the General Assembly’s school construction committee for approval. *Effective July 1, 2008.*

School Readiness Grants

Per Public Act 08-170, there are a number of changes in the school readiness grants program. The maximum cost of the Department of Education’s school readiness grants has been increased for fiscal year 2009 from \$6,925 per child to \$8,346 per child. Further, the formula for distributing grants has been changed for fiscal year 2009, so that it is based on each school district’s capacity. Finally, up to 2% of the school readiness grant appropriation has been allocated to the Department of Education for competitive grants. *Effective July 1, 2008.*

MISCELLANEOUS PROVISIONS

Parent Teacher Organizations May Conduct Bingo Games Without Obtaining a Permit

Public Act 08-62 permits parent teacher associations and organizations to conduct bingo games without first obtaining a permit from the Division of Special Revenue. However, there are a number of requirements in this law that local parent-teacher organizations must comply with in order to qualify for this exemption. The group will need to:

- 1) register annually with the Division of Special Revenue;
- 2) pay a \$20 registration fee;
- 3) the admission fee for bingo games cannot exceed \$1;
- 4) the maximum cash prize at such games cannot exceed \$20;
- 5) only active members of the organization may operate the games, without compensation; and
- 6) accurate records of receipts and disbursements must be maintained. *Effective upon passage.*

New Tools to Address Low-Achieving Schools

Under Public Act 08-153, Section 4, the State Board of Education has been given new tools to address the problem of low-achieving schools or low-achieving school districts. The Board may now require such schools or school districts to provide training for parents or guardians of children attending the school or district, and may also require the appropriate board of education to 1) undergo training to improve both their operational efficiency and their effectiveness as leaders of their districts’ improvement plans and 2) submit an annual plan to the Commissioner outlining how their effectiveness may be monitored. These tools add to existing legislation permitting the State Board of Education to direct specific remedial actions for low achieving schools and school districts.

Public Act 08-153 also includes language requiring school districts to bargain over the implementation of any directives of the State Board of Education to implement remedial actions that affect working conditions (including provision of incentives to attract highly qualified teachers and principals, to direct the transfer and assignment of teachers and principals, to require additional training for teachers, principals and central office staff members, or to direct the establishment of learning academies within schools that require continuous monitoring of student performance by teacher groups). *Effective July 1, 2008.*

expanded enrollment opportunities for students who live in school districts that do not operate agricultural science and technology centers. *Effective July 1, 2008.*

Extension of Time Granted to School Readiness Programs

School readiness programs that have not received accreditation or reaccreditation have received a reprieve in Public Act 08-85, provided that certain conditions are met. The Commissioner of Education is authorized to grant extensions of time for such programs to become accredited or reaccredited, provided that the Department of Education conducts an on-site assessment, and provides a list of conditions needed for a program to become accredited or reaccredited. In order to take advantage of the reprieve, the program must comply with a corrective plan that will be monitored by the Department of Education. The program must also be licensed by the Department of Public Health. *Effective July 1, 2008.*

Vocational Agricultural Education is Now Agricultural Science and Technology Education

Programs formerly known as vocational agricultural education centers are now known as agricultural science and technology education centers, in accordance with the provisions of Public Act 08-152. This law also offers