



## 2015 SESSION CONNECTICUT GENERAL ASSEMBLY

*In its 2015 regular and special sessions, the General Assembly made a number of changes in the statutes that affect Connecticut school districts. 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 at [http://www.shipmangoodwin.com/files/34245\\_EmplLegislativeSummarySummer2015New.pdf](http://www.shipmangoodwin.com/files/34245_EmplLegislativeSummarySummer2015New.pdf).*

### STATUTORY CHANGES AFFECTING STUDENTS:

#### High School Graduation Requirements

Public Act 15-237, effective July 1, 2015, delays by one year the implementation of the graduation requirements previously set to begin with the Class of 2020. These graduation requirements will now take effect with the Class of 2021. The Act also clarifies that boards of education may grant students high school credit for successful completion of coursework earned from an accredited institution of higher learning taken either during the school year or summer months. Public Act 15-237 further provides that the State Board of Education must award a community service recognition award to any student who satisfactorily completes fifty hours or more of community service. Finally, Public Act 15-237, as amended by Section 299 of Special Session Public Act 15-5, creates a task force to study the alignment of the changes to the high school graduation requirements, beginning with the classes graduating in 2021, with the Common Core State Standards and the feasibility of: (1) requiring training in cardiopulmonary resuscitation as part of the high school graduation requirements, and (2) substituting a student's participation in an interscholastic athletic program for the physical education graduation requirement.

Public Act 15-237 can viewed at <http://www.cga.ct.gov/2015/ACT/PA/2015PA-00237-R00SB-01059-PA.htm> and Special Session Public Act 15-5 can be viewed at <http://www.cga.ct.gov/2015/ACT/PA/2015PA-00005-R00SB-01502SS1-PA.htm>.

#### Mastery Testing

Public Act 15-238 provides that, not later than January 1, 2016, the State Board of Education, in consultation with a newly formed Mastery Examination Committee, must enter into an agreement with the provider of a nationally recognized college readiness assessment for the provision and administration of a college readiness assessment as part of the eleventh grade mastery examination requirement. The new requirement is contingent on the assessment provider offering accommodations for students with disabilities and for those who are English language learners. The agreement with the college readiness assessment provider is also contingent on such an agreement being permitted by federal law, or the terms of Connecticut's waiver of the Elementary and Secondary Education Act/No Child Left Behind Act, as it relates to the eleventh grade mastery examination requirement.

If the State does enter into an agreement with a nationally recognized college readiness assessment provider, the Act would amend Connecticut General Statute § 10-14n and provide that students in grades three to eight and in grade eleven must take the mastery examination in reading, writing and mathematics annually, and students in grades five, eight and ten must take the mastery examination in science annually in March or April. Students in grade eleven would take the nationally recognized college readiness assessment as their mastery examination in reading, writing and mathematics, which would be paid for by the State Board of Education and administered by the provider of the assessment. The Act also clarifies that students must take these mastery examinations during the school day.

In addition, Section 295 of Special Session Public Act 15-5 makes two changes related to mastery examinations and English language learner (“ELL”) students. First, beginning with the 2015-2016 school year, the scores on each component of the mastery examination for ELL students who have been enrolled in school in Connecticut or another state for less than twenty school months will not be used in calculating the school or district performance indices. Second, also beginning with the 2015-2016 school year, mastery examinations will be offered in the most common native language of ELL students and any other native language of such students in which the mastery examinations have been developed and approved.

Public Act 15-238 can be viewed at <http://www.cga.ct.gov/2015/ACT/PA/2015PA-00238-R00SB-01095-PA.htm> and Special Session Public Act 15-5 can be viewed at <http://www.cga.ct.gov/2015/ACT/PA/2015PA-00005-R00SB-01502SS1-PA.htm>.

## Changes to the Public School Curriculum

Public Act 15-94, effective July 1, 2016, adds several subject matter areas to the required program of instruction for public schools. First, the Act requires

programs of instruction to include computer programming. Second, Public Act 15-94 adds cardiopulmonary resuscitation training and the safe use of social media to the list of health and safety subject matter areas in which public schools are required to offer instruction. The cardiopulmonary resuscitation instruction must be based on guidelines for emergency cardiovascular care issued by the American Heart Association and must include hands-on training in cardiopulmonary resuscitation. The Act authorizes boards of education to accept gifts, grants and donations for the purchase of equipment or materials needed to provide such training.

Furthermore, the State Board of Education must now also make curricular materials available to boards of education and, within available appropriations, must assist and encourage boards of education to provide instruction in: (1) financial literacy, which must now include banking, investing, savings and the handling of personal finance matters, Public Act 15-138 (effective October 1, 2015), and (2) labor history and law, including organized labor, the collective bargaining process, existing legal protections in the workplace, the history of economics of free market capitalism and entrepreneurialism, and the role of labor and capitalism in the development of the American and world economies, Public Act 15-17 (effective July 1, 2015).

In addition, Section 17 of Public Act 15-215, effective July 1, 2015, amends Conn. Gen. Stat. § 10-220 to specify that boards of education must prescribe rules regarding internet access and content as part of their regulation of school library media centers.

Finally, Section 415 of Special Session Public Act 15-5 delays by one year the timeline by which the Department of Children and Families must identify or develop a statewide sexual abuse and assault awareness and prevention program to be implemented by boards of education. Now, the Department of Children and Families has until July 1, 2016 to identify or develop the program, which must include instructional modules for teachers,

education material for students in kindergarten through grade twelve and a uniform child sexual abuse and assault response policy and reporting procedure. Boards of education must then implement the program by October 1, 2016. Importantly, while the timelines have been delayed, the statute maintains a curricular exemption that will permit parents or guardians to opt their children out of participation in the sexual abuse and assault awareness and prevention program.

Public Act 15-94 can be viewed at <http://www.cga.ct.gov/2015/ACT/PA/2015PA-00094-R00SB-00962-PA.htm>, Public Act 15-138 can be viewed at <http://www.cga.ct.gov/2015/ACT/PA/2015PA-00138-R00SB-00319-PA.htm>, Public Act 15-17 can be viewed at <http://www.cga.ct.gov/2015/ACT/PA/2015PA-00017-R00SB-00963-PA.htm>, Public Act 15-215 can be viewed at <http://www.cga.ct.gov/2015/ACT/PA/2015PA-00215-R00HB-07023-PA.htm> and Special Session Public Act 15-5 can be viewed at <http://www.cga.ct.gov/2015/ACT/PA/2015PA-00005-R00SB-01502SS1-PA.htm>.

## Student Internships

Section 10 of Public Act 15-215, effective July 1, 2015, provides immunity for internship providers that provide student internships for students enrolled in agricultural science and technology education centers against negligence claims brought by student interns or their parents. This immunity is available for internship providers as long as the providers exercised a reasonable care in providing the internship, complied with applicable safety and health standards, and did not engage in gross, reckless, willful or wanton negligence.

Public Act 15-215 can be viewed at <http://www.cga.ct.gov/2015/ACT/PA/2015PA-00215-R00HB-07023-PA.htm>.

## Seclusion and Restraint

The General Assembly made significant changes to the laws governing seclusion and physical restraint

in Connecticut schools. Public Act 15-141, effective July 1, 2015, expands the regulation of seclusion and physical restraint to cover any student: (1) in kindergarten through grade twelve in a public school under jurisdiction of a local or regional board of education; (2) receiving special education and related services at a facility or institution operating under contract with a local or regional board of education; (3) enrolled in a program or school operated by regional educational service center; or (4) receiving special education and related services from an approved private special education program. The previous seclusion and physical restraint laws applied only to special education students.

Public Act 15-141 provides that no school employee may place a student in seclusion or use a physical restraint on a student, except as an emergency intervention to prevent immediate or imminent injury to the student or to others, and prohibits the use of such measures for discipline or for convenience and is not used as a substitute for a less restrictive alternative intervention. Previously, the use of seclusion was expressly permitted if included in a student's individualized education program. Furthermore, a school employee must continually monitor any student who is physically restrained and frequently monitor any student involuntarily placed in seclusion. This monitoring of both physical restraint and seclusion must include regular evaluation for indications of physical distress, which must be recorded in the student's education record. Moreover, any area used for seclusion must also have a window or other fixture allowing the student a clear line of sight beyond the area used for seclusion. In addition, the Act continues to prohibit the use of "life-threatening physical restraint," which now includes prone restraints, in addition to any restraint that restricts the flow of air to a student's lungs. Whenever physical restraint or seclusion is used, the board of education must notify the student's parent or guardian not more than twenty-four hours later, and must make reasonable efforts to notify the parent or guardian immediately. Additionally, any injuries to students resulting from physical restraint or seclusion must be reported to the State Board of Education.

The Act further provides that, whenever an instance of physical restraint or seclusion lasts for more than fifteen minutes, an administrator or designee, school health or mental health personnel, or a board certified behavioral analyst trained in seclusion and physical restraint must determine whether continued physical restraint or seclusion is necessary and, if so, must make a new determination every thirty minutes. In addition, if physical restraint or seclusion is used on a regular education student four or more times within twenty school days, a team consisting of an administrator, at least one teacher, the parent or guardian, and, if any, a mental health professional must convene to conduct or revise a behavioral assessment and behavioral intervention plan, and consider whether the student may require special education. If physical restraint or seclusion is used on a student receiving special education and related services or who is being evaluated for special education four or more times within twenty school days, then the student's planning and placement team must convene to conduct or revise a behavioral assessment and behavioral intervention plan, including a student's individualized education program.

Furthermore, the Act also prohibits the use of a psychopharmacologic agent on a student without the student's consent, unless used as an emergency intervention to prevent immediate or imminent injury to the student or others, or unless it is an integral part of the student's established medical or behavioral support or educational plan, consistent with the laws governing medication and treatment for individuals with psychiatric disabilities or as part of a licensed practitioner's initial orders.

Public Act 15-141 also includes new requirements regarding documentation of physical restraint and seclusion. The Act requires all instances of physical restraint and seclusion to be documented in the student's education record, including the nature of the emergency, steps taken to deescalate the student and prevent an emergency, a description of the restraint or seclusion, the duration of the restraint or seclusion and the effect of the restraint or seclusion on the

student's education plan. In addition, beginning July 1, 2016, boards of education and institutions or facilities operating under contract with boards of education, including approved private special education programs, must record specific information as set forth in the law about each instance of physical restraint or seclusion, and annually submit that information to the state, which will provide an annual report to the General Assembly.

Public Act 15-141 also contains a number of requirements for staff training. Importantly, as under the previous law, only school employees who have received appropriate training are permitted to physically restrain a student or to place a student in seclusion. The new Act also requires that boards of education provide training to all school professionals, paraprofessional staff and administrators, and such training shall be phased in over a three-year period. Specifically, this training must include an overview of laws and regulations governing physical restraint and seclusion provided by the Department of Education and the creation of plans by which boards of education will provide training and professional development to all school professionals, paraprofessional staff and administrators regarding the prevention of incidences requiring physical restraint or seclusion and the proper means of using physical restraint and seclusion. These training and professional development plans must be implemented by July 1, 2017 and boards must phase in the training of all school professionals, paraprofessional staff and administrators by July 1, 2019. In addition, by July 1, 2015, and in each subsequent year, boards of education must require each school to identify a crisis intervention team that includes school professionals, paraprofessional staff members and administrators who have been trained in the use of physical restraint and seclusion. The purpose of these crisis intervention teams is to respond to any incident in which the use of physical restraint or seclusion may be necessary. The members of the crisis intervention team must be recertified in the use of physical restraint and seclusion each year.



Boards of education must also develop policies and procedures that establish monitoring and internal reporting of the use of physical restraint and seclusion on students, and must make such policies and procedures available on the board website and in the board's procedures manual. In addition, Public Act 15-141 directs the State Board of Education to develop new regulations concerning the use of physical restraint and seclusion. Boards of education must subsequently update their own policies and procedures regarding restraint and seclusion within sixty days of the state's adoption of those new regulations.

Finally, the Act does not limit the use of any defense to criminal prosecution for the use of deadly force available under state law, and does not limit the justified use of physical force by law enforcement officials while performing their official duties.

Public Act 15-141 can be viewed at <http://www.cga.ct.gov/2015/ACT/PA/2015PA-00141-R00SB-00927-PA.htm>.

## Notification of Rights and Information Regarding Special Education Transition Services and Programs

The General Assembly also sought to increase parental awareness of the requirement for transition planning, programs and services for students receiving special education services. Public Act 15-209, effective July 1, 2015, requires the State Board of Education to develop a written "bill of rights" for parents of students receiving special education services to ensure parental rights are safeguarded. The bill of rights will inform parents of: (1) the right to request consideration of the provision of transition services for a child ages eighteen to twenty-one who is receiving special education services; (2) the right to receive transition resources and materials from the Department of Education and the responsible board of education; (3) the requirement that the responsible board of education create a student success plan for each student beginning in grade six; and (4) the

right of students to receive realistic and specific post-graduation goals as part of the students' individualized education program.

Beginning with the 2015-2016 school year, boards of education must provide the bill of rights to parents at a planning and placement team meeting for students in grades six through twelve. In addition, upon the identification of a student as requiring special education, and at each planning and placement team meeting for a student receiving special education services, boards of education must now include information developed by the Department of Education relating to transition resources and services for high school students as part of the information that must be provided to parents or guardians. Furthermore, the new law requires the State Board of Education to ensure that boards of education are providing all required information to parents. In addition, Section 266 of Special Session Public Act 15-5 requires the State Board of Education, in collaboration with the Bureau of Rehabilitation Services, the Department of Developmental Services and the Office of Workforce Competitiveness, to coordinate the provision of transition resources, services and programs to special education students, to develop a fact sheet listing the state agencies that provide such resources, services and programs, and to collect and publish information about these transition resources, programs and services provided by other state agencies. Beginning with the 2016-2017 school year, boards of education must distribute the fact sheet to parents of students receiving special education and related services in grades six through twelve at a planning and placement team meeting.

Public Act 15-209 can be viewed at <http://www.cga.ct.gov/2015/ACT/PA/2015PA-00209-R00HB-06737-PA.htm> and Special Session Public Act 15-5 can be viewed at <http://www.cga.ct.gov/2015/ACT/PA/2015PA-00005-R00SB-01502SS1-PA.htm>.

## Students with Dyslexia

Public Act 15-97, effective, July 1, 2015, extends to

January 1, 2016, the deadline for the Department of Education to develop or approve reading assessments for use by boards of education for the school year beginning July 1, 2016, and each school year thereafter, to identify students in kindergarten through grade three who are below proficiency in reading. Those reading assessments must now also assist in the identification of students at risk for dyslexia or other reading-related learning disabilities, in addition to providing other reading assessment data. The Act also requires the Commissioner of Education to designate an employee of the Department of Education to be responsible for providing information and assistance to boards of education and parents or guardians relating to the detection and recognition of dyslexia and evidence-based structured literacy interventions. Finally, the Act further requires that teacher preparation programs must include, among other things, instruction in structured literacy interventions, in addition to instruction in the detection and recognition of students with dyslexia.

Public Act 15-97 can be viewed at <http://www.cga.ct.gov/2015/ACT/PA/2015PA-00097-R00SB-01054-PA.htm>.

## Vaccination Exemption on Religious Grounds

Public Acts 15-174 and 15-242, Section 68, both effective July 1, 2015, amend the current statutory provisions regarding the religious exemption from vaccination requirements for children prior to enrollment in public or nonpublic schools. The law now provides that parents or guardians may provide a statement asserting that required immunizations would be contrary to the religious beliefs of the child or the parents or guardian, but requires such a statement to be acknowledged by a judge, family support magistrate, a clerk or deputy clerk of a court having a seal, a town clerk, a notary public, a justice of the peace, a Connecticut attorney or a school nurse. The law requires that the parent or guardian must present such a statement, both prior to enrollment in school and before being permitted to enter seventh grade.

Similar requirements will now also apply to child day care centers licensed by the Office of Early Childhood.

Public Act 15-174 can be viewed at <http://www.cga.ct.gov/2015/ACT/PA/2015PA-00174-R00HB-06949-PA.htm> and Public Act 15-242 can be viewed at <http://www.cga.ct.gov/2015/ACT/PA/2015PA-00242-R00HB-06987-PA.htm>.

## Vision, Audiometric and Postural Screenings

Section 4 of Public Act 15-215, effective July 1, 2015, changes the grades in which boards of education must conduct vision, audiometric and postural screenings of students. Now, both vision and audiometric screenings are required for students in kindergarten and grade one, and then also in grades three through five. Postural screenings are now required for female students in grades five and seven, and for male students in grades eight or nine. In addition to providing written notice to parents or guardians of any problems found in the screenings, superintendents must now also inform parents or guardians of students who did not receive such screenings and provide a brief explanation of why the student did not receive the screening.

Public Act 15-215 can be viewed at <http://www.cga.ct.gov/2015/ACT/PA/2015PA-00215-R00HB-07023-PA.htm>.

## Administration of Antiepileptic Medication

Section 22 of Public Act 15-215, effective July 1, 2015, directs school nurses and a school medical advisor, if any, to select a qualified school employee to administer antiepileptic medication to students with medically diagnosed epileptic conditions that require prompt treatment, in accordance with each student's individual seizure action plan, with the written authorization of the student's parents or guardian and the written order by a physician. A qualified school employee for this purpose means a principal,

teacher, licensed athletic trainer, licensed physical or occupational therapist employed by the school district, a coach or a school paraprofessional, and such qualified school employee must voluntarily agree to serve in such a role.

The qualified school employee must receive annual training, developed by the Department of Education, in consultation with the School Nurse Advisory Council and the Association of School Nurses of Connecticut, and the school nurse or school medical advisory must attest that the qualified school employee completed the training. Additionally, qualified school employees may only administer the antiepileptic medication if the school nurse is absent or unavailable, and the school nurse must provide monthly reviews of the qualified school employee's competence to administer such medication.

Public Act 15-215 can be viewed at <http://www.cga.ct.gov/2015/ACT/PA/2015PA-00215-R00HB-07023-PA.htm>.

In addition, boards of education should be aware that the regulations governing the administration of medication in schools have recently been updated and will soon be available on the state's eRegulations website at <https://eregulations.ct.gov>.

## **Out-of-School Suspensions and Expulsions for Students in Preschool and K-2**

Public Act 15-96, effective July 1, 2015, puts a moratorium on out-of-school suspensions and expulsions for students in preschool through grade two, with only limited exceptions.

Regarding suspensions, the current rules remain in effect for both in-school and out-of-school suspensions for students in grades three through twelve. Now, however, a student in preschool through grade two may only receive an in-school suspension unless, after an informal hearing, the administration determines that an out-of-school suspension is appropriate for the

student, based on evidence that the student's conduct on school grounds is of a violent or sexual nature that endangers persons.

Regarding expulsions, the current rules also remain in effect for both discretionary and mandatory expulsions for students in grades three through twelve. In addition, students in kindergarten through second grade are still subject to mandatory expulsions whenever there is reason to believe the student: (1) possessed a firearm or deadly weapon, dangerous instrument or martial arts weapon on school grounds or at a school sponsored activity; (2) possessed and used a firearm, instrument, or weapon in the commission of a crime off school grounds; or (3) offered a controlled substance for sale or distribution on or off school grounds. However, discretionary expulsions are no longer permitted for students in kindergarten through grade two. Public Act 15-96 also creates a separate provision for the mandatory expulsion of preschool students. In general, preschool students may not be expelled from a preschool program operated by local or regional boards of education, charter schools or interdistrict magnet schools. Preschool students, however, must be expelled whenever there is reason to believe that the preschool student was in possession of a firearm on or off school grounds or at a preschool-sponsored event. Such students are entitled to an expulsion hearing, and if the student is found to have committed such an offense, the expulsion must be for one calendar year, subject to modification on a case-by-case basis.

The new law also makes changes to the requirements for early detection and prevention programs funded by Department of Education grants, requiring inclusion of a component for systematic early detection and screening to identify children experiencing behavioral, disciplinary or early school adjustment problems and the inclusion of services addressing those problems for identified children. Finally, the law requires the Commissioner of Education to consider, as a factor in determining whether a local or regional board of education should receive such grant funding, the number of children enrolled in grades kindergarten

through two in a school under the jurisdiction of the board experiencing behavioral, disciplinary or early school adjustment problems.

Public Act 15-96 can be viewed at <http://www.cga.ct.gov/2015/ACT/PA/2015PA-00096-R00SB-01053-PA.htm>.

## Parents' Rights and Paraprofessionals' Attendance at PPT Meetings

Under Section 277 of Special Session Public Act 15-5, effective July 1, 2015, parents and guardians now have the right to have the school paraprofessional assigned to their child, if any, be present at, and to participate in, all portions of a planning and placement team ("PPT") meeting at which the child's educational program is developed, reviewed or revised. In addition, upon the formal identification of a child as requiring special education and related services and at each PPT meeting, boards of education must now inform parents or guardians of the parents' or guardians' right to have advisors and the school paraprofessional assigned to the child, if any, to be present at, and participate in, such PPT meetings. The right of a parent or guardian to have a child's paraprofessional attend PPT meetings is a significant change, as paraprofessionals are not required members of the PPT under federal law. Districts will need to address scheduling impacts and may wish to consider providing paraprofessionals training in the PPT process and meetings.

Special Session Public Act 15-5 can be viewed at <http://www.cga.ct.gov/2015/ACT/PA/2015PA-00005-R00SB-01502SS1-PA.htm>.

## Expansion of Surrogate Parent Program to Certain Foster Care Children

Sections 243 and 244 of Special Session Public Act 15-5, effective July 1, 2015, expands the surrogate parent program administered by the Department of Education to certain foster care children. Under the

new law, the Commissioner of the Department of Children and Families may select any foster child residing in Department of Children and Families Region 3 for participation in the program. Once selected, the Commissioner of Education shall appoint a surrogate parent for that child to represent the foster child in educational decision-making unless the parent or guardian objects to the appointment. The foster child's parent or guardian may also revoke the appointment of the surrogate parent at any time.

Special Session Public Act 15-5 can be viewed at <http://www.cga.ct.gov/2015/ACT/PA/2015PA-00005-R00SB-01502SS1-PA.htm>.

## Bilingual Education Programs and ELL Student Services

The General Assembly also made several significant changes to laws regarding bilingual education programs and English language learner ("ELL") student services. Regarding bilingual education programs, perhaps the most important change is that the amount of time an eligible student may stay in bilingual education programs may now be extended to sixty total months. Previously, students eligible for bilingual education programs were limited to thirty months in such programs. Section 286 of Special Session Public Act 15-5, effective July 1, 2015, permits eligible students to spend up to an additional thirty months in a program of bilingual education, if the Department of Education grants a request of the board of education for an extension or the Department otherwise determines that an extension is necessary. Under Section 290 of the Act, the Department will develop standards to use in granting these extensions by July 1, 2016. Section 286 of the Act further provides that, if an eligible student does not meet the English mastery standard at the end of the initial or extended period in a bilingual education program, then boards of education must provide language transition and academic support services. The statute no longer lists tutoring and homework assistance as examples of such services, but adds research-based language development programs as an example.



Additionally, boards of education must now also explain any native language accommodations that may be available on state mastery examinations at required meetings with parents. Moreover, boards of education must now take action to ensure there are certified teachers in bilingual education programs. Under Section 288 of the Act, boards of education that cannot hire a sufficient number of certified bilingual education teachers for a school year must apply to the Commissioner of Education for permission to use a certified teacher of English as a second language to fulfill its needs.

Furthermore, as in the area of special education, the General Assembly appears interested in exploring an increased role for regional educational resource centers (“RESC”) in the provision of bilingual education programs and ELL student services. Section 289 of the Act directs the Department to study the feasibility of using regional educational resource centers to assist boards of education with low enrollments of eligible students in the provision of bilingual education programs and language transition and academic support services. The Department must submit its report by January 1, 2016. In addition, Section 297 of the Act requires each RESC to conduct a survey of ELL student services and bilingual education programs provided in the RESC’s region to identify the need for enhanced or new services or programs provided by the RESC. RESCs must complete these surveys by July 1, 2016. Section 298 of the Act further directs each RESC to study the feasibility of the RESC providing new ELL services and bilingual education programs that are of equal or greater quality than those provided by boards of education in the RESC region. RESCs must submit these reports by October 1, 2016.

The Department of Education will also have an increased role in ELL programs and issues. Under Section 294, the Department of Education must administer ELL pilot programs for the 2015-2016 and 2016-2017 school years for the three school districts with the highest total number of ELL students and the district with highest percentage of ELL students.

These districts will develop language acquisition plans for such students, in consultation with the Department and other experts. Under Section 291, the Department must also provide boards of education information about research-based practices on how to involve parents and guardians of eligible students in the language acquisition process and native language accommodations on the state mastery examinations by January 1, 2016. Furthermore, under Section 293 of the Act, the Department must collect and disaggregate mastery examination data for students in bilingual education programs to monitor student progress and the quality of those programs.

Finally, effective July 1, 2015, Section 296 of the Act permits alliance districts to apply for grants for the enhancement of bilingual education programs or other language acquisition services to ELL students.

Special Session Public Act 15-5 can be viewed at <http://www.cga.ct.gov/2015/ACT/PA/2015PA-00005-R00SB-01502SS1-PA.htm>.

## **STATUTORY CHANGES AFFECTING SCHOOL DISTRICT OPERATION**

### **Minimum Budget Requirement**

Public Act 15-99, as amended by Section 19 of Public Act 15-215 and Section 511 of Special Session Public Act 15-5, effective July 1, 2015, make significant changes to the exceptions to the minimum budget requirement (“MBR”). The law continues to require that the budgeted appropriation for education for the fiscal years ending June 30, 2016 and June 30, 2017 must not be less than the budgeted appropriation for education for the previous fiscal year, plus state education cost sharing aid. Previously, the law permitted a town to reduce its budgeted appropriation for education because of decreased school enrollment or savings through increased efficiencies or regional collaboration, but not both. The new law now allows a town to reduce its budgeted appropriation for

education for both reasons.

While the new law maintains the current cap on the reduction of a town's MBR for increased efficiencies at half the amount of such savings as long as the reduction does not exceed 0.5% of the district's budgeted appropriation, the caps on MBR reductions for decreased enrollment have changed. Specifically, the law raises the amount of the cap on per-student reduction permitted for decreased enrollment from the previous \$3,000 per student to 50% of the net current expenditure per student. The new law also increases the threshold for the total percentage of a district's education budget that may be reduced as a result of decreased enrollment. While that cap previously was set at 0.5%, now the total MBR reduction for decreased enrollment may not exceed 1.5% of the district's budgeted appropriation in districts where 20% or more of students qualify for free or reduced price lunch and may not exceed 3.0% of the district's budgeted appropriation in districts where less than 20% of students qualify for free or reduced price lunch. All towns seeking to reduce their MBR due to decreased enrollment, however, will now be able to seek approval from the Commissioner of Education to reduce their MBR by greater than 1.5% or 3.0% if the board of education votes for such a proposed reduction.

In addition, districts that do not have a high school may still reduce their budgeted appropriation for education if the number of students for the districts paying tuition to another district decreases. The reduction, in that case, may equal the cost of tuition multiplied by the decrease in the number of students attending high school. Furthermore, the Commissioner of Education may now permit a town to reduce its appropriation for education in an amount determined by the Commissioner, if the school district in the town has permanently ceased operations and closed one or more schools in the fiscal years ending June 30, 2013 through June 30, 2016.

Notably, the law explicitly exempts from the MBR requirements any school district that has a district

performance index in the top 10% of the state. On the other hand, the law makes clear that any current alliance district or district formerly designated as an alliance district, is prohibited from taking advantage of any MBR relief. Finally, if towns establish a new regional school district, the MBR requirements do not apply to those member towns during the first full fiscal year following the establishment of the new regional school district, as long as the budgeted appropriation for education for each member town adheres to the MBR requirements in subsequent years.

Public Act 15-99 can be viewed at <http://www.cga.ct.gov/2015/ACT/PA/2015PA-00099-R00HB-07019-PA.htm>, Public Act 15-215 can be viewed at <http://www.cga.ct.gov/2015/ACT/PA/2015PA-00215-R00HB-07023-PA.htm> and Special Session Public Act 15-5 can be viewed at <http://www.cga.ct.gov/2015/ACT/PA/2015PA-00005-R00SB-01502SS1-PA.htm>.

## Collaboration Between Boards of Education and School Resource Officers

Public Act 15-168 and Section 342 of Public Act 15-5, effective July 1, 2015, require boards of education that have school resource officers in their schools to enter into a memorandum of understanding with a local law enforcement agency regarding the role and responsibility of the school resource officers. The law defines a school resource officer as a sworn police officer of a local law enforcement agency who has been assigned to a school pursuant to an agreement between the board of education and the chief of police of a local law enforcement agency. These memoranda of understanding must include provisions addressing daily interactions between students and school personnel with school resource officers and must include a graduated response model for student discipline.

The new law also requires that the strategic school profile reports, submitted to the Department of Education each year by boards of education, must now include information about in-school suspensions, out-

of-school suspensions, expulsions and school-based arrests. The Department of Education must examine and then disaggregate these data based on school, race, ethnicity, gender, age, students with disabilities, English language learners, students eligible for free or reduced priced lunch, types of offenses for school-based arrests and the number of school-based arrests within each district. The Department will then publish a resulting report each year on its website. Finally, the new law requires that data relating to schools in the statewide public school information system include disaggregated measures of school-based arrests.

Public Act 15-168 can be viewed at <http://www.cga.ct.gov/2015/ACT/PA/2015PA-00168-R00HB-06834-PA.htm> and Special Session Public Act 15-5 can be viewed at <http://www.cga.ct.gov/2015/ACT/PA/2015PA-00005-R00SB-01502SS1-PA.htm>.

## DCF Reporting Requirements

Public Act 15-205 makes substantial modifications to the General Statutes regarding the mandated reporting of child abuse and neglect by school employees, the penalties for failing to report abuse and neglect, the training of school employees in identifying abuse and neglect, the definition of a victim of abuse and neglect under the statute, and the investigation and reporting of abuse and neglect in the public school setting.

Currently, the law requires school employees to report to the Department of Children and Families (“DCF”) when, in the ordinary course of employment, a school employee has reasonable cause to suspect or believe that a child under age eighteen has been abused or neglected. In addition to those existing requirements, the new law, effective October 1, 2015, requires that a school employee also report to DCF, when, in the ordinary course of employment, the school employee has reasonable cause to suspect or believe that a person being educated by the technical high school system or a local or regional board of education, other than as part of an adult education program, is a victim of sexual assault and the perpetrator is a school employee. As a result, this new mandatory reporting

requirement regarding the sexual assault of a student by a school employee applies based on the person’s status as a student, rather than his or her age.

Public Act 15-205 also sets forth factors for a mandated reporter to consider in determining whether there is reasonable cause to suspect abuse or neglect or the sexual assault of a student by a school employee. The law provides that the mandated reporter may base such suspicion on factors including, but not limited to, observations, allegations, facts or statements by a child, victim or third party. In addition, the law clarifies that such suspicion or belief does not require certainty or probable cause.

An additional provision of the new law increases the penalties for mandated reporters who fail to report. Currently, the law provides that a person who is required to report and who fails to do so within the time periods prescribed is guilty of a class A misdemeanor. Under the new law, a mandated reporter who fails to report will be guilty of a class E felony if it is not the first time the mandated reporter has failed to report, if the violation was willful or intentional, or due to gross negligence, or if the mandated reporter had actual knowledge that the child in question was abused or neglected or if the person was sexually assaulted by a school employee. In addition, Public Act 15-205 also provides that any person who intentionally and unreasonably interferes with or prevents the making of a report or attempts or conspires to do so will be guilty of a class D felony. This penalty would not apply to a child under the age of eighteen years or who is otherwise a student.

Furthermore, the law prohibits a board of education from employing a person whose employment was terminated, or who resigned from employment following a suspension, if that person is convicted of a crime involving an act of child abuse, neglect or sexual assault against a student. Additionally, boards of education may not hire a person whose employment was previously terminated due to a violation of the mandatory reporting laws, regardless of whether an allegation of abuse or neglect or sexual assault was substantiated.

Importantly, the new law creates additional reporting requirements for local and regional boards of education with regard to training programs and refresher training programs for school employees who are mandated reporters. Effective October 1, 2015, the principal for each school of a local or regional board of education must annually certify to the superintendent that each school employee working at the school is in compliance with the requirements for training and refresher training. The superintendent of schools must then certify such compliance to the State Board of Education.

In addition, by February 1, 2016, boards of education must update their written policies to reflect that school employees must make a report whenever there is reasonable cause to suspect or believe that a student is a victim of sexual assault and the perpetrator is a school employee.

Finally, and significantly, by January 1, 2016, each board of education must establish a confidential rapid response team to coordinate with the Department of Children and Families to ensure prompt reporting of suspected abuse, neglect or sexual assault against a victim, and to provide immediate access to information and individuals relevant to the investigation of the Department of Children and Families. This confidential rapid response team must include a teacher, the superintendent, a local police officer and any other person the board of education deems appropriate.

Public Act 15-205 can be viewed at <http://www.cga.ct.gov/2015/ACT/PA/2015PA-00205-R00HB-06186-PA.htm>.

## Alternative Education

Public Act 15-133, effective July 1, 2015, establishes increased regulation over alternative education schools and programs. First, the Act establishes a definition of alternative education as “a school or program maintained and operated by a local or regional board of education that is offered to students in a nontraditional educational setting and addresses

the social, emotional, behavioral and academic needs of such children.” Public Act 15-133 also clarifies that boards of education may provide alternative education to students in an existing space or by establishing a new school specifically for alternative education. Significantly, the law requires the Department of Education to develop guidelines for the provision of alternative education by boards of education. These state guidelines must include a description of the purpose and expectations of alternative education, criteria for who is eligible to receive alternative education and criteria for how and when a student may enter or exit alternative education. If a board of education provides alternative education, it must be provided in accordance with these state guidelines. Additionally, under the new law, boards of education must provide information relating to alternative education on their websites, including, but not limited to, the purpose, location, contact information, staff directory and enrollment criteria for such alternative education programs. Finally, the Department of Education will assign an identification code and organization code to each alternative education school or program to monitor those schools in the public school information system.

Public Act 15-133 can be viewed at <http://www.cga.ct.gov/2015/ACT/PA/2015PA-00133-R00HB-07018-PA.htm>.

## Chronic Absenteeism

Public Act 15-225, effective July 1, 2015, adds new obligations for boards of education regarding students who are chronically absent. The new law defines a “chronically absent child” as a child who is enrolled in a school under the jurisdiction of a local or regional board of education and whose total number of absences at any time during a school year is equal to or greater than ten percent of the total number of days that the student has been enrolled at the school during the school year. In addition, the law also requires that an in-school suspension that is greater than or equal to one-half of a school day must be considered an absence, in addition to excused, unexcused and

disciplinary absences. “Disciplinary” absences will be further defined by the Department of Education at a later date.

Where a district chronic absenteeism rate is determined to be ten percent or higher, under the new law, the district must establish a district-wide attendance review team. Where a school in a district has a school chronic absenteeism rate of fifteen percent or higher, the school must establish an attendance review team. If a district has more than one school with a school chronic absenteeism rate of fifteen percent or higher, the district may establish an attendance review team at the district-level or at each school with a high chronic absenteeism rate. Finally, if the district has a chronic absenteeism rate of ten percent or higher, and if one or more schools in the district has a school chronic absenteeism rate of fifteen percent or higher, the district may establish an attendance review committee for the district or at each affected school. A “district chronic absenteeism rate” is determined by dividing the number of chronically absent children in the district by the total number of enrolled children in the district in the previous school year. Likewise, a “school chronic absenteeism rate” is determined by dividing the number of chronically absent children in a particular school by the total number of enrolled children in the school in the previous school year.

The attendance review team, which must meet at least monthly, may consist of school administrators, guidance counselors, school social workers, teachers and representatives from community-based programs. Each attendance review team is responsible for reviewing cases of truants and chronically absent children, discussing school interventions and community referrals for truants and chronically absent children, and making any additional recommendations for such truants and chronically absent children and their parents or guardians.

In order to assist boards of education with fulfilling these responsibilities, the Department of Education, in consultation with the Interagency Council for

Ending the Achievement Gap, must develop a chronic absenteeism prevention and intervention plan by January 1, 2016 for use by local and regional boards of education to reduce chronic absenteeism. The chronic absenteeism prevention and intervention plan must include information about chronic absenteeism, its effects on student performance and interventions to reduce chronic absenteeism. These plans will also include data collection and analysis provisions.

In addition, Public Act 15-225 also requires boards of education to provide information regarding the number of truants and chronically absent children in the strategic school profile report for each school.

Public Act 15-225 can be viewed at <http://www.cga.ct.gov/2015/ACT/PA/2015PA-00225-R00SB-01058-PA.htm>.

## Teacher Certification Requirements

Public Act 15-108 modifies the law relating to the issuing of temporary ninety-day certificates for potential teachers. Currently, the law provides that the State Board of Education, upon request of a local or regional board of education, will issue a temporary ninety-day certificate to any applicant who meets specified criteria in the certification endorsement areas of elementary education, middle grades education, secondary academic subjects, special subjects or fields, special education, early childhood education and administration and supervision. Effective July 1, 2015, the new law adds certification endorsement areas corresponding to teacher shortage areas as determined by the Commissioner of Education to that list.

Additionally, Public Act 108 directs the Commissioner of Education to establish or join interstate agreements to facilitate the certification of qualified educators from other states. The law also provides that the State Board of Education will issue an initial educator certificate to any person who satisfies these statutory requirements and the appropriate interstate agreement. The law also reduces from three to two



the number of years of teaching experience for an out-of-state, master's level, nationally board-certified teacher to be eligible for a Connecticut professional educator certificate. Public Act 15-108 also removes the requirement that an individual must complete a survey course in United States history to be eligible for an initial educator certificate with an elementary endorsement, provided the applicant achieves a satisfactory score on the state-approved subject matter assessment. In addition, candidates in teacher preparation programs must now complete training in cultural competency.

The law also establishes a task force to study and develop strategies to increase and improve the recruitment, preparation and retention of minority teachers in public schools in the state. In addition, the law also modifies the Department of Education's municipal aid for new educators grant by removing the cap on how many offers of employment a district may extend to students under the grant, removing the requirement that such offers be extended only to students of in-state colleges or universities and extending the available aid to alliance districts. In addition, alliance districts may now also apply for grants based on plans to attract and recruit minority teachers and administrators.

In addition, beginning on July 1, 2016, Section 276 of Special Session Public Act 15-5 requires that any person seeking to obtain an initial educator certificate must complete a course or courses of study in special education specifically relating to classroom techniques in reading, differentiated instruction, social-emotional learning, cultural competencies and assistive technology. The law also retains the current requirement that persons seeking either an initial educator certificate or a provisional educator certificate must complete a thirty-six hour course of study in special education relating to the growth and development of children with exceptional needs and identifying and working with students with special needs in a regular education setting.

The legislature also passed new laws relating to

bilingual education certification. Section 338 of Special Session Public Act 15-5 permits the State Board of Education to extend a temporary certificate in the certification area of bilingual education for an additional two years, if the person is employed as a bilingual teacher at a board of education. The new law also now requires only that new bilingual teachers meet coursework requirements in the subject areas in which they teach, rather than be dually certified in those areas. In addition, Section 340 of the Act now permits the State Board of Education to issue an international teacher permit in a shortage area to a person who will be providing instruction as part of a bilingual education program if that person has completed coursework or training deemed by the state to be the equivalent of a bachelor's degree.

Public Act 15-108 can be viewed at <http://www.cga.ct.gov/2015/ACT/PA/2015PA-00108-R00SB-01098-PA.htm> and Special Session Public Act 15-5 can be viewed at <http://www.cga.ct.gov/2015/ACT/PA/2015PA-00005-R00SB-01502SS1-PA.htm>.

## **In-Service Training and Changes to the Professional Development Committee**

The General Assembly also made changes to required in-service training programs for certified personnel. Effective July 1, 2015, Public Act 15-97 requires in-service training programs to include training in the identification of, and evidence-based structured literacy interventions for, students with dyslexia, and Public Act 15-108 requires training in cultural competency. In addition, although not mandatory, the State Board of Education must now provide available materials and assist and encourage boards of education to include, as part of their in-service programs, information in two additional areas. These areas now include trauma-informed practices for the school setting under Public Act 15-232, effective October 1, 2015, and second language acquisition, including language development and culturally responsive pedagogy under Section 292 of Special Session Public Act 15-5, effective July 1, 2015. Finally, Section 11 of Public Act 15-215 now clarifies that each district's professional development and

evaluation committee must include at least one teacher selected by the teachers' union, at least one administrator selected by the administrators' union and such other school personnel as the board deems appropriate.

Public Act 15-97 can be viewed at <http://www.cga.ct.gov/2015/ACT/PA/2015PA-00097-R00SB-01054-PA.htm>, Public Act 15-108 can be viewed at <http://www.cga.ct.gov/2015/ACT/PA/2015PA-00108-R00SB-01098-PA.htm>, Public Act 15-232 can be viewed at <http://www.cga.ct.gov/2015/ACT/PA/2015PA-00232-R00SB-00843-PA.htm>, Public Act 15-215 can be viewed at <http://www.cga.ct.gov/2015/ACT/PA/2015PA-00215-R00HB-07023-PA.htm> and Special Session Public Act 15-5 can be viewed at <http://www.cga.ct.gov/2015/ACT/PA/2015PA-00005-R00SB-01502SS1-PA.htm>.

## Preschool Programs

Public Act 15-134 requires that, for the 2017-2018 school year, local or regional boards of education, interdistrict magnet schools operated by regional educational service centers and charter schools providing preschool programs must obtain accreditation for those preschool programs from the National Association for the Education of Young Children.

Additionally, the new law requires the Office of Early Childhood to develop a plan to assist early childhood education program providers with implementing stricter staff qualifications, as required by law. The new law also extends the deadline for compliance with stricter staff qualifications by two years, from July 1, 2015 to July 1, 2017. In addition, a new provision in the Act permits certain school readiness staff to be exempted from the stricter staff qualifications until June 30, 2025. Finally, the new law requires local and regional boards of education to include the Office of Early Childhood's preschool experience survey in their kindergarten registration materials.

Public Act 15-134 can be viewed at <http://www.cga>.

[ct.gov/2015/ACT/PA/2015PA-00134-R00HB-07020-PA.htm](http://www.cga.ct.gov/2015/ACT/PA/2015PA-00134-R00HB-07020-PA.htm).

## Magnet School Enrollment Notification

Section 9 of Public Act 15-215, effective July 1, 2015, modifies the laws regarding magnet school enrollment notification. Currently, magnet school operators must notify school districts otherwise responsible for educating a student that the student will be enrolled under an interdistrict magnet school under the operator's control by May 15 of each year. While this requirement remains, the new law now also requires that parents or guardians of a student who will enroll in the interdistrict magnet school, or who has been placed on a waiting list for enrollment in such a school, provide written notification to the school district that is otherwise responsible for educating the student no later than two weeks following the interdistrict magnet school's enrollment lottery.

Public Act 15-215 can be viewed at <http://www.cga.ct.gov/2015/ACT/PA/2015PA-00215-R00HB-07023-PA.htm>.

## Agricultural Science and Technology Centers

Section 8 of Public Act 15-215, as amended by Section 253 of Special Session Public Act 15-5, effective July 1, 2015, clarifies that boards of education operating agricultural science and technology education centers may apply for certain grants, subject to available funds, related to facilities and equipment for such centers, provided those facilities and equipment are used exclusively for the agricultural science and technology centers. Finally, Section 254 of Special Session Public Act 15-5 extends through the 2016-2017 fiscal year the ability of boards of education to use these grants even if they exceed the amounts budgeted or appropriated by the board of education.

Public Act 15-215 can be viewed at <http://www.cga.ct.gov/2015/ACT/PA/2015PA-00215-R00HB-07023-PA.htm> and Special Session Public Act 15-5

can be viewed at <http://www.cga.ct.gov/2015/ACT/PA/2015PA-00005-R00SB-01502SS1-PA.htm>.

## Name Change for Special Master

Sections 1 through 3 of Public Act 15-215 changes the name of “special master” to “district improvement officer” for districts under state supervision wherever such term is used in the education statutes.

Public Act 15-215 can be viewed at <http://www.cga.ct.gov/2015/ACT/PA/2015PA-00215-R00HB-07023-PA.htm>.

## Indemnification Statute

Section 5 of Public Act 15-215, effective immediately, makes changes to the indemnification statute by adding teacher mentor or reviewer as covered employees who are indemnified by a local or regional board of education.

Public Act 15-215 can be viewed at <http://www.cga.ct.gov/2015/ACT/PA/2015PA-00215-R00HB-07023-PA.htm>.

## Supplemental Nutrition Program Information

Under Section 13 of Public Act 15-215, not later than October 1, 2015, the Department of Education, in consultation with the Department of Social Services, is required to provide information about the supplemental nutrition assistance program (SNAP) to local and regional boards of education. The information must include information on how individuals may qualify for the program, where to obtain applications and where to get help completing applications. Beginning with the 2015-2016 school year, each board of education must use this information to provide notice to parents and guardians of students about SNAP.

Public Act 15-215 can be viewed at <http://www.cga.ct.gov/2015/ACT/PA/2015PA-00215-R00HB-07023-PA.htm>.

## Pesticide Application at Schools

The General Assembly also made several changes to required notifications about the application of pesticides at schools. Under current law, parents or guardians and school staff may register to receive prior notice of pesticide application at a school that includes specific information about the application. For schools without an integrated pest management plan, Section 436 of Special Session Public Act 15-5, effective October 1, 2015, now provides that schools must send this prior notice to parents via email rather than mail. In addition, Section 437 of the Act also requires that the notification provided by schools with integrated pest management plans must include information about the target pests.

The new law also provides for several other notification requirements for schools. As of October 1, 2015, in addition to the existing notification requirements for schools, both for those with and without integrated pest management plans, boards of education must now also provide at least twenty-four hours’ notice about the application of a pesticide on the applicable school’s homepage (or the district’s homepage if there is no school website). In addition, although the legislation is unclear, boards of education may also have a separate obligation to provide such notice through “the primary social media account” of the school or district. In addition, each board of education must indicate on its homepage how parents can register for prior notice of pesticide applications. Furthermore, by March 15 of each year, each board of education must send through the school’s or district’s email notification or alert system, specific information about each pesticide application since January 1 of that year and a listing of such notices for applications made between March 15 and December 31 of the preceding year. Specifically, this information must include the name of the active ingredient of the pesticide, the target pest, the location of the application on school property, the date of the application and the name of a school official who can be contacted for more information. Finally, each board of education must also print the required email

notification in parent handbooks or manuals, although districts are not required to reprint any handbooks or manuals for this purpose.

Finally, Section 438 of the Act provides expanded definitions of pesticides and related materials.

Special Session Public Act 15-5 can be viewed at <http://www.cga.ct.gov/2015/ACT/PA/2015PA-00005-R00SB-01502SS1-PA.htm>.

## Extension of the School Security Grant Program

Regular Session Public Act 15-5 extends the existing school security infrastructure competitive grant program an additional year, until June 30, 2016. 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.

Special Session Public Act 15-5 can be viewed at <http://www.cga.ct.gov/2015/ACT/PA/2015PA-00005-R00SB-01502SS1-PA.htm>.

## Supplemental Open Choice Transportation Grants Extended to Boards of Education

Section 255 of Special Session Public Act 15-5, effective July 1, 2015, now permits local and regional boards of education to receive supplemental transportation grants beyond the statutory per pupil grant for transportation for the Open Choice program. Previously, these supplemental grants were available only to regional educational resource centers. The new law also provides that the number of students transported for these grants must be determined on October 1 of each year, rather than September 1.

Special Session Public Act 15-5 can be viewed at

<http://www.cga.ct.gov/2015/ACT/PA/2015PA-00005-R00SB-01502SS1-PA.htm>.

## Accountability and Performance

Sections 326 and 327 of Special Session Public Act 15-5, effective July 1, 2015, make several changes to the school and district accountability and performance statutes. Most significantly, Sections 326 and 327 remove the school performance index, school subject performance indices, district performance index and district subject performance indices as performance measures for schools and districts. Instead, the new law creates a new “performance index” based on mastery test data and a new “accountability index.” This accountability index will be based on multiple student, school or district-level measures that must include the performance index and graduation rates, and may include academic growth, attendance and chronic absenteeism, postsecondary education and career readiness, enrollment and graduation from institutions of higher education and postsecondary education programs, civics and arts education and physical fitness. The Department of Education will determine how these measures are weighted. In addition, the five designated categories of schools based on performance may now be based, in part, on the accountability index. At the district level, alliance districts and educational reform districts will also be determined by the accountability index. Other Sections of the Act also update various other school accountability and performance laws to replace the previous school performance and district performance indices with the accountability index. In addition, the State Department of Education must prepare a statewide performance management and support plan consistent with federal law to identify districts in need of improvement, classify schools at categories one through five and identify focus schools.

Special Session Public Act 15-5 can be viewed at <http://www.cga.ct.gov/2015/ACT/PA/2015PA-00005-R00SB-01502SS1-PA.htm>.

## Superintendents' Report on Teacher Evaluations

Section 341 of Special Session Public Act 15-5 extends the deadline by which superintendents must submit teacher evaluation reports to the Commissioner of Education from June 30 to September 15 of each year.

Special Session Public Act 15-5 can be viewed at <http://www.cga.ct.gov/2015/ACT/PA/2015PA-00005-R00SB-01502SS1-PA.htm>.

## MISCELLANEOUS STATUTORY CHANGES AFFECTING SCHOOLS

### Charter Schools

Public Act 15-239 makes substantial changes to the laws regarding charter schools. The law provides a definition of “charter” for the first time, clarifying that, for charters granted or renewed on or after July 1, 2015, a charter is “a contract between the governing council of a charter school and the State Board of Education that sets forth the roles, powers, responsibilities and performance expectations of each party to the contract.” In addition, Public Act 15-239 defines the roles of the State Board of Education and the General Assembly in the charter approval process. Effective July 1, 2015, the State Board of Education may only grant “initial certificates of approval” for a charter. After that, the General Assembly may then determine whether it will appropriate funds for the charter school. Only upon the granting of such appropriations will the charter school’s “initial certificate of approval” become a charter. Furthermore, in considering whether to grant an initial certificate of approval for a charter, the State Board of Education must now consider, in addition to existing criteria, the state’s effort to close the achievement gap and comments made at public hearings regarding charter school applications.

The new law also adds restrictions regarding the types of organizations that may act as charter management organizations. Now, only tax-exempt not-for-profit organizations may act in such a role. In addition, Public Act 15-239 also restricts which types of entities may apply for an initial certificate of approval for a charter, limiting such applications to nonprofit organizations, institutes of higher education, boards of education and regional educational resource centers. Previously, any person, association, corporation, organization or other entity could also apply for a charter.

Furthermore, charter applications must now include the charter school’s plan to share student learning practices and experiences with the local or regional board of education of the town in which the proposed charter school is to be located. Moreover, failure of a charter school to engage in this communication with the local or regional board of education may now result in the denial of an application for a charter renewal. Additionally, charter applications for proposed charter schools in which the governing council plans to contract with a charter management organization to operate the charter school must include specified information about the charter management organization, the roles of the charter management organization and the governing council, and information about the contract between the two entities, including fees paid and contract oversight.

Additionally, in the rare case an application for a local charter school—as opposed to a state charter school—is submitted to a local or regional board of education, the board of education now has seventy-five days, instead of sixty days, to review and vote upon the application. Currently, no local charter schools exist in Connecticut. In addition, as of July 1, 2015, any initial certificate of approval for a charter from the State Board of Education will include academic and organizational performance goals that set forth the performance measures to be used by the State Board of Education in evaluating the charter school. Charter schools must include information about these performance



goals in annual reports to the state, and a charter school's performance on these goals may be used in determining whether to renew a charter.

Public Act 15-239 also provides a number of new requirements for charter school governance. The new law mandates that each member of a governing council complete training related to charter school governing council responsibilities and best practices at least once during the term of the charter. Additionally, each governing council must adopt an anti-nepotism policy and a conflict of interest policy consistent with state law and best practices in nonprofit corporate governance. Furthermore, each charter management organization, or in the absence of a charter management organization, the governing council, must now submit annually to the Commissioner of Education a certified audit statement and financial information, which will be posted on the Department of Education website.

In addition, as of July 1, 2015, the Act requires members of the governing council and charter management organization to submit to a background check of the Department of Children and Families abuse and neglect registry, and to a state and national criminal background check, before the State Board of Education may grant an initial certificate of approval for a charter or before such members may be hired. These checks are now also required of each applicant for a position with a charter school and of each contractor doing business with a charter school, if the contractor is performing a service involving direct student contact.

Additionally, governing councils of charter schools must now submit a request in writing to the State Board of Education before making any material change in the operations of a charter school. The statute defines a material change as a change that fundamentally alters the charter school's mission, organizational structure or educational program, such as altering the educational model in a fundamental way, opening an additional school building, contracting for or discontinuing a contract for whole school

management services with a charter management organization, renaming the charter school, changing the grade configurations of a charter school, or increasing or decreasing the total student enrollment of the charter school by twenty percent or more.

Furthermore, the Act now requires a charter school to submit a written request to the State Board of Education if the charter school wishes to amend its charter to materially change, or fundamentally alter, the charter school's mission, organizational structure or educational program. The State Board of Education must solicit and review comments regarding the charter school's request from the local or regional board of education of the town in which the charter is located before voting on the request.

Public Act 15-239 also establishes requirements for "whole school management services" contracts for charter schools. Specifically, the new law provides that the governing council of a charter school may only enter into a contract for whole school management services with a charter management organization. These contracts must include, at minimum, provisions relating to the roles and responsibilities of the governing council and the charter management organization, the performance measures, mechanisms and consequences by which the governing council will hold the charter management organization accountable for performance, the compensation to be paid to the charter management organization, financial reporting requirements and provisions for the governing council's financial oversight, a choice of law provision that states that Connecticut will be the controlling law for the contract and any other information required by the Commissioner of Education. In addition, such contracts must not involve any financial conflict of interest or modify any provision of the charter and must be submitted to and approved by the State Board of Education. Each contract must also provide that the governing council of the charter school is entitled to copies of all records and files related to the administration of the charter school. Finally, the whole school management contracts with charter management organizations must

also include a provision indicating that such records or files are subject to disclosure under the Freedom of Information Act, with the exception that the governing council may redact the personally identifiable information of a contributor of a *bona fide* contribution if requested in writing by the contributor.

Public Act 15-239 can be viewed at <http://www.cga.ct.gov/2015/ACT/PA/2015PA-00239-R00SB-01096-PA.htm>.

## Operating Grants for Interdistrict Magnet Schools

Public Act 15-177, effective July 1, 2015, requires the Commissioner of Education to develop and submit to the General Assembly a comprehensive statewide interdistrict magnet school plan by October 1, 2016. As with the previous version of the law, the Commissioner may not accept any applications for operating grants for new interdistrict magnet schools outside of the *Sheff* region until this plan is developed. This new plan likely will establish the framework for the role the Department of Education sees for interdistrict magnet schools outside the *Sheff* region in the coming years.

Public Act 15-177 can be viewed at <http://www.cga.ct.gov/2015/ACT/PA/2015PA-00177-R00HB-06978-PA.htm>.

## Task Force to Study Life-Threatening Food Allergies in Schools

Special Act 15-17 establishes a task force to study life-threatening food allergies in school. Specifically, the study will examine the efficacy of the implementation, dissemination and enforcement of Department of Education guidelines for the management of students with life-threatening food allergies and glycogen storage disease. The task force will also study issues related to the transportation of students with life-threatening food allergies, management plans used by school districts for students with life-threatening allergies and glycogen storage disease, the emotional

and psychosocial welfare of such students and their inclusion in school events and how schools address the isolation and targeting of such students. The task force will submit a report to the General Assembly by January 1, 2016.

Special Act 15-17 can be viewed at <http://www.cga.ct.gov/2015/act/sa/2015SA-00017-R00HB-06975-SA.htm>.

## Developmental Screenings During Health Assessments

Public Act 15-157, effective July 1, 2015, requires health care providers performing physical examinations on children five years or under for the purposes of completing the Department of Education's early childhood health assessment record form or public school health assessment form to indicate on the record or form whether the health care provider performed a developmental screening during the physical examination. The developmental screening under the statute specifically relates to the identification of concerns regarding a child's physical and mental development, including, but not limited to, the child's sensory, behavioral, motor, language, social, perceptual or emotional skills.

Public Act 15-157 can be viewed at <http://www.cga.ct.gov/2015/ACT/PA/2015PA-00157-R00HB-06579-PA.htm>.

## School-Based Health Centers

Public Act 15-59, effective October 1, 2015, defines the terms "school-based health center" and "expanded school health site" under Connecticut law. Under the new law, a school-based health center is defined as a health center that is located in, or on the grounds of, a school facility of a school district or school board or of an Indian tribe or tribal organization, that is organized through school, community and health provider relationships, that is administered by a sponsoring facility and that provides comprehensive on-site medical and behavioral health services to children

and adolescents in accordance with state and local law. An expanded school health site is defined as a health center that is located in, or on the grounds of, a school facility of a school district or school board; that is organized through school, community and health provider relationships; that is administered by a sponsoring facility and provides medical or behavioral services, including, but not limited to, dental services, counseling, health education, health screening and prevention services, to children and adolescents in accordance with state and local law. A sponsoring facility can mean a hospital, public health department, community health center, nonprofit health or human services agency, school or school system, or program administered by the Indian Health Service or the Bureau of Indian Affairs or operated by an Indian tribe or tribal organization. The law extends several existing statutory provisions for school-based health centers to expanded school health sites, including the provision for Department of Health grants. Under the new law, no person or entity may use the term school-based health center, its abbreviation or variations thereof in describing a facility that may reasonably be confused with this term as defined under the new statute.

Public Act 15-59 can be viewed at <http://www.cga.ct.gov/2015/ACT/PA/2015PA-00059-R00SB-00917-PA.htm>.

## Recommendations of the Achievement Gap Task Force

Public Act 15-137 creates the position of director of reading initiatives within the Department of Education. The new director will be responsible for administering the intensive reading instruction program to improve student literacy in kindergarten to grade three and to close the achievement gap, assisting with the program of professional development for teachers and principals in scientifically based reading research and instruction, administering the coordinated statewide reading plan for students in kindergarten to grade three, administering the statewide reading incentive program, providing assistance to boards of education in the administration of reading assessments and

the implementation of school district reading plans, providing information and assistance to parents and guardians of students relating to reading and literacy instruction, addressing reading and literacy issues related to students who are English language learners, and developing and administering any other statewide reading and literacy initiatives for students in kindergarten to grade twelve.

Public Act 15-137 can be viewed at <http://www.cga.ct.gov/2015/ACT/PA/2015PA-00137-R00HB-06974-PA.htm>.

## Technical High School System

Sections 14 and 15 of Public Act 15-215 reassigns from the State Board of Education to the technical high school system board the responsibility for a number of administrative responsibilities relating to the technical high school system. These responsibilities include adopting a long-range plan of priorities and goals for the technical high school system every five years, evaluating existing technical high school trade programs, adding new technical high school trade programs, maintaining a three-year capital improvement and capital equipment improvement plan and preparing biennial summary reports for the General Assembly regarding the technical high school system.

Public Act 15-215 can be viewed at <http://www.cga.ct.gov/2015/ACT/PA/2015PA-00215-R00HB-07023-PA.htm>.

## Junior Reserve Officer Training Corps Program

The law previously provided that a board of education may employ a person certified by the United States armed forces to be an instructor or assistant instructor of a Junior Reserve Training Corps program in a school. Section 18 of Public Act 15-215, effective July 1, 2015, provides that, if such a certified person is unavailable, a board of education may employ any person enrolled in a program of certification to be an

instructor or assistant instructor of a Junior Reserve Officer Training Corps program administered by the United States armed forces.

Public Act 15-215 can be viewed at <http://www.cga.ct.gov/2015/ACT/PA/2015PA-00215-R00HB-07023-PA.htm>.

## Average Daily Membership for Regional School Districts

Under existing law, a regional board of education determined the amount of funds to be paid by each member town of the regional district toward the district's net expenses by using the same ratio as the number of pupils in average daily membership resident in the member town for the preceding school year to the total number of pupils in all the member towns.

Section 20 of Public Act 15-215, effective July 1, 2015, retains this method of calculation, including the ability of the regional board of education to recalculate such amounts, but amends Section 10-51 of the Connecticut General Statutes to provide an alternative structure for determining the amount to be paid by each member town. The new law permits regional boards of education to determine the amounts to be paid by each member town through an agreement among the member towns approved by the State Board of Education. If the payment by a member town deviates by an amount that is greater than or equal to one percent of the amount established in the agreement, the State Board of Education must review, and then accept or reject, that deviation.

Public Act 15-215 can be viewed at <http://www.cga.ct.gov/2015/ACT/PA/2015PA-00215-R00HB-07023-PA.htm>.

## Tenure for Teachers in Districts that Become Regionalized

Section 21 of Public Act 15-215, effective immediately, provides that a teacher who has not attained tenure, and who is employed by a local board of education or as part of a cooperative arrangement that

subsequently joins a regional school district, may now count his or her previous continuous employment with the local board, or cooperative arrangement immediately prior to employment with the regional board, towards tenure. In addition, the new law specifies that a teacher who has attained tenure and is employed by a local board or as part of a cooperative arrangement will not experience a break in continuous employment for the purpose of tenure if the local board or cooperative arrangement joins a regional school district.

Public Act 15-215 can be viewed at <http://www.cga.ct.gov/2015/ACT/PA/2015PA-00215-R00HB-07023-PA.htm>.

## Employee Online Privacy

Public Act 15-6, effective October 1, 2015, protects the privacy of employees' and job applicants' personal online accounts from employers. The new law provides that no employer may request, or require that an employee or applicant provide to the employer, the employee's or applicant's username and password or any other authentication means for accessing the employee's or applicant's personal online account. Similarly, under the new law, no employer may request or require that an employee or applicant authenticate or access a personal online account in the presence of the employer, nor may the employer require that the employee or applicant invite such employer, or accept an invitation from the employer, to join a group affiliated with any personal online account of the employee or applicant.

The employer also may not discharge, discipline, discriminate against, retaliate against or otherwise penalize any employee who refuses to provide a username or password or other authentication means, refuses to authenticate an account in front of the employer, or who refuses to accept an invitation from the employer, or to permit the employer to join a group affiliated with any personal account of the employee or applicant. Additionally, no such action may be taken against an employee who files a complaint, verbally

or in writing, against the employer for violating the new law. Likewise, an employer is prohibited from failing, or refusing to hire, an applicant as a result of the applicant's refusal to provide any of the information described above. An employer may, however, discharge, discipline or penalize an employee or applicant who transfers business information to a personal online account.

In contrast to the privacy protections for personal online accounts, Public Act 15-6 provides that an employer may request or require that an employee or applicant provide the employer with the username and password and other authentication means for accessing any account or service provided by the employer or that the employee uses for the employer's business purposes. In addition, an employer may also request or require a username and password or other authentication means for any electronic communications device supplied by, or paid for by, the employer.

The law does, however, provide employers some recourse in investigating matters relating to an employee's or applicant's personal online accounts. Employers may conduct an investigation to ensure compliance with laws and prohibitions against workplace misconduct when the employer receives specific information about activity on an employee's or applicant's personal online account or to conduct an investigation into the unauthorized transfer of employer information from or to a personal online account. In these circumstances, an employer may require an employee or applicant to allow the employer to access his or her personal online account, although the employer may not require the employee or applicant to disclose his or her username and password or other authentication means. Furthermore, an employer may monitor, review, access or block electronic data stored on an electronic device paid for by the employer or traveling through or stored on the employer's network, provided such activities are otherwise in accordance with state and federal law.

Public Act 15-6 can be viewed at <http://www.cga.>

[ct.gov/2015/ACT/PA/2015PA-00006-R00SB-00426-PA.htm](http://www.cga.ct.gov/2015/ACT/PA/2015PA-00006-R00SB-00426-PA.htm).

## Pooling of Public Employees in the State Employee Health Plan

Effective October 1, 2015, Public Act 15-93 permits nonstate employers to apply to the Comptroller for coverage for their employees and retirees under the state employee health insurance plan. Under this arrangement, premium payments by nonstate employers for such coverage will be the same as those paid by the state, including premiums paid by employees. The Comptroller, however, may charge each nonstate public employer an administrative fee on a per member, per month basis.

Participation in the state employee plan will be for not less than three-year intervals. The Comptroller will establish procedures for nonstate employers to apply for renewal for or seek withdrawal from coverage, including procedures for withdrawing before the expiration of the interval period.

Where previously nonstate public employers were only permitted to join the state employee plan if the entire employee pool of the nonstate public employer joined the plan, the new law permits a nonstate public employer to apply for coverage in the state employee plan for fewer than all of its employees. If a nonstate employer applies for coverage for less than all of its employees or indicates it will offer other health insurance plans to employees who are offered the state health plan, the application must be reviewed by the state's Health Care Cost Containment Committee, which is charged with examining whether the application will shift a significantly disproportional part of the nonstate public employer's medical risks to the state employee plan. If the Committee determines that accepting the application would shift a significantly disproportional part of the nonstate public employer's medical risks to the state employee plan, the Comptroller must reject the application. The Health Care Cost Containment Committee process is not required, however, if a nonstate employer applies



for coverage for less than all of its employees because individual nonstate employees chose to decline such coverage or because the employer does not offer coverage to temporary, part-time, or durational workers. The law establishes similar procedures for the application for coverage for nonstate employers' retirees.

Importantly, Public Act 15-93 provides that the initial and continuing participation in the state employee health plan by a nonstate employer is a mandatory subject of collective bargaining subject to binding interest arbitration.

Finally, the Comptroller may not offer coverage to the employees of nonstate public employers unless the State Employees' Bargaining Agent Coalition provides its consent to incorporate the new law into its collective bargaining agreement.

Public Act 15-93 can be viewed at <http://www.cga.ct.gov/2015/ACT/PA/2015PA-00093-R00SB-00913-PA.htm>.

## Communications Regarding Referenda

Public Act 15-173, effective immediately, makes several changes to the rules regarding communications related to municipal referenda. The Act clarifies that, for referenda called for by a regional board of education, only that regional board of education may authorize the preparation and publication of explanatory texts and other printed material relating to the referenda issues submitted to the voters of the municipalities included within the regional school district.

In addition, Public Act 15-173 also makes several modifications to the rules concerning the use of community notification systems during pending referenda. First, the law clarifies that regulated community notification systems refer only to those that are maintained by the municipality, and permit residents to opt to receive notifications of community events and news from the municipality via email,

text message, telephone or other electronic means. Second, the new law specifies that a website maintained by a municipality or a regional school district will not be considered a community notification system, but may contain a notice regarding the time and location of a referendum, a statement of the question as it will appear on the ballot, the explanatory text or other material regarding the referendum issues, if applicable, but may not advocate a position on the referendum.

Finally, the Act clarifies that the current law's prohibition on the use of public funds to advocate for approval or disapproval of referendum issues does not include the maintenance of a third-party comment posted on social media or a website maintained by the state, municipality or regional school district.

Public Act 15-173 can be viewed at <http://www.cga.ct.gov/2015/ACT/PA/2015PA-00173-R00HB-06902-PA.htm>.

## Removal of Cap for Professional Fees for Administration of Retired Teachers' Health Insurance Premium Account

Sections 97 and 98 of Special Session Public Act 15-5, effective July 1, 2015, removes the \$150,000 cap on the use of funds from the Retired Teachers' Health Insurance Premium Account to be used for professional fees for the administration of the health benefit plans.

Special Session Public Act 15-5 can be viewed at <http://www.cga.ct.gov/2015/ACT/PA/2015PA-00005-R00SB-01502SS1-PA.htm>.

## Review of Transportation Arrangements for Special Needs Students

Section 226 of the Special Session Public Act 15-5 requires each local and regional board of education to review the transportation arrangements for special needs students, both in- and out-of-district, and make

appropriate changes to ensure the safe transportation of students. These changes may include the provision of bus monitors or cameras on the vehicles. This review must be completed by January 1, 2016, and then annually thereafter.

Special Session Public Act 15-5 can be viewed at <http://www.cga.ct.gov/2015/ACT/PA/2015PA-00005-R00SB-01502SS1-PA.htm>.

## Caps on Education Grants Extended

Sections 245 through 252 of Special Session Public Act 15-5 extends the cap on certain grants to boards of education and regional educational service centers, including health services for private school students, transportation for private school students, adult education programs, regional educational resource center operations, special education costs and excess costs, excess regular education costs for state-placed children and transportation grants. These grants will be proportionately reduced based on amounts actually appropriated.

Special Session Public Act 15-5 can be viewed at <http://www.cga.ct.gov/2015/ACT/PA/2015PA-00005-R00SB-01502SS1-PA.htm>.

## Expansion of Commissioner's Network of Schools

Section 258 of Special Session Public Act 15-5, effective July 1, 2015, makes several changes to the ability of the Commissioner of Education to choose schools for the Commissioner's Network. The new law clarifies that the Commissioner may choose up to twenty-five schools for the Commissioner's Network in any single school year. In addition, the Commissioner may now choose up to five, rather than two, schools in a single school year for the Network from a single school district, and also removes the restriction on selecting a maximum of four schools in total from a school district.

Special Session Public Act 15-5 can be viewed at

<http://www.cga.ct.gov/2015/ACT/PA/2015PA-00005-R00SB-01502SS1-PA.htm>.

## Birth-to-Three Early Intervention

Sections 259 and 261 of Special Session Public Act 15-5, effective July 1, 2015, establishes the Office of Early Childhood as the lead agency responsible for administering Connecticut's birth-to-three early intervention system under Part C of the Individuals with Disabilities Education Act. Previously, the birth-to-three system was administered by the Department of Developmental Services.

Special Session Public Act 15-5 can be viewed at <http://www.cga.ct.gov/2015/ACT/PA/2015PA-00005-R00SB-01502SS1-PA.htm>.

## Planning Commission for Education

Section 263 of Special Session Public Act 15-5 establishes a Planning Commission for Education to develop and recommend the implementation of a strategic master plan for public education on Connecticut. The charge of this commission is wide-ranging; it must address disparate and competing mandates from initiatives and reforms, use of data, accountability systems and factors affecting and supporting outcomes for all students. The commission will also study and recommend changes to funding policies. The commission must submit a preliminary report by April 15, 2016, and the final strategic master plan by February 15, 2017.

Special Session Public Act 15-5 can be viewed at <http://www.cga.ct.gov/2015/ACT/PA/2015PA-00005-R00SB-01502SS1-PA.htm>.

## IEP Forms and Software

Sections 267 and 268 of Special Session Public Act 15-5 create an Individualized Education Program Advisory Council to assist the Commissioner of Education in developing a new, more user-friendly, individualized education program form. The

Commissioner must submit the new IEP form by January 1, 2017, and it must specifically include information about the parent training and information center and the Bureau of Special Education on the first page.

In addition, Sections 269 and 270 of the Act require the Department of Education to issue a request for proposals to software vendors for the purchase of electronic IEP form software, and sets various requirements for the IEP software. If the Department selects a vendor that meets the RFP requirements, and the costs do not exceed appropriations, the Department will purchase the IEP form software and provide it to half of all local and regional boards of education technical high schools for the 2016-2017 school year and each subsequent year, and then provide the remaining halves for the 2017-2018 school year and each subsequent year. If the Department does not purchase IEP form software from a vendor, then it must study the feasibility of creating and administering its own electronic IEP form software. Ultimately, the software will allow districts to, among other things, submit electronic copies of IEPs to the state, as part of remote audits, and to other districts to which a student transfers.

Special Session Public Act 15-5 can be viewed at <http://www.cga.ct.gov/2015/ACT/PA/2015PA-00005-R00SB-01502SS1-PA.htm>.

## SERC Assistive Technology Equipment Sharing Programs Study

The General Assembly tasked the State Education Resource Center (“SERC”) with conducting two studies. First, Section 271 of Special Session Public Act 15-5 directs SERC to conduct a study regarding assistive technology equipment-sharing programs, including existing programs and their effectiveness and access to those programs by boards of education. Second, under Section 283, SERC must also conduct a study regarding the collection and use of longitudinal student data relating to special education outcomes. The focus of study will include the use and

expansion of the Preschool through 20 and Workforce Information Network (“P20 WIN”) to produce reports on such outcomes. SERC must submit both studies by January 1, 2016.

Special Session Public Act 15-5 can be viewed at <http://www.cga.ct.gov/2015/ACT/PA/2015PA-00005-R00SB-01502SS1-PA.htm>.

## Access by Parent Groups to Information about the Provision of Special Education Programs and Services

Section 272 of Special Session Public Act 15-5, effective July 1, 2015, requires the Department of Education to provide, upon request, “complete and accurate information regarding special education programs and services offered by state, local and regional boards of education, regional educational resource centers and other providers” to organizations that represent and provide services to parents and guardians of children requiring special education and related services, as long as such information is not prohibited from disclosure under state or federal law.

Special Session Public Act 15-5 can be viewed at <http://www.cga.ct.gov/2015/ACT/PA/2015PA-00005-R00SB-01502SS1-PA.htm>.

## SERC Calendar of Special Education Training Opportunities

Section 273 of Special Session Public Act 15-5 requires SERC to accept notices of events submitted by special education advocacy groups, boards of education, regional educational service centers and other special education providers and maintain a calendar of learning and training opportunities for the public related to special education. The Department of Education will also link to the calendar on its website.

Special Session Public Act 15-5 can be viewed at <http://www.cga.ct.gov/2015/ACT/PA/2015PA-00005-R00SB-01502SS1-PA.htm>.

## **Provision of Special Education and Related Services by Regional Educational Resource Centers**

This term, the General Assembly demonstrated an interest in exploring opportunities to increase the role of regional educational resource centers (“RESC”) in the provision of special education and related services. Section 274 of Special Session Public Act 15-5 establishes a working group related to RESC special education funding. This working group will study existing and additional sources of special education funding for RESCs; how RESCs currently use those funds; and opportunities to increase efficiencies to expand the provision of special education and related services, including transportation, training and therapeutic services. The working group must submit its report by July 1, 2016.

In addition, Section 275 of the Act requires each RESC to develop a regional model for the provision of special education and related services to all school districts served by the RESC. These regional models must include a regional transportation plan for students requiring special education and related services; a regional educator training plan for special education training for school district staff; a regional plan for the provision of therapeutic services, including speech therapy, physical therapy and occupational therapy and a plan that makes such services readily available to school districts served by the RESC. Each RESC must submit its regional model by October 1, 2016.

Furthermore, Section 284 of the Act directs each RESC to conduct a survey of the special education and related services provided in each RESC’s region to identify the need for improved or additional services and programs provided by the RESC. These surveys, due by July 1, 2016, will include an inventory of special education services and programs provided by boards of education and private providers; the number of students receiving such services in such programs and the costs incurred by each board of education for such services and programs.

Finally, under Section 285 of the Act, each RESC must also study the feasibility of the RESC providing “new special education services and programs that are of equal or greater quality than those currently provided by” boards of education or private providers in the respective RESC region. RESCs must submit these feasibility studies by October 1, 2016.

Special Session Public Act 15-5 can be viewed at <http://www.cga.ct.gov/2015/ACT/PA/2015PA-00005-R00SB-01502SS1-PA.htm>.

## **Auditing of Private Providers of Special Education**

Sections 278 through 281 of Special Session Public Act 15-5, effective July 1, 2015, require that the Auditors of Public Accounts shall conduct audits on behalf of boards of education of private providers of special education that have entered into agreements with boards of education to provide special education or related services, or that otherwise receive state or federal funding for special education. Each private provider of special education services, including both state-approved and non-state-approved providers, will be audited at least once every seven years. Importantly, boards of education will receive the results of these audits. To accomplish these new requirements, each board of education must annually provide the Auditors of Public Accounts the number of students in its jurisdiction receiving special education and related services from private providers of special education services and the amount of money the board paid to the private provider in the prior fiscal year.

Special Session Public Act 15-5 can be viewed at <http://www.cga.ct.gov/2015/ACT/PA/2015PA-00005-R00SB-01502SS1-PA.htm>.

## **Memoranda of Understanding with State Agencies**

Section 282 of Special Session Public Act 15-5 directs the Department of Education to enter into a

memorandum of understanding (“MOU”) with the Bureau of Rehabilitation Services, the Office of Early Childhood and the Departments of Developmental Services, Children and Families, Social Services and Correction regarding the provision of special education and related services to children in areas including education, health care and transition services. Similarly, Section 282 requires the Bureau of Rehabilitation Services, the Office of Early Childhood and the Departments of Developmental Services, Children and Families, Social Services and Correction to enter into MOUs, as necessary, regarding the provision of special education and related services as such services relate to each agency.

Special Session Public Act 15-5 can be viewed at <http://www.cga.ct.gov/2015/ACT/PA/2015PA-00005-R00SB-01502SS1-PA.htm>.

## Innovation Waivers

Section 301 of Special Session Public Act 15-5 directs the Commissioner of Education to develop a process by which boards of education may request waivers of state education statutes and regulations. These waivers will not be applicable to certain education laws, including those relating to health and sanitation; the minimum budget requirement; transportation; teacher certification, tenure and collective bargaining; mastery examinations; required courses of study; school accommodations; school attendance duties; high school graduation requirements; special education obligations; school and district accountability; and student suspensions, among others. The Commissioner may recommend approval of up to ten waivers, which then must be reviewed by the State Board of Education for its recommendation. Ultimately, the General Assembly may approve or

disapprove of the State Board’s recommendations.

Special Session Public Act 15-5 can be viewed at <http://www.cga.ct.gov/2015/ACT/PA/2015PA-00005-R00SB-01502SS1-PA.htm>.

## School Choice and *Sheff*-Related Updates

Several sections of Special Session Public Act 15-5 updated relevant laws related to school choice under the *Sheff* agreement and the extension of the 2013 *Sheff* stipulation. Section 307 includes new funding formulae for per pupil grants for interdistrict magnet schools and allocation schedules for those grants. In addition, for the fiscal year ending June 30, 2016, the new law now provides, under Sections 307 and 314 of the Act, that regional educational resource centers that operate interdistrict magnet schools with preschool programs may charge parents up to \$4,053 in tuition for preschool, if the parent’s family income is above 75% of the state median income. The State Department of Education will be financially responsible, contingent on available funding, for the tuition for families at or below that threshold. Previously, tuition was set by a sliding scale based on family income. In addition, Section 322 of the Act adds a new provision in the law, clarifying that an interdistrict magnet school that is not in the *Sheff* region and that does not meet racial minority enrollment requirements may remain eligible for an interdistrict magnet school operating grant if the Commissioner of Education approves a compliance plan submitted by the school.

Special Session Public Act 15-5 can be viewed at <http://www.cga.ct.gov/2015/ACT/PA/2015PA-00005-R00SB-01502SS1-PA.htm>.

