



## 2017 SESSION CONNECTICUT GENERAL ASSEMBLY

*In its 2017 regular session, the General Assembly made a number of changes to the statutes affecting public education in Connecticut. This summary is intended to give you a brief overview of some of the more significant changes that were made this year in the area of education. In addition, for more information about new legislation affecting employers in general, including new legislation regarding veterans as a protected class and reasonable accommodations for pregnant workers, please see our employment law legislative summary at <http://www.shipmangoodwin.com/2017-employment-legislation-summary>.*

**Note:** *At the time of publication, the General Assembly had not passed a biennial budget. Upon passage of the budget, related legislation implementing the budget likely will further impact laws affecting public schools. Once this legislation is passed, we will supplement this legislative summary and distribute a comprehensive summary of laws from the regular and special sessions.*

### STATUTORY CHANGES AFFECTING STUDENTS:

#### Alternative Educational Opportunities for Expelled Students

Last year, Section 12 of Public Act 16-147, which was to be effective August 15, 2017, revised the requirements for the provision of an alternative educational opportunity during a student's period of expulsion. Specifically, Section 12 of Public Act 16-147 required that, for any eligible students, such alternative educational opportunities be equivalent to "alternative education" as defined by state law, which includes at least 180 days of actual school sessions per school year and 900 hours of actual school work for full-day kindergarten and grades one through twelve (and 450 hours of actual school work for half-day kindergarten). In addition, Section 12 of Public Act 16-147 required that the alternative educational opportunity include an "individualized learning plan."

Section 2 of Public Act 17-220, effective August 15,

2017, amends the alternative education opportunity provisions of Section 12 of Public Act 16-147 in two respects. First, Public Act 17-220 provides that boards of education need only offer an alternative educational opportunity to expelled students by providing an alternative educational opportunity that meets the definition of "alternative education" (including the 180 day/900 hour requirement) with an individualized learning plan, if such board provides such alternative education. In other words, if a board of education provides an alternative education program for non-expelled students that complies with state standards for alternative education, it may use that alternative education program as an alternative educational opportunity for an expelled student. In addition, Section 2 of Public Act 17-220 provides that boards of education, alternatively, may now comply with requirements regarding the provision of an alternative educational opportunity to expelled

students by providing such an alternative educational opportunity in accordance with forthcoming standards to be adopted by the State Board of Education for the provision of an adequate alternative educational opportunity. The State Board standards, required by Section 3 of Public Act 17-220, will include the kind of instruction and the number of hours to be provided to expelled students. The State Board must adopt those standards by August 15, 2017.

Public Act 17-220 can be viewed at <https://www.cga.ct.gov/2017/ACT/pa/pdf/2017PA-00220-R00HB-07276-PA.pdf>

For a previous summary of the requirements of Public Act 16-147, please see our 2016 Education Legislative Summary at [http://www.shipmangoodwin.com/files/38156\\_EducationLegislationSummary2016.pdf](http://www.shipmangoodwin.com/files/38156_EducationLegislationSummary2016.pdf)

## Student Data Privacy

Last year, Public Act 16-189, An Act Concerning Student Data Privacy, which became effective October 1, 2016, established a number of new requirements relating to the use and handling of student data, including a requirement to enter into written contracts with contractors with specific provisions any time a board shares or provides access to student information, student records, or student-generated content with such contractor. Public Act 17-200, effective from passage, delays the contract requirements of Public Act 16-189 (now codified at Conn. Gen. Stat. §§ 10-234aa to 10-234cc) until July 1, 2018. The new law also revised from forty-eight hours to two business days the time by which a board of education must notify parents of a breach of security relating to student data upon notice of such breach from a contractor. In addition, Public Act 17-200 also reestablishes a task force to study issues relating to student data privacy, and the task force must now include an attorney with expertise in Connecticut School law. The task force

must submit its report by January 1, 2018.

Public Act 17-200 can be viewed at <https://www.cga.ct.gov/2017/ACT/pa/pdf/2017PA-00200-R00HB-07207-PA.pdf>

For a previous summary of the requirements of Public Act 16-189, please see our 2016 Education Legislative Summary at [http://www.shipmangoodwin.com/files/38156\\_EducationLegislationSummary2016.pdf](http://www.shipmangoodwin.com/files/38156_EducationLegislationSummary2016.pdf)

## Student Records

Conn. Gen. Stat. § 10-253(f) currently provides that boards of education must provide educational services to homeless children and youths in accordance with the federal McKinney-Vento Homeless Assistance Act, as amended. Public Act 17-194, effective July 1, 2017, amends that statute to clarify that “unaccompanied youth,” defined by federal law as a homeless child or youth not in the physical custody of a parent or guardian, shall be entitled to knowledge of and provided access to all educational, medical or similar records in the child’s or youth’s cumulative record maintained by a board of education.

Public Act 17-194 can be viewed at <https://www.cga.ct.gov/2017/ACT/pa/pdf/2017PA-00194-R00HB-07156-PA.pdf>

Section 4 of Public Act 17-68, effective July 1, 2017, amends Conn. Gen. Stat. § 10-15b to clarify that the right of a parent or legal guardian of a student to knowledge of and access to all education, medical or similar records maintained by a board of education extends to parents who are incarcerated unless (1) the records are privileged as a professional communication between a student and teacher or other covered staff regarding the student’s substance abuse (which records are also privileged and not disclosable to non-incarcerated

parents), (2) the incarcerated parent has been convicted of sexual assault, or (3) the incarcerated parent's right to knowledge of or access to such records has been restricted by a court order.

Public Act 17-68 can be viewed at <https://www.cga.ct.gov/2017/ACT/pa/pdf/2017PA-00068-R00SB-01014-PA.pdf>

Public Act 17-119, effective October 1, 2017, amends a provision of Conn. Gen. Stat. § 46b-129a relating to the appointment of attorneys to represent children during commitment hearings. When certain authorized entities (e.g., governmental agencies, probation officers, child care agencies, children, attorneys, foster parents) allege, in the form of a petition to a court, that a child has been abused, neglected or uncared for, the court may commence a hearing to determine whether the child should be committed to the custody of an individual or an agency. A court or the Office of Chief Public Defender may appoint an attorney to represent the child during such a proceeding. If an attorney is appointed to represent the child and the case involves an accusation of abuse, neglect or lack of care by a parent or guardian, the attorney is to be provided immediate access to "records relating to the child, including, but not limited to, Department of Social Services records and medical, mental health and substance abuse treatment, law enforcement and educational records, without the necessity of securing further releases." The attorney shall also have immediate access to "the child, for the purpose of consulting with the child privately." Schools and school districts should be aware of the requirement to provide immediate access to the child or the child's records and the prohibition on requiring a release before granting such access.

Public Act 17-119 can be viewed at <https://www.cga.ct.gov/2017/ACT/pa/pdf/2017PA-00119-R00HB-06741-PA.pdf>

## High School Graduation Requirements

Section 1 of Public Act 17-42, effective July 1, 2017, delays the implementation of new graduation requirements, which will now take effect with the class of 2023 (i.e., the requirements will apply to the freshman class beginning high school during the 2019-2020 school year).

Public Act 17-42 also modifies some of the subject-matter credit requirements included in the new graduation requirements, but does not change the impending minimum credit requirement of 25 credits. The new subject-matter credit requirements are as follows:

1. 9 credits in the humanities, "including civics and the arts" (eliminates the current requirement under Conn. Gen. Stat. 10-221a that humanities credits include at least 4 credits in English, 3 credits in social studies, 1 credit in fine arts, and 1 credit in an elective);
2. 9 credits in science, technology, and mathematics (this is an increase from the 8 credits currently required, but the Act eliminates the way in which the credits were previously apportioned);
3. 1 credit in physical education and wellness (no change);
4. 1 credit in health and safety education (increase from ½ credit);
5. 1 credit in world languages (decrease from 2 credits); and
6. a 1-credit "mastery-based diploma assessment" (change from "one credit senior demonstration project or its equivalent").

In addition, Public Act 17-42 provides increased flexibility for boards of education to award credits

by permitting boards to grant credit to students who demonstrate mastery of the subject matter content through “educational experiences and opportunities that provide flexible and multiple pathways to learning, including cross-curricular graduation requirements, career and technical education, virtual learning, work-based learning, service learning, dual enrollment and early college, courses taken in middle school, internships and student-designed independent studies, provided such demonstration of mastery is in accordance with such state-wide subject matter content standards.”

Finally, Section 2 of Public Act 17-42, also effective July 1, 2017, requires the State Board of Education to adopt state-wide subject matter content standards and to review and revise them at least once every 10 years.

Public Act 17-42 can be viewed at <https://www.cga.ct.gov/2017/act/pa/pdf/2017PA-00042-R00SB-01026-PA.pdf>

## Creation of Biliteracy Seal

Public Act 17-29, effective July 1, 2017, creates a “Connecticut Seal of Biliteracy,” which districts can award to students graduating from high school who have “achieved a high level of proficiency in English and one or more foreign languages,” including American Sign Language. The Act requires the State Department of Education to develop criteria for awarding the seal by September 1, 2017. The Act permits districts to award the seal to students who have met the criteria established by the State by affixing the seal on the students’ diplomas and including a designation on the students’ transcripts that they have received it.

Public Act 17-29 can be viewed at <https://www.cga.ct.gov/2017/ACT/pa/pdf/2017PA-00029-R00HB-07159-PA.pdf>

## Services for Gifted and Talented Services

Public Act 17-82, effective July 1, 2017, requires the Commissioner of Education to designate an employee of the State Department of Education to be responsible for providing information and assistance to boards of education and parents/guardians related to the identification and provision of services to gifted and talented students. In addition, the Act requires the Department to develop guidelines that will include best practices for addressing the intellectual, social and emotional needs of gifted and talented students in school, as well as educator training and professional development related to gifted and talented students. The Department must release the guidelines by January 1, 2018.

Public Act 17-82 can be viewed at <https://www.cga.ct.gov/2017/ACT/pa/pdf/2017PA-00082-R00SB-00911-PA.pdf>

## Vision Screenings

Conn. Gen. Stat. § 10-214 requires superintendents to notify parents or guardians in writing in the event that a vision screening of their child finds a defect or disease. Section 5 of Public Act 17-173, effective July 1, 2017, additionally requires that superintendents recommend, in writing, that any such child be examined by a licensed optometrist or ophthalmologist. Section 5 also expressly provides that an automated vision screening device may be used for such school screenings.

Public Act 17-173 can be viewed at <https://www.cga.ct.gov/2017/ACT/pa/pdf/2017PA-00173-R00HB-07253-PA.pdf>

## In School Suspensions

Section 1 of Public Act 17-14, effective July 1, 2017, removes in-school suspensions that are greater than or equal to one-half of a school day from the definition of “absence” for purposes of calculating school and

district chronic absenteeism rates under the recent chronic absenteeism law.

Public Act 17-14 can be viewed at <https://www.cga.ct.gov/2017/ACT/pa/pdf/2017PA-00014-R00SB-00910-PA.pdf>

## STATUTORY CHANGES AFFECTING SCHOOL DISTRICT OPERATION:

### Physical Restraint and Seclusion Training

Section 5 of Public Act 17-220, effective July 1, 2017, makes significant changes to the physical restraint and seclusion training requirements that were enacted as part of Public Act 15-141 (now codified at Conn. Gen. Stat. § 10-236b). Public Act 15-141 required all school professionals, paraprofessional staff members and administrators to be trained in physical restraint and seclusion. Specifically, Public Act 15-141 required (1) all school professionals, paraprofessional staff members and administrators to receive an annual overview of relevant laws and regulations regarding the use of physical restraint and seclusion on students provided by the State Department of Education, and (2) boards of education to develop a plan for training all school professionals, paraprofessional staff members and administrators regarding both the prevention and implementation of physical restraint and seclusion of a student, with such plans being implemented over a three-year period beginning no later than July 1, 2017 and concluding no later than the July 1, 2019. Public Act 15-141 also required boards of education to establish a crisis intervention team at each school consisting of school professionals, paraprofessional staff and administrators to respond to incidents in which physical restraint or seclusion may be necessary.

Under Section 5 of Public Act 17-220, boards of education will only be required to provide

the required training to members of the crisis intervention team for each school within the district. In addition to the mandatory training for members of the crisis intervention team, however, the law provides that boards of education may elect to provide such training to any teacher, administrator, paraprofessional or other school employee designated by the principal and who has direct contact with students. Boards of education must provide the required training during the 2017-2018 school year and annually thereafter. Importantly, the substantive training requirements have not changed; the significant change is that boards are now only required to train members of the crisis intervention teams. The training requirements continue to include:

- An annual overview of the laws and regulations regarding the use of physical restraint and seclusion provided by the State Department of Education, and
- The creation of plans to train relevant staff in the prevention and implementation of physical restraint and seclusion of a student.

Under the new law, boards of education must begin to provide the annual overview by the State Department of Education during the 2017-2018 school year, and they must implement the training plans by July 1, 2018. Finally, Section 5 of Public Act 17-220 clarifies that the membership of a crisis intervention team may include any teacher, administrator, school paraprofessional or other school employee designated by the principal and who has direct contact with students. Moreover, boards of education must maintain a list of the members of the crisis intervention team for each school.

Public Act 17-220 can be viewed at <https://www.cga.ct.gov/2017/ACT/pa/pdf/2017PA-00220-R00HB-07276-PA.pdf>

## Professional Development Requirements

Public Act 17-37, effective July 1, 2017, revises the list of topics that districts must provide in their in-service training programs for certified employees. Certain professional development topics previously required by Conn. Gen. Stat. § 10-220a have been eliminated. Conn. Gen. Stat. § 10-220a now requires that boards of education provide professional development on the following topics (the topics listed are summarized; please refer to the text of Public Act 17-37 for comprehensive descriptions of the required professional development topics):

1. Drug and alcohol awareness education;
2. Health and mental health risk reduction (e.g., substance abuse, sexual health, violence, and child abuse);
3. School violence prevention, suicide prevention, and bullying;
4. Life-saving procedures (including CPR);
5. Mandated reporting obligations; and
6. Identification of and interventions for dyslexic students.

The Act also amends Conn. Gen. Stat. § 10-148a, which now requires that professional development activities for certified employees developed by the district professional development and evaluation committee need only be consistent “with any goals identified by the certified employees and the board of education.” The new law thereby deletes the extensive list of previously required elements of such professional development activities.

Public Act 17-37 can be viewed at <https://www.cga.ct.gov/2017/act/pa/pdf/2017PA-00037-R00SB-00953-PA.pdf>

## Uniform Regional School Calendars

Section 1 of Public Act 17-220 provides that, beginning with the 2017-2018 school year, boards of education *may*—but no longer must—adopt the uniform regional school calendars developed by regional educational service centers. Beginning July 1, 2017, the Commissioner of Education must annually submit a report identifying which boards of education have adopted the uniform regional school calendar, detailing the implementation of such uniform regional school calendars, and making recommendations.

Public Act 17-220 can be viewed at <https://www.cga.ct.gov/2017/ACT/pa/pdf/2017PA-00220-R00HB-07276-PA.pdf>

## Audits and Monitoring of Private Special Education Programs

In 2015, the General Assembly passed several laws providing for state audits of private providers of special education services. This year, the General Assembly made several revisions to those laws. Conn. Gen. Stat. § 10-91h currently requires boards of education to annually provide to state auditors the number of district students receiving special education and related services from private providers of special education services and the amount of money paid to such providers. Now, pursuant to Section 7 of Public Act 17-173, effective from passage, boards of education must also provide any other information requested by state auditors in connection with such audits.

Section 6 of Public Act 17-173, effective from passage, revises the required frequency of audits of private providers of special education services by now requiring state auditors to conduct such audits as often as deemed necessary by state auditors utilizing a risk-based approach. In addition, Section 8 of Public Act 17-173, effective from passage, clarifies that each private provider of special education

services being audited pursuant to Conn. Gen. Stat. § 10-91g must provide access to any information requested by state auditors.

The General Assembly also extended auditing requirements to boards of education that have contracted with private providers of special education services. Under Section 6 of Public Act 17-68, effective July 1, 2017, such audits are intended to examine the board's monitoring of its students' attendance at such private provider and to ensure that proper services are being provided and that costs are being controlled. In doing so, boards of education must provide state auditors access to all records and accounts required to conduct the audit.

Public Act 17-68 can be viewed at <https://www.cga.ct.gov/2017/ACT/pa/pdf/2017PA-00068-R00SB-01014-PA.pdf>

Public Act 17-173 can be viewed at <https://www.cga.ct.gov/2017/ACT/pa/pdf/2017PA-00173-R00HB-07253-PA.pdf>

## Contracts with Private Providers of Special Education Services

Section 7 of Public Act 17-68, effective July 1, 2017, provides that any agreement entered into or amended on or after July 1, 2017 between a board of education and a private provider of special education services may include provisions that (1) require the private provider of special education services to submit monthly or quarterly reports to the board of education regarding the specific services and frequency of such services provided to students under the agreement, and (2) authorize the board of education to review and reconcile such reports with the services described in the agreement or conduct periodic site visits at the site where the private provider of special education services operates.

Public Act 17-68 can be viewed at <https://www.cga.ct.gov/2017/ACT/pa/pdf/2017PA-00068-R00SB-01014-PA.pdf>

## Transportation to Nonpublic Schools

Section 8 of Public Act 17-68, effective July 1, 2017, creates a pilot program for the school years beginning July 1, 2017 to July 1, 2026 that requires boards of education for each town located within twelve miles of West Hartford, New Haven, Shelton, Stamford and Montville to provide transportation services for resident students to attend nonpublic schools located within West Hartford, New Haven, Shelton, Stamford and Montville. Such resident students must request transportation from their school district at least thirty days prior to receiving such transportation services. Under the new law, those boards of education within twelve miles of West Hartford, New Haven, Shelton, Stamford and Montville will be reimbursed for the costs of such transportation by either the resident student or by the nonpublic school in which the resident student is enrolled. In addition, those boards of education will not be required to provide such transportation services if fewer than ten resident students request such transportation services and may designate one or more pick-up and drop-off locations within the town.

Public Act 17-68 can be viewed at <https://www.cga.ct.gov/2017/ACT/pa/pdf/2017PA-00068-R00SB-01014-PA.pdf>

## Agreements with Municipalities for Non-educational Services

Section 12 of Public Act 17-68, effective July 1, 2017, expressly authorizes boards of education to enter into a written agreement with the board of finance, board of selectmen (for towns not having a board of finance), or other fiscal authority to authorize such boards or fiscal authorities to take responsibility for the provision of any non-educational services provided by the board of education.

Public Act 17-68 can be viewed at <https://www.cga.ct.gov/2017/ACT/pa/pdf/2017PA-00068-R00SB-01014-PA.pdf>

## Extension of the School Security Grant Program

Section 1 of Public Act 17-68, effective from passage, extends the existing school security infrastructure competitive grant program to the current fiscal year. The grant program reimburses towns, regional educational service centers, the governing authority for a state charter school, the Department of Education on behalf of technical high schools, incorporated or endowed high schools or academies, and the supervisory agents for nonpublic schools for certain expenses related to school security incurred on or after January 1, 2013.

Public Act 17-68 can be viewed at <https://www.cga.ct.gov/2017/ACT/pa/pdf/2017PA-00068-R00SB-01014-PA.pdf>

## School District Responsibilities Agreements

Section 2 of Public Act 17-215, effective July 1, 2017, authorizes the State Department of Education to develop a model school district responsibilities agreement. The State Department of Education is to develop the model agreement by January 1, 2018. The model agreement is intended to clarify the roles of the board of education, the superintendent, and the administrators in school district operations. Use of the model agreement is optional, but districts electing to use the model agreement must notify the Commissioner. Districts may begin entering into school district responsibilities agreements during the 2018-2019 school year.

Section 1 of the Act also authorizes the State Board of Education to mandate training in school district responsibilities in chronically underperforming school districts.

Public Act 17-215 can be viewed at <https://www.cga.ct.gov/2017/ACT/pa/pdf/2017PA-00215-R00HB-07251-PA.pdf>

## Human Trafficking Awareness

Public Act 17-32 contains provisions related to the awareness, identification, and reporting of suspected human trafficking. Section 1 of the Act, effective October 1, 2017, requires the Commissioner of Education to assist the Connecticut Trafficking in Persons Council in developing a list of key indicators for identification of victims of trafficking. The Council is required to develop a standardized curriculum and conduct training for, among others, teachers, school counselors, and school administrators who have contact with children.

Section 6 of the Act, also effective October 1, 2017, requires the Department of Children and Families to consult with the Department of Emergency Service and Public Protection to develop an educational training program and refresher training program for the accurate and prompt identification and reporting of suspected human trafficking. This training program must include a video presentation providing awareness of human trafficking issues and guidance to, among others, persons employed by local or regional boards of education, as well as employees of the University of Connecticut and Connecticut state colleges, who have contact with students. The Act further requires these employees to complete an initial educational training program by July 1, 2018. Refresher trainings must be completed annually thereafter. Employees subject to these requirements must complete the initial training not later than six months after beginning employment or by July 1, 2018, whichever is later.

Public Act 17-32 can be viewed at <https://www.cga.ct.gov/2017/act/pa/pdf/2017PA-00032-R00HB-07309-PA.pdf>

## Notification to Schools of Protective Orders

Public Act 17-163, effective January 1, 2018, revises laws governing court notification of schools and

institutions of higher education of the existence of certain protective orders involving students. Currently, courts are required to notify a victim's school or institution of higher education regarding civil restraining orders, civil protection orders, or family violence protection orders upon request of the victim. Victims are additionally required, effective January 1, 2018, to provide the court with the school or institution's name and address to effectuate the notification process.

Further, the Act expands the notification provision, requiring a court to notify a victim's minor child's school of a civil restraining order protecting that child, provided the victim makes such a request and provides the court with the school's name and address.

Additionally, courts will be required to notify schools of criminal protective orders and orders prohibiting harassment of witnesses upon a victim's request and provision of the name and address of the victim's school.

Public Act 17-163 can be viewed at <https://www.cga.ct.gov/2017/act/pa/pdf/2017PA-00163-R00SB-00979-PA.pdf>

## Board of Education Reports on Asthma

Public Act 17-146 alters the frequency of certain board of education reporting requirements. Effective October 1, 2017, local and regional boards of education are required to report the incidence of students diagnosed with asthma on a triennial, instead of annual, basis. Such report must be made to the local health department as well as to the Department of Public Health, and must include the total number of pupils per school and per district diagnosed with asthma at the time of enrollment, in grade six or seven, and in grade ten or eleven, as well as pupil age, gender, race, ethnicity, and school.

Public Act 17-146 can be viewed at <https://www.cga.ct.gov/2017/act/pa/pdf/2017PA-00146-R00HB-07222-PA.pdf>

## STATUTORY CHANGES AFFECTING THE EMPLOYMENT OF SCHOOL PERSONNEL:

### Teacher Certification

Section 2 of Public Act 17-68, effective July 1, 2017, adds to the list of persons eligible for a one-year nonrenewable temporary certificate a person who has taught under a certificate issued by another state for at least two years. Section 2 also provides that the State Board of Education may extend the nonrenewable temporary certificate for an additional two years.

Section 3 of Public Act 17-68, effective July 1, 2017, extends the duration of a resident teacher certificate from one to two years, which, as with the current law, may then be extended by the Commissioner of Education for an additional year for good cause upon the request of the superintendent of the employing board of education.

Public Act 17-68 can be viewed at <https://www.cga.ct.gov/2017/ACT/pa/pdf/2017PA-00068-R00SB-01014-PA.pdf>

Section 8 of Public Act 17-14, effective July 1, 2017, revises the requirements for an initial educator certificate. The requirements for an initial educator certificate are now established as:

1. A bachelor's degree from an accredited institution of higher education; and
2. Completion of either an approved educator preparation program or an alternative route to

certification program (if using an alternate route to certification program, the individual must also satisfy the requirements for either a temporary ninety-day certificate or a resident teacher certificate).

Section 9 of Public Act 17-14, effective July 1, 2017, eliminates the requirement that holders of a temporary ninety-day certificate participate in a beginning support and assessment program.

Public Act 17-14 can be viewed at <https://www.cga.ct.gov/2017/ACT/pa/pdf/2017PA-00014-R00SB-00910-PA.pdf>

Sections 2 and 3 of Public Act 17-173, effective July 1, 2017, delay, by one year, the requirement for possession of a master's degree in order to obtain a professional educator certificate. A master's degree "in an appropriate subject matter area" will be required to obtain a professional educator certificate after July 1, 2018. Prior to July 1, 2018, an individual may obtain a professional educator certificate if they have successfully completed thirty hours of credit beyond a bachelor's degree.

Public Act 17-173 can be viewed at <https://www.cga.ct.gov/2017/ACT/pa/pdf/2017PA-00173-R00HB-07253-PA.pdf>

## Background and Employment Checks for School Employees

Section 9 of Public Act 17-68, effective July 1, 2017, amends Conn. Gen. Stat. § 10-221d to extend the criminal history and DCF registry background check requirements and the requirement that applicants disclose previous criminal convictions and any pending charges to nonpublic schools. Previously, nonpublic schools had the option of requiring applicants or employees to submit to criminal history checks. The new law also provides that nonpublic schools will be responsible for paying the fee for the criminal history checks.

Section 10 of Public Act 17-68, also effective July 1, 2017, similarly extends to nonpublic schools the recent employment history check requirements from Public Act 16-67 (amending Conn. Gen. Stat. § 10-222c) pertaining to the hiring of any applicant for employment in a position that would involve direct contact with students. Section 11 of the Act requires the State Department of Education to make available a standard form of background check questions for nonpublic schools to send to an applicant's former employers to provide information required by the law. While these particular revisions specifically affect only nonpublic schools, public boards of education should be aware that nonpublic schools in Connecticut must now comply with these requirements, including the obligation to send and complete employment verification forms.

Finally, Section 6 of Public Act 17-220, effective July 1, 2017, amends last year's employment history check requirements by limiting to the previous twenty years the time period for which an applicant must list relevant former employers as part of the application process. Specifically, the new law defines a "former employer" as "any person, firm, business, educational institution, nonprofit agency, corporation, limited liability company, the state, any political subdivision of the state, any governmental agency, or any other entity that such applicant was employed by during any of the previous twenty years prior to applying for a position."

For a previous summary of the requirements of Public Act 16-67, amending Conn. Gen. Stat. § 10-222c, please see our 2016 Education Legislative Summary at [http://www.shipmangoodwin.com/files/38156\\_EducationLegislationSummary2016.pdf](http://www.shipmangoodwin.com/files/38156_EducationLegislationSummary2016.pdf) and our August 5, 2016 client alert at <http://www.ctschoolaw.com/2016/08/effective-july-1-2016-school-districts-subject-to-new-requirements-for-employee-background-checks/>.

Public Act 17-68 can be viewed at <https://www.cga.ct.gov/2017/ACT/pa/pdf/2017PA-00068-R00SB-01014-PA.pdf>

Public Act 17-220 can be viewed at <https://www.cga.ct.gov/2017/ACT/pa/pdf/2017PA-00220-R00HB-07276-PA.pdf>

## Qualifications for Early Childhood Educators

Public Act 17-41 delays, by one year, the phase-in of stricter staff qualification requirements for early childhood education programs.

The first phase begins July 1, 2018 and ends June 30, 2021. In this phase, at least fifty percent of classroom staff working in state-funded early childhood education programs associated with child care or school readiness programs must hold either a teaching certificate and endorsement in early childhood education or a bachelor's degree with an early childhood education concentration from a state or regionally accredited institution.

The second phase begins July 1, 2021 and requires that all classroom staff in each such state-funded early childhood education program have either a teaching certificate with an endorsement in early childhood education or a bachelor's degree with an early childhood education concentration from a state or regionally accredited institution.

Educators with a bachelor's degree in early childhood education or child development, or a bachelor's degree and twelve credits in early childhood education or child development who were employed on or before June 30, 2015 are considered to meet the heightened requirements. Further, any educator with an associate degree with twelve credits or more in early childhood education or child development who has been employed in the same early childhood education program since 1995 will be considered

to meet the heightened qualifications required until the end of the 2024-2025 school year. On and after July 1, 2025, such educators must hold a childhood development associate credential or an equivalent credential.

Public Act 17-41 can be viewed at <https://www.cga.ct.gov/2017/act/pa/pdf/2017PA-00041-R00SB-00912-PA.pdf>

## Dyslexia Training

Public Act 17-3 mandates that, as of July 1, 2017, candidates for remedial reading, remedial language arts, or reading consultant endorsements pass the required reading instruction examination and complete a program of study that includes instruction and practicum hours in the detection of dyslexia and interventions for students with dyslexia.

Public Act 17-3 also mandates that, beginning on July 1, 2018, candidates for a comprehensive special education or integrated early childhood and special education endorsement complete a program of study that includes instruction and practicum hours in the detection of and interventions for students with dyslexia.

Public Act 17-3 can be viewed at <https://www.cga.ct.gov/2017/ACT/pa/pdf/2017PA-00003-R00HB-07254-PA.pdf>

## Competency Examination Waivers

Section 3 of Public Act 17-14, effective July 1, 2017, establishes that students in approved teacher preparation programs may obtain waivers of the required reading, writing, and mathematics competency examinations. The criteria for granting such waivers will be developed by the State Board of Education.

Public Act 17-14 can be viewed at <https://www.cga.ct.gov/2017/ACT/pa/pdf/2017PA-00014-R00SB-00910-PA.pdf>

## LMFT Candidates

Section 10 of Public Act 17-173, effective July 1, 2017, authorizes candidates for licensure as marital and family therapists to provide counseling services in public schools.

Public Act 17-173 can be viewed at <https://www.cga.ct.gov/2017/ACT/pa/pdf/2017PA-00173-R00HB-07253-PA.pdf>

## Acting Superintendents

Section 12 of Public Act 17-173, effective from passage, authorizes the Commissioner of Education to extend the probationary employment of an acting superintendent who is not properly certified, for a period not to exceed one additional (i.e., a second) school year, upon a finding that the board of education has demonstrated a significant need or hardship.

Public Act 17-173 can be viewed at <https://www.cga.ct.gov/2017/ACT/pa/pdf/2017PA-00173-R00HB-07253-PA.pdf>

## TRS Health Benefits

Section 14 of Public Act 17-173, effective from passage, permits retired teachers who are reemployed to receive, or continue to receive, health insurance benefits through the Teachers Retirement System during the period of their reemployment. Previously, TRS subsidies were prohibited during the reemployment of retired teachers. Moreover, Section 14 of Public Act 17-173 also repeals a provision of Conn. Gen. Stat. § 10-183v that previously required boards of education to offer reemployed retired teacher the same health insurance benefits available to the reemploying district's active teachers.

Public Act 17-173 can be viewed at <https://www.cga.ct.gov/2017/ACT/pa/pdf/2017PA-00173-R00HB-07253-PA.pdf>

## STATUTORY CHANGES CONCERNING ASSESSMENT, ACCOUNTABILITY, AND SCHOOL REFORM:

### State-Wide Examinations

Section 12 of Public Act 17-14, effective July 1, 2017 moves the administration of the state-wide mastery examination in science for high school students from tenth grade back to eleventh grade, beginning in the 2018-2019 school year.

Public Act 17-14 can be viewed at <https://www.cga.ct.gov/2017/ACT/pa/pdf/2017PA-00014-R00SB-00910-PA.pdf>

Section 1 of Public Act 17-173, effective July 1, 2017, requires the State Department of Education to notify boards of education of state-wide examination scores by August 15 of each year.

Public Act 17-173 can be viewed at <https://www.cga.ct.gov/2017/ACT/pa/pdf/2017PA-00173-R00HB-07253-PA.pdf>

### Early Literacy in Alliance Districts and Commissioner's Network

Section 2 of Public Act 17-101, effective July 1, 2017, requires the State Department of Education to create a reading readiness program that will provide tiered supports in early literacy to each school district designated as an Alliance District and each school participating in the Commissioner's Network.

As part of the program, the Department must conduct an assessment of students and reading programs in kindergarten through grade 3, identify early literacy needs based on that assessment, and then provide tiered supports, including universal supports (provided to all Alliance Districts and Commissioner's Network Schools), as well as targeted or intensive supports based on specific needs.

Public Act 17-101 also requires any tiered supports in early literacy that are provided to be aligned with a Commissioner's Network school's turnaround plan or an Alliance District's plan.

Public Act 17-101 can be viewed at <https://www.cga.ct.gov/2017/act/pa/pdf/2017PA-00101-R00HB-07205-PA.pdf>.

## Alliance District Plans

Section 3 of Public Act 17-215, effective July 1, 2017, requires that a plan submitted to the Commissioner by a board of education seeking Alliance District funding must include strategic use of student academic performance data. The Act also states that such plans may include assurances that the district will adopt the model school district responsibilities agreement (described above) and/or employ leadership succession plans for school administrators.

Public Act 17-215 can be viewed at <https://www.cga.ct.gov/2017/ACT/pa/pdf/2017PA-00215-R00HB-07251-PA.pdf>

## Commissioner's Network Report

Section 4 of Public Act 17-173, effective July 1, 2017, establishes new annual deadlines for the Commissioner to report to the education committee on the performance and impact of Commissioner's Network schools.

Public Act 17-173 can be viewed at <https://www.cga.ct.gov/2017/ACT/pa/pdf/2017PA-00173-R00HB-07253-PA.pdf>

## MISCELLANEOUS STATUTORY CHANGES AFFECTING SCHOOLS:

### Digital School Management and Reporting Software Survey

Section 4 of Public Act 17-220, effective July 1, 2017, requires the State Department of Education to conduct a survey of boards of education and their use of digital school management and reporting software, and, particularly, the ability of such software to allow districts to share education-related documents (i.e., education records, required reports and data submitted as part of the public school information system) with the State Department of Education, other districts upon a student transfer and other authorized users. The survey must be conducted by January 1, 2018.

Public Act 17-220 can be viewed at <https://www.cga.ct.gov/2017/ACT/pa/pdf/2017PA-00220-R00HB-07276-PA.pdf>

### Health Services Program Information Survey

Section 13 of Public Act 17-68, effective July 1, 2017, provides that, beginning with the 2017-2018 school year, each board of education must annually complete the Health Services Program Information Survey and submit it to the State Department of Education.

Public Act 17-68 can be viewed at <https://www.cga.ct.gov/2017/ACT/pa/pdf/2017PA-00068-R00SB-01014-PA.pdf>

### Reading Survey Disclosure

Section 1 of Public Act 17-101, effective July 1, 2017, makes minor revisions to Conn. Gen. Stat. § 10-145 regarding surveys of certified reading teachers to clarify that the results of such surveys will be confidential and not subject to disclosure under the

Freedom of Information Act. However, the results will be distributed to the individual responsible for designing and facilitating professional development conducted pursuant to Conn. Gen. Stat. § 10-148b.

Public Act 17-101 can be viewed at <https://www.cga.ct.gov/2017/act/pa/pdf/2017PA-00101-R00HB-07205-PA.pdf>

## Motor Vehicle Statute Changes Affecting Schools

Current law requires the Department of Motor Vehicles to provide boards of education engaged in providing transportation to students a report containing the names of drivers with passenger endorsements whose licenses or passenger endorsements have been withdrawn, suspended or revoked. Section 15 of Public Act 17-68, effective July 1, 2017, requires the Department of Motor Vehicles to ensure that any carrier transporting students is reviewing those reports and directs the Department of Motor Vehicles to conduct random compliance audits and maintain a publicly available record of the carrier's review of the report for the prior two years.

Public Act 17-68 can be viewed at <https://www.cga.ct.gov/2017/ACT/pa/pdf/2017PA-00068-R00SB-01014-PA.pdf>

## Universal Preschool

Special Act 17-1, effective July 1, 2017, requires the Connecticut Department of Education, the Office of Early Childhood, the Early Childhood Cabinet, and two providers of private preschool programs to develop a plan to provide preschool to all children three and four years of age in the state, beginning with the 2022-2023 school year. The Department of Education is required to submit any such plan as well as recommendations for legislative implementation of the plan to the appropriate joint standing committee of the General Assembly by January 1, 2019.

Special Act 17-1 can be viewed at <https://www.cga.ct.gov/2017/act/sa/pdf/2017SA-00001-R00SB-00954-SA.pdf>

## Pipeline for Connecticut's Future

Section 11 of Public Act 17-173, effective July 1, 2017, authorizes boards of education to partner with local businesses to provide on-site training and course credit as part of the Pipeline for Connecticut's Future program.

Public Act 17-173 can be viewed at <https://www.cga.ct.gov/2017/ACT/pa/pdf/2017PA-00173-R00HB-07253-PA.pdf>

## Definition of "Reduced Isolation Setting" for Interdistrict Magnet Schools

Section 1 of Public Act 17-172, effective July 1, 2017, requires the Commissioner of Education to develop reduced-isolation setting standards for interdistrict magnet schools in accordance with certain requirements set forth in the Act. These standards are intended, in accordance with the court's decision in the landmark *Sheff v. O'Neill* case, to reduce various forms of isolation experienced by Hartford-area students. Specifically, the Commissioner is charged with developing standards for magnet school enrollment which will increase opportunities for students who are residents of Hartford to access educational setting which are less racially isolating and have appropriate levels of diversity in, among other areas, geography, socioeconomic status, special education status, the prevalence of English language learners, and levels of academic achievement.

Section 2 of Public Act 17-172, also effective July 1, 2017, amends Conn. Gen. Stat. § 10-264I to require the governing authority of each interdistrict magnet school program to restrict the number of students that may enroll in the school from a participating district

to 75% of the total school enrollment and maintain a total school enrollment that complies with the standards established by the Commissioner pursuant to Section 1.

Beginning in fiscal years ending June 30, 2018, and June 30, 2019, the Commissioner may not award a grant to an interdistrict magnet school program whose total school enrollment is more than 75% from one district or which does not maintain a total school enrollment that is in compliance with the reduced-isolation standards developed by the Commissioner pursuant to Section 1. However, the Commissioner may award a grant to such a school for “an additional year or years” if she finds it is appropriate to do so and approves a plan to bring the school into compliance with the reduced-isolation standards. Beginning in those same fiscal years, if an interdistrict magnet school has not maintained a total school enrollment that complies with the Commissioner’s standards for two or more consecutive years, the Commissioner may impose a financial penalty on such interdistrict magnet school.

Public Act 17-172 can be viewed at <https://www.cga.ct.gov/2017/act/pa/pdf/2017PA-00172-R00HB-07201-PA.pdf>

## DCF Investigations

Section 6 of Public Act 17-81, effective July 1, 2017, revises Conn. Gen. Stat. § 17a-101i, which concerns investigations by the Department of Children and Families of allegations that a child has been abused or neglected by a public school employee, that a child has been abused or neglected by a staff member of a public or private child care facility or a nonpublic school, or that any person who is being educated by the technical high school system or a board of education (other than as part of an adult education program) has been sexually assaulted by a public school employee. The Commissioner of the Department of Children and Families is already required to notify the employer of the results of

such an investigation and provide relevant records from the investigation to the employer. The Act clarifies that the Commissioner of the Department of Children and Families must also inform any state agency responsible for issuing a professional license, certification, permit or authorization to the employee or any state agency responsible for licensing or approving the employer of the investigation results. The Commissioner of the Department of Children and Families must also make records from the investigation available to such agency.

Public Act 17-81 can be viewed at <https://www.cga.ct.gov/2017/ACT/pa/pdf/2017PA-00081-R00SB-00893-PA.pdf>

## Technical Education and Career System

Public Act 17-237, effective July 1, 2017, makes significant changes to the state technical high school system. The Act provides the system with a new name, the “Technical Education and Career System.” The Act also establishes a phased plan to transition the system into a new state agency, which will be independent from the State Department of Education, by the 2019-2020 school year.

Public Act 17-237 can be viewed at <https://www.cga.ct.gov/2017/ACT/pa/pdf/2017PA-00237-R00HB-07271-PA.pdf>

Public Act 17-100, effective from passage, creates a division of postsecondary educational programs within the Technical Education and Career System (which was formerly known as the state technical high school system). The division will administer any postsecondary programs of study offered to students within the system. To participate in such programs, students must have a high school diploma or be at least twenty-one years old.

Public Act 17-100 can be viewed at <https://www.cga.ct.gov/2017/ACT/pa/pdf/2017PA-00100-R00HB-07202-PA.pdf>

## Task Forces, Advisory Councils and Committees

### **Digital Citizenship, Internet Safety and Media**

**Literacy Advisory Council:** Public Act 17-67, effective July 1, 2017, establishes a Digital Citizenship, Internet Safety and Media Literacy Advisory council within the Department of Education. The council will provide recommendations to the State Board of Education regarding: (1) best practices relating to instruction in digital citizenship, internet safety, and media literacy, and (2) methods of instructing students “to safely, ethically, responsibly, and effectively use media and technology.”

Public Act 17-67 can be viewed at <https://www.cga.ct.gov/2017/act/pa/pdf/2017PA-00067-R00SB-00949-PA.pdf>

**Interscholastic Athletics Task Force:** Section 13 of Public Act 17-173, effective from passage, establishes an interscholastic athletics task force. The task force is intended to study issues relating to the governance, financing, general conduct and the role of interscholastic high school athletic programs in Connecticut. The Act includes study parameters and membership criteria. The task force is required to report to the General Assembly by January 1, 2018.

Public Act 17-173 can be viewed at <https://www.cga.ct.gov/2017/ACT/pa/pdf/2017PA-00173-R00HB-07253-PA.pdf>

### **Performance Evaluation Advisory Council:**

Section 17 of Public Act 17-68, effective July 1, 2017, adds the Connecticut Association of School Administrators to the membership of the state Performance Evaluation Advisory Council.

Section 15 of Public Act 17-173, effective July 1, 2017, also adds the Connecticut Association of Schools to the membership of the state Performance Evaluation Advisory Council.

Public Act 17-68 can be viewed at <https://www.cga.ct.gov/2017/ACT/pa/pdf/2017PA-00068-R00SB-01014-PA.pdf>

Public Act 17-173 can be viewed at <https://www.cga.ct.gov/2017/ACT/pa/pdf/2017PA-00173-R00HB-07253-PA.pdf>

### **Interagency Council for Ending the Achievement**

**Gap:** Section 9 of Public Act 17-173, effective from passage, establishes that the membership of the Interagency Council for Ending the Achievement Gap now includes, additionally, the Chief Court Administrator or designee.

Public Act 17-173 can be viewed at <https://www.cga.ct.gov/2017/ACT/pa/pdf/2017PA-00173-R00HB-07253-PA.pdf>

These materials have been prepared by Shipman & Goodwin LLP for informational purposes only. They are not intended as advertising and should not be considered legal advice. This information is not intended to create, and receipt of it does not create, a lawyer-client relationship. Viewers should not act upon this information without seeking professional counsel. © 2017 Shipman & Goodwin LLP. One Constitution Plaza, Hartford, CT 06103.