

2021 EDUCATION LEGISLATION SUMMARY

A Shipman & Goodwin® Legislation Summary

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

STATUTORY CHANGES AFFECTING STUDENTS

Social Equity and the Health, Safety and Education of Children

Public Act No. 21-46, as amended by Sections 390 through 393 of June Special Session, Public Act No. 21-2, makes numerous changes to laws affecting children and students and related entities.

Youth Suicide Prevention Training Program. Section 1 of Public Act No. 21-46 requires the Youth Suicide Advisory Board and the Office of the Child Advocate to administer an evidence-based youth suicide prevention training program in each local and district health department and offer such program on or before July 1, 2022, and at least once every three years thereafter. Such training program must provide certification in Question, Persuade and Refer Institute Gatekeeper Training, which is designed to teach individuals who work with youth about the warning signs of a suicide crisis and how to respond.

Each local and district health department director must determine eligibility criteria for program participants, who must be members of particular groups in each health district, including but not limited to school employees, youth service bureau employees, youth-serving organization employees and volunteers, and youth athletic activity employees and volunteers. Importantly, the Act allows school employees to participate in the training program as part of an in-service training provided by local and regional boards of education under existing law, as amended by the Act. The training model must allow participants with valid certification to train other individuals, including members of the public.

Mental Health Wellness Days. Effective July 1, 2021, Section 19 of the Act requires local and regional boards of education to allow any student enrolled in grades kindergarten through twelve to take two non-consecutive days each school year as mental health wellness days. “Mental health wellness day” is defined as a school day on which a student attends to the student’s emotional and psychological well-being instead of attending school.

School Lunch Debt. Beginning in the 2021-2022 school year, Section 20 of the Act requires boards of education to include, in any policy or procedure for the collection of unpaid charges for school lunches, breakfasts, or other feedings, provisions that prohibit employees or vendors from publicly identifying or shaming a child for unpaid

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charges by delaying or refusing to serve a meal to the child, designating a specific meal for the child, or taking any disciplinary action against the child. Such policies or procedures must also include a declaration of the child's right to purchase one meal, which may exclude *a la carte* items, for any school breakfast, lunch, or other feeding, and a procedure for communicating with parents or guardians about collecting a child's unpaid meal charges. Such communication must contain information on local food pantries, applications for free or reduced-price meals and the Department of Social Services' supplemental nutrition assistance program, and a link to the school district's website that lists any community services available to town residents.

If a child's unpaid meal charges equal or exceed the cost of 30 meals, the Act requires districts to refer the child's parent or guardian to the district's homeless education liaison. Under the Act, boards of education are authorized to accept gifts, donations, or grants to pay unpaid meal charges. Any school that intends to do this should have a policy or administrative procedure in place in advance that provides that such funds will be used in a non-discriminatory manner.

Birth-to-Three Program Expansion and Early Intervention Services. Section 28 of the Act requires the Commissioner of Early Childhood ("OEC Commissioner") to develop and implement, by July 1, 2022, a plan to expand the birth-to-three Program, established pursuant to Conn. Gen. Stat. § 17a-248b, to provide early intervention services to any child who is (1) enrolled in the program, (2) turns age three on or after May 1 and not later than the first day of the school year commencing July 1, and (3) is eligible for participation in preschool programs under Part B of the Individuals with Disabilities Education Act ("IDEA").¹ However, the services must terminate when the child begins participation in such preschool program. The Act also prohibits the Office of Early Childhood from charging a fee for early intervention services to the parents or guardians of eligible children.

Developmental and Social-Emotional Delay Screenings. Existing law generally requires each eligible child (a child up to 36 months old, who is not eligible for special education and related services and who needs early intervention services) and the child's family to receive a multidisciplinary assessment, a written individualized family service plan within 45 days after the referral, and a review of such plan with the family at least every six months, with evaluation of such plan at least annually. Section 27 of the Act expands these requirements by mandating that within two months after a child is determined to be ineligible for participation in preschool programs under Part B of the IDEA, the child and the child's family receive a referral to register for a mobile app designated by the OEC Commissioner to continue screening for developmental and social-emotional delays in partnership with the school district of residence.

Planning and Placement Team Meetings. Section 25 of the Act expands the rights of parents (including parents, guardians, and surrogates) at PPT meetings to include the right to have the PPT address each recommendation made in a child's birth-to-three individualized transition plan during the meeting at which the child's IEP is developed. In addition, the Act gives the parent the right to have the child's birth-to-three coordinator participate in PPT meetings. The Act also requires boards of education to provide information about these new rights at each initial PPT meeting.

In addition, the Act requires each local or regional board of education to monitor the development of each child who has been (1) referred for registration on a mobile app designated by the OEC Commissioner or (2) provided a form for the child's parent, guardian, or surrogate parent to complete and submit to the board of education that screens for developmental and social-emotional delays using a validated screening tool. If, based on this monitoring, a child is suspected of having a developmental delay, the board must schedule a PPT meeting with the parent, guardian, or surrogate parent to identify services for which the child may be eligible, including a preschool program under Part B of the IDEA.

¹ Sections 419 through 421 of [June Special Session. Public Act No. 21-2](#) make conforming changes to state law by expanding the statutory definition of "eligible children" under the birth-to-three Program.

School Readiness Liaison. For the school year starting July 1, 2022, in any school district that serves a town that has not convened or established a local or regional school readiness council, the local or regional board of education must designate a school readiness liaison. The liaison must be an employee of the school district and serve as an informational resource for parents of children transitioning from the birth-to-three program to enrollment in a public elementary school in the school district.

Policy for Equitable Identification of Gifted and Talented Students

Section 2 of **Public Act No. 21-199** requires boards of education, not later than July 1, 2022, to adopt a policy for the equitable identification of gifted and talented students. The policy must require the use of multiple methods of identification of gifted and talented students that are in compliance with guidance provided by the State Department of Education (“SDE”).

Policy Concerning Grading

Since 1999, boards of education have been required by Conn. Gen. Stat. § 10-220g to establish a policy concerning weighted grading for honors and advanced placement classes. Section 13 of **Public Act No. 21-199**, effective July 1, 2021, amends this requirement such that boards are now required to establish, and update as necessary, a written policy concerning the manner in which students’ grade point averages are calculated, including whether such grade point average is weighted or not weighted. This policy must state whether a grade in an honors class, advanced placement class, International Baccalaureate program, Cambridge International program, dual enrollment, dual credit, or early college is or is not given added weight for purposes of calculating grade point average and determining class rank.

Policy Concerning the Eligibility Criteria for Enrollment in an Advanced Course or Program

Section 3 of **Public Act No. 21-199** requires boards of education, not later than July 1, 2022, to adopt a policy, or revise an existing policy, concerning the eligibility criteria for student enrollment in an advanced course or program. The policy must provide for multiple methods by which a student may satisfy the eligibility criteria for enrollment, including, but not limited to, recommendations from teachers, administrators, school counselors, or other school personnel. The criteria cannot be based exclusively on a student’s prior academic performance and any use of a student’s prior academic performance must rely on evidence-based indicators of how a student will perform in an advanced course or program.

The Act defines “advanced course or program” as an honors class, advanced placement class, International Baccalaureate program, Cambridge International program, dual enrollment, dual credit, early college or any other advanced or accelerated course or program offered by a local or regional board of education in grades nine to twelve.

Challenging Curriculum Policy

Section 5 of **Public Act No. 21-199** directs boards of education, not later than July 1, 2022, to adopt a challenging curriculum policy that includes, but need not be limited to, (1) criteria for the identification of students in grades eight and nine who may be eligible to take or enroll in an advanced course or program, as defined above, and (2) a provision requiring the creation of an “academic plan.” Under the Act, a board of education must create an

academic plan for each student identified under the criteria in the board's challenging curriculum policy. In creating an academic plan for a student, the plan must be designed to enroll the student in one or more advanced courses or programs and allow the student to earn college credit or result in career readiness. The SDE is directed to issue guidance that districts must use in adopting and implementing the challenging curriculum policy.

Student Success Plans

Boards of education are already required to create a student success plan for each student each year beginning in grade six. Section 4 of [Public Act No. 21-199](#) now requires, on or after July 1, 2021, that student success plans be created, if possible, in collaboration with each student and the student's parent or guardian. On or after July 1, 2022, a student success plan must, to the extent it does not conflict with the career choices of the student or the student's parent or guardian, include an academic plan that is in compliance with the challenging curriculum policy that boards must adopt pursuant to Section 5 of the Act as described above.

School Attendance Age Requirements

Section 10 of [Public Act No. 21-199](#) amends Conn. Gen. Stat. § 10-184 to raise, from seventeen to eighteen, the age when a student may withdraw from high school, beginning in the school year commencing July 1, 2023. However, a parent or person having control of a child who is seventeen years of age may withdraw the child from school if the child is enrolled in an adult education program. In order to do so, the parent or person having control of the child must personally appear at the district office and sign an adult education withdrawal and enrollment form.

Protection of Federal Student Aid Information

Section 263 of [June Special Session, Public Act No. 21-2](#), effective July 1, 2021, exempts from disclosure under the Freedom of Information Act any information contained in a Free Application for Federal Student Aid ("FAFSA") or state application for student financial aid that is held by the board of education. The Act also defines the circumstances under which a board of education may disclose to a federal immigration authority information from an individual's application for admission, application for financial aid, or immigration status: 1) when authorized by the individual to whom the information pertains; 2) when necessary in furtherance of a criminal investigation of terrorism; or 3) when otherwise required by state or federal law or in compliance with a warrant.

Promotion of Teaching Profession to High School Students

Section 380 of [June Special Session, Public Act No. 21-2](#) requires the Commissioner of Education, the Connecticut State Colleges and Universities President, and UConn's Neag School of Education Dean to jointly develop a plan to assist boards of education in promoting the teaching profession as a career option to high school students. Further, the SDE is required, by September 1, 2021, to distribute to boards of education information that promotes the teaching profession, including materials relating to educator preparation programs and alternative route to certification programs offered in the state, for school counselors and students.

Immunizations and Religious Exemptions

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

The Act eliminates the religious exemption for certain students. However, under the Act's legacy provision, any child who was enrolled in grades kindergarten through twelve *on or before* April 28, 2021 *and* whose parents or guardian had obtained and presented a religious exemption to the applicable school *before* April 28, 2021 may continue to rely on that exemption. This includes students who transfer from another district or private school in Connecticut with an exemption in place.

With respect to the required timing of vaccination compliance for children enrolled in preschool or pre-kindergarten, the Act contemplates the following two primary categories of students:

1. Any child who is enrolled in a preschool or other prekindergarten program and who had presented a religious exemption before April 28, 2021, and who presents a declaration from a physician, a physician assistant, advanced practice registered nurse, or local health agency stating that initial immunizations have been given to the child and additional immunizations are in process according to an alternative vaccination schedule, in a form prescribed by the Commissioner of Public Health, must be fully vaccinated according to the alternative vaccination schedule.
2. Any child who is enrolled in a preschool or other prekindergarten program and who had presented a religious exemption before April 28, 2021, and who did not present a declaration from a physician, a physician assistant, or an advanced practice registered nurse regarding an alternative vaccine schedule, must comply with the state's immunization requirements by the later of September 1, 2022 or fourteen days after transferring to the district.

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

The Act further provides that, if the parents or guardian of any child are unable to pay for required immunizations, the expense of such immunization shall, upon recommendation by the local or regional board of education, be paid by the town.

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

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

STATUTORY CHANGES RELATED TO REMOTE LEARNING

In its 2021 regular and special sessions, the General Assembly adopted many new laws to study the provision of remote learning during the COVID-19 pandemic and address remote learning for Connecticut students going forward. Effective July 1, 2021, [Public Act No. 21-46](#), as revised by Sections 390 through 393 of [June Special Session, Public Act No. 21-2](#), defines "remote learning" as "instruction by means of one or more Internet-based

software platforms as part of a remote learning model.” The new legislation, however, does not require the provision of remote learning in the 2021-2022 school year.

Remote Learning Commission. Section 387 of [June Special Session, Public Act No. 21-2](#) requires the SDE to establish the Connecticut Remote Learning Commission to analyze and provide recommendations concerning the provision of remote learning to public school students in grades nine through twelve. Pursuant to the Act, by July 1, 2022, the Commission must create a report containing an analysis and recommendations about remote learning’s impact on (1) elementary, middle, and high school students’ educational attainment; (2) students’ physical and emotional development; (3) students’ access to special services, such as mental health, and to food security and nutrition; and (4) the quality of instructional delivery. This analysis must collect data disaggregated by student subgroups based on race, ethnicity, age, gender, free or reduced-price lunch eligibility, disabilities, and primary language other than English.

Among other things, the report must address the feasibility of creating a statewide remote learning school serving grades kindergarten to twelve that meets the following criteria (“Remote Learning School Feasibility Criteria”):

1. is maintained by and under the direction and control of the State Board of Education (“State Board”);
2. provides at least 180 days of actual school sessions and 900 hours of actual school work in a school year, provided that no more than seven hours per day count toward the total annual hours requirement;
3. offers coursework and a curriculum that is rigorous, aligned with State Board-approved curriculum guidelines, and in accordance with State Board-adopted statewide subject matter content standards;
4. grants a diploma to any enrolled student who has satisfactorily completed the high school graduation requirements established by state law; and
5. is created in light of best practices in remote learning, technological capabilities of students throughout the state, and equity.

Statewide Remote Learning School. Effective July 1, 2022, Section 388 of [June Special Session, Public Act No. 21-2](#) requires the SDE to develop a plan for the creation and implementation of a statewide remote learning school for students in grades kindergarten through twelve. In developing the plan, the SDE must consider the findings and recommendations of the Connecticut Remote Learning Commission, review remote learning schools and models used in other states, and estimate the number of children throughout the state who may be eligible to enroll in such school. Any statewide remote learning school must meet the Remote Learning School Feasibility Criteria described above. The SDE is further directed to submit the plan, a draft request for proposals for items required to create and implement such a school, and any recommendations for legislative action to the Committees on Education and Appropriations by July 1, 2023.

Remote Learning Audit. Section 389 of [June Special Session, Public Act No. 21-2](#) requires the SDE to conduct a comprehensive audit of remote learning provided by local and regional boards of education during 2019-2020 and 2020-2021 due to the COVID-19 pandemic. Such audit must include, but is not limited to:

1. whether and how boards of education initially provided remote learning during the beginning of the pandemic, focusing on technological capabilities or limitations at that time;
2. curricula used as part of remote learning and if students were able to complete grade-level curricula;
3. remote learning preparation or training that teachers received both before and during remote learning in these school years, including the nature of the training and whether it was offered as professional development or in-service training;

4. the improvement level, if any, of the remote learning provided from the 2019-20 school year to the 2020-21 school year;
5. student absenteeism rates during the pandemic relative to pre-pandemic rates; and
6. student academic performance during the pandemic relative to pre-pandemic performance.

Based on the audit, the SDE must develop a report that evaluates the efficacy of remote learning and hybrid learning models, and the potential to leverage technology for teaching in other scenarios; identifies a system of metrics to hold boards accountable for remote learning access and equity; and reviews and makes recommendations regarding ongoing education requirements, including how to define a “school day”. The Act directs the SDE to submit this comprehensive audit and report, as well as legislative recommendations, to the Education Committee by January 1, 2025.

Remote Parent-Teacher Conferences. Conn. Gen. Stat. § 10-221(f) has required local and regional boards of education to develop, adopt and implement written policies and procedures to encourage parent-teacher communication, including two flexible parent-teacher conferences for each school year. Beginning with the 2021-2022 school year, Section 14 of [Public Act No. 21-46](#), as amended by Section 390 of [June Special Session, Public Act No. 21-2](#), amends this provision (now set forth in Section 10-221(g)) to require that such policies and procedures include an option for parents to attend any parent-teacher conference by telephone, video conference or other conferencing platform. Section 14 of [Public Act No. 21-46](#), as amended by Section 390 of [June Special Session, Public Act No. 21-2](#), also requires districts to offer an additional parent-teacher conference, in addition to the two per year required under current law, during a period in which a school district provides remote learning for more than three consecutive weeks. School districts must also provide one additional parent-teacher conference every six months thereafter during periods of remote learning.

Boards of education must also request from each student’s parent or guardian the name and contact information of an emergency contact person in the event the parent cannot be reached to schedule a conference required as a result of the provision of remote learning. Under the Act, if a teacher is unable to make contact with a student’s parent to schedule a parent-teacher conference after three attempts, the teacher must notify the school principal, school counselor, or other designated school administrator. Such principal, counselor, or administrator must then contact the student’s emergency contact to ascertain the student and family’s health and safety.

In addition, on or after January 1, 2022, teachers conducting parent-teacher conferences as a result of remote learning must provide parents with information concerning the educational, safety, mental health and food insecurity resources and programs available for students and their families. By December 1, 2021, Section 15 of the Act requires the SDE to develop, electronically distribute, and annually update a resource for local and regional boards of education that outlines this information, including providers, descriptions, contact information and website addresses of relevant resources and programs. In addition, the SDE must electronically distribute this document to local and regional boards of education on an annual basis.

Remote Learning. Section 16 of [Public Act No. 21-46](#), as amended by Section 391 of [June Special Session, Public Act No. 21-2](#), requires the Commissioner of Education to develop, by January 1, 2022, and update as necessary standards for remote learning. Such standards must not be deemed regulations.

For the school year beginning July 1, 2022, the Act allows local and regional boards of education to authorize remote learning for students in grades nine through twelve, if districts (1) provide instruction in compliance with the SDE standards for remote learning, and (2) adopt a policy regarding the requirements for student attendance during remote learning. Such attendance policy must comply with SDE attendance guidance and count as “in attendance”

any student who spends at least one-half of the school day during such instruction engaged in virtual classes, virtual meetings, activities on time-logged electronic systems, and completing and submitting assignments.

Conn. Gen. Stat. § 10-16 provides that each school district must provide at least one hundred and eighty days of actual school sessions for grades kindergarten through twelve. Section 17 of the Act, as amended by Section 392 of [June Special Session, Public Act No. 21-2](#), amends the statute effective July 1, 2021 to provide that remote learning shall be considered an actual school session, provided that such remote learning complies with the remote learning standards to be developed by the Commissioner of Education by January 1, 2022.

Section 18 of the Act, as amended by Section 393 of [June Special Session, Public Act No. 21-2](#), requires the State Board to amend, on or before July 1, 2021, its definitions of “excused absence” and “unexcused absence” to exclude a student’s engagement in virtual classes, virtual meetings, activities on time-logged electronic systems, and the completion and submission of assignments, if such engagement accounts for at least one half of the school day in which remote learning is authorized. This language indicates that, when a student is engaged in such authorized activities for at least half the day, the student is not “absent” from school.

STATUTORY CHANGES AFFECTING CURRICULUM

[African-American, Black, Puerto Rican, and Latino Studies](#)

Conn. Gen. Stat. § 10-16ss provides that, for the school year commencing July 1, 2021, and each school year thereafter, each local and regional board of education shall include African-American and Black studies and Puerto Rican and Latino studies as part of the curriculum for the school district. Section 406 of [June Special Session, Public Act No. 21-2](#) expands the law that allows boards of education to use gifts, grants, and donations for the development and implementation of such curriculum to also use such funds for related professional development and in-service training.

In addition, for the school year commencing July 1, 2021, a local or regional board of education may offer the Black and Latino studies course, approved by the State Board, to students in grades nine to twelve. Such courses are mandatory beginning in the 2022-2023 school year. Section 407 of [June Special Session, Public Act No. 21-2](#) provides that, for each school year beginning with the 2021-2022 school year, the State Education Resource Center shall provide technical assistance to boards of education for professional development and in-service training related to the teaching of the Black and Latino studies course.

[New Native American Studies Curriculum](#)

Section 377 of [June Special Session, Public Act No. 21-2](#) requires that, for the school year commencing July 1, 2023, and each school year thereafter, each board of education must include Native American studies as part of the social studies curriculum for the district. The Native American studies curriculum must include, but is not limited to, a focus on the Northeastern Woodland Native American Tribes of Connecticut. In developing and implementing this Native American studies curriculum, the board may utilize curriculum materials made available by the State Board, or other existing and appropriate public or private materials. The board may accept gifts, grants and donations, including in-kind donations, designated for the development and implementation of the Native American studies curriculum.

Creation of the Center for Literacy Research and Reading Success and Related Reading Initiatives

Various sections of [June Special Session, Public Act No. 21-2](#) make many changes to state law regarding school reading programs. The Act also creates a Center for Literacy Research and Reading Success (“Literacy Center”), tasks the Center with numerous duties, and transfers many responsibilities that formerly fell under the SDE’s umbrella to the Literacy Center.

Reading Curriculum Model or Programs Approved by the Literacy Center; Waivers. Beginning July 1, 2023, and each school year thereafter, Section 394 of the Act requires each local and regional board of education to implement a reading curriculum model or program for grades pre-K to three that has been reviewed and recommended by the Literacy Center, in consultation with the Reading Leadership Implementation Council. It also requires each board, by July 1, 2023, and biennially thereafter, to notify the Literacy Center which reading curriculum model or program the board is implementing. A board may be granted an extension of time to comply with this requirement if it can demonstrate to the Commissioner of Education that it has insufficient resources or funding to implement the model or program and the Commissioner finds that the board shows continued efforts to commence implementation.

Section 394 also sets forth criteria for the Commissioner, in consultation with the Literacy Center’s director, to grant a board of education’s request for a waiver from the requirement to use one of the curriculum models or programs approved by the Literacy Center. The Commissioner must grant the waiver if the Commissioner finds that the board’s proposed alternative reading curriculum model or program is (1) evidence- and scientifically based and (2) focused on competency in the following areas of reading: oral language, phonemic awareness, phonics, fluency, vocabulary, rapid automatic name or letter name fluency, and reading comprehension (“Reading Competency Areas”). The waiver requests must include: (1) reading assessment data that has been disaggregated by race, ethnicity, gender, eligibility for free or reduced-price lunches, students whose primary language is not English, and students with disabilities, and (2) a strategy to address remaining achievement gaps as defined in Conn. Gen. Stat. § 10-14u.

Literacy Center. Section 402 of the Act lays out numerous responsibilities of the Literacy Center in addition to reviewing and approving at least five reading curriculum models or programs, including but not limited to (1) receiving and publicly reporting, by September 1, 2023, and biennially thereafter, the reading curriculum model or program being implemented by each board of education; (2) conducting independent, random reviews of school districts’ implementation of a reading curriculum model or program and an approved reading assessment; and (3) implementing the statewide reading plan for students in grades kindergarten through three. The Literacy Center is also tasked with providing direct support to schools and boards of education to improve reading outcomes for students in grades kindergarten through three and other reading initiatives; supporting teachers, schools, and boards through coaching, leadership training, professional development, parental engagement, and technical assistance that is consistent with the existing intensive reading instruction program and aligned with evidence-based practices; and developing and maintaining a website to disseminate tools and information associated with the intensive reading instruction program for student reading.

Reading Assessments. Section 398 of the Act requires the Literacy Center, rather than the SDE, to compile a list of approved reading assessments for use by boards of education, beginning in the 2023-2024 school year. These assessments must be used to identify children in grades kindergarten through three who are reading below proficiency. The Act also identifies additional criteria for such assessments, including the requirement that formative assessments be provided at least three times in the fall, winter and spring during each school year. In addition, the

SDE must provide guidance to school districts, on or before January 1, 2023, regarding (1) how to administer the assessments, (2) how each board's goals, student body characteristics, and resources should inform the board's reading assessment choice, and (3) how aggregate data from the assessments should be used by the district to guide prevention and early intervention strategies. The guidance will also address the administration of assessments in both English and the student's native language, if available, for any student being instructed in literacy in his or her native language.

Intensive Reading Instruction Program. In accordance with Conn. Gen. Stat. § 10-14u, the SDE has established an intensive reading instruction program to improve student literacy in grades kindergarten through three. Beginning July 1, 2022, and for each school year thereafter, the Literacy Center must oversee the intensive reading program for grades kindergarten to three, work to improve student literacy and close achievement gaps that result from opportunity gaps, and provide the program to any alliance district that requests it. The Act defines "opportunity gaps" as "the ways in which race, ethnicity, socioeconomic status, English proficiency, community wealth, familial situations, or other factors intersect with the unequal or inequitable distribution of resources and opportunities to contribute to or perpetuate lower educational expectations, achievement, or attainment."

Conn. Gen. Stat. § 10-14u requires the Commissioner of Education to identify five to ten elementary schools to participate in the intensive reading instruction program. Section 399 of [June Special Session, Public Act No. 21-2](#) broadens the intensive reading instruction program, beginning July 1, 2022, and each school year thereafter, by requiring the Literacy Center to provide the program to any alliance district that requests it. Among other things, the Act also modifies various aspects and components of the intensive reading instruction program, and expands the intensive summer reading program.

Office of Dyslexia and Reading Disabilities and Reading Assessments

[Public Act No. 21-168](#) establishes the Office of Dyslexia and Reading Disabilities within the SDE. Section 7 of the Act requires the SDE, on or before July 1, 2022, to revise previously developed reading assessments for students in grades kindergarten through three. On or before January 1, 2023, SDE must provide guidance to boards of education for administering the new reading assessments. Further, Section 8 of the Act directs the SDE, on or before January 1, 2022, to develop a voluntary family history questionnaire to be distributed during the school year commencing July 1, 2022, and each school year thereafter, to assist in the identification of students who are at risk of reading proficiency challenges.

Model Curriculum for Grades K-8

Section 374 of [June Special Session, Public Act No. 21-2](#) directs the SDE, in collaboration with the State Education Resource Center, to develop a model curriculum by January 1, 2023 that boards of education may use for grades kindergarten through eight. Among other requirements, the model curriculum must include and integrate at least the following: (1) Native American studies; (2) Asian American and Pacific Islander studies; (3) LGBTQ and other sexual orientations and gender identities studies; (4) climate change; (5) personal financial management and financial literacy; (6) the military service and experience of American veterans; (7) civics and leadership; (8) the principles of social-emotional learning; and (9) racism. Once complete, the SDE must make the model curriculum available to boards of education and post it on the SDE website.

STATUTORY CHANGES AFFECTING SCHOOL DISTRICT OPERATIONS

Health Assessments for Students with Asthma

Public Act No. 21-121 makes various changes in DPH-related statutes and programs. Specifically, Section 67 addresses health assessment for students with asthma. Conn. Gen. Stat. § 10-206(f) requires that boards of education report to DPH and local health departments triennially on the number of students in each school and school district who are diagnosed with asthma at specified timeframes. Now, the Act requires boards to report on students who are diagnosed with asthma in grades nine or ten, instead of grades ten or eleven. In doing so, it aligns the reporting schedule with the schedule boards of education must follow for conducting student health assessments required under existing law. Boards of education must also continue to report on students diagnosed with asthma at the time they enroll in school and in grades six or seven.

Education and Training in Exertional Heat Illness

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

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

In addition, on or before January 1, 2022, the CIAC, in consultation with relevant authorities, must also develop a model exertional heat illness awareness plan for use by boards of education. The legislation requires each local and regional board of education to implement the model plan by utilizing written materials, online training or videos or in-person training that address, at a minimum, the elements required to be included in the heat illness awareness education program described above as well as best practices in the prevention and treatment of exertional heat illness.

Beginning with the 2022-2023 school year, the Act also requires boards to prohibit a student-athlete from participating in intramural or interscholastic athletics unless the student and the student’s parent or guardian reads or views the training materials or attends an in-person training. The parent or guardian must also sign an informed consent form, issued by the applicable board of education, acknowledging compliance with this requirement.

Emergency Action Plans for Interscholastic and Intramural Athletic Events

Public Act No. 21-92 requires, for the school year beginning July 1, 2022 and every school year thereafter, each local

and regional board of education, in consultation with local emergency medical services providers and allied health professionals, to develop and implement an emergency action plan to respond to serious and life-threatening sports-related injuries that occur during interscholastic and intramural athletic events.

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

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

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

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

Youth Coaches and Information Concerning Sexual Assault

Public Act No. 21-64 requires the Governor's Task Force on Justice for Abused Children to develop and post guidelines on their website by December 1, 2021 to instruct youth coaches about ways to appropriately interact with youth athletes. Not later than January 1, 2022, and annually thereafter, each operator of a youth athletic activity must distribute a copy of the guidelines to each youth coach. The Task Force must also develop and post guidelines on its website by December 1, 2021 that describe, among other things, the stages of grooming typically employed by those who engage in child sexual abuse. On or after January 1, 2022, upon the enrollment or registration of any participant in a youth athletic activity, each operator of a youth athletic activity must distribute a copy of these guidelines to the parent or guardian of the participant.

Enrollment of Children of Members of the Armed Forces and New Purple Star School Program

Effective July 1, 2021, Section 1 of [Public Act No. 21-86](#) requires boards of education to accept, as proof of residency for any child of an armed forces member who is seeking to enroll in the district, the military orders directing the member to the state or any other armed forces' document indicating the member's transfer to the state.

Section 2 of the Act directs the State Board to establish a "Purple Star School Program." The State Board will award a Purple Star School designation to any school that (1) employs a staff member who serves as a military liaison for the school and who has duties specified within the Act; (2) compiles and makes available on the school's website information and resources available to military-connected students and their families, including specified information and resources specified within the Act; (3) provides a transition program led by students, where appropriate, that assists military-connected students in transitioning to the school; (4) provides in-service training or professional development for staff members on issues related to military-connected students; and (5) offers at least one of the initiatives specified in the Act, which include, among other things, a resolution showing support for military-connected students and their families. Boards of education can apply to the State Board for the Purple Star School designation. Further, boards of education can partner with the SDE to provide assistance or materials for the provision of in-service training or professional development or offering of an initiative.

Social-Emotional Learning Assessment and Support

Section 4 of [Public Act No. 21-95](#), as amended by Section 386 of [June Special Session, Public Act No. 21-2](#), provides that, for the school year commencing July 1, 2021, and each school year thereafter, each board of education may administer a social-emotional learning assessment to students. The board may use either a social-emotional learning assessment provided by SDE, or another social-emotional learning assessment or mental health and resiliency screening. The Act requires that parents or guardians receive prior written notice of the assessment and no student shall complete the assessment unless the parent or guardian provides permission. Further, Section 6 of the Act directs the SDE, not later than October 1, 2022, to develop student social-emotional learning standards for grades four to twelve. These standards will be made available on the SDE's website.

Section 5 of [Public Act No. 21-95](#) directs the Social-Emotional Learning and School Climate Advisory Collaborative to design a state-wide social-emotional support strategy to provide support and assistance to boards for mental health, social-emotional support, behavioral support, trauma support, and special education programs and services. The strategy will include, among other things, recommendations regarding training and recruiting mental health and social-emotional support staff and resources for districts for the hiring of such staff. Section 7 of the Act also directs the Collaborative to convene a working group not later than January 1, 2022 to, among other tasks, review the statutes related to bullying and safe school climate plans and provide technical assistance and support to boards in adopting and implementing the Connecticut Model School Climate Policy, identified in the statute as policy number 5131.914.

Professional Development and Training Related to Social-Emotional Learning

Conn. Gen. Stat. § 10-220a(b) requires that boards of education establish professional development and evaluation committees to develop, evaluate, and annually update their professional development plans for certified district employees. Section 12 of [Public Act No. 21-46](#) requires each board's professional development and evaluation committee to consider student priorities and needs related to student social-emotional learning and student

academic outcomes when developing, evaluating, and annually updating a district's professional development program. Further, Section 10 of [Public Act No. 21-95](#) requires that, on or after July 1, 2021, the plan be developed with full consideration of the priorities and needs related to student social-emotional learning and restorative practices.

In addition, starting with the 2021-2022 school year and every school year thereafter, Sections 11 and 13 of [Public Act No. 21-46](#) require local and regional boards of education to integrate the principles and practices of social-emotional learning throughout their professional development programs and include goals for doing so into their statements of educational goals as described below. Further, Section 9 of [Public Act No. 21-95](#) amends Conn. Gen. Stat. § 10-148a to provide that, beginning with the school year commencing July 1, 2021, the principles and practices of social-emotional learning and restorative practices must be integrated through the components of professional development programs. Section 10 of [Public Act No. 21-95](#) amends Conn. Gen. Stat. § 10-220a to provide that the board's in-service training program must now include information on the principles and practices of social-emotional learning and restorative practices.

[Board of Education Statement of Goals](#)

Boards of education already are required by Conn. Gen. Stat. § 10-220(b) to prepare a statement of goals for the district that is consistent with the state-wide goals in Conn. Gen. Stat. § 10-4. Section 11 of [Public Act No. 21-95](#) now requires that this statement of goals also be consistent with the integration of principles and practices of social-emotional learning and restorative practices in the program of professional development for the district, in accordance with the provisions of Conn. Gen. Stat. § 10-148a, as amended by Section 9 of the Act.

[School Resource Officers](#)

Conn. Gen. Stat. § 10-233m already requires boards of education to enter into a memorandum of understanding with a local law enforcement agency whenever the board assigns a school resource officer to a school. Section 8 of [Public Act No. 21-95](#) now requires that any memorandum of understanding entered into, extended, updated or amended on or after July 1, 2021 must include a provision that requires all school resource officers to complete any separate training specifically related to the social-emotional learning and restorative practices that is also provided to certified employees pursuant to Conn. Gen. Stat. §§ 10-148a and 10-220a.

[Safe School Climate Committee](#)

Section 14 of [Public Act No. 21-95](#) expands the membership requirements for the safe school climate committee for the school year commencing July 1, 2021, and each school year thereafter. In addition to requiring the inclusion of a parent or guardian of a student enrolled in the school (a requirement since 2012), the Act now requires the committee to include (1) school personnel, including, but not limited to, at least one teacher selected by the exclusive bargaining representative for certified employees chosen pursuant to Conn. Gen. Stat. § 10-153b; (2) medical and mental health personnel assigned to the school; and (3) in a safe school climate committee at a high school, at least one student enrolled at the school who is selected by the students of the school in a manner determined by the school principal.

[Termination of the Academic Advancement Program](#)

Section 12 of [Public Act No. 21-144](#) repeals Conn. Gen. Stat. § 10-5c, which allowed boards of education to permit students in grades eleven and twelve to substitute exam scores, a high cumulative grade point average, and letter of recommendations for traditional high school graduation requirements.

Transition Services in IEPs

Section 1 of [Public Act No. 21-144](#) amends subdivision (9) of subsection (a) of Conn. Gen. Stat. § 10-76d such that now boards are required to include a statement of transition service needs for all students age 14 or over in the student's IEP. This requirement is no longer limited to a specific disability category.

Special Education at Technical Education and Career Schools

Section 9 of [Public Act No. 21-144](#) amends boards' obligations related to special education at technical education and career schools. Now, before a student's enrollment in a technical education and career school, the local or regional board of education for the town in which the student resides must convene a PPT meeting to address the student's transition to the technical education and career school and ensure that the student's IEP reflects the current supports and services that the student requires in order to access a free appropriate public education. A representative from the technical education and career school must be invited to the PPT meeting.

National School Lunch Program

Section 1 of [Public Act No. 21-199](#) applies to boards of education that participate in the National School Lunch Program and have at least one school that qualifies for the maximum federal reimbursement for all school meals served under the federal Community Eligibility Provision, but do not implement the Community Eligibility Provision. Under these circumstances, the Act requires that boards, not later than December 1, 2021 and annually thereafter, submit a report to the SDE that notifies the SDE and explains why the board is not implementing the Community Eligibility Provision.

Policy to Improve Completion Rates of the FAFSA

Section 6 of [Public Act No. 21-199](#) directs boards of education, not later than July 1, 2022, to adopt a policy to improve completion rates of the FAFSA by students enrolled in grade twelve or an adult education program maintained by the board. A board may accept gifts, grants and donations, including in-kind donations, to implement the provisions of the adopted policy.

Minority Teacher Candidate Certification, Retention, or Residency Year Program

Section 378 of [June Special Session, Public Act No. 21-2](#) establishes the minority candidate certification, retention or residency year program administered by the SDE and under the supervision of a regional educational service center or other non-profit certification program. The program is to assist (1) minority candidates in enrolling in a residency program for purposes of becoming full-time, certified teachers upon successful completion of the program and (2) local and regional boards of education in hiring and retaining the minority candidates. Beginning with the fiscal year ending June 30, 2023 and each fiscal year thereafter, each local and regional board of education for an alliance district must partner—and other boards of education may partner—with the operator of a residency program for purposes of enrolling minority candidates and placing them in the district as part of a residency program. A board can apply to the SDE to receive payment for specific associated costs. The Act also requires SDE to (1) withhold from each alliance district 10% of any increase in alliance aid and (2) use the funds for grant payments to cover costs related to the residency program.

STATUTORY CHANGES AFFECTING EMPLOYMENT

[Implicit Bias and Anti-Bias Training](#)

Sections 381-383 of [June Special Session, Public Act No. 21-2](#) address implicit bias and anti-bias training. The Act directs the SDE, in consultation with the Minority Teacher Recruitment Policy Oversight Committee and State Education Resource Center, to develop and make available, no later than July 1, 2022, a video training module on implicit bias and anti-bias in the hiring process. For the school year beginning July 1, 2023, and each school year thereafter, local and regional boards of education must ensure that employees involved in or responsible for hiring educators successfully complete such training before participating in the district's educator hiring process. The Act also adds the video training module to the required in-service training.

[Teacher Certification](#)

Section 384 of [June Special Session, Public Act No. 21-2](#) requires the SDE to study a multiple-measures approach for candidates to demonstrate content-area mastery of the content-areas assessment for teacher certification. The study must include, but is not limited to (1) a review of current assessment requirements for educator certification, (2) candidate first-time pass rates, (3) best attempt pass rates, (4) candidate access to and use of the free-retake policy, and (4) alternative multiple-measure pathways to demonstrate content-area mastery for certification. The SDE must submit a report on its findings and recommendations to the Education Committee by January 1, 2023.

[Bilingual Education](#)

Section 2 of [Public Act No. 21-144](#) amends the requirements for certification as a bilingual education teacher. Applicants must demonstrate their competency in both English and the other language. Now applicants can demonstrate their competency in English and the other language by either successfully passing a required test or through a bachelor's degree or its equivalent in English as well as in the language for which they are seeking certification.

Further, on or after July 1, 2021, certification in elementary bilingual education is valid for grades kindergarten through nine and certification in middle grades bilingual education is valid for grades four through nine. The Act also directs the SDE, not later than January 1, 2022, to approve guidelines for unique endorsements to authorize the teaching of secondary bilingual humanities and secondary bilingual science, technology, engineering, and mathematics courses, and outlines the teacher requirements for those bilingual courses.

[Age-Related Information on Employment Applications](#)

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

[Disclosure of Salary Range for a Vacant Position](#)

Effective October 1, 2021, [Public Act No. 21-30](#) amends Conn. Gen. Stat. § 21-40z to prohibit employers, including boards of education, from failing or refusing to provide a job applicant with the "wage range" of the position for which

the applicant is applying. Under the Act, “wage range” is defined as “the range of wages an employer anticipates relying on when setting wages for a position, and may include reference to any applicable pay scale, previously determined range of wages for the position, actual range of wages for those employees currently holding comparable positions or the employer’s budgeted amount for the position.”

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

[Equal Pay for Comparable Work](#)

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

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

[Breastfeeding in the Workplace](#)

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

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

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

[Sexual Harassment Prevention Training](#)

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

TRB Exemption for Reemployed Teachers

The Teachers' Retirement Act generally imposes a 45% cap on the salary amount that retirees receiving Teachers' Retirement Board ("TRB") benefits may receive if they return to a teaching position in a publicly funded school, subject to certain exemptions set forth in the Act. For the period between July 1, 2016, and June 30, 2020, the Act included a specific exemption for a teacher who (1) is receiving TRB benefits based on at least 34 years of credited service, (2) is reemployed as a teacher in an alliance district, and (3) was serving as a teacher in that district on July 1, 2015. Section 476 of [June Special Session, Public Act No. 21-2](#) amends Conn. Gen. Stat. § 10-183v(a)(2) to extend this exemption until June 30, 2024.

Union Access to Employees

[Public Act No. 21-25](#), which becomes effective on October 1, 2021, sets forth new obligations on public employers, including boards of education, regarding access to their employees and payroll deductions. The Act requires that public employers must provide the exclusive collective bargaining representative with a newly hired employee's (1) name; (2) job title, department, and work location; (3) work phone number; and (4) home address. This information must be provided in an editable digital file format, and if possible, in a format agreed to by the union. If possible, the employer must also provide the information with real-time electronic transmission of new hire data, but no later than ten days after the employee was hired or the first pay period of the month after the employee was hired, whichever is earlier.

Beginning on January 1, 2022, public employers are required to provide the exclusive collective bargaining representative with each bargaining unit employee's (1) name; (2) job title; (3) worksite location; (4) work phone number; (5) hire date; (6) work email address; and (7) home address. The employer must provide the information in an editable digital file format agreed to by the union (1) every 120 days, unless an agreement between the parties requires more frequent or more detailed lists, and (2) in addition to any other employee information to which a union is entitled. If authorized by the employee via written authorization provided to the union, the information above must also include the employee's home telephone number, personal cell phone number, and personal email address if on file with the public employer.

Further, the exclusive collective bargaining representative must be given access to new employee orientations and must be given notice of the orientation at least ten days in advance. The parties must negotiate these issues upon either party's request. In the event that the parties are unable to reach agreement on such issues, the statute provides for an expedited arbitration process regarding those matters.

Public employers must also provide such representatives with access to the employees they represent, including the right to: (1) meet with individual employees on the employer's premises during workdays to investigate and discuss grievances, workplace-related complaints, and other workplace issues; (2) conduct worksite meetings on the employer's premises before and after the workday and during meal periods and other paid or unpaid breaks; and (3) meet with a newly hired employee within the bargaining unit, without charge to the employee's pay or leave time, for between 30 and 120 minutes within 30 calendar days after the employee is hired, during orientations, or if the employer does not hold orientations, at individual or group meetings.

The Act permits public employees and retirees to authorize deductions from their salaries, wages, or retirement benefits to pay union dues, and it regulates how employers may require employee authorization of deduction for union dues. Public employers must now rely on certification from the public employee organization attesting that the

employee in question has provided written authorization for any such deductions, and the employer may not require that the public employee organization produce the actual authorization from the employee unless there is a dispute over whether the employee provided such authorization. The Act also provides that employees may withdraw their authorization for the deduction of union dues only in accordance with the terms of the authorization. Moreover, the Act provides that the public employee organization must indemnify the employer if it makes an improper deduction in reliance on the organization's certification.

Finally, the Act makes it a prohibited labor practice for a public employer to do any of the following: (1) encourage an employee to resign or decline membership in a union; (2) encourage an employee to revoke authorization for a payroll deduction of dues to a union; (3) knowingly aid such an effort by another entity; or (4) allow an entity to use the employer's email system to discourage membership in a union or discourage authorization of payroll deductions for the union's dues.

Time Off to Vote

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

MISCELLANEOUS STATUTORY CHANGES AFFECTING SCHOOLS

Cannabis Law

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

Section 19 of the Act amends Conn. Gen. Stat. § 10-221(d), which requires local and regional boards of education to develop, adopt and implement policies and procedures for (1) dealing with the use, sale or possession of alcohol or controlled drugs by public school students on school property, including coordination with and referral to appropriate agencies, and (2) cooperating with law enforcement officials. The Act provides that, as of January 1, 2022, no such policies and procedures shall result in a student facing greater discipline for the use, sale or possession of cannabis than a student would face for the use, sale or possession of alcohol.

Section 95 of the Act, effective July 1, 2021, generally prohibits an educational institution from disciplining a student solely on the basis of a drug test that yields a positive result solely for a specific metabolite of THC.

Provisions regarding workplace regulation of cannabis do not become effective until July 1, 2022. However, Section 97 of the Act identifies various employers as "exempted employers," including employers whose primary activity consists of educational services. Therefore, many provisions of the Act will not apply to local or regional boards of education or their employees, and boards can continue to refuse to hire or take disciplinary action for possession, use or consumption of marijuana inside or outside the workplace, with or without a policy in place, and in accordance with applicable law.

Finally, effective October 1, 2021, Section 86 of the Act amends Conn. Gen. Stat. § 19a-342 to define “smoke” or “smoking” as “the burning of a lighted cigarette, cigar, pipe or any other similar device, whether containing, wholly or in part, tobacco, cannabis, or hemp.” The Act continues to prohibit smoking on school grounds and in school buildings, clarifying that such prohibition extends to any area of such building. Section 87 of the Act amends Conn. Gen. Stat. § 19a-342a and extends the prohibition against using an electronic nicotine delivery system or vapor product on school grounds or in a school to also prohibit use of an “electronic cannabis delivery system” in such locations. The new law maintains the obligation to post signs stating that use of electronic nicotine delivery systems, and now electronic cannabis delivery systems, or vapor products must be posted in a conspicuous place, but clarifies that signs need not be posted in every room of the building.

Discrimination on the Basis of Race, Including Hair Texture and Protective Hairstyles, is Prohibited

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

Anti-Discrimination

Conn. Gen. Stat. § 10-15c provides that a child has an equal opportunity to participate in school and related activities without discrimination based on race, color, sex, gender identity or expression, religion, national origin, or sexual orientation. Section 405 of [June Special Session, Public Act No. 21-2](#) revises the education anti-discrimination law by adding “disability” to the list of groups with protected status. Under Title II of the Americans with Disabilities Act of 1990 and Section 504 of the Rehabilitation Act of 1973, however, boards of education have long been prohibited from discriminating against students on the basis of disability. The Act also modifies the education anti-discrimination law to conform the definition of race to the definition in the human rights statute, as amended by the CROWN Act as defined above.

Remote Board of Education Meetings

Under the Freedom of Information Act, public agencies, including boards of education, must make their meetings, other than executive sessions, open to the public. Section 149 of [June Special Session, Public Act No. 21-2](#) allows public agencies, until April 30, 2022, to hold public meetings that are accessible to the public through electronic equipment, or through electronic equipment in conjunction with an in-person meeting. The Act establishes several requirements for meetings held using electronic equipment, including that votes generally be conducted by roll call and that members of the public have the same participation opportunities as they would for an in-person meeting. The Act also requires public agencies to provide its members the opportunity to participate by means of electronic equipment. Sections 152 and 153 of the Act also expand a public agency’s authority to remove disorderly individuals attending a meeting by electronic equipment.

Timeline for Filing Complaints of Discrimination with the CHRO

Under current law, claimants have 300 days to file complaints for certain types of discrimination (e.g., employment and several types of state agency discrimination) and 180 days for other types (e.g., housing, public

accommodations, and credit). Effective October 1, 2021, [Public Act No. 21-109](#) allows claimants to file all types of discriminatory practice complaints with the CHRO within 300 days after an alleged act that occurs on or after October 1, 2021.

[Provision of Information Concerning Children's Behavioral and Mental Health Resources](#)

[Public Act No. 21-116](#) requires the Department of Children and Families (“DCF”), in consultation with other authorities and by December 1, 2021, to develop a document for each mental health region describing the behavioral and mental health evaluation and treatment resources available to children. Such document must contain contact information for the National Suicide Prevention Lifeline and a list of evaluation and treatment providers, including mobile crisis intervention services providers; the providers’ physical locations, if applicable; types of services offered; and contact information. The documents must be updated by DCF annually.

The Act requires the Behavioral Health Partnership Oversight Council (“BHPOC”) to distribute such documents electronically to each local and regional board of education and make them available on the BHPOC’s website.

The Act also requires each local and regional board of education to make the document pertaining to its region available on its website by January 1, 2022. In addition, starting that same date, boards of education must distribute the document (1) to any student taking a course in health and safety, and (2) at least semiannually, in September and May, to the parents and guardians of each student in the school district.

[Education of Children in the Juvenile Justice System](#)

[Public Act No. 21-174](#) makes several changes affecting juvenile justice matters, including changes related to the education of children in the juvenile justice system. Effective July 1, 2021, the Act amends Conn. Gen. Stat. § 46b-120(a) to increase the minimum age of a child who may be subject to juvenile court jurisdiction for delinquency matters and proceedings from seven to ten years of age.

Concerning education, the Act requires DCF to develop an operational plan to create an education unit within DCF to educate children who are incarcerated or residing in a juvenile justice facility. Effective October 1, 2022, the Act requires the Commissioner of DCF to implement the operational plan and administer, coordinate, and control educational unit operations. Overall supervision and direction of educational unit courses and activities will fall under the Commissioner of DCF.

Pursuant to the Act, the Commissioner of DCF may employ transition specialists within the unit to facilitate a child’s successful transition from the community to a secure facility and then, upon the child’s release, back to the child’s local educational program. Such transition specialists must: (1) collaborate with various entities, including local and regional boards of education, to plan for and manage successful transitions between the unit, the student’s previous school and the school the student will enroll in upon leaving the unit; (2) manage and track educational credits of students in out-of-home placements and document the success of a placement after a student’s community reentry; and (3) communicate with reentry coordinators who are responsible for supporting the educational success of students returning to the community from the juvenile justice system. Under the Act, the education unit must ensure that the school in which the child is enrolling upon leaving the unit has services and supports to maximize the student’s success.

Existing law requires the Juvenile Justice Policy and Oversight Committee to ensure that the statewide education system for children in justice system custody includes professional reentry coordinators who support the educational success of children returning to the community. The Act requires the SDE, by August 1, 2021, to assemble a list of people who may serve as reentry coordinators. Local and regional boards of education must use a reentry coordinator from SDE's list to obtain records of children in juvenile justice facilities and help transfer records. Any board for a district enrolling less than 6,000 students may designate an employee to perform the reentry coordinator functions.

Effective October 1, 2022, the Act amends Conn. Gen. Stat. § 10-221a(i) to require a local or regional board of education to award a diploma to a student educated at the DCF education unit if such student (1) would have otherwise attended a school under the board's jurisdiction if the individual was not educated by the educational unit, (2) is age 17 or older, and (3) satisfactorily completes the minimum credits required for students graduating in the year of awarding the diploma. In addition, the Act directs the Commissioners of SDE and DCF to develop a system to standardize the conversion of transferred credits. Such system must allow for a determination whether the credits apply to graduation requirements within 30 days after a credit transfer occurs.

The Act also amends Conn. Gen. Stat. § 10-220h, effective October 1, 2022, to require that the Commissioner of DCF must immediately notify a student's previous school when a student, who will be educated under the DCF education unit, is placed in a juvenile justice facility or incarcerated. The school district for the previous school or the previous state charter school must transfer the student's records to the DCF education unit within five days after receiving such notice. Under the Act, if a student transfers from Unified School District #1 ("USD #1"), Unified School District #2 ("USD #2"), or the DCF education unit to a new school district or state charter school, the new school district or state charter school must immediately notify the unified school district or DCF education unit in writing of the student's enrollment. The Act also reduces by half the time period, from ten days to five after receiving the notice, in which USD #1, USD #2, and the DCF education unit must transfer the student's records to the new school. In addition, as under existing law for credits received at USD #1 or USD #2, a new school district or state charter school, as applicable, must credit a student for all instruction received at the education unit within 30 days after receiving the student's education records.

Finally, among other things, the Act establishes a committee to study the effects of, and possible alternatives to, student suspensions and expulsions. Such committee must complete two reports on the effects of, and alternatives to, suspension and expulsion. The first, due by January 1, 2022, must address preschool through second grade. The second report, due by January 1, 2023, must address students in grades three to eight, and those in grades nine to twelve.

Per-Student Grant for Regional Vocational Agricultural Centers

Section 418 of [June Special Session, Public Act No. 21-2](#) increases the annual state grant for each student enrolled in a regional agricultural science and technology education center from \$4,200 to \$5,200, within available appropriations.

Water Bottle Filling Stations

Among other things, [Public Act No. 21-111](#) makes revisions to the school building project statutes. Section 114 of the Act revises Conn. Gen. Stat. § 10-291(b), which addresses the requirements for Department of Administrative Services approval of a school building project plan or site. On or after July 1, 2022, the Act requires any new

construction, extension, major alteration, renovation or replacement to include plans which provide for the installation of at least one water bottle filling station (1) per one hundred students of the projected enrollment for the school building, (2) on each new floor or wing of the school building, and (3) in any food service area of the school building.

Special Education Taskforce

Section 3 of [Public Act No. 21-95](#) establishes a 15-member task force to study the provision of special education services and special education funding during the 2016-17 through 2019-20 school years. The task force has enumerated topics to examine, including the special education cost effect on boards' minimum budget requirement and the state reimbursement level to boards of education, including the total reimbursement amount submitted by each district per year and the percentage increase or decrease per year.

School Paraeducator Advisory Council

Sections 12 and 13 of [Public Act No. 21-95](#) change the School Paraprofessional Advisory Council's name to the School Paraeducator Advisory Council. It also requires the Council to conduct a study addressing issues related to this field and develop paraeducator career development pathway proposals. The Council must then submit the study and proposals, along with any recommendations for legislation, to the Education Committee.

School Readiness Programs

Sections 2 and 3 of [Public Act No. 21-172](#) make changes to school readiness programs by expanding the types of entities that may receive school readiness financial assistance to include local or regional boards of education and regional educational service centers. The Act also changes the way these grant amounts are determined and allows an eligible entity to enter into a contract with the Office of Early Childhood to provide for state financial assistance within available appropriations, even beyond towns with a priority school district. Section 3 of the Act requires that parents of program-eligible children comprise at least 25% of local school readiness council members and also requires that the Council members include a representative from a business in the community.

Racism Declared a Public Health Crisis

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

Student Transportation Vehicles and Buses

[Public Act No. 21-106](#) makes various changes to laws related to school transportation vehicles and buses. Section 8, effective October 1, 2021, increases the minimum insurance coverage requirements for non-livery service vehicles, including buses and student transportation vehicles that transport eight or more passengers. Section 38, effective October 1, 2021, allows school buses to be equipped with an extended stop arm. Under the Act, an "extended stop arm" is a device attached to a stop semaphore that, when activated, displays a stop sign and extends between three and six feet from the left side of a school bus.

[Distributing Voter Registration Information at High Schools](#)

Conn. Gen. Stat. § 9-17(c) currently requires that the registrar of voters hold a voter registration session between January 1 and the last day of school in each public high school. Section 93 of [June Special Session, Public Act No. 21-2](#) now also requires the registrar of voters to annually distribute information, on the fourth Tuesday in September, at each public high school about the qualifications and procedures for registering to vote. Registrars and the high school principal must determine the best distribution method.

[Minimum Budget Requirement](#)

Section 346 of [June Special Session, Public Act No. 21-2](#), effective July 1, 2021, makes permanent the current prohibition against a town budgeting less for education than it did in the previous fiscal year (*i.e.*, the Minimum Budget Requirement (“MBR”)).

The Act also renews and makes permanent MBR exemptions for the following: (1) any school district among the top 10% of districts as measured by the SDE’s Accountability Index score and (2) member towns of a newly formed regional school district during the first full fiscal year following its establishment.

Boards of education were already allowed to exclude from its MBR calculation local supplemental appropriations or federal funds they received to cover costs associated with COVID-19. The Act extends this MBR exclusion to FY 2024 and, in addition to the CARES Act, specifically excludes the Coronavirus Response and Relief Supplemental Appropriations Act and the American Rescue Place Act of 2021 funds from MBR. The Act also adds a new MBR exclusion beginning in FY 2022 for any school security infrastructure competitive grant received in the prior year.

The Act also makes permanent the current allowances for MBR reductions under certain circumstances: 1) reductions in enrollment; 2) no high school; 3) school closures due to declining enrollment; 4) cost savings from increased efficiencies within the district or regional collaboration; 5) catastrophic events; 6) town has a reduction in Education Cost Sharing (“ECS”) aid.

[Education Cost Sharing Grants](#)

Section 348 of [June Special Session, Public Act No. 21-2](#) (1) suspends, for two years until FY 2023, scheduled decreases in ECS grants for towns that are overfunded under the ECS formula; (2) maintains scheduled increases in ECS aid for underfunded towns; (3) extends the scheduled phase-in of increases and decreases by two years until FY 29. The Act also changes several factors in the ECS grant formula including by (1) increasing the weights for low-income and English language learner students and (2) expanding the per-student bonus for regional school districts to include towns sending students to one of the three endowed academies that serve as public high schools (*i.e.*, Norwich Free Academy, Woodstock Academy, and The Gilbert School).

[ESSER Funding](#)

Section 351 of [June Special Session, Public Act No. 21-2](#) requires the SDE to distribute, to the extent federal law allows, federal funding provided from the Elementary and Secondary School Emergency Relief (ESSER) Fund in response to the COVID-19 pandemic that would otherwise be unavailable to the following schools: (1) any school ineligible for federal Title I funding or (2) any State Board-approved incorporated or endowed high school or academy (*i.e.*, Norwich Free Academy, Woodstock Academy, and The Gilbert School).



Farm-to-School Program Grant

Section 364 of June Special Session, Public Act No. 21-2 requires the Department of Agriculture, in consultation with a new advisory committee, to administer the new CT Grown for CT Kids Grant Program. The Act requires the program to assist local and regional boards of education in developing farm-to-school programs that will: (1) increase the availability of local foods in child nutrition programs; (2) allow educators to use hands-on techniques to teach students about nutrition and farm-to-school connections; (3) sustain relationships with local farmers and producers; (4) enrich the educational experience of students; (5) improve the health of Connecticut children; and (6) enhance the state's economy. Boards of education may apply for this grant using a grant application prescribed by the Commissioner of Agriculture.

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