

## 2013 SESSION CONNECTICUT GENERAL ASSEMBLY

*In its 2013 session, the General Assembly made a number of statutory changes that affect Connecticut school districts. This summary is intended to give you a brief overview of some of the changes that were made in the area of education this year. Any of these Acts can be viewed in full on the Connecticut General Assembly website at <http://www.cga.ct.gov/>.*

### **P.A. 13-245, An Act Concerning Revisions to the Education Reform Act of 2012**

The General Assembly amended the centerpiece of its reform legislation last year in several respects. However, the essential elements of P.A. 12-116 carry forward.

#### **Changes to Teacher Evaluation Plans**

Effective July 1, 2013, the General Assembly amended the Teacher Evaluation statute, Conn. General Statutes, § 10-151b, and related statutes. Now, the teacher evaluation and support program required of all school districts must be developed through mutual agreement between the board of education and the professional development and evaluation committee (as renamed through this legislation) that local and regional boards of education must appoint pursuant to Conn. Gen. Stat. § 10-220a(b). These committees are now also charged with “participation in the development or adoption of a teacher evaluation and support program for the district pursuant to section 10-151b, as amended . . .” P.A. 13-245, Section 2.

If the board of education and the professional development committee cannot adopt such a plan by mutual agreement, the parties are to consider adopting the model teacher evaluation and support program adopted by the State Board of Education. If the parties are unable to adopt the model plan by mutual agreement, the local or regional board of education may then adopt a plan as it determines, provided that the

plan is consistent with the guidelines adopted by the State Board of Education.

The Act also allows districts to phase-in full implementation of any teacher evaluation and support programs that are adopted during the school years commencing July 1, 2013 and July 1, 2014 in accordance with the statute. The Commissioner is also now authorized to waive statutory requirements, including the implementation provisions, for districts that requested a waiver prior to July 1. In addition to reporting the status of teacher evaluations to the local or regional board of education, on or before June 30th each year, the superintendent now must also report to the Commission of Education on the status of the implementation of the teacher evaluation and support program, including the frequency of evaluations, aggregate evaluation ratings, the number of teachers who have not been evaluated and other requirements as determined by the State Department of Education. P.A. 13-245, Section 1.

#### **Evaluator Training and Orientation**

Effective July 1, 2014, each local and regional board of education is required to conduct the training programs and orientation described in 10-151h(a) at least biennially to all evaluators and teachers employed by the board. In addition, the General Assembly

clarified that training for evaluators and orientation for teachers are to occur “upon” implementation of the teacher evaluation and support program (rather than “prior to”), and the State Department of Education has interpreted this requirement to mean that such training and orientation must occur before parties set goals for the year. P.A. 13-245, Section 8.

### **Role of the Neag School of Education and Validation of the Guidelines**

P.A. 13-245 also deletes the requirement that the Neag School of Education validate the guidelines for a model teacher evaluation and support program. Rather, in the study of the pilot districts that it must complete prior to January 1, 2014, now it shall include “recommendations” concerning revisions to the guidelines. P.A. 13-245, Section 7. Similarly, the State Board of Education is no longer required to “validate” the guidelines, but rather may revise them as it deems appropriate after completing the pilot program and receiving recommendations following the Neag study. P.A. 13-245, Section 7.

### **Collective bargaining**

Teacher evaluation plans have long been considered a permissive subject of negotiations. In P.A. 13-245, Section 20, the General Assembly codified this principle by amending the Teacher Negotiation Act expressly to exclude from the scope of collective bargaining “the development or adoption of teacher evaluation and support programs.”

### **Reading assessments and eligibility for special education and remedial reading endorsements**

Under P.A. 12-116, the State Department of Education has been responsible for developing or approving reading assessments to identify students in kindergarten through grade three who are below proficiency standards in reading, and such assessments were scheduled to be implemented beginning the 2013-2014 school year. This timeline has been extended to January 1, 2014. The Commissioner’s timeline to develop an intensive reading instruction program has also been extended two years to July 1, 2014. P.A. 13-245, Section 12.

Similarly, P.A. 13-245 modifies the requirement that all certified educators teaching grades K-3 take the practice version of the reading instruction exam developed by the State Board of Education. Beginning July 1, 2014, and biennially thereafter, certified employees who hold an early childhood nursery through grade three or an elementary endorsement will be required to take a survey on reading instruction developed by the State Department of Education. The exam will be administered at no cost to the individual. The results of such survey may not be included as part of any summative rating for performance evaluations. The anonymity of the participant shall be protected, and the results of an individual’s survey will not be subject to the Freedom of Information Act. However, the results may be used for the purpose of improving reading instruction by developing student learning objectives and teacher practice goals that will be included in the professional development conducted pursuant to Section 10-148b for such certified individuals. P.A. 13-245, Section 13.

Effective July 1, 2013, the requirement that special education teachers pass the reading instruction examination, or any comparable reading instruction examination with minimum standards equivalent to the reading instruction exam approved by the State Board of Education on April 1, 2009, has been limited to certified employees applying for a comprehensive special education endorsement or any applicant for an initial, provisional or professional educator certificate and a comprehensive special education endorsement after September 1, 2013. Such applicant must achieve a satisfactory score. Previously, the law required that after July 1, 2013, any certified employee with a comprehensive special education endorsement must attain a satisfactory score on the reading instruction exam. Similarly, the Act also limits the requirement of passing the test to certified employees applying for remedial reading, remedial language arts, reading consultant endorsement or applicants for a remedial reading, remedial language arts, or reading consultant endorsement after September 1, 2013. P.A. 13-245 Sections 15 & 16.

### Commissioner's Network

Effective July 1, 2013, additions have been made to the list of preferences for selection in the commissioner's network of schools. The Commissioner is now allowed to give preference to schools that are located in school districts that (A) have experience in school turnaround reform, or (B) previously received a school improvement grant pursuant to Section 1003(g) of Title I of the Elementary and Secondary Education Act. P.A. 13-245, Section 17.

### P.A. 13-3, An Act Concerning Gun Violence Prevention and Children's Safety

One of the first bills passed this year is the comprehensive gun control legislation, and several provisions of this huge bill directly affect school districts.

#### School security plans

Starting July 1, 2014, each local and regional board of education must develop and implement a school security and safety plan for each of its schools. Such plans must be reviewed and updated every year, and boards of education must submit these plans to the Department of Emergency Services and Public Protection each year. Such plans must conform to the standards that the Department of Emergency Services and Public Protection must develop by January 1, 2014, which are prescribed in the legislation: An "all-hazards approach to emergencies at public schools," including involvement by municipal and school officials, a command center structure, school security and safety committees at each school, crisis management procedures, required feedback on fire drills and crisis drills and annual related reports, procedures for managing different types of emergencies, and required security and vulnerability assessments for each school every two years. P.A. 13-3, Sections 86, 87.

#### School security and safety committee and safe school climate committee

Boards of education are also now required by July 1, 2014 to establish a "school security and safety committee" at each school. The membership of such committees is prescribed to include "a local police

officer, a local first responder, a teacher and an administrator at the school, a mental health professional . . . , a parent or a guardian of a student enrolled in the school and any other person the board of education deems necessary." The committee is responsible for "assisting in the development of the school security and safety plan for the school and administering such plan."

The law also imposes new responsibilities on the safe school climate committee, which is required by the bullying statute, Conn. Gen. Stat. §§ 10-222d, 10-222k. Now, that committee must also implement the portion of the school security and safety plan that requires that the safe school climate committee collect and evaluate information relating to instances of disturbing or threatening behavior that may not meet the definition of bullying. This committee must also report such information to the district safe school climate coordinator as well as the school security and safety committee. P.A. 13-3, Sections 86, 87, 88. Given the overlapping responsibilities between these two committees and that the duties of the safe school climate committee may be performed by an existing committee rather than a stand-alone committee, boards of education may wish to combine these two committees in some way.

#### School Safety Infrastructure Council

This new legislation establishes a School Safety Infrastructure Council, the membership of which is prescribed by statute. The Council is charged with the responsibility for developing school safety infrastructure standards for school building projects subject to state building grants. Once these standards are established, applications for a state building grant must comply with the school safety infrastructure standards as established by the Council. P.A. 13-3, Sections 80, 81, 82.

#### Miscellaneous other provisions

- The State Board of Education must include mental health first aid and training as part of in-service professional development. The Commissioner of Education must now also consider whether

to include mental health first aid training as a requirement of teacher preparation programs. Sections 64, 65.

- A task force will analyze and recommend solutions to a number of issues including providing individualized behavioral health intervention services in school for students exhibiting violent tendencies. The State Department of Education is to provide technical assistance to school districts concerning behavioral intervention specialists. The task force is to make a recommendation to the Governor by February 1, 2014. Section 66.
- The Departments of Emergency Services and Public Protection, Construction Services and Education must now administer a school security infrastructure competitive grant program. This program is intended to reimburse towns for certain expenses incurred during the development, improvement and maintenance of security infrastructure and the training of school personnel on security infrastructure. Section 84.
- Each district safe school climate coordinator must complete the mental health first aid training administered by the Commissioner of Mental Health and Addiction Services by July 1, 2014. Boards may require teachers, nurses, counselors and other employees to participate in this mental health first aid training. Section 90.
- The Department of Emergency Services and Public Protection must now maintain a registry of school security consultants. Section 91.
- Though not in P.A. 13-3, another statutory provision now permits school districts to apply for a school security infrastructure grant for certain expenses incurred on and after January 1, 2013. P.A. 13-122, Section 15.

## Other Legislation Affecting School District Operation

### Uniform School Calendar

Sections 321 through 324 of P.A. 13-247 establish a process to move local and regional boards of education toward a uniform school calendar by 2015-2016. A nineteen member Uniform Regional School Calendar Task Force has been established to develop guidelines

for RESCs to use in creating regional uniform school calendars. By April 1, 2014, each RESC must develop such a calendar consistent with these guidelines for the school districts in its service area. Adoption of this uniform calendar is optional for 2014-2015 and is required for 2015-2016.

### An Act Concerning School Safety

P.A. 13-188 provides that for the school year commencing July 1, 2013, no municipality or board of education may employ or enter into agreement with any person other than a sworn member of the local police department or a retired police officer to provide security services in a public school if such person will possess a firearm while performing his or her duties. Such retired police officers are required to receive annual training and shall successfully complete annual firearms training that meets or exceeds the standards of the Police Officer Standards and Training (POST) Council.

### School Accommodations and Larceny

“School accommodations” has been removed from the larceny statute, and now, when a parent enrolls a child in school without legal right, he or she will not be subject to criminal prosecution. However, parents remain liable for civil penalties for enrolling their children without legal right. P.A. 13-211.

### Unleashing Innovation in Connecticut Schools

Despite the rather grand title of P.A. 13-108, it simply sets forth a variety of different statutory changes effective July 1, 2013. Students will be able to earn credits for graduation based on a demonstration of mastery of competency and performance standards, in accordance with guidelines adopted by the State Board of Education. Section 1. Now, prior to April 15th of each school year, RESCs must report to the State Department of Education the number of spaces available in the Open Choice program for out-of-district students. Section 2. The Department of Education is required to conduct a study relating to local partnerships for advancement of the teaching profession, and it must submit the results of that study to the Education Committee of the General

Assembly by June 30, 2015. Section 3. Finally, P.A. 13-108 provides that a task force will be created for the study of educational mandates to determine which mandates may be waived for high-performing school districts. Section 4.

### **Awarding diplomas**

Legislation this year gave boards of education flexibility in granting diplomas in two different situations. First, P.A. 13-57 adds veterans of the Viet Nam era to the statute permitting boards of education to award diplomas to veterans of World War II and the Korean War who left school to serve in the armed forces before earning their diploma. Second, local or regional boards of education are now permitted to award a diploma to any person who (A) withdrew from high school prior to graduation to work in a job that assisted the war effort during World War II, (B) as a consequence of such work did not receive a diploma, and (C) has been a resident of the state for at least fifty consecutive years. P.A. 13-122, Section 17.

### **Adult Education**

P.A. 13-121 expands the scope of adult education services that local and regional boards of education may provide under Conn. Gen. Stat. § 10-69 to include college preparatory courses for adults who have a high school diploma, and school districts may charge for such courses.

### **Community Schools**

P.A. 13-64 authorizes local and regional boards of education to establish “community schools.” The Act defines a “community school” as a public school that participates in a coordinated, community-based effort with community partners to provide comprehensive educational, developmental, family, health and wrap-around services to students, families and community members during hours in which school is not in session, and it sets forth rules concerning the establishment and maintenance of such schools.

### **Alliance District Partnerships**

Alliance districts may now mutually agree with a charter school (either state or local charter) located within its

district to use the academic achievement scores for the charter school’s students as part of the district’s overall scores. In calculating district performance index (DPI) for such districts, the State Department of Education will use these scores, no later than October 1, 2014. P.A.13-206.

## **Legislation Affecting Board of Education Financial Matters**

### **Internet Posting of School District Expenditure Information**

Starting with the current school year, each local and regional board of education must annually make available on its Internet website the aggregate spending on salaries, employee benefits, instructional supplies, educational media supplies, instructional equipment, regular education tuition, special education tuition, purchased services and all other expenditure items, excluding debt service, for each school under the jurisdiction of the local or regional board of education. P.A. 13-247, Section 192. Given the term “aggregate” and the fact that some of these expenses are not budgeted or tracked on a school-by-school basis, it is not clear exactly how school districts are to comply with this requirement.

### **Ban on Use of Public Funds for Electronic Notification of Referenda**

All persons are now banned from using or authorizing the use of municipal funds to send an unsolicited communication to a group of residents (e.g., parents of school children) via electronic mail, text, telephone or other electronic or automated means. However, school districts are still permitted to use regularly published newsletters or similar publications to remind and/or encourage residents to vote on a pending referendum. In addition, the chief elected official of the municipality may authorize such a communication through a system that is available to all residents of the town, provided that the communication is limited to the date, time and place of the referendum, the question to be voted on, and the authorized explanatory text, if any. P.A. 13-247, Section 386.



### **Recommendations on Consolidation of Non-Educational Services and Explanations of Certain Transfers**

Effective October 1, 2013, municipal boards of finance (or other authority that makes appropriations for the school district), in reviewing the itemized estimate submitted by boards of education at budget time, will be required to make spending recommendations and suggestions as to how the board of education may consolidate non-educational services and realize financial efficiencies. The board of education can either accept or reject these recommendations. However, if the local board of education rejects such recommendation, it is required to provide a written explanation of the reason for the rejection. The new legislation also mandates that boards of education provide written explanations of transfers to the legislative body of the municipality (or to the board of selectman when the legislative body is the town meeting) when a designated person makes limited transfers under emergency circumstances as already authorized under Conn. Gen. Stat. § 10-222(a). P.A. 13-60.

### **Magnet School Preschool Tuition**

Under P.A. 13-247, Sections 123-126, the State Department of Education will be responsible for preschool tuition costs for all RESC magnet schools for fiscal year 2014. Beginning fiscal year 2015, RESCs will be allowed to charge tuition to parents of preschool students attending magnet schools on a sliding scale, with the State Department of Education paying the difference. The State Department of Education is to submit a report to the Education Committee by February 1, 2014 on the levels of diversity and integration for each public school located in the Sheff region.

### **Education Cost Sharing**

The per-student foundation amount as identified in the Education Cost Sharing statute has been raised from \$9,687 to \$11,525. The number of students receiving free and reduced price lunch will be included for determining student need. The minimum aid ratio for alliance districts has been established at 10% with a 2% ratio for all other districts. P.A. 13-247, Sections 152-153.

### **Minimum Budget Requirement**

Effective July 1, 2013, the minimum budget requirements for educational allocations has been extended to fiscal years 2014 and 2015. P.A. 13-247, Section 154.

### **Additional Open Choice and Vo-Ag Grant Funding**

Effective July 1, 2013, districts with 4% or more of their student population from the Open Choice inter-district public school attendance program will receive \$8,000 per student. The per student grant for vocational-agricultural centers has been increased from \$1,750 to \$2,750. P.A. 13-247, Section 168 and 170.

### **Financial Audits of Interdistrict Magnet Schools**

Each interdistrict magnet school operator must now annually file a financial audit for each interdistrict magnet school operated by such operator as well as an aggregate financial audit for all interdistrict magnet schools operated by such operator. P.A. 13-122, Section 2.

## **Legislation Affecting Students**

### **Student Assessments**

All students enrolled in grades three to eight, and grades ten or eleven in any public school will now take the mastery examination in reading, writing and mathematics beginning July 1, 2013. Students in grades five, eight, ten or eleven in any public school will annually take a statewide mastery examination in science. Testing requirements for endowed or incorporated high schools are eliminated, but such schools are permitted to base promotion or graduation on a student achieving a satisfactory score. Mastery testing no longer must conform to the testing requirements of the federal No Child Left Behind Act, and the State Department of Education must now approve the provision and administration of all mastery exams. The Act also requires the Commissioner, by April 1, 2014, to develop and implement a state-wide kindergarten assessment tool that measures a child's level of preparedness for kindergarten. P.A. 13-207.

### **Disproportionate or Inappropriate Identification of English Language Learners as Requiring Special Education**

Local or regional boards of education identified by the Department of Education as disproportionately or inappropriately identifying English language learners as requiring special education services because such students have a reading deficiency are now required to annually submit a report to the State Department of Education on the plan adopted by the board to reduce the misidentification of such students, in the same manner as is now required for districts that disproportionately so identify minority students. P.A. 13-193.

### **Childhood Obesity**

Effective October 1, 2013, a task force on Childhood Obesity will be established to study the effects of obesity on children's health. The Act also requires schools to include a total of twenty minutes of physical exercise in each school day for all elementary school students, unless a PPT develops a different schedule for a child requiring special education and related services. The Act requires that boards of education adopt policies concerning employees and others, who during the regular school day prevent an elementary student from participating in the required physical exercise period as a form of discipline, or who require any student in any grade to engage in physical activity as a form of discipline during the regular school day. P.A. 13-173.

### **Pool Safety at Public Schools**

For the school year starting July 1, 2013, in addition to the individual conducting aquatic activities in the pool, school districts are required to have at least one qualified educator, swimming coach, or lifeguard present during physical education classes to monitor swimmers who may be in distress and to help them if necessary. This new law imposes similar requirements for interscholastic swimming activities and extracurricular swimming activities. All schools are required to adopt a pool safety plan by July 1, 2014, and after that date school districts are not allowed to hold any aquatic activities in the school swimming pool unless they have a school swimming pool safety plan. P.A. 13-161.

### **Dissection Choice**

Schools must now excuse students from participating in or observing dissection activities as part of classroom instruction if a parent requests such excusal in writing. Such students shall be required to complete an alternative assignment as determined by the school district. P.A. 13-273.

### **Student Identifiers**

Each local and regional board of education must now include student state-assigned student identifiers on all official student documents for such student. These official student documents include but are not limited to transcripts, report cards, attendance records, disciplinary reports and student withdrawal forms. P.A. 13-122, Section 3.

### **Academic Advancement Program**

Effective July 1, 2013, the State Department of Education must establish a program that will allow students in grades 11 and 12 to complete high school graduation requirements beginning the 2014-2015 school year, by passing a national exam, attaining a particular grade point average, and receiving three letters of recommendation from school professionals. P.A. 13-247, Sections 188-189.

### **Mental Emotional and Behavioral Health of Youths**

Effective July 1, 2013, the Commissioner of Children and Families is required to develop a comprehensive implementation plan, across agency and policy areas, for meeting the mental, emotional and behavioral health issues of all children in the state. In addition, local law enforcement agencies and local regional boards of education that employ or engage school resource officers are now required to train school resource officers in nationally-recognized best practices to prevent students with mental health issues from being victimized or disproportionately referred to the juvenile justice system as a result of their mental health issues, provided federal funds are available. P.A. 13-178.

## Legislation Affecting School District Employment:

### Hiring Standards for Athletic Directors

Effective October 1, 2013, any person hired by a board of education as an athletic director at a school must (i) be certified by the State Board of Education in accordance with § 10-145b and hold a coaching permit from the State Board, or (ii) hold a certificate issued by a national athletic administrators association, and a coaching permit from the State Board. Any person hired as athletic director of a school district must hold (i) a certificate issued by the State Board of Education pursuant to § 10-145b with an intermediate administrator and supervisor endorsement and a coaching permit issued by the State Board, or (ii) a master certificate issued by a national athletic administrators association, as approved by the department, and a coaching permit issued by the State Board. Any person currently serving in any of these positions who does not meet this requirement is grandfathered. P.A. 13-41.

### Confidentiality of Teacher Performance and Evaluation Information

Records of teacher performance and evaluation maintained by the Department of Education are now expressly exempt from disclosure under the Freedom of Information Act. P.A. 13-122, Section 13.

### Mandated Reporter Protections

P.A. 13-53 supplements the protections for mandated reporters by providing that it is illegal to prevent or hinder mandated reporters from filing reports, or attempting to do so. In addition, it adds to the “whistleblower” law, Conn. Gen. Stat. § 31-51m, a prohibition against adverse employment action in retaliation for filing a claim of suspected child abuse or neglect.

### Teacher Education Programs

Under P.A. 13-133, candidates will be required to complete training in social and emotional development and learning of children as part of a program leading

to professional teaching certification. This training includes instruction on a comprehensive, coordinated social and emotional assessment and early intervention for children displaying behaviors associated with social or emotional problems; the availability of treatment services for such children; and referring such children for assessment, intervention or treatment services.

### School Nurse Advisory Council

Effective July 1, 2013, the Commissioner of the Department of Education is required to establish a School Nurse Advisory Council that will be responsible for advising the Commissioner of Education and the Commissioner of Public Health concerning professional development for school nurses, school nurse staffing levels, the delivery of health care services by school nurses in schools and other matters that affect school nurses. P.A. 13-187.

## Minor Revisions to the Education Statutes

P.A. 13-122 made a number of other minor revisions to the education statutes including:

- Marital and family therapists employed by local or regional boards of education will be authorized to provide services to student, families and parents or guardians of students. P.A. 13-122, Section 8.
- Responsibility for fixing tuition fees charged to students for preparatory and supplemental programs including apprenticeship programs has been changed from the State Board of Education to the Technical High School System Board. P.A. 13-122, Section 10.
- The State Department of Education must now conduct a study of alternative school programs offered by local and regional boards of education. P.A. 13-122, Section 12.