

Latest Developments from the Connecticut General Assembly: The Education Committee Continues to Speak

Education Law Notes

04.10.2019

By Mark Sommaruga

At its March 25, 2019 meeting, the General Assembly's **Education Committee** continued its hyperkinetic work by approving another flurry of bills. The following is a brief summary of the bills that the Committee voted favorably on and advanced out of committee at that meeting.

CLASSROOM SAFETY AND SCHOOL CLIMATE: House Bill No. 7110 (“An Act Concerning Enhanced Classroom Safety And School Climate”) would require school districts to revise their safe school climate plans to include provisions addressing “classroom safety,” with protocols for enhancing classroom safety and addressing incidents that 1) require the temporary removal of a majority of the students and staff to reduce the likelihood of injury, 2) result in an injury that requires medical attention beyond basic first aid and that may include emergency room or doctor visits, or 3) result in an injury that a) has been caused by the same person on more than one occasion, such as by means of kicking, biting or punching, b) has been verified by the school nurse or other medical personnel, and c) may not result in an emergency room or doctor visit. The bill would also require the State Department of Education to 1) develop and implement a state-wide school climate survey, and 2) disseminate strategies to assist school districts with their safe school climate plans. This year’s version of a “classroom safety” bill may not raise as many student privacy and special education issues (not to mention student discipline/due process concerns) as last year’s version that was vetoed by Governor Malloy.

CURRICULUM: The Committee has passed several curriculum related bills. The title of **Senate Bill No. 957 (“An Act Concerning The Inclusion Of Computer Science Instruction In The Public School Curriculum, Programs Of Teacher Preparation And In-Service Training Programs For Teachers”)**, **House Bill No. 7082 (“An Act Concerning The Inclusion Of African-American Studies In The Public School Curriculum”)** and **House Bill No. 7083 (“An Act Concerning The Inclusion Of Puerto Rican And Latino Studies In The Public School Curriculum”)** largely speak for themselves.

“ACCOUNTABILITY”: Senate Bill No. 1018 (“An Act Concerning The Opportunity Gap”) would withhold or impose restrictions on the use of numerous education grants on certain school districts that are not experiencing academic improvement, generally based upon the accountability index scores. In particular, grants to alliance, reform and priority school districts, along with the “commissioner’s network of schools”,

pullcom.com  @pullmancomley

BRIDGEPORT
203.330.2000

HARTFORD
860.424.4300

SPRINGFIELD
413.314.6160

WAKEFIELD
401-360-1533

WATERBURY
203.573.9700

WESTPORT
203.254.5000

WHITE PLAINS
914.705.5355

Latest Developments from the Connecticut General Assembly: The Education Committee Continues to Speak

would be affected this provision. This bill would also require the collection of student outcome data relating to college and career readiness in the state-wide public school information system.

SCHOOL LITERACY: Senate Bill No. 1019 (“An Act Concerning School Literacy”) would expand the intensive reading instruction program to include grades four and five. This bill would also establish the Center for Literacy Research and Reading Success which will be responsible for 1) collaborating with the Department of Education in the implementation of the coordinated state-wide reading plan for students in kindergarten to grade five, 2) researching and developing a birth to grade twelve reading success strategy to be included in the alignment of reading instruction with the two-generational initiative, 3) providing direct support to schools and boards of education to improve reading outcomes for students in kindergarten to grade five, through coaching, leadership training, professional development, parental engagement and technical assistance that is consistent with the intensive reading instruction program and aligned with evidence-based practices, 4) developing and maintaining an Internet web site for the purpose of disseminating tools and information associated with the intensive reading instruction program and other reading initiatives, and 5) serving as a collaborative center for institutions of higher education and making available to the faculty of teacher preparation programs the science of teaching reading, the intensive reading instruction program, and samples of available curriculum. This bill would also establish a “working group” to study issues relating to the teaching of scientifically-based reading research and instruction as part of teacher preparation programs. This study would include an examination of 1) whether teacher preparation programs are providing instruction on the “knowledge and pedagogy of the science of reading and the skills that are tested as part of the reading instruction examination” and whether professors in such teacher preparation programs have received training on or are competent to provide such instruction, and 2) the number of credit hours of such instruction being provided in teacher preparation programs.

MINORITY TEACHER RECRUITMENT: Senate Bill No. 1022 (“An Act Concerning Minority Teacher Recruitment And Retention”) would require the Minority Teacher Recruitment Policy Oversight Council, in consultation with the Minority Teacher Recruitment Task Force, to develop and implement strategies (and utilize existing resources) to ensure that at least 250 new minority teachers and administrators, of which at least 30% are men, are hired and employed by local and regional boards of education each year in the state.

The bill would require the Commissioner of Education 1) to enter into agreements with other states concerning professional certification reciprocity, and 2) establish or join interstate agreements to facilitate the certification of qualified educators from other states. The bill would require the issuance of an initial educator certificate in the endorsement area of intermediate administration and supervision to an administrator from another state who 1) has been certified as an administrator in such a state for three or more years, and 2) holds a master's degree in an appropriate subject matter area. Such a person would be exempt from completing the beginning educator program based upon such administrator experience, upon a showing of effectiveness as an administrator.

Latest Developments from the Connecticut General Assembly: The Education Committee Continues to Speak

The bill would revise the minority educator loan reimbursement grant program administered by the Office of Higher Education so as to increase the amount such person could receive under the program. The bill would also extend access to the Connecticut Housing Finance Authority's teacher mortgage assistance program to those 1) who graduated from a public high school in an educational reform district, and 2) who graduated from a historically black college or university or a Hispanic-serving institution. The bill would also expand the exception to the provision allowing re-employment for one year (without the usual limitation on earnings) of retired teachers to such individuals.

The bill would require a person seeking an initial educators' certificate to complete a course providing instruction in "culturally responsive pedagogy and practice"; in addition, any program of school and district leadership preparation leading to professional certification would have to include instruction in "culturally responsive pedagogy and practice".

MINIMUM BUDGET REQUIREMENT: Senate Bill No. 1068 ("An Act Concerning The Minimum Budget Requirement") would extend the minimum budget requirement ("MBR") through the 2020-2021 fiscal year. The bill would modify the MBR by allowing towns to use a five-year look-back period for reductions in student enrollment for purposes of permitted reductions to the MBR. The bill would also permit a school district that has 1) elected to act as a self-insurer, 2) experienced a loss incurred as a result of one or more catastrophic events during the prior fiscal year, and 3) increased its budgeted appropriation for education during said prior fiscal year as a result of such loss to NOT include the amount of such increase in the calculation of its budgeted appropriation for education for the subsequent fiscal year.

BACKGROUND CHECKS/"MISCELLANEOUS": Senate Bill No. 1069 ("An Act Concerning Various Revisions And Additions To The Education Statutes") would revise the laws concerning employee fingerprinting and background checks so as to cover any school or school district authorized to receive national criminal history record information from the Federal Bureau of Investigation, and would explicitly include local and regional boards of education, the Technical Education and Career System, charter schools, cooperative arrangements and inter-district magnet school operators (other than those operators who are a third-party not-for-profit corporation approved by the Commissioner of Education). This bill would require applicants seeking a position with these schools to identify specifically any criminal charges that are pending against them. This bill would provide that even where a regional educational service center arranges for such finger printing, it is the State Police Bureau of Investigation that will directly provide the results of the background check to the school. The law clarifies that nothing in the background check statutes should be construed as causing a school to disseminate the results of any national criminal history records check (as opposed to information regarding the applicant's eligibility for employment or prior involvement in abuse or neglect). The bill would require the State Department of Education to conduct a study concerning the authorization of towns and cooperative arrangements to be considered a "local education agency" for purposes of regional cooperation and in order to maximize efficiencies and cost-savings without establishing

Latest Developments from the Connecticut General Assembly: The Education Committee Continues to Speak

a regional school district. This bill would require the State Department of Education to update the health education component of the Healthy and Balanced Living Curriculum Framework to include “sexual harassment and assault, adolescent relationship abuse and intimate partner violence, and human trafficking and commercial sexual exploitation”.

TECHNICAL EDUCATION SYSTEM: House Bill No. 7351 (“An Act Concerning Graduation Data For The Technical Education And Career System”) would require that various reports submitted by the Technical Education and Career System include course and program completion and graduation rates for each program of study offered by the System.

MORE “MISCELLANEOUS”: **House Bill No. 7352** (“An Act Concerning Minor Revisions And Additions To The Education Statutes”) would require the State Department of Education to assist and encourage local and regional boards of education to include social-emotional learning as part of the curriculum. The bill would appear to provide that the mandate to provide instruction in science must include teaching on climate change “beginning in elementary school and through the secondary level and, where applicable”. The bill would eliminate the provision in the teacher tenure law that permitted a teacher (or certified administrator) employed by a priority school district to attain tenure after only ten months of employment in such a school district where the teacher or administrator previously attained tenure with another local or regional board of education in this state or another state. The bill would also require institutions of higher education that offer a teacher preparation program to develop and administer a pre-service performance assessment for students enrolled in such programs. The Commissioner of Education will have the authority to approve the pre-service performance assessments and establish a passing score required for successful completion of the teacher preparation program for purposes of professional certification

The bill would require the School Paraeducator Advisory Council to conduct a study concerning: 1) Safety issues relating to paraeducators who work with students who have behavioral issues, 2) issues relating to the assignment of substitute teaching duties to paraeducators, including emergency situations when they are asked to serve as a substitute teacher, and 3) issues relating to the duties of paraeducators who work with special education students. The bill also requires the State Department of Education to establish and administer a principal induction pilot program that will 1) provide opportunities for peer mentoring for new principals, 2) include executive leadership and workforce development as key principles in the professional development for new principals, and 3) standardize existing principal induction programs being administered by boards of education. The Department would permit any board of education to participate in the pilot program, and may select up to five additional boards of education to participate. Participating boards of education may partner with businesses in the state to implement the pilot program.

Latest Developments from the Connecticut General Assembly: The Education Committee Continues to Speak

SPECIAL EDUCATION: House Bill No. 7353 (“An Act Concerning Various Issues Relating To Special Education”) would provide a definition of a "local or regional board of education" that (unlike current regulations) would now also expressly include interdistrict magnet schools, state or local charter schools, regional agricultural science and technology education center, regional educational service centers, cooperative arrangement committees, and approved “incorporated or endowed” high schools or academies. This change may have significant impact with respect to legal proceedings challenging special education decisions regarding such alternative schools. In addition, the bill would add to the notice rights (and procedural safeguards) that parents receive the right of a parent or guardian “to maintain such child's enrollment **at his or her current school** and to require that such local or regional board of education provide special education to such child **at such school**”. Depending on implementation, this provision would (among other things) arguably prevent a school district from centralizing any specialized programming at one specific school within the district (or relying upon out-placement options for particularly involved students) and would require a school district to provide programming for every student at every school within the district. The bill would eliminate the statutory provision that permits a vocational technical school to send students back to the sending school district where its planning and placement team determines that a student requires special education services which preclude such student's participation in the vocational education program offered by a technical school. The bill would also prohibit a board of education from disciplining or otherwise punishing any teacher, administrator or school paraprofessional who 1) discusses or makes recommendations concerning the provision of special education and related services for a child during a planning and placement team meeting, or 2) discusses or makes such recommendations to the parent or guardian (or the child) outside of a planning and placement team meeting. The bill would establish a working group to study issues relating to the gap of services for children three to five years of age, during the period in which such children are no longer eligible for services provided by the birth-to-three program, and not yet eligible to receive special education and related services until such children are enrolled in kindergarten. The working group would review and evaluate the eligibility criteria for special education that creates a gap and prevents children from experiencing a continuity of services. Finally, the bill would revise the provisions regarding the language and communications plans for hearing impaired students to ensure procedures for alerting the child of an emergency situation and ensuring that the specific needs of the child are met during the emergency. The bill would 1) require school security and safety plans for each school to include provisions relating to emergency communication plans for students identified as deaf, hard of hearing or both blind or visually impaired and deaf, 2) revise the school safety infrastructure criteria for school building projects to include provisions relating to such emergency communication plans for such students, 3) require the Departments of Education and Public Health and the Office of Early Childhood to develop a process for collecting and sharing data to ensure that such students identified to acquire knowledge to assist them to be successful in school and after graduation, and 4) require the Department of Education to establish a working group on language assessments (and programs and interventions for such students).

Latest Developments from the Connecticut General Assembly: The Education Committee Continues to Speak

SCHOOL SECURITY: House Bill No. 7356 (“An Act Concerning School Security”) would establish a task force to study issues concerning the employment of school security officers (who are NOT school resource officers) who possess firearms while on duty in the public schools. The study would include, but not be limited to, an analysis of 1) whether such school security officers should be authorized to carry firearms while on duty, 2) who should be responsible for conducting criminal history records checks of school security officers, and (3) who should be responsible for supervising school security officers. This bill would also require the School Safety Infrastructure Council to conduct a study to determine whether classroom doors that can be locked from the inside and outside of the classroom should be included in school safety infrastructure criteria for school building projects.

SCHOOL BUILDING PROJECTS: House Bill No. 7354 (“An Act Concerning Authorization Of State Grant Commitments For School Building Projects And Revisions To The School Building Projects Statutes”) would authorize state grant commitments for school building projects. Among other things, the bill would provide that a town or a regional board of education may join with federal agencies, other state governments, political subdivisions, or nonprofit organizations in cooperative purchasing plans for purposes of school building projects. A town or regional board of education could purchase equipment, supplies, materials and services from a person who has a contract to sell such goods or services to other state governments, political subdivisions, nonprofit organizations or public purchasing consortia, in accordance with the terms and conditions of such contract. Any such school building project for which the town or regional school district is using such a cooperative purchasing plan will be exempt from the usual bidding requirements for school building construction contracts.

YES-EVEN MORE TASK FORCES AND STUDIES: The Committee approved bills that continue to display legislative affinity for task forces and further study of issues. **Senate Bill No. 1067 (“An Act Establishing A Task Force To Analyze The Implementation Of Laws Governing Dyslexia Instruction And Training”)** would establish a task force to analyze and make recommendations on issues relating to the implementation of the laws governing dyslexia instruction and training in the state. **House Bill No. 7355 (“An Act Concerning A Study Of The Education Cost Sharing Formula”)** would establish a task force to study issues relating to the education cost sharing formula. The task force shall review the ECS formula and consider: 1) The effect of such formula on the distribution of state education funds to a) towns of different sizes, and b) urban, suburban and rural towns, and 2) the effect of the phase-in of funding levels on the predictability and sustainability of education funding for towns. **House Bill No. 7357 (“An Act Concerning A Study Of Education Mandate Relief”)** would require the State Department of Education to conduct a study of issues relating to education mandates on local and regional boards of education. **House Bill No. 7113 (“An Act Concerning Education Issues”)** would require the State Department of Education to conduct a study relating to “education issues in the state”. This broad bill may just be a placeholder for some other bill. **Senate Bill No. 850 (“An Act Concerning Public Schools”)** would require the State Department of Education to conduct a study relating to “issues concerning public schools in the state”. Again, this broad bill may just be a

Latest Developments from the Connecticut General Assembly: The Education Committee Continues to Speak

placeholder for some other bill.

The deadline for the Education Committee to approve additional bills is April 1, 2019. Bills affecting the schools may also emerge from other committees (such as the Labor and Public Employees Committee and the Committee on Children). The 2019 session of the General Assembly is scheduled to adjourn on June 5, 2019, so stay tuned to see if any of the above bills are enacted.

Posted in CT General Assembly (CGA), State Legislation

Tags: CGA Education Committee