

The Aftermath: Developments From The 2017 Regular Session of The Connecticut General Assembly Affecting Schools

Education Law Notes

06.14.2017

By Mark Sommaruga

The 2017 Regular Session of the Connecticut General Assembly concluded at midnight, June 7, 2017, without accomplishing its most important task (passing a budget). As such, the General Assembly will eventually have to convene a “special session.” In the meantime, our legislature did pass several bills that will affect Connecticut schools. Among other things, the legislature passed bills that would: (1) “repeal and replace” last year’s radical enhancement of the alternative educational opportunity offered to students who are expelled from schools and that was supposed to take effect on August 15, 2017; (2) delay until 2018 the implementation of the Student Data Privacy Act, which was originally supposed to take effect on October 1, 2016; and (3) further delay the revisions to high school graduation requirements.

The following summary does not purport to be a complete or exhaustive description of the bills passed. In addition, bills that were not passed by both houses of the General Assembly during the 2017 regular session, such as those bills passed by the Education Committee (for more see here and here) may still re-emerge during the special session or as part of the inevitable budget “implementer.” A more comprehensive summary and discussion of laws that were passed during the 2017 session will be forthcoming from this firm after the Governor has acted upon all of the relevant bills, after the conclusion of the upcoming “special session,” and after our legislature (God willing) has enacted a budget.

MANDATE RELIEF, DELAYS AND ROLLBACKS: House Bill No. 7276 would, among other things: make implementation of the uniform regional school calendar optional; **eliminate the new requirement that an alternative educational opportunity for expelled students be five hours per day and replace it with a mandate to provide an alternative education opportunity consistent with standards that will be developed by the State Board of Education by August 15, 2017**; require only members of a schools crisis intervention team to complete training in student restraint and seclusion; and require school employers when making those background checks mandated by recent legislation (Public Act 16-67) to contact only those former employers by which an applicant was employed during the previous 20 years.

TASK FORCES AND STUDIES: The budget crisis has not weakened the General Assembly’s voracious appetite for task forces and studies. **Public Act 17-67 (Senate Bill No. 949)** would establish a “**Digital Citizenship, Internet Safety and Media Literacy Advisory Council**” within the Department of Education,

pullcom.com  @pullmancomley

BRIDGEPORT | **HARTFORD** | **SPRINGFIELD** | **WAKEFIELD** | **WATERBURY** | **WESTPORT** | **WHITE PLAINS**
203.330.2000 | 860.424.4300 | 413.314.6160 | 401-360-1533 | 203.573.9700 | 203.254.5000 | 914.705.5355

The Aftermath: Developments From The 2017 Regular Session of The Connecticut General Assembly Affecting Schools

which would provide recommendations to the State Board of Education regarding: (1) best practices relating to instruction in digital citizenship, Internet safety and media literacy; and (2) methods of instructing students to “safely, ethically, responsibly and effectively use media and technology resources.” **Special Act 17-6 (House Bill No. 6297)** would establish a task force to study the **voluntary services program** operated by the Department of Children and Families.

SPECIAL EDUCATION: Public Act 17-3 (House Bill No. 7254) would require teachers applying for professional certification with a comprehensive special education or integrated early childhood and special education endorsement to complete a program of study in the diagnosis and remediation of reading and language arts that includes supervised practicum hours and instruction in the **detection and recognition of, and evidence-based structured literacy interventions for, students with dyslexia**. A bill that may tangentially affect the schools is **House Bill No. 6260**, which would require the training offered to police to include techniques for handling incidents involving juveniles with autism spectrum disorder and non-verbal learning disorders.

GIFTED AND TALENTED STUDENTS: Public Act 17-82 (Senate Bill No. 911) would require the State Department of Education to designate an employee to be responsible for providing to local and regional boards of education and the parents or guardians of students information and assistance related to awareness about and identification of, and the provision of services to, gifted and talented students. This bill would also require the Department of Education to develop guidelines regarding the provision of services to gifted and talented students in schools. Such guidelines must include best practices for (1) addressing the intellectual, social and emotional needs of gifted and talented students in schools, and (2) providing educator training and professional development relating to gifted and talented students.

PROFESSIONAL DEVELOPMENT AND TRAINING: Public Act 17-37 (Senate Bill No. 953) would implement the recommendations of the task force on professional development and in-service training requirements for educators by: a) simply requiring that professional development be consistent with any goals identified by the certified employees and the local or regional board of education (in lieu of statutorily specified areas); and b) eliminating certain in-service requirements.

HIGH SCHOOL GRADUATION: There may be further delay in long promised revisions to the state’s high school graduation requirements. **Public Act 17-42 (Senate Bill No. 1026)** would keep the current graduation requirements in place through 2022. In addition, this bill would revise the amendments that were previously scheduled to take place so that for classes graduating in 2023 and after, the state’s minimum graduation requirement will be 25 credits, including not fewer than: (1) nine credits in the humanities, including civics and the arts; (2) nine credits in science, technology, engineering and mathematics; (3) one credit in physical education and wellness; (4) one credit in health and safety education; (5) one credit in world languages; and (6) a one-credit, mastery-based diploma assessment. The bill further provides that only courses that are in

The Aftermath: Developments From The 2017 Regular Session of The Connecticut General Assembly Affecting Schools

accordance with the statewide subject-matter content standards that are to be adopted by the State Board of Education shall generally count towards graduation.

The bill does provide, however, that school districts may provide credits to students toward meeting the graduation requirements upon the successful demonstration of mastery of the subject matter content achieved through various alternative and flexible educational experiences and opportunities (including cross-curricular graduation requirements, career and technical education, virtual learning, work-based learning, service learning, dual enrollment and early college, courses taken in middle school, internships and student-designed independent studies), provided such demonstration of mastery is in accordance with the statewide subject-matter content standards.

Public Act 17-29 (House Bill No. 7159) would require the State Board of Education to establish criteria by which a local or regional board of education may affix the “**Connecticut State Seal of Biliteracy**” on a diploma awarded to a student who has achieved a high level of proficiency in English and one or more foreign languages.

DESEGREGATION, REFORM AND UNDER-PERFORMING SCHOOL DISTRICTS: **House Bill No. 7201** would create a new student enrollment standard for determining state operating grant eligibility for all magnet schools, replacing three different categories of standards in current law. For 2017-2018, the bill would **apply the reduced-isolation setting standards** of the 2013 stipulation and order for Sheff v. O'Neill to all inter-district magnet schools in the state, but would allow the Commissioner to create an alternative standard for 2018-2019 for the Sheff magnet schools in order to comply with any applicable court orders. **House Bill No. 7251**, among other things, would enhance the training for boards of education of low performing school districts that are implementing improvement plans, allow the Department of Education to create a model school district responsibilities agreement (including the proper roles of boards of education), and include such model agreements and leadership succession plans as part of a school district's alliance district plan.

EDUCATIONAL RECORDS AND PRIVACY: In a major development, **House Bill No. 7207** would **delay the implementation of the requirements of the Student Data Privacy Act of 2016** (Public Act 16-189) until July 1, 2018. **House Bill No. 7156** would entitle “unaccompanied” homeless youth to have access to all of his or her educational, medical or “similar” records in a school district’s cumulative file.

EARLY CHILDHOOD: Attempting to carry out a prior gubernatorial promise, **Special Act 17-1 (Senate Bill No. 954)** would require the State Department of Education, in consultation with the Office of Early Childhood, to develop a plan for universal preschool beginning in 2022, with the Department submitting its plan and recommendations to the General Assembly’s Education Committee by January 1, 2019. **Public Act 17-41 (Senate Bill No. 912)** would allow an individual who holds a bachelor's degree and has completed 12 credits or more in early childhood education or child development to satisfy the staff qualifications requirement for early childhood educators. **House Bill No. 7205** would: (1) require that the results of the reading instruction/

The Aftermath: Developments From The 2017 Regular Session of The Connecticut General Assembly Affecting Schools

literacy survey be distributed to teachers and supervisors in order to inform such teachers' professional development in reading instruction; and (2) establish a reading readiness program that provides tiered supports in early literacy to school districts designated as an alliance school district and to each school within the "Commissioner's Network" of schools.

TECHNICAL HIGH SCHOOLS: House Bill No. 7271 would establish the Technical High School System as an independent state agency, separate and apart from the State Board of Education. In a less existential realm, **House Bill No. 7202** would establish a post-secondary vocational programs division within the technical high school system, and would classify licensed practical nurse programs and aviation maintenance programs at technical high schools as "postsecondary education programs" for purposes of maintaining students' eligibility for federal Pell grants.

OMNIBUS: A legislative session is not truly a legislative session without the usual grab bag bills purporting to make "minor revisions." **House Bill No. 7253** would replace the school performance index with the accountability index, require the State Department of Education to notify school districts of their students' mastery examination scores by August 15 of each year, postpone the requirement that teachers have a master's degree in order to obtain professional educator certification from July 1, 2016 until July 1, 2018, provide that school district vision screenings include where necessary a recommendation for the student to be examined by an optometrist or ophthalmologist, require school districts (and private providers) to provide further information upon request during audits of private special education placements, permit candidates for licensure as a marital and family therapist to provide such services to students and their families, extend the timeline for the State to provide digitalized individualized education program software to school districts (with the State merely having to provide it to ten school districts for 2017-2018 and not the remaining districts until July 1, 2018), permit a one-time two-year extension for an acting superintendent of schools who does not have certification due to a "hardship," and establish a task force to study issues relating to the governance, financing, general conduct and roles of interscholastic athletic programs, with a report back to the General Assembly's Education Committee by January 1, 2018.

It also expressly indicates that "10-4b" complaints against school districts for failure to carry out the educational interests of the state may also be brought against charter schools, magnet school operators, vocational-technical high schools, agricultural science and technology education centers, and endowed high school/ academies. This bill would also clarify that retired teachers who are re-employed may continue to receive their retiree health insurance as generally provided via the Teacher Retirement System, and eliminates the requirement that such re-employed teachers receive health insurance from the re-employing board of education.

The Aftermath: Developments From The 2017 Regular Session of The Connecticut General Assembly Affecting Schools

If that was not enough, **Public Act 17-68 (Senate Bill No. 1014)** would, among other things, extend various grant programs, apply the education employees' background check requirements to private school employees, permit school districts to enter into agreements with their towns to take over responsibility for the provision of non-educational services, require school nurses to receive twelve hours of specified training within one year of appointment, expressly authorize local and regional school districts to require private special education providers to provide monthly or quarterly reports as to the services being provided to their students and permit periodic site visits by the district (and to require the district to submit to audits with respect to such placements), expressly indicate that incarcerated parents are still generally entitled to access to their child's student records (with certain exceptions), provide for non-renewable out-of-state teacher permits, extend the "resident teacher" permits from one year to two years, and expressly authorize public library boards of trustees to make policies and rules with respect to library internet usage.

Yes, there is more. Among other things, **Public Act 17-14 (Senate Bill No. 910)** would: (1) remove from the definition of "student absence" for truancy/attendance purposes any in-school suspension of at least one-half day; (2) remove the annual April 15 reporting deadline for regional education service centers to submit Open Choice seat availability to the State Department of Education; (3) continue, with some revisions, a supplemental magnet transportation grant to the Capitol Region Education Council; and (4) move the administration of the statewide science mastery exam from Grade 10 to Grade 11, commencing with the 2018-19 school year.

Senate Bill No. 796 would update the terminology used in various statutes by, among other things, substituting the terms "persons with disabilities" for "handicapped persons," "deaf and hard of hearing" for "hearing impaired" and "older person" for "elderly person." Finally, **Public Act 17-13 (Senate Bill No. 908)** would make merely technical changes to certain education and early childhood statutes.

CRIMINAL STATUTES GOVERNING "SEXTING": A bill that may affect the schools is **Public Act 17-25 (House Bill No. 6002)**, which eliminates the lower age limits in the criminal laws prohibiting the possession or transmission of child pornography by a minor (the so-called "sexting").

FREEDOM OF INFORMATION ACT: Public Act 17-86 (Senate Bill No. 983) would provide that a person bringing a complaint with the Freedom of Information Commission concerning an "unnoticed or secret meeting" must do so within 30 days after the person receives "actual or constructive notice" of the meeting taking place.

Posted in Board of Education, CT General Assembly (CGA), CT General Statutes, Discrimination, Diversity, Municipalities, Privacy, Special Education, State Legislation, Teachers, Termination

Tags: CT State Department of Education (CSDE), Expulsion, Student Data Privacy Act, Teacher Training