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## Developments From The 2018 Session of The Connecticut General Assembly: New Laws Affecting The Schools (and Public Employers)

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### INTRODUCTION

The 2018 Regular Session of the Connecticut General Assembly passed bills that, among other things: (1) revise the Student Data Privacy Act; (2) address budgetary issues stemming from attempts at reducing and rescinding mid-year Education Cost Sharing grants; (3) further define (and/or restrict) the use of seclusion, restraints, and “exclusionary time outs;” and (4) address food allergy issues. **PLEASE NOTE:** Governor Malloy vetoed a bill that would have imposed an obligation upon schools to address “daily classroom safety” via certain mandated procedures; the General Assembly failed to override the veto, but this issue may re-emerge either in another special session or in 2019.

This summary provides a concise description of the new laws with relevant commentary regarding their impact. For more detailed information regarding these legislative changes, please contact one of our attorneys.

### PRIVACY

**SPECIAL ACT 18-28: AN ACT CONCERNING STUDENTS' RIGHT TO PRIVACY IN THEIR MOBILE ELECTRONIC DEVICES.** This Act, which was signed by the Governor and took effect upon passage (June 13, 2018), establishes a working group to study and make recommendations concerning issues relating to the search and seizure of students' personal electronic devices. The Act further sets forth the composition of the group (with participation from various organizations, including CABA and CAPSS) and requires the group to submit its findings and

## Developments From The 2018 Session of The Connecticut General Assembly: New Laws Affecting The Schools (and Public Employers)

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recommendations to the General Assembly's Education Committee by January 1, 2019.

**PUBLIC ACT 18-125: AN ACT CONCERNING REVISIONS TO THE STUDENT DATA PRIVACY ACT.** This Act, which was signed by the Governor on June 7, 2018, amends the Student Data Privacy Act ("SDPA") in several ways; the SDPA (as amended) takes effect on July 1, 2018. The Act requires the Commission for Educational Technology ("CET") to immediately develop a student data privacy terms-of-service agreement addendum that may be used in contracts entered into pursuant to the SDPA; the State Department of Education will be required to provide information on this addendum in the guidance that it will be providing to school districts on both the SDPA and the federal Family Educational Rights and Privacy Act – commonly referred to by its acronym – "FERPA." The Act creates an exception to the SDPA where school districts have special education or Section 504 students using a particular online service that is "unique" and necessary in order to meet the student's needs but unable to meet the SDPA's typical contract requirements. This Act eliminates a requirement that school districts electronically notify students and parents of new contracts that are covered by the SDPA; districts would still have to post such notices and such contracts on their websites. This Act requires school districts to report annually to CET concerning district use of online services that do not have a contract that meets the standards required under the SDPA. This Act creates exceptions to the SDPA's requirement that contractors and operators delete student data (at a school district's, student's, or parent's request) when: (1) deletion is prohibited by state or federal law, or (2) a copy of the data is part of a disaster recovery system. This Act also extends the deadline for the student data privacy taskforce to issue its report to the General Assembly's Education and General Law Committees until January 1, 2019.

***IMPACT: If they have not done so already (while trying to comply with the prior October 1, 2016 deadline), school districts will need to ensure that contracts entered into after July 1, 2018 contain those terms specified and mandated in the Student Data Privacy Act, and (subject to any further guidance issued by the State Department of Education) revise their student records policies.***

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### **CLASSROOM SAFETY AND BEHAVIOR (VETOED)**

**PUBLIC ACT 18-89: AN ACT CONCERNING CLASSROOM SAFETY AND DISRUPTIVE BEHAVIOR.** This Act, which was vetoed by the Governor on June 7, 2018, would have mandated that certain specified provisions relating to "daily classroom safety" be included in safe school climate plans, including provisions related to preventing, reporting, investigating, documenting and remediating daily classroom safety violations (such as providing therapeutic supports to aggrieved teachers and students). "Daily classroom safety" is defined as a classroom environment in which students and school employees are not physically injured by other students, school employees, or parents, or exposed to such physical injuries to others. Among provisions to be included in the climate plans, the Act would have required school principals to notify parents, guardians, and their boards of education about daily classroom safety violations (without revealing student names to board

## **Developments From The 2018 Session of The Connecticut General Assembly: New Laws Affecting The Schools (and Public Employers)**

---

members and the parents of other students). The Act would have required school districts to annually report to the State Department of Education instances of daily classroom safety violations. This Act provided that if a teacher removed a student from class (ostensibly through a teacher's authority to remove students from class on a short term basis) for a violation of daily classroom safety, the administrator could have placed the student in another educational setting best suited to meet the student's needs. The administrator would then have been prohibited from allowing a student who had been removed from class from returning to the class of the teacher who had such student removed without such teacher's consent, unless the school crisis intervention team (or a team of administrators and teachers designated by the principal) determined that return is warranted because the student received appropriate intervention and support and there were adequate protections in the classroom for the safety of the teacher and other students. This Act would have revised safe school climate provisions that address training (and the role of safe school climate coordinators and teams) to include daily classroom safety.

***IMPACT: While an attempt to override the veto was unsuccessful, school districts may need to monitor attempts in the future to pass a similar bill.***

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### **MID YEAR REDUCTIONS IN ECS GRANTS (VETOED)**

**PUBLIC ACT 18-35: AN ACT PROHIBITING RESCISSIONS OR OTHER REDUCTIONS TO THE EDUCATION COST SHARING GRANT DURING THE FISCAL YEAR.** This Act would have prohibited the Governor from making rescissions or other reductions to education cost sharing grants during the middle of a fiscal year. This Act was **vetoed** by the Governor on June 1, 2018. However, the General Assembly has determined that it is unnecessary to override the veto because...

### **THE STATE BUDGET**

**PUBLIC ACT 18-81: AN ACT CONCERNING REVISIONS TO THE STATE BUDGET FOR FISCAL YEAR 2019 AND DEFICIENCY APPROPRIATIONS FOR FISCAL YEAR 2018.** The "budget bill" (which was signed by the Governor on May 15, 2018) includes a provision prohibiting the Office of Policy and Management from making reductions in the allotment for the education cost sharing grants for the 2018-2019 fiscal year. Among other things, Public Act 18-81 also provides that after the distribution of ECS grants for 2018-2019, any remaining funds will be distributed to municipalities whose school districts received students during 2017-2018 who were displaced by Hurricane Maria. The Act establishes a panel to conduct a study of the Commission on Fiscal Stability and Economic Growth's proposal to reform the Teacher Retirement System; the panel must report its results and recommendations to the General Assembly's Appropriations Committee by January 1, 2019. The Act increases the annual state grant for each student attending a regional agricultural science and technology center from \$3,200 to \$4,200; however, such grants are to be made

## **Developments From The 2018 Session of The Connecticut General Assembly: New Laws Affecting The Schools (and Public Employers)**

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within available appropriations. The Act requires that a portion of the income tax revenue diverted to the Budget Reserve Fund in 2017-2018 (approximately \$16 million) be transferred to the retired teachers' health insurance premium account.

**PUBLIC ACT 18-1: AN ACT WAIVING ANY PENALTIES IMPOSED ON A BOARD OF EDUCATION FOR MAKING REDUCTIONS TO ITS BUDGETED APPROPRIATION FOR EDUCATION AS A RESULT OF CUTS TO ITS EDUCATION COST-SHARING GRANT FOR FISCAL YEAR 2018.** This Act (which was signed by the Governor on April 26, 2018) waived for the 2017-2018 fiscal year the penalty for violating the minimum budget requirement (“MBR”), which generally prohibits a town from reducing its budgeted amount for education from the previous fiscal year, under the following circumstances: (1) the town’s ECS grant (and/or state rental rebate assistance) was reduced during the previous year as part of the 2017 budget act and mid-year rescissions, and (2) the town subsequently reduced its 2017-2018 budgeted appropriation for education in an amount up to these reductions in state grants. However, the Act prohibits these 2017-2018 reductions in ECS allotments and withholdings from (1) affecting a town's **2018-2019** MBR amount, or (2) determining a town's 2018-2019 ECS aid increase or decrease.

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### **MUNICIPAL BUDGETS AND ADOPTION DATES**

**PUBLIC ACT 18-12: AN ACT PERMITTING THE AMENDMENT OF MUNICIPAL CHARTERS FOR THE PURPOSE OF MODIFYING BUDGET ADOPTION DATES.** This Act, which has been signed by the Governor and took effect upon passage (May 25, 2018), authorizes a municipality (regardless of any contrary laws, charters or ordinances) to amend its charter for the sole purpose of modifying its budget adoption dates upon a two-thirds vote of its legislative body. Such budget adoption dates may include, but need not be limited to, applicable dates relating to an executive presentation of a proposed budget, public hearings, fiscal authority action, publications, referenda or final budget adoption. Any vote by the legislative body of a municipality pursuant to this Act shall include a reference to this Act.

### **OMNIBUS**

**PUBLIC ACT 18-51: AN ACT IMPLEMENTING THE RECOMMENDATIONS OF THE DEPARTMENT OF EDUCATION.** Among other things, this Act (which was signed by the Governor on May 24, 2018 and took effect on July 1, 2018) further addresses the use of seclusion and “exclusionary time outs.” The Act explicitly provides that seclusion may not be used as a planned intervention in a student’s behavioral intervention plan, individualized education program or Section 504 plan. The Act provides that an “exclusionary time out” which is defined as a “temporary, continuously monitored separation of a student from an ongoing activity in a non-locked setting, for the purpose of calming such student or deescalating such student's behavior” would **not** constitute seclusion. The Act requires school districts to establish policies

## Developments From The 2018 Session of The Connecticut General Assembly: New Laws Affecting The Schools (and Public Employers)

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regarding the use of such time outs by January 1, 2019, with certain specified limits concerning the use of time outs (including but not limited to a prohibition against using such time outs as a form of discipline). This Act amends the definition of “physical restraint” (which is generally prohibited) to include carrying or forcibly moving a person from one location to another.

***IMPACT:*** *School districts may need to revise their seclusion/restraint policies. On its face, this Act confirms that schools will no longer be able to enact behavior plans, education programs or accommodations plans that include seclusion as a planned intervention.*

The Act makes several changes to the **teacher certification** statutes. Among other things, the Act authorizes the Commissioner of Education to allow a teacher with a teacher certification endorsement for grades one through six to teach kindergarten for one year if (1) the teacher holds the grades one through six endorsement issued on or after July 1, 2017 and (2) the superintendent requests the change to the Commissioner. The Commissioner cannot permit a teacher who uses the one year exception to teach kindergarten after that year, except she may extend it for one additional school year if the teacher can demonstrate that he or she is enrolled in a program to meet the requirements for the appropriate endorsement to teach kindergarten. The Act allows the State to suspend (or place on probation) a teacher's certificate, permit, or authorization; currently, the State can only revoke such certification. This Act extends the temporary non-renewable certification from one to three years.

The Act extends the Commissioner's authority to give (1) transportation grants for *Sheff* magnet schools through 2018-2019, and (2) supplemental transportation grants for *Sheff* magnet schools through 2017-2018; the Act also specifies that transportation grants are to be paid to the operator of a magnet school. Furthermore, the Act **exempts** persons employed by school districts to teach noncredit adult classes or adult education activities and who are not required to be certified for the position from the following background requirements: (1) disclosing whether they have ever been convicted of a crime or have criminal charges pending against them, (2) submitting to a Department of Children and Families child abuse and neglect registry records check, and (3) submitting to state and national criminal history records checks.

***IMPACT:*** *School districts may wish to change portions of their background check policies in light of the above background check requirement exemptions for noncredit adult education teachers.*

**PUBLIC ACT 18-182: AN ACT CONCERNING MINOR REVISIONS TO THE EDUCATION STATUTES.** Among other things, this Act (**which was signed by the Governor and generally took effect on July 1, 2018**) requires the State Board of Education to assist school districts in providing instruction relating to the “Safe Haven Act” (which concerns the voluntary surrender of custody of an infant by a parent). This Act delays by one year the transition of the Technical Education and Career System (formerly, the state technical high school system) into an independent state agency, separate from the State Department of Education. This Act requires the inclusion of instruction on opioid use and related disorders in the mandated curriculum for public

## **Developments From The 2018 Session of The Connecticut General Assembly: New Laws Affecting The Schools (and Public Employers)**

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school districts. This Act also requires the State Department of Education: (1) to include among its truancy intervention models for school districts, models that address the needs of students with disabilities, and (2) regarding school district chronic absenteeism and prevention plans, to include a means of collecting and analyzing data on student attendance, truancy, and chronic absenteeism for students with disabilities. This Act extends youth service bureau grant eligibility to those youth bureaus who applied for grants during the 2017-2018 fiscal year (the prior deadline being June 30, 2017). The Act provides a way for “small” local and regional school districts (i.e., those districts with fewer than 1,000 students) to be exempted from the new requirement that districts enroll as Medicaid providers. This Act establishes a task force to study high school interscholastic athletic program issues; the task force shall submit its report with its findings and recommendations to the General Assembly’s Education Committee by January 1, 2019. This Act prohibits local and regional school districts from denying or prohibiting a student from enrolling in an agricultural science and technology education (i.e., vo-ag) center for the 2018-2019 school year if said student (1) was enrolled in a vo-ag center during the 2017-2018 school year, or (2) received notice on or before April 1, 2018 that he/she was admitted by a vo-ag center.

***IMPACT:*** *Depending upon the guidance provided by the State Board of Education, school districts may need to revise their truancy and absenteeism/attendance policies.*

**PUBLIC ACT 18-139: AN ACT CONCERNING THE LEGISLATIVE COMMISSIONERS' RECOMMENDATIONS FOR TECHNICAL REVISIONS TO THE EDUCATION AND EARLY CHILDHOOD STATUTES.** This Act, **which was signed by the Governor and took effect upon passage (June 11, 2018)**, would make various technical revisions to assorted education and early childhood statutes.

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### **SPECIAL EDUCATION**

**PUBLIC ACT 18-183: AN ACT IMPLEMENTING THE RECOMMENDATIONS OF THE AUDITORS OF PUBLIC ACCOUNTS CONCERNING PRIVATE PROVIDERS OF SPECIAL EDUCATION.** This Act, **which was signed by the Governor**, requires school districts (beginning July 1, 2019) **to enter into written contracts with private providers of special education services in order to be eligible for excess cost reimbursement.** This Act states explicitly that a student’s individualized education program (“IEP”) would not constitute such a contract. Such contracts will be subject to any audits by the Auditors of Public Accounts. This Act further provides that such contracts (along with any contracts entered into between July 1, 2018 and June 30, 2019 and covered by current law) must include an explanation of how the provider's tuition or costs for provided services are calculated. The Act also requires the State Department of Education to develop standards and a process for documentation of the provision of special education services provided by private providers, which shall include the use of standard forms or other electronic reporting systems. The Act also requires that whenever a school district determines that the special education needs for a child could be met by an

## **Developments From The 2018 Session of The Connecticut General Assembly: New Laws Affecting The Schools (and Public Employers)**

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agreement with a private provider of special education services (except for the child's needs for services other than educational services), the provider must submit its operating budget to the State Department of Education. Unless otherwise noted above, this Act takes effect on July 1, 2018.

**PUBLIC ACT 18-71: AN ACT CONCERNING RISK ASSESSMENT PRACTICES AND THE NEEDS OF CHILDREN WITH INTELLECTUAL AND DEVELOPMENTAL DISABILITIES.** This Act (which was signed by the Governor on June 4, 2018) requires the Commissioner of Children and Families (in collaboration with the Commissioners of Early Childhood, Developmental Services and Social Services) to develop procedures for investigation, assessment and case-planning that are responsive to the needs of children with intellectual and developmental disabilities. This Act also requires the Commissioner of Children and Families to submit a report describing the procedures developed, and any legislative recommendations arising from said collaboration, to the General Assembly's Children Committee by February 1, 2019.

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### **ALLERGIES AND ADMINISTRATION OF MEDICATIONS**

**PUBLIC ACT 18-185: AN ACT CONCERNING THE RECOMMENDATIONS OF THE TASK FORCE ON LIFE-THREATENING FOOD ALLERGIES IN SCHOOLS.** This Act, which was signed by the Governor and took effect on July 1, 2018, requires the State Department of Education to (1) revise and update (a) the Healthy and Balanced Living Curriculum Framework to include life-threatening food allergies and (b) any culinary arts program or curriculum standards related to the National Family and Consumer Sciences Standards to include dietary restrictions, cross-contaminations, and allergen identification, and (2) apply for available federal or private funding, in consultation with the Department of Public Health, to promote public awareness and education about food allergies. This Act also requires the Department of Education to revise as necessary (and make available to school districts) its **guidelines on managing students with life-threatening food allergies and glycogen storage disease**. In addition, by January 1, 2020, the Department of Education (in consultation with the Department of Public Health) must revise these guidelines to include (1) training for the identification and evaluation of students with life-threatening food allergies or glycogen storage disease, and (2) protocols that comply with the protections and accommodations under Section 504 of the Rehabilitation Act of 1973, the Individuals with Disabilities Education Act, and the Americans with Disabilities Act. This Act permits a student with a medically diagnosed life-threatening allergic condition (with the written authorization of such student's parent or guardian, and pursuant to the written order of a qualified medical professional) to possess, self-administer or possess and self-administer medication, including, but not limited to, medication administered with a cartridge injector, to protect such student against serious harm or death. To accommodate this change, the Act requires school districts to amend their administration of medication policies, or to adopt written policies and procedures, governing how a student may possess, or possess and self-administer, his or her medication.

## **Developments From The 2018 Session of The Connecticut General Assembly: New Laws Affecting The Schools (and Public Employers)**

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Additionally, this Act requires school transportation carriers (whether school-provided transportation or private contractors) to provide training to their school bus drivers (by June 30, 2019) that shall include, but need not be limited to, instruction on (1) the identification of the signs and symptoms of anaphylaxis, (2) the administration of epinephrine by a cartridge injector, (3) the notification of emergency personnel, and (4) the reporting of an incident involving a student and a life-threatening allergic reaction. Such training may be completed using an online module. The Act amends the “Good Samaritan” laws so as to protect school bus drivers from liability for the emergency administration of epinephrine by a cartridge injector to a student with a diagnosed allergic condition when necessary to protect against serious harm or death. The administration of epinephrine must occur either on or in the immediate vicinity of a school bus during the provision of school transportation services. The immunity from liability would not extend to acts or omissions that constitute gross, willful, or wanton negligence.

***IMPACT: School districts may need to revise their administration of medication policies and procedures.***

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### **PUBLIC HEALTH AND SCHOOL ORAL HEALTH ASSESSMENTS**

#### **PUBLIC ACT 18-168: AN ACT CONCERNING THE DEPARTMENT OF PUBLIC HEALTH'S RECOMMENDATIONS REGARDING VARIOUS REVISIONS TO THE PUBLIC HEALTH STATUTES.**

Among other things, this Act, **which was signed by the Governor and generally took effect on July 1, 2018**, allows a person who holds a professional educator certificate issued by the State Board of Education with a school social worker endorsement to use the title of **school social worker** to describe such person's activities while working in a public or nonpublic school in the state. The Act requires local and regional school districts to request that students have an **oral health assessment** prior to public school enrollment, in Grade 6 or 7, and in Grade 9 or 10. Such an assessment may be performed by a (1) dentist or dental hygienist, or (2) physician, physician assistant, or advanced practice registered nurse, if trained in conducting such assessments as part of a Department of Public Health approved training program. If a dentist conducts the assessment, it must include a dental examination. If another such provider conducts the assessment, it must include a visual screening and risk assessment. The Act prohibits an oral health assessment from being performed unless (1) the student's parent or guardian consents and (2) the assessment is made in the presence of the parent or guardian or another school employee. The parent or guardian must receive prior written notice and have a reasonable opportunity to opt his or her child out of the assessment, be present at the assessment, or provide for the assessment himself or herself. The Act prohibits a school district from denying a child's public school enrollment or continued attendance for not receiving such an oral health assessment. However, a school district must provide prior notice to parents or guardians if the district hosts a free oral health assessment event at which a qualified provider performs such oral health assessments. The Act provides that the parents and guardians must have the opportunity to opt their children out of the assessment event. If the parent or guardian does not do so, the child must receive an assessment free of charge. The Act prohibits the

## Developments From The 2018 Session of The Connecticut General Assembly: New Laws Affecting The Schools (and Public Employers)

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child from receiving any dental treatment as part of the assessment event without the parent's or guardian's informed consent.

The Act provides that the results of an oral health assessment must be recorded on forms supplied by the State Board of Education. For any child who receives an oral health assessment, the results must be included in the child's cumulative health record. The Act requires appropriate school health personnel to review the assessment results. When, in the health personnel's judgment, a child needs further testing or treatment, the superintendent of schools must give written notice to the child's parent or guardian and make reasonable efforts to ensure that further testing or treatment is provided. These efforts must include determining whether the parent or guardian obtained the necessary testing or treatment for the child and, if not, advising the parent or guardian on how to do so. The results of the further testing or treatment must be recorded on the assessment forms and reviewed by school health personnel. Records of such assessments are not open to public inspection.

***IMPACT:*** *School districts may need to revise their health assessment policies.*

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### **SCHOOL BUILDING PROJECTS AND GRANTS**

**PUBLIC ACT 18-138: AN ACT CONCERNING AUTHORIZATION OF STATE GRANT COMMITMENTS FOR SCHOOL BUILDING PROJECTS.** This Act (which was signed by the Governor on May 31, 2018) authorizes state grant commitments for various specified school building projects. Furthermore, this Act gives the Commissioner of Administrative Services the authority to receive, review and approve or disapprove applications for such grants where a regional educational service center is designated as the project manager in the application.

### **MANDATED REPORTS TO DCF**

**PUBLIC ACT 18-67: AN ACT CONCERNING MINOR REVISIONS TO THE STATUTES OF THE DEPARTMENT OF CHILDREN AND FAMILIES AND ESTABLISHING A PILOT PROGRAM TO PERMIT ELECTRONIC REPORTING BY MANDATED REPORTERS.** Among other things, this Act, which was signed by the Governor on June 1, 2018, permits the Department of Children and Families ("DCF") to establish a pilot program beginning on July 1, 2018 to permit certain categories of mandated reporters of child abuse and neglect to fulfill their responsibilities by submitting a report electronically to DCF or law enforcement, as appropriate, when they have reasonable cause to suspect or believe that a child has been abused, neglected, or is at imminent risk of harm. Such categories shall be chosen at the discretion of the Commissioner of DCF. The Act further provides that commencing on October 1, 2019, all mandated reporters of child abuse or neglect may be able to electronically file their reports. A reporter who files an initial report electronically must respond to further inquiries that DCF makes within 24 hours of the report. The Act requires electronic reports to include

## Developments From The 2018 Session of The Connecticut General Assembly: New Laws Affecting The Schools (and Public Employers)

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the same information currently required for written and oral reports.

***IMPACT:*** *School districts may need to make minor revisions with respect to their policies governing the reporting of abuse and neglect.*

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### **SCHOOL COUNSELORS**

**PUBLIC ACT 18-15: AN ACT CONCERNING SCHOOL COUNSELORS.** This Act, **which was signed by the Governor and took effect upon passage (May 29, 2018)**, adds references to “school counselors” to all the references to “guidance counselors” throughout the statutes.

### **MINORITY TEACHER RECRUITMENT AND CERTIFICATION ISSUES**

**PUBLIC ACT 18-34: AN ACT CONCERNING MINORITY TEACHER RECRUITMENT AND RETENTION.** This Act, **which was signed by the Governor and generally took effect on July 1, 2018**, requires the State Department of Education, in consultation with the Minority Teacher Recruitment Policy Oversight Council, to (1) identify relevant research and successful practices to enhance minority teacher recruitment throughout the state, (2) identify and establish public, private and philanthropic partnerships to increase minority teacher recruitment, (3) utilize innovative methods to attract minority candidates to the teaching profession, particularly in subject areas in which a teacher shortage exists, (4) modernize the process for educators to obtain professional certification by eliminating obstacles to certification to increase competitiveness with other states, (5) identify and utilize high quality, affordable and bias-free educator assessments, (6) adopt cut scores for educator assessments, that do not exceed the multi-state cut scores, to increase competitiveness with surrounding states, (7) support new and existing educator preparation programs that commit to enrolling greater numbers of minority teacher candidates in a manner that supports interstate reciprocity, and (8) advise and support local and regional boards of education to prioritize minority teacher recruitment and develop innovative strategies to attract and retain minority teachers within their districts. This Act also requires the State Board of Education's five-year comprehensive education plan to include a statement that the state's teacher workforce should reflect the racial and ethnic diversity of the state. This Act makes changes to the membership of the Performance Evaluation Advisory Council and the Minority Teacher Recruitment Task Force (and requires collaboration between these groups on issues of equity and closing the achievement gap). This Act limits local and regional boards' of education mandated written minority recruitment plans to educators, rather than staff (as is the current law).

This Act alters the teacher certification statutes regarding cross endorsements in teacher shortage areas for those already holding a certification, ostensibly to make it easier to obtain such endorsements. In addition, the Act provides that any person who has achieved a satisfactory evaluation on an equivalent competency examination or subject area assessment required for educator certification in another state shall not be

## **Developments From The 2018 Session of The Connecticut General Assembly: New Laws Affecting The Schools (and Public Employers)**

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required to achieve a satisfactory evaluation on Connecticut's competency examination or subject matter assessment, provided the State Board of Education determines that the requirements for achieving a satisfactory evaluation on such equivalent competency examination or subject area assessment in another state are at least equivalent to Connecticut's requirements. Finally, this Act requires the State Department of Education to enter into a memorandum of understanding with teacher licensure test vendors to allow applicants to be able to retake the licensure examination free of charge, provided the score of the applicant on the initial licensure examination was within a range prescribed by the Commissioner of Education. The State Department of Education will provide educational materials to assist the applicant in retaking the examination.

***IMPACT:*** *School district minority recruitment plans are now only required to address issues pertaining to educators, rather than all staff members.*

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### **CURRICULUM AND INSTRUCTION**

**PUBLIC ACT 18-24: AN ACT CONCERNING THE INCLUSION OF HOLOCAUST AND GENOCIDE EDUCATION AND AWARENESS IN THE SOCIAL STUDIES CURRICULUM.** This Act requires the inclusion of Holocaust and genocide education awareness in the mandated social studies curriculum for public school districts.

**PUBLIC ACT 18-129: AN ACT CONCERNING THE ALIGNMENT OF THE COORDINATED STATE-WIDE READING PLAN WITH THE STATE'S TWO-GENERATIONAL INITIATIVE.** This Act, **which was signed by the Governor and took effect on July 1, 2018**, aligns the coordinated state-wide reading plan for students in kindergarten to grade three with the state's "two-generational" initiative.

### **DISPLACED STUDENTS FROM PUERTO RICO**

**SPECIAL ACT 18-7: AN ACT CONCERNING ASSISTANCE TO SCHOOL DISTRICTS THAT ENROLL STUDENTS FROM PUERTO RICO WHO HAVE BEEN DISPLACED BY HURRICANE MARIA.** This Act, **which was signed by the Governor and took effect upon passage (June 4, 2018)**, allows school districts for the 2018-2019 and 2019-2020 school years to enter into memoranda of understanding with school districts from surrounding towns to share classrooms and other resources for the purpose of educating and supporting recently-enrolled students from Puerto Rico displaced as a result of natural disasters.

## Developments From The 2018 Session of The Connecticut General Assembly: New Laws Affecting The Schools (and Public Employers)

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### **BACKGROUND CHECKS AND TASK FORCE**

**SPECIAL ACT 18-25: AN ACT ESTABLISHING A TASK FORCE TO STUDY THE PROCESSING AND RETENTION OF FINGERPRINT RECORDS AND CRIMINAL HISTORY RECORDS FOR EDUCATORS.** This Act, which was signed by the Governor and took effect upon passage (June 13, 2018), establishes a task force to study and make recommendations concerning issues relating to the state's system for fingerprinting and processing of state and national criminal history records checks for employees, applicants for employment, substitute teachers and volunteers of local and regional boards of education, interdistrict magnet school operators and regional educational service centers. The Act further sets forth the composition of the task force (with participation from various organizations, including CABA and CAPSS) and requires the task force to submit its findings and recommendations to the General Assembly's Education and Public Safety and Security Committees by January 1, 2019.

### **SCHOOL GOVERNANCE COUNCILS AND RETIRED TEACHERS**

**PUBLIC ACT 18-42: AN ACT CONCERNING THE FAILURE TO FILE FOR CERTAIN GRAND LIST EXEMPTIONS, VALIDATING A CONNECTICUT GREEN BANK AGREEMENT AND CERTAIN ACTIONS OF THE CITY OF DERBY, CONCERNING PAYMENT OF A GRANT-IN-AID TO THE TOWN OF DARIEN AND THE CRITERIA OF CERTAIN MEMBERS OF SCHOOL GOVERNANCE COUNCILS AND EXTENDING A PROVISION CONCERNING REEMPLOYMENT OF CERTAIN TEACHERS.** Among other things, this Act (which was signed by the Governor on May 31, 2018) specifies that parents or guardians that happen to be public officials are still eligible to serve on elementary, middle, and high school governance councils. This Act also extends the provision permitting retired teachers to be employed at alliance school districts (provided that they were serving as a teacher in that district as of July 1, 2015, and have more than 34 years of credited experience under the teacher retirement system) to June 30, 2018 without being subject to the usual 45% earnings limitation.

### **EARLY CHILDHOOD**

**PUBLIC ACT 18-172 AN ACT IMPLEMENTING THE RECOMMENDATIONS OF THE OFFICE OF EARLY CHILDHOOD.** Among other things, this Act (which was signed by the Governor and took effect on July 1, 2018) changes the minimum state school readiness grant to a town from \$25,000 to 5% of the total grant allocation while maintaining the \$75,000 cap and current grant calculation method.

**PUBLIC ACT 18-184 AN ACT CONCERNING THE ALIGNMENT AND MERGING OF EARLY CARE AND EDUCATION PROGRAM FUNDING STREAMS, ELIGIBILITY, RATES AND POLICIES.** This Act (which was signed by the Governor and took effect on July 1, 2018) authorizes the Office of Early Childhood ("OEC") to use up to 2% from appropriations for certain programs to carry out specified duties (for example, program evaluation and improvement, interagency coordination and collaboration, evaluative tools and infrastructure);

## **Developments From The 2018 Session of The Connecticut General Assembly: New Laws Affecting The Schools (and Public Employers)**

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however, the Act provides that the OEC (1) cannot spend more than 2% for these purposes from an amount appropriated to the OEC for a single early care and education and child development program, and (2) cannot use any of these funds for administrative or other overhead costs. The Act also adds the promotion of the delivery of infant and toddler services to ensure optimal health, safety, and learning of children from birth to three years of age to OEC's existing list of responsibilities. Effective for 2019-2020, the Act will remove the fixed amount/cap of \$8,927 per child for school readiness programs and instead require the OEC to establish new rates. Finally, the Act adds “transition to preschool” and parental engagement and family supports through the two generational initiative, to the list of permissible uses of unexpended school readiness funds by OEC.

**PUBLIC ACT 18-123: AN ACT CONCERNING THE STAFF QUALIFICATIONS REQUIREMENT FOR EARLY CHILDHOOD EDUCATION.** This Act, **which was signed by the Governor and took effect on July 1, 2018**, extends by two years the implementation of new staff qualifications/education requirements for early child education.

### **FREEDOM OF INFORMATION ACT**

**PUBLIC ACT 18-93: AN ACT CONCERNING EMPLOYEE NOTIFICATION OF REQUESTS MADE UNDER THE FREEDOM OF INFORMATION ACT.** This Act (**which was signed by the Governor on June 4, 2018 and takes effect on October 1, 2018**) provides that whenever a public agency receives a request to inspect or copy records contained in any of its employees' personnel or medical files and similar files, and the agency reasonably believes that the disclosure of such records would **not** legally constitute an invasion of privacy, the agency must first disclose the requested records to the person making the request to inspect or copy such records; this provision is consistent with current Freedom of Information Act (“FOIA”) requirements. However, this Act amends the FOIA to also require the agency to subsequently, within a reasonable time after such disclosure, make a reasonable attempt to send a written or electronic copy of the request to inspect or copy such records, if applicable, or a brief description of such request, to each employee concerned and his or her collective bargaining representative, if any.

**PUBLIC ACT 18-95: AN ACT CONCERNING APPEALS UNDER THE FREEDOM OF INFORMATION ACT AND PETITIONS FOR RELIEF FROM VEXATIOUS REQUESTERS.** This Act, **which was signed by the Governor and takes effect on October 1, 2018**, amends the FOIA so as to provide additional factors that Connecticut’s Freedom of Information Commission (“FOIC”) must consider when determining whether to decline to hear FOIA complaints, namely, (1) whether the FOIA request or complaint is repetitious or cumulative, (2) whether there is any history by the complainant of nonappearance at FOIC proceedings or disruption of the FOIC's administrative process, including, but not limited to, delaying FOIC proceedings; and (3) the complainant’s refusal to participate in settlement conferences conducted by a FOIC ombudsman. In addition, the Act establishes a procedure under which public agencies may petition the FOIC for relief from “vexatious

## **Developments From The 2018 Session of The Connecticut General Assembly: New Laws Affecting The Schools (and Public Employers)**

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requesters.” The petition must detail the conduct which the public agency alleges demonstrates a vexatious history of requests, including, but not limited to: (1) The number of requests filed and the total number of pending requests; (2) the scope of the requests; (3) the nature, content, language or subject matter of the requests; (4) the nature, content, language or subject matter of other oral and written communications to the agency from the requester; and (5) a pattern of conduct that amounts to an abuse of the right to access information under the FOIA or an interference with the operation of the agency. If the FOIC hears and then votes to grant the public agency’s petition, the relief granted by the FOIC may include an order that the agency need not comply with future requests from the requester for a period of up to one year.

### **DISCLOSURE OF SALARY HISTORY**

**PUBLIC ACT 18-8: AN ACT CONCERNING PAY EQUITY.** This Act (**which was signed by the Governor on May 22, 2018 and takes effect on January 1, 2019**) prohibits an employer from inquiring (or directing a third party to inquire) about a prospective employee’s wage and salary history unless the prospective employee has voluntarily disclosed such information. This Act allows an employer to inquire about other elements of a prospective employee’s prior compensation structure (as long as the employer does not inquire about the value of the elements of such compensation structure). This Act contains an exception for employers acting pursuant to any federal or state law that specifically authorizes the disclosure or verification of salary history for employment purposes. **Query** whether this Act would limit an employer’s ability to make a request under Connecticut’s Freedom of Information Act for a prospective employee’s personnel file (in situations where the prospective employee worked for a public sector employer).

### **UNEMPLOYMENT COMPENSATION**

**PUBLIC ACT 18-126: AN ACT CONCERNING TECHNICAL AND MINOR CHANGES TO THE LABOR DEPARTMENT STATUTES.** This Act (**which was signed by the Governor and takes effect on October 1, 2018**) makes changes in the calculation of the State’s maximum unemployment compensation benefit rate by basing it on 50% of the average wage of all workers in the State, as opposed to the current 60% of “production and related workers” calculation. The Act provides that the Department of Labor will rely upon the “Connecticut Quarterly Census of Employment and Wages” for determining such average wage of all workers. The Act makes other minor and technical changes to the labor statutes.

### **MUNICIPAL EMPLOYEES AND VOLUNTEERS**

**PUBLIC ACT 18-81: AN ACT CONCERNING REVISIONS TO THE STATE BUDGET FOR FISCAL YEAR 2019 AND DEFICIENCY APPROPRIATIONS FOR FISCAL YEAR 2018.** Among other things, the “budget bill” (**which was signed by the Governor on May 15, 2018**) provides that no collective bargaining agreement entered into on or after July 1, 2018 between a municipality and an exclusive bargaining representatives of a

## **Developments From The 2018 Session of The Connecticut General Assembly: New Laws Affecting The Schools (and Public Employers)**

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municipality's employees shall contain any provision limiting the ability of the municipality to permit volunteer services for the maintenance of buildings and grounds, provided there is no impact on the wages or conditions of employment of represented employees.

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