



General Assembly

February Session, 2000

Amendment

LCO No. 4669

Offered by:

REP. STAPLES, 96th Dist.

REP. MATTIELLO, 65th Dist.

SEN. GAFFEY, 13th Dist.

SEN. FREEDMAN, 26th Dist.

To: Subst. House Bill No. 5317

File No. 351

Cal. No. 302

"An Act Concerning Revisions To The Education Statutes."

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- 1 In line 197, strike "by a preponderance"
 - 2 In line 198, strike "of the evidence,"
 - 3 In line 208, strike "by a"
 - 4 In line 209, strike "preponderance of the evidence,"
 - 5 In line 213, after the period insert the following:
 - 6 "In any revocation proceeding pursuant to this section, the State
 - 7 Board of Education shall have the burden of establishing the reason for
 - 8 such revocation by a preponderance of the evidence."
 - 9 In line 410, before the period insert "provided the board of
 - 10 education is able to demonstrate to the commissioner that the facility

11 in which the program will be run can adequately support the academic
12 goals of the program and a plan is in place to provide adequate
13 academic instruction"

14 In line 574, insert an opening bracket before "as"

15 In line 575, insert a closing bracket after "and"

16 In line 576, after "facility" insert "and which will cost less than
17 building a new facility"

18 Strike sections 22 and 23 in their entirety and insert the following in
19 lieu thereof:

20 "Sec. 22. (NEW) (a) If the Department of Education does not
21 complete an audit of a school building project during the five-year
22 period from the date the school district files a notice of project
23 completion with the department, the department shall conduct a
24 limited scope audit of such project. The limited scope audit shall
25 review (1) the total amount of expenditures reported, (2) any off-site
26 improvements, (3) adherence to authorized space specifications, (4)
27 interest costs on temporary notes and bonds, and (5) any other matter
28 the Commissioner of Education deems appropriate.

29 (b) The department shall not make any adjustment to a school
30 construction grant based on the result of an audit finding that a change
31 order was not publicly bid.

32 Sec. 23. Subsection (e) of section 10-266t of the general statutes is
33 repealed and the following is substituted in lieu thereof:

34 (e) All programs funded pursuant to this section shall: (1) Offer both
35 academic enrichment and support and recreation experiences, [in a
36 specified school building during nonschool hours,] (2) be open to all
37 resident students in the district, (3) be designed to ensure
38 communication with the child's teacher and ties to the regular school
39 curriculum, (4) be clearly articulated with structured and specified
40 experiences for children but able to accommodate the irregular

41 participation of any one child, (5) provide for community involvement,
42 (6) investigate the use of the National Service Corps, (7) coordinate
43 operations and activities with existing programs and the agencies
44 which operate such programs, (8) provide for parent involvement in
45 program planning and the use of parents as advisers and volunteers
46 and (9) provide for business involvement or sponsorship. Programs
47 within a district may vary in terms of times of operation and nature of
48 the program. All programs which operate in a public school shall have
49 access to existing special facilities and equipment in the public school
50 [in which they operate] and shall have the written endorsement of the
51 school principal and superintendent of schools for the school district."

52 After line 897, insert the following and renumber the remaining
53 sections accordingly:

54 "Sec. 32. Subsection (b) of section 10-283 of the general statutes is
55 repealed and the following is substituted in lieu thereof:

56 (b) Notwithstanding the application date requirements of this
57 section, the Commissioner of Education may approve applications for
58 grants to assist school building projects to remedy damage from fire
59 and catastrophe, [or] to correct safety, health and other code violations
60 or to replace roofs at any time within the limit of available grant
61 authorization and make payments thereon within the limit of
62 appropriated funds.

63 Sec. 33. Subdivision (6) of subsection (a) of section 10-286 of the
64 general statutes is repealed and the following is substituted in lieu
65 thereof:

66 (6) In the case of the total replacement of a roof or the total
67 replacement of a portion of a roof which has existed for at least twenty
68 years, or in the case of the total replacement of a roof or the total
69 replacement of a portion of a roof which has existed for fewer than
70 twenty years when it is determined by a registered architect or
71 registered engineer that such roof was improperly designed or
72 improperly constructed and the town is prohibited from recovery of

73 damages or has no other recourse at law or in equity, the eligible
74 percentage for subdivisions (1) and (2) of this subsection, of the eligible
75 cost as determined by the Commissioner of Education. In the case of
76 the total replacement of a roof or the total replacement of a portion of a
77 roof which has existed for fewer than twenty years (A) when it is
78 determined by a registered architect or registered engineer that such
79 roof was improperly designed or improperly constructed and the town
80 has recourse at law or in equity and recovers less than such eligible
81 cost, the eligible percentage for subdivisions (1) and (2) of this
82 subsection of the difference between such recovery and such eligible
83 cost, and (B) when the roof is at least fifteen years old but less than
84 twenty years old and it cannot be determined by a registered architect
85 or registered engineer that such roof was improperly designed or
86 improperly constructed, the eligible percentage for subdivisions (1)
87 and (2) of this subsection of the eligible project costs provided such
88 costs are multiplied by the ratio of the age of the roof to twenty years.
89 For purposes of this subparagraph, the age of the roof shall be
90 determined in whole years to the nearest year based on the time
91 between the completed installation of the old roof and the date of the
92 grant application for the school construction project for the new roof.

93 Sec. 34. (NEW) The Department of Education shall ensure that all
94 interdistrict educational programs and activities receiving state
95 funding are conducted in a manner that promotes a diverse learning
96 environment. It may establish reasonable enrollment priorities to
97 encourage such programs and activities to have racially, ethnically and
98 economically diverse student populations.

99 Sec. 35. (NEW) (a) Notwithstanding any provision of the general
100 statutes, school districts, regional educational service centers, the
101 Board of Education and Services for the Blind, and all other state and
102 local governmental agencies concerned with education may loan, lease
103 or transfer an assistive device for the use and benefit of a student with
104 a disability to such student or the parent or guardian of such student
105 or to any other public or private nonprofit agency providing services
106 to or on behalf of individuals with disabilities including, but not

107 limited to, an agency providing educational, health or rehabilitative
108 services. Such device may be sold or transferred pursuant to this
109 section regardless of whether the device was declared surplus. The sale
110 or transfer shall be recorded in an agreement between the parties and
111 based upon the depreciated value of the device. For the purposes of
112 this section, "assistive device" means any item, piece of equipment or
113 product system, whether acquired commercially off-the-shelf,
114 modified or customized, that is used to increase, maintain or improve
115 the functional capabilities of individuals with disabilities.

116 (b) Each municipality which receives funds derived from loans,
117 leases or transfers of assistive technology under this section by a local
118 or regional board of education shall make such funds available to its
119 local or regional board of education in supplement to any other local
120 appropriation, other state or federal grant or other revenue to which
121 the local or regional board of education is entitled.

122 Sec. 36. Section 29-291 of the general statutes is repealed and the
123 following is substituted in lieu thereof:

124 For the purposes of this part and any other statute related to fire
125 prevention and safety, the Commissioner of Public Safety shall serve as
126 the State Fire Marshal. [He] The commissioner may delegate to any
127 employee of the Department of Public Safety and The University of
128 Connecticut at Storrs Division of Public Safety such powers as [he] the
129 commissioner deems expedient for the proper administration of this
130 part and any other statute related to fire prevention and safety.

131 Sec. 37. Subsection (b) of section 10a-168a of the general statutes is
132 repealed and the following is substituted in lieu thereof:

133 (b) Within available appropriations, the program shall provide
134 grants [for up to fifty] to minority students entering teacher education
135 programs in their junior or senior year at any four-year institution of
136 higher education or enrolled in the alternate route to certification
137 program administered through the Department of Higher Education.
138 Maximum grants shall not exceed five thousand dollars per year for

139 two years. The department shall ensure that at least ten per cent of the
140 grant recipients are minority students who transfer from a Connecticut
141 regional community-technical college.

142 Sec. 38. Section 2 of public act 99-285 is amended by adding
143 subsections (e) and (f), as follows:

144 (NEW) (e) The Commissioner of Higher Education shall develop, in
145 concurrence with the Higher Education Coordinating Council, an
146 accountability report prototype. Upon review and approval by the
147 Board of Governors of Higher Education, the commissioner shall
148 submit the report prototype to the joint standing committee of the
149 General Assembly having cognizance of matters relating to education
150 by October 1, 2000. The report prototype shall include accountability
151 measures developed and approved under this section for which data
152 collection mechanisms exist as determined by the commissioner.

153 (NEW) (f) Each constituent unit of higher education shall submit to
154 the Commissioner of Higher Education its first accountability report
155 by January 1, 2001. The commissioner shall compile and consolidate
156 the reports. The commissioner shall submit, in accordance with section
157 11-4a, an accountability report that covers the state system of higher
158 education and each constituent unit and public institution of higher
159 education to the joint standing committee of the General Assembly
160 having cognizance of matters relating to education by February 1,
161 2001. The report shall include baseline data for the accountability
162 measures developed under this section for which data collection
163 mechanisms exist and comparable peer data, as determined by the
164 commissioner after consultation with the Higher Education
165 Coordinating Council and reviewed and approved by the Board of
166 Governors of Higher Education. The report shall also include a
167 timeline for the collection of data and reporting of the remaining
168 accountability measures and for the identification of performance
169 improvement targets.

170 Sec. 39. The Board of Governors of Higher Education and the

171 Department of Economic and Community Development shall jointly
172 conduct an educational and economic impact analysis of the planned
173 relocation of Three Rivers Community-Technical College. The analysis
174 shall include, but not be limited to, such economic considerations as
175 the effect of the relocation on the economy and property taxes of the
176 community the institution is leaving and the community it is moving
177 into and such educational considerations as the resources available to
178 students in each community and the accessibility of each location for
179 students attending the institution. The Board of Governors shall
180 forward such findings on such relocation to the Board of Trustees for
181 the Community-Technical Colleges. If the State Bond Commission is
182 authorized to issue bonds for the relocation, the Board of Governors
183 shall submit a report on the analysis conducted pursuant to this
184 section and its findings on the relocation to the State Bond
185 Commission for its review and consideration prior to the issuance of
186 such bonds.

187 Sec. 40. Subsection (b) of section 10-76g of the general statutes is
188 repealed and the following is substituted in lieu thereof:

189 (b) Any local or regional board of education which provides special
190 education pursuant to the provisions of sections 10-76a to 10-76g,
191 inclusive, for any exceptional child described in subparagraph (A) of
192 subdivision (5) of section 10-76a, under its jurisdiction, excluding (1)
193 children placed by a state agency for whom a board of education
194 receives payment pursuant to the provisions of subdivision (2) of
195 subsection (e) of section 10-76d, and (2) children who require special
196 education, who reside on state-owned or leased property or in
197 permanent family residences, as defined in section 17a-154, and who
198 are not the educational responsibility of the unified school districts
199 established pursuant to sections 17a-37, 17a-240 and 18-99a, shall be
200 financially responsible for the reasonable costs of special education
201 instruction, as defined in the regulations of the State Board of
202 Education, in an amount equal to five times the average per pupil
203 educational costs of such board of education for the prior fiscal year,
204 determined in accordance with the provisions of subsection (a) of

205 section 10-76f. The State Board of Education shall pay on a current
206 basis any costs in excess of the local or regional boards' basic
207 contribution paid by such board in accordance with the provisions of
208 this subsection. Any amounts paid by the State Board of Education on
209 a current basis pursuant to this subsection shall not be reimbursable in
210 the subsequent year. Application for such grant shall be made by filing
211 with the Department of Education, in such manner as prescribed by
212 the commissioner, annually on or before December first a statement of
213 the cost of providing special education pursuant to this subsection,
214 provided a board of education may submit, not later than February
215 first, claims for additional children or costs not included in the
216 December filing. Payment by the state for such excess costs shall be
217 made to the local or regional board of education as follows: Seventy-
218 five per cent of the cost in February and the balance in April. The
219 amount due each town pursuant to the provisions of this subsection
220 shall be paid to the treasurer of each town entitled to such aid,
221 provided the treasurer shall treat such grant, or a portion of the grant,
222 which relates to special education expenditures incurred in excess of
223 such town's board of education budgeted estimate of such
224 expenditures, as a reduction in expenditures by crediting such
225 expenditure account, rather than town revenue. Such expenditure
226 account shall be so credited no later than thirty days after receipt by
227 the treasurer of necessary documentation from the board of education
228 indicating the amount of such special education expenditures incurred
229 in excess of such town's board of education budgeted estimate of such
230 expenditures."

231 Strike lines 900 to 902, inclusive, in their entirety and substitute the
232 following in lieu thereof:

233 "Sec. 42. This act shall take effect July 1, 2000."