



Senate

General Assembly

File No. 460

January Session, 2003

Substitute Senate Bill No. 1155

Senate, April 22, 2003

The Committee on Education reported through SEN. GAFFEY of the 13th Dist., Chairperson of the Committee on the part of the Senate, that the substitute bill ought to pass.

AN ACT CONCERNING THE FEDERAL NO CHILD LEFT BEHIND ACT AND TEACHER CERTIFICATION.

Be it enacted by the Senate and House of Representatives in General Assembly convened:

1 Section 1. Section 10-14n of the general statutes is repealed and the
2 following is substituted in lieu thereof (*Effective July 1, 2003*):

3 (a) (1) Each student enrolled in the fourth grade in any public school
4 shall annually take a state-wide mastery examination. For purposes of
5 this section, a state-wide mastery examination is defined as an
6 examination which measures whether or not a student has mastered
7 essential grade-level skills in reading, language arts and mathematics.
8 The mastery examination shall be provided by and administered
9 under the supervision of the State Board of Education.

10 [(b)] (2) Each student enrolled in the sixth grade and each student
11 enrolled in the eighth grade in any public school shall annually take a
12 state-wide mastery examination. Such mastery examination shall be

13 provided by and administered under the supervision of the State
14 Board of Education.

15 [(c)] (3) Annually each student enrolled in the tenth grade in any
16 public school or any endowed or incorporated high school or academy
17 approved by the State Board of Education pursuant to section 10-34
18 shall take a state-wide mastery examination. Such mastery
19 examination shall be provided by and administered under the
20 supervision of the State Board of Education.

21 (b) Beginning in the 2005-2006 school year, the state-wide mastery
22 examinations pursuant to subsection (a) of this section shall be
23 administered in April.

24 (c) Notwithstanding the provisions of subsections (a) and (b) of this
25 section, in conformance with the No Child Left Behind Act, P.L. 107-
26 110, and with implementation conditioned on the receipt of sufficient
27 federal funds, as determined by the Commissioner of Education, the
28 state-wide mastery examinations pursuant to this section shall be
29 administered as follows:

30 (1) Beginning in the 2005-2006 school year, each student enrolled in
31 grades three to eight, inclusive, and ten in any public school shall,
32 annually, in April, take a state-wide mastery examination that
33 measures the essential and grade-appropriate skills in reading, writing
34 and mathematics; and

35 (2) Beginning in the 2007-2008 school year, each student enrolled in
36 grades five, eight and ten in any public school shall, annually, in April,
37 take a state-wide mastery examination in science.

38 (d) Mastery examinations pursuant to subsection (c) of this section
39 shall be provided by and administered under the supervision of the
40 State Board of Education.

41 [(d)] (e) If a student meets or exceeds the state-wide mastery goal
42 level on each component of the state-wide tenth grade mastery
43 examination, certification of such mastery shall be made on the

44 permanent record and the transcript of each such student. Each
45 student who fails to meet the mastery goal level on each component of
46 said mastery examination may annually take or retake each such
47 component at its regular administration until such student scores at or
48 above each such state-wide mastery goal level or such student
49 graduates or reaches age twenty-one.

50 [(e)] (f) No such public school or endowed or incorporated high
51 school or academy may require achievement of a satisfactory score on
52 the state-wide mastery examination, or any subsequent retest on a
53 component of such examination as the sole criterion of promotion or
54 graduation.

55 Sec. 2. Subsection (e) of section 10-266aa of the general statutes is
56 repealed and the following is substituted in lieu thereof (*Effective July*
57 *1, 2003*):

58 (e) Once the program is in operation in the region served by a
59 regional educational service center pursuant to subsection (c) of this
60 section, the Department of Education shall provide an annual grant to
61 such a regional educational service center to assist school districts in its
62 area in administering the program and to provide staff to assist
63 students participating in the program to make the transition to a new
64 school and to act as a liaison between the parents of such students and
65 the new school district. Each regional educational service center shall
66 determine which school districts in its area are located close enough to
67 a priority school district to make participation in the program feasible
68 in terms of student transportation pursuant to subsection [(e)] (f) of
69 this section, provided any student participating in the program prior to
70 July 1, 1999, shall be allowed to continue to attend the same school
71 such student attended prior to said date in the receiving district until
72 the student completes the highest grade in such school. Each regional
73 educational service center shall convene, annually, a meeting of
74 representatives of such school districts in order for such school
75 districts to report, by March thirty-first, the number of spaces available
76 for the following school year for out-of-district students under the

77 program. Annually, each regional educational service center shall
78 provide a count of such spaces to the Department of Education by
79 April fifteenth. If there are more students who seek to attend school in
80 a receiving district than there are spaces available, the regional
81 educational service center shall assist the school district in determining
82 attendance by the use of a lottery or lotteries designed to preserve or
83 increase racial, ethnic and economic diversity, except that the regional
84 educational service center shall give preference to siblings and to
85 students who would otherwise attend a school [that has lost its
86 accreditation by the New England Association of Schools and
87 Colleges] identified as in need of improvement pursuant to the No
88 Child Left Behind Act, P.L. 107-110. The admission policies shall be
89 consistent with section 10-15c and this section. No receiving district
90 shall recruit students under the program for athletic or extracurricular
91 purposes. Each receiving district shall allow out-of-district students it
92 accepts to attend school in the district until they graduate from high
93 school.

94 Sec. 3. Section 10-145d of the general statutes is amended by adding
95 subsections (f) and (g) as follows (*Effective from passage*):

96 (NEW) (f) An endorsement to teach elementary education shall be
97 valid for grades kindergarten to six, inclusive, and an endorsement to
98 teach comprehensive special education shall be valid for grades
99 kindergarten to twelve, inclusive.

100 (NEW) (g) For the purposes of issuance of certificates, permits and
101 authorizations by the State Board of Education under the provisions of
102 sections 10-144o to 10-149, inclusive, as amended by this act, teaching
103 experience in approved nonpublic schools shall include teaching
104 experience in birth-to-three programs approved by the Department of
105 Mental Retardation.

106 Sec. 4. Subsection (a) of section 10-145d of the general statutes is
107 repealed and the following is substituted in lieu thereof (*Effective July*
108 *1, 2003*):

109 (a) The State Board of Education shall, pursuant to chapter 54, adopt
110 such regulations as may be necessary to carry out the provisions of
111 sections 10-144o, 10-145a to 10-145d, inclusive, 10-145f and 10-146b.
112 Such regulations shall provide for (1) the establishment of an appeal
113 panel to review any decision to deny the issuance of a certificate
114 authorized under said section 10-145b; (2) the establishment of
115 requirements for subject area endorsements; (3) the extension of the
116 time to complete requirements for certificates under said section 10-
117 145b; (4) the establishment of requirements for administrator and
118 supervisor certificates; (5) the composition of, and the procedures to be
119 utilized by, the assessment teams in implementing the beginning
120 educator program; (6) procedures and criteria for issuing certificates to
121 persons whose certificates have lapsed or persons with non-public-
122 school or out-of-state teaching experience; (7) the criteria for defining a
123 major course of study; (8) a requirement that on and after July 1, 1993,
124 in order to be eligible to obtain an initial educator certificate with an
125 elementary endorsement, each person be required to complete a
126 survey course in United States history comprised of not fewer than
127 three semester hours; and (9) a requirement that on and after July 1,
128 [2003] 2004, in order to be eligible to obtain an initial educator
129 certificate with an early childhood nursery through grade three or an
130 elementary endorsement, each person be required to complete a
131 comprehensive reading instruction course comprised of not less than
132 six semester hours. Such regulations may provide for exceptions to
133 accommodate specific certification endorsement areas.

134 Sec. 5. Section 10-145i of the general statutes is repealed and the
135 following is substituted in lieu thereof (*Effective July 1, 2003*):

136 Notwithstanding the provisions of sections 10-144o to 10-146b,
137 inclusive, and 10-149, the State Board of Education shall not issue or
138 reissue any certificate, authorization or permit pursuant to said
139 sections if (1) the applicant for such certificate, authorization or permit
140 has been convicted of any of the following: (A) A capital felony, as
141 defined in section 53a-54b; (B) arson murder, as defined in section 53a-
142 54d; (C) any Class A felony; (D) any Class B felony except a violation

143 of section 53a-122, 53a-252 or 53a-291; (E) a crime involving an act of
144 child abuse or neglect as described in section 46b-120; or (F) a violation
145 of section 53-21, 53-37a, 53a-60b, 53a-60c, 53a-71, 53a-72a, 53a-72b, 53a-
146 73a, 53a-88, 53a-99, 53a-103a, 53a-181c, 53a-191, 53a-196, 53a-196c, 53a-
147 216, 53a-217b or 21a-278 or a violation of subsection (a) of section 21a-
148 277, and (2) the applicant completed serving the sentence for such
149 conviction within the five years immediately preceding the date of the
150 application.

151 Sec. 6. Section 17a-101c of the general statutes is repealed and the
152 following is substituted in lieu thereof (*Effective July 1, 2003*):

153 Within forty-eight hours of making an oral report, a mandated
154 reporter shall submit a written report to the Commissioner of Children
155 and Families or his representative. When a mandated reporter is a
156 member of the staff of a public or private institution or facility that
157 provides care for such child or public or private school he shall also
158 submit a copy of the written report to the person in charge of such
159 institution, school or facility or the person's designee. In the case of a
160 report concerning a [certified] school employee holding a certificate,
161 authorization or permit issued by the State Board of Education under
162 the provisions of sections 10-144o to 10-146b, inclusive, as amended by
163 this act, and 10-149, a copy of the written report shall also be sent by
164 the person in charge of such institution, school or facility to the
165 Commissioner of Education or his representative. In the case of an
166 employee of a facility or institution that provides care for a child which
167 is licensed by the state, a copy of the written report shall also be sent
168 by the mandated reporter to the executive head of the state licensing
169 agency.

170 Sec. 7. Subsection (b) of section 17a-101i of the general statutes is
171 repealed and the following is substituted in lieu thereof (*Effective July*
172 *1, 2003*):

173 (b) After an investigation has been completed and the
174 Commissioner of Children and Families, based upon the results of the
175 investigation, has reasonable cause to believe that a child has been

176 abused by a staff member of a public or private institution or facility
 177 providing care for children or private school, the commissioner shall
 178 notify the executive director of such institution, school or facility and
 179 shall provide records, whether or not created by the department
 180 concerning such investigation to such executive director. Such
 181 institution, school or facility may suspend such staff person. Such
 182 suspension shall be with pay and shall not result in diminution or
 183 termination of benefits to such employee. Such suspension shall
 184 remain in effect until the incident of abuse has been satisfactorily
 185 resolved by the employer of the staff person. If such staff member has
 186 a professional license or [certification] certificate issued by the state or
 187 a permit or authorization issued by the State Board of Education, the
 188 commissioner shall forthwith notify the state agency responsible for
 189 issuing such license, [or certification of] certificate, permit or
 190 authorization to the staff member and provide records, whether or not
 191 created by the department, concerning such investigation.

192 Sec. 8. (*Effective from passage*) Notwithstanding the adoption of
 193 sections 10-145d-620 to 10-145d-805, inclusive, of the regulations of
 194 Connecticut state agencies, the Department of Education shall operate
 195 under the teacher certification regulations under section 10-145d of the
 196 general statutes, as amended by this act, in effect on the effective date
 197 of this section during the period from the effective date of this section
 198 to January 1, 2005.

This act shall take effect as follows:	
Section 1	<i>July 1, 2003</i>
Sec. 2	<i>July 1, 2003</i>
Sec. 3	<i>from passage</i>
Sec. 4	<i>July 1, 2003</i>
Sec. 5	<i>July 1, 2003</i>
Sec. 6	<i>July 1, 2003</i>
Sec. 7	<i>July 1, 2003</i>
Sec. 8	<i>from passage</i>

ED *Joint Favorable Subst.*

The following fiscal impact statement and bill analysis are prepared for the benefit of members of the General Assembly, solely for the purpose of information, summarization, and explanation, and do not represent the intent of the General Assembly or either House thereof for any purpose:

OFA Fiscal Note

State Impact:

Agency Affected	Fund-Type
Education, Dept.	GF - See Below

Note: GF=General Fund

Municipal Impact: None

Explanation

It is anticipated that the changes to the state-wide mastery exams in this bill can be accommodated within currently available and projected state and federal resources and therefore there is no fiscal impact to this bill.

Sections of the bill applying to teacher certification are technical and/or have no fiscal impact.

OLR Bill Analysis

sSB 1155

AN ACT CONCERNING THE FEDERAL NO CHILD LEFT BEHIND ACT AND TEACHER CERTIFICATION**SUMMARY:**

The bill aligns state law with the testing requirements of the federal No Child Left Behind (NCLB) Act by establishing additional statewide achievement tests for public school students in grades 3, 5 and 7 starting in the 2005-06 school year. It also changes the time for administering the existing elementary and middle-level statewide mastery tests from the fall to April annually starting in the 2005-06 school year.

The bill gives a preference to students attending a school found to be "in need of improvement" under NCLB in any lottery needed when applicants for the state's interdistrict public school choice program exceed the number of spaces available. Under current law, preference is given to students attending schools that have lost their accreditation.

The bill overrides the State Department of Education's (SDE) current teacher certification regulations to (1) allow holders of specified elementary and special education teaching certificates to teach kindergarten, (2) allow experience in the Department of Mental Retardation's (DMR) Birth-to-Three program to count towards experience requirements for teaching certificates, and (3) require SDE to continue operating under its current teacher certification regulations until January 1, 2005. New teacher certification regulations are currently scheduled to take effect July 1, 2003.

The bill also delays, from July 1, 2003 to July 1, 2004, the effective date of a requirement that applicants for initial certificates to teach in preschool or elementary grades complete a comprehensive six-semester-hour course in how to teach reading.

Finally, the bill extends to State Board of Education (SBE)-issued permits and authorizations, such as those held by athletic coaches and substitute teachers:

1. restrictions against issuing or renewing credentials to applicants convicted of specified crimes, and
2. requirements that reports of suspected child abuse and of investigations in which the commissioner of children and families finds reasonable cause to believe that a child was abused by a credentialed school employee be forwarded to the education commissioner.

Under current law, these restrictions and requirements apply only to those holding SBE-issued teaching certificates.

EFFECTIVE DATE: July 1, 2003, except for the provisions overriding SDE teacher certification regulations, which take effect on passage.

STUDENT TESTING (§ 1)

Additional Tests

Beginning in the 2005-2006 school year, the bill requires each public school student to take statewide mastery tests in the 3rd, 5th, and 7th grades in addition to the current requirement that they take mastery tests in the 4th, 6th, 8th and 10th grades.

The bill also specifies the content of the tests. Beginning in the 2005-2006 school year, the tests in grades 3 to 8 must cover reading, writing, and math. Beginning in the 2007-2008 school year, the bill requires each public school student to take a statewide science exam in the 5th, 8th, and 10th grades. Although the current law does not specify test content, the statewide 4th, 6th, and 8th grade tests already have math, reading, and writing components and the 10th grade test already has a science component.

As under current law, all mastery tests must be provided by, and given under the supervision of, the SBE.

The bill's testing requirements must be implemented in accordance with P.L. 107-110, the No Child Left Behind Act of 2001. That law mandates the new tests as a condition of the state receiving a grant under Title I of the federal Elementary and Secondary Education Act. Title I is the largest federal education grant to states and school districts. Under both the federal law and the bill, the additional tests

do not have to be implemented if the education commissioner determines the state has not received sufficient federal funds to implement them.

Testing Schedule

The bill requires all mastery tests, both the current and the new tests, to be given in April of each year, starting in 2005-06 for the reading, writing, and math tests in grades 3-8 and starting in 2007-08 for the science tests in grades 5, 8, and 10. While the 10th grade test is already given in the spring, the 4th, 6th, and 8th grade mastery tests are currently given in October.

OPEN CHOICE PROGRAM PREFERENCE (§ 2)

The bill changes the current preference given to certain students in any lottery conducted when the number of students seeking to participate in the state's Open Choice attendance program exceeds the spaces available. Under both current law and the bill, in such situations, the regional education service center (RESC) for the district involved must determine who attends through a lottery designed to preserve or increase racial, ethnic, and economic diversity. Under current law, RESCs must give preference in conducting the lotteries to siblings of students already participating in the program and to students attending a school that has lost its accreditation from the New England Association of Schools and Colleges. The bill eliminates the accreditation preference and substitutes a preference for students attending schools determined to be "in need of improvement" under the school accountability requirements of the NCLB (see BACKGROUND).

The bill also makes a technical correction.

TEACHER CERTIFICATION

Elementary Endorsement (§ 3 (f))

The bill overrides SDE regulations to allow a teacher with an elementary education certificate endorsement to teach kindergarten through grade 6 instead of only grades 1 through 6. SDE regulations adopted in 1995 limited the validity of an elementary endorsement to grades 1 to 6 starting July 1, 1998 (Conn. State Agency Regs. 10-145d-435). Before that date, the endorsement was also valid for

kindergarten.

Comprehensive Special Education Endorsement (§ 3(f))

The bill overrides SDE regulations to allow a teacher with a comprehensive special education endorsement to teach kindergarten as well as grades 1 to 12. In 1995, SDE regulations changed the validity of the comprehensive special education endorsement from pre-kindergarten through grade 12 to grades 1-12, starting July 1, 1998 (Conn. State Agency Regs. 10-145d-539).

Teaching Experience (§ 3(g))

SDE regulations allow an applicant who has not completed a state-approved teacher preparation program to substitute 20 school months of appropriate full-time teaching experience in the same approved nonpublic school (Conn. State Agency Regs. 10-145d-412(a)(3)(A)). The bill requires that teaching experience in DMR-approved birth-to-three programs count towards this nonpublic school teaching experience.

Delay of New Teacher Certification Regulations (§ 8)

The bill forestalls SDE's implementation of its new, comprehensive teacher certification regulations currently scheduled to take effect July 1, 2003 and requires the department to continue operating under its current regulations until January 1, 2005. The new regulations, adopted in 1998, require applicants for teaching certificates to demonstrate competence in specified areas rather than to have taken particular courses as current regulations do. In practice, teacher preparation programs have not adjusted their curricula to match the competencies specified in the regulations (Conn. State Agency Regs., 10-145d-620-805).

Reading Instruction Course Requirement (§ 4)

The bill postpones by one year, from July 1, 2003 to July 1, 2004, the requirement that an applicant for an initial teaching certificate with either an early childhood through grade 3 endorsement or an elementary endorsement have completed a comprehensive reading instruction course of at least six semester hours.

SBE PERMITS AND AUTHORIZATIONS

Criminal Convictions (§ 5)

The bill bars the SBE from issuing or renewing a permit or authorization to work in public schools to any applicant who has been convicted of: (1) a capital felony; (2) arson murder; (3) any class A felony; (4) a class B felony, except first-degree larceny, computer crime, or vendor fraud; (5) risk of injury to a minor; (6) deprivation of a person's civil rights by a person wearing a mask or hood; (7) second-degree assault of an elderly, blind, disabled, pregnant, or mentally retarded person; (8) second-, third-, or fourth-degree sexual assault; (9) third-degree promoting prostitution; (10) substitution of children; (11) third-degree burglary with a firearm; (12) crimes involving child neglect; (13) first-degree stalking; (14) incest; (15) obscenity as to minors; (16) importing child pornography; (17) criminal use of a firearm or electronic defense weapon; (18) possession of a weapon on school grounds; or (19) manufacture or sale of illegal drugs.

Under current law, these restrictions apply only to SBE-issued teaching certificates, although SBE may already revoke a permit or authorization on these grounds.

Child Abuse Reports and Investigations (§ 6 & 7)

Under current law, when a mandated child abuse reporter who is a school employee reports suspected child abuse to the Department of Children and Families commissioner, he must also submit a copy of the written report to the head of the school or his designee. If the report concerns a certified school employee, the school head must send a copy to the education commissioner. This bill also requires the school head to send a copy to the education commissioner if the report concerns a school employee who holds an SBE authorization or permit.

By law, if the DCF commissioner's investigation leads her to the reasonable belief that a school staff member has abused a child, the commissioner must notify the head of the school and provide him with the records of the investigation. Under current law, if the staff member is certified, the DCF commissioner must also notify and provide records of the investigation to the SBE. The bill requires the commissioner also to provide the notice and records regarding such a staff member who has an SBE-issued permit or authorization.

BACKGROUND***No Child Left Behind Act***

The NCLB establishes an accountability system that requires schools to make annual progress toward having every student achieve academic standards established by the state and toward closing performance gaps between all students and certain subgroups of students. Student performance is measured by tests. NCLB also requires states to identify schools and school districts that are not making enough progress and follow a step-by-step process for either turning those schools around or reconstituting them and letting their students attend school elsewhere. Schools are considered “in need of improvement” if their students or their students in each specified subgroup (minority or economically disadvantaged students or students with disabilities or limited English) fail to make “adequate yearly progress” for two or more consecutive years.

SBE Permits and Authorizations

SBE issues the following permits and authorizations to uncertified people in the following special situations:

1. Substitute teacher authorization—required for an uncertified person employed for 40 or more days in a school year in the same substitute teaching assignment.
2. Durational shortage area permit—one-year permit (renewable twice) issued to an uncertified person at the request of a local board of education for a subject area for which no certified teacher is available.
3. Coaching permit or temporary emergency coaching permit—required for any uncertified person coaching intramural or interscholastic athletics in kindergarten through grade 12.
4. Adult education authorization—one-year nonrenewable authorization issued to a person who meets all the requirements for a teaching certificate except passage of the competency tests. It allows him to teach in an adult education high school credit diploma program, in external diploma and noncredit programs mandated by law, or to teach English to non-English-speaking

adults (Conn. State Agency Regs., 10-145d-420-426).

COMMITTEE ACTION

Education Committee

Joint Favorable Substitute

Yea 27 Nay 0