



# Senate

General Assembly

February Session, 2004

**File No. 144**

Senate Bill No. 534

*Senate, March 18, 2004*

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

## **AN ACT CONCERNING MINOR TECHNICAL REVISIONS TO THE EDUCATION STATUTES.**

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

1 Section 1. Subdivision (2) of subsection (d) of section 10-16p of the  
2 general statutes, as amended by section 32 of public act 03-6 of the June  
3 30 special session, is repealed and the following is substituted in lieu  
4 thereof (*Effective from passage*):

5 (2) (A) Commencing with the fiscal year ending June 30, 2004, if a  
6 town received a grant pursuant to subdivision (1) of this subsection for  
7 a priority school and is no longer eligible to receive such a grant for  
8 such school, the town may receive a phase-out grant for each of the  
9 three fiscal years following the fiscal year such town received its final  
10 grant for such school pursuant to subdivision (1) of this subsection.

11 (B) The amount of such phase-out grants shall be determined [in  
12 accordance with subparagraph (B) of this subdivision.] as follows:

13 [(B)] (i) For the first fiscal year following the fiscal year such town  
14 received its final priority school grant for such school pursuant to  
15 subdivision (1) of this subsection, in an amount that does not exceed  
16 seventy-five per cent of the grant amount such town received for such  
17 school for the school's final year of eligibility pursuant to subdivision  
18 (1) of this subsection; [.] (ii) [For] for the second fiscal year following  
19 the fiscal year such town received its final priority school grant for  
20 such school pursuant to subdivision (1) of this subsection, in an  
21 amount that does not exceed fifty per cent of the grant amount such  
22 town received for such school for the school's final year of eligibility  
23 pursuant to subdivision (1) of this subsection; [.] (iii) [For] for the third  
24 fiscal year following the fiscal year such town received its final priority  
25 school grant for such school pursuant to subdivision (1) of this  
26 subsection, in an amount that does not exceed twenty-five per cent of  
27 the grant amount such town received for such school for the school's  
28 final year of eligibility pursuant to subdivision (1) of this subsection.

29 Sec. 2. Subsection (f) of section 10-66j of the general statutes, as  
30 amended by section 12 of public act 03-6 of the June 30 special session,  
31 is repealed and the following is substituted in lieu thereof (*Effective*  
32 *from passage*):

33 (f) Notwithstanding the provisions of this section, for the fiscal  
34 years ending June 30, 2004, and June 30, 2005, the amount of grants  
35 payable to regional educational service centers [.] shall be reduced  
36 proportionately if the total of such grants in such year exceeds the  
37 amount appropriated for such grants for such year.

38 Sec. 3. Subsection (b) of section 10-155d of the general statutes, as  
39 amended by section 45 of public act 03-76, is repealed and the  
40 following is substituted in lieu thereof (*Effective from passage*):

41 (b) The Department of Higher Education, with the approval of the  
42 Commissioner of Education, shall expand, within available  
43 appropriations, participation in its summer alternate route to  
44 certification program and its weekend and evening alternate route to  
45 certification program. The department shall expand the weekend and

46 evening program for participants seeking certification in a subject  
47 shortage area pursuant to section 10-8b. The department, in  
48 collaboration with the Department of Education, shall develop (1) a  
49 regional alternate route to certification [programs] program targeted to  
50 the subject shortage areas, and (2) an alternate route to certification  
51 program for former teachers whose certificates have expired and who  
52 are interested in resuming their teaching careers.

53 Sec. 4. Subsection (d) of section 10-220 of the general statutes, as  
54 amended by section 2 of public act 03-220, is repealed and the  
55 following is substituted in lieu thereof (*Effective from passage*):

56 (d) Prior to January 1, 2008, and every five years thereafter, for  
57 every school building that is or has been constructed, extended,  
58 renovated or replaced on or after January 1, 2003, a local or regional  
59 board of education shall provide for a uniform inspection and  
60 evaluation program of the indoor air quality within such buildings,  
61 such as the Environmental Protection Agency's Indoor Air Quality  
62 Tools for Schools Program. The inspection and evaluation program  
63 shall include, but not be limited to, a review, inspection or evaluation  
64 of the following: (1) The heating, ventilation and air conditioning  
65 systems; (2) radon levels in the water and the air; (3) potential for  
66 exposure to microbiological airborne particles, including, but not  
67 limited to, fungi, mold and bacteria; (4) chemical compounds of  
68 concern to indoor air quality including, but not limited to, volatile  
69 organic compounds; (5) the degree of pest infestation, including, but  
70 not limited to, [insect] insects and rodents; (6) the degree of pesticide  
71 usage; (7) the presence of and the plans for removal of any hazardous  
72 substances that are contained on the list prepared pursuant to Section  
73 302 of the federal Emergency Planning and Community Right-to-  
74 Know Act, 42 USC 9601 et seq.; (8) ventilation systems; (9) plumbing,  
75 including water distribution systems, drainage systems and fixtures;  
76 (10) moisture incursion; (11) the overall cleanliness of the facilities; (12)  
77 building structural elements, including, but not limited to, roofing,  
78 basements or slabs; (13) the use of space, particularly areas that were  
79 designed to be unoccupied; and (14) the provision of indoor air quality

80 maintenance training for building staff. Local and regional boards of  
81 education conducting evaluations pursuant to this subsection shall  
82 make available for public inspection the results of the inspection and  
83 evaluation at a regularly scheduled board of education meeting.

84 Sec. 5. Subsection (h) of section 10-266t of the general statutes, as  
85 amended by section 14 of public act 03-174, is repealed and the  
86 following is substituted in lieu thereof (*Effective from passage*):

87 (h) Notwithstanding subsections (d) and (e) of this section, a school  
88 district may charge fees for participation in after-school academic  
89 enrichment, support or recreational programs, provided the fees are  
90 calculated on a sliding scale based on ability to pay and [that] no fee  
91 exceeds seventy-five per cent of the average cost of participation. No  
92 school district may exclude a student from participation in such after-  
93 school academic enrichment, support and recreational programs due  
94 to inability to pay a fee.

95 Sec. 6. Subsection (e) of section 10-266aa of the general statutes, as  
96 amended by section 2 of public act 03-168, is repealed and the  
97 following is substituted in lieu thereof (*Effective from passage*):

98 (e) Once the program is in operation in the region served by a  
99 regional educational service center pursuant to subsection (c) of this  
100 section, the Department of Education shall provide an annual grant to  
101 such [a] regional educational service center to assist school districts in  
102 its area in administering the program and to provide staff to assist  
103 students participating in the program to make the transition to a new  
104 school and to act as a liaison between the parents of such students and  
105 the new school district. Each regional educational service center shall  
106 determine which school districts in its area are located close enough to  
107 a priority school district to make participation in the program feasible  
108 in terms of student transportation pursuant to subsection (f) of this  
109 section, provided any student participating in the program prior to  
110 July 1, 1999, shall be allowed to continue to attend the same school  
111 such student attended prior to said date in the receiving district until  
112 the student completes the highest grade in such school. Each regional

113 educational service center shall convene, annually, a meeting of  
114 representatives of such school districts in order for such school  
115 districts to report, by March thirty-first, the number of spaces available  
116 for the following school year for out-of-district students under the  
117 program. Annually, each regional educational service center shall  
118 provide a count of such spaces to the Department of Education by  
119 April fifteenth. If there are more students who seek to attend school in  
120 a receiving district than there are spaces available, the regional  
121 educational service center shall assist the school district in determining  
122 attendance by the use of a lottery or lotteries designed to preserve or  
123 increase racial, ethnic and economic diversity, except that the regional  
124 educational service center shall give preference to siblings and to  
125 students who would otherwise attend a school that has lost its  
126 accreditation by the New England Association of Schools and Colleges  
127 or has been identified as in need of improvement pursuant to the No  
128 Child Left Behind Act, P.L. 107-110. The admission policies shall be  
129 consistent with section 10-15c and this section. No receiving district  
130 shall recruit students under the program for athletic or extracurricular  
131 purposes. Each receiving district shall allow out-of-district students it  
132 accepts to attend school in the district until they graduate from high  
133 school.

134 Sec. 7. Subsection (b) of section 10-281 of the general statutes, as  
135 amended by section 203 of public act 03-6 of the June 30 special  
136 session, is repealed and the following is substituted in lieu thereof  
137 (*Effective from passage*):

138 (b) Notwithstanding the provisions of this section, for the fiscal  
139 years ending June 30, 2004<sub>2</sub> and June 30, 2005, the amount of the grants  
140 payable to local or regional boards of education in accordance with  
141 this section shall be reduced proportionately if the total of such grants  
142 in such year exceeds the amount appropriated for purposes of this  
143 section.

144 Sec. 8. Subdivision (4) of subsection (b) of section 10-291 of the  
145 general statutes, as amended by section 30 of public act 03-76 and

146 section 6 of public act 03-220, is repealed and the following is  
147 substituted in lieu thereof (*Effective from passage*):

148 (4) In the case of a new construction, extension, renovation or  
149 replacement, the plans do not [include a plan] provide that the  
150 building maintenance staff responsible for such facility are trained in  
151 or are receiving training in, or that the applicant plans to provide  
152 training in, the appropriate areas of plant operations including, but not  
153 limited to, heating, ventilation and air conditioning systems pursuant  
154 to section 10-231e, with specific training relative to indoor air quality.

155 Sec. 9. Subsection (d) of section 10-292o of the general statutes, as  
156 amended by section 11 of public act 03-6 of the June 30 special session,  
157 is repealed and the following is substituted in lieu thereof (*Effective*  
158 *from passage*):

159 (d) The amount of the regional educational service center lease grant  
160 approved by the Commissioner of Education under the provisions of  
161 this section shall be the eligible percentage, as determined in  
162 subsection (c) of section 10-285a, as amended, times the eligible lease  
163 costs as determined by the Commissioner of Education. Grants  
164 pursuant to this section shall be paid on a current year basis if the  
165 regional educational service center files an application to lease a  
166 facility with the [state] Department of Education on or before August  
167 first of each year. No such facility or portion thereof shall be eligible  
168 for a grant under this section unless the local fire marshal has declared  
169 the facility suitable for occupancy as a facility for use in furnishing  
170 educational programs and services. Eligible costs pursuant to this  
171 section shall be limited to the lease cost of the building, net of any  
172 other costs. Grant payments shall be made as follows: Twenty-five per  
173 cent of the estimated cost in October, twenty-five per cent of the  
174 estimated cost in January, and the balance of the estimated cost in  
175 April. The actual cost will be reported on or before September first  
176 following the year of application on the end of school year report filed  
177 by each regional educational service center. If the Commissioner of  
178 Education determines that there has been an underpayment or

179 overpayment in a grant made pursuant to this section, the  
 180 commissioner shall calculate the amount of the underpayment or  
 181 overpayment and shall adjust the amount of the grant payment for the  
 182 fiscal year next following the fiscal year in which such underpayment  
 183 or overpayment was made. The amount of the adjustment shall be  
 184 equal to the amount of the underpayment or overpayment. If the  
 185 amount of the overpayment exceeds the grant payment for the fiscal  
 186 year next following the fiscal year in which such overpayment was  
 187 made, the regional educational service center shall, upon the request of  
 188 the commissioner, pay the department the difference. Any lease  
 189 pursuant to this section shall be for a period not to exceed twenty  
 190 years. In no event shall the reimbursement pursuant to this section be  
 191 based upon a cost per square foot which exceeds the cost determined  
 192 to be reasonable by the Commissioner of Education. In the case of any  
 193 grants computed under this section, any federal funds or other state  
 194 funds received for such costs covered by the grant shall be deducted  
 195 from cost estimates prior to computation of the grant.  
 196 Notwithstanding the provisions of this section, for the fiscal years  
 197 ending June 30, 2004, and June 30, 2005, the amount of the grants  
 198 payable to regional educational service centers in accordance with this  
 199 section [,] shall be reduced proportionately if the total of such grants in  
 200 such year exceeds the amount appropriated for the purposes of this  
 201 section for such year.

This act shall take effect as follows:	
Section 1	<i>from passage</i>
Sec. 2	<i>from passage</i>
Sec. 3	<i>from passage</i>
Sec. 4	<i>from passage</i>
Sec. 5	<i>from passage</i>
Sec. 6	<i>from passage</i>
Sec. 7	<i>from passage</i>
Sec. 8	<i>from passage</i>
Sec. 9	<i>from passage</i>

**ED**      *Joint Favorable*

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:

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***OFA Fiscal Note***

***State Impact:*** None

***Municipal Impact:*** None

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**OLR Bill Analysis**

SB 534

***AN ACT CONCERNING MINOR TECHNICAL REVISIONS TO THE  
EDUCATION STATUTES***

**SUMMARY:**

This bill makes technical changes in education laws.

EFFECTIVE DATE: Upon passage

**COMMITTEE ACTION**

Education Committee

Joint Favorable Report

Yea 28    Nay 0