



Senate

General Assembly

File No. 354

January Session, 2007

Substitute Senate Bill No. 1354

Senate, April 5, 2007

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 APPOINTMENT OF THE COMMISSIONER OF EDUCATION.

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

1 Section 1. Subsection (a) of section 10-3a of the general statutes is
2 repealed and the following is substituted in lieu thereof (*Effective*
3 *October 1, 2007*):

4 (a) There shall be a Department of Education which shall serve as
5 the administrative arm of the State Board of Education. The
6 department shall be under the direction of the Commissioner of
7 Education, [who shall be appointed] whose appointment shall be
8 recommended to the Governor by the State Board of Education for a
9 term of four years to be coterminous with the term of the Governor.
10 Such appointment shall be in accordance with the provisions of
11 sections 4-5 to 4-7, inclusive, as amended by this act. The
12 Commissioner of Education shall be the administrative officer of the
13 department and shall administer, coordinate and supervise the
14 activities of the department in accordance with the policies established

15 by the board.

16 Sec. 2. Section 4-5 of the general statutes is repealed and the
17 following is substituted in lieu thereof (*Effective October 1, 2007*):

18 As used in sections 4-6, 4-7 and 4-8, the term "department head"
19 means Secretary of the Office of Policy and Management,
20 Commissioner of Administrative Services, Commissioner of Revenue
21 Services, Banking Commissioner, Commissioner of Children and
22 Families, Commissioner of Consumer Protection, Commissioner of
23 Correction, Commissioner of Economic and Community Development,
24 State Board of Education, Commissioner of Emergency Management
25 and Homeland Security, Commissioner of Environmental Protection,
26 Commissioner of Agriculture, Commissioner of Public Health,
27 Insurance Commissioner, Labor Commissioner, Liquor Control
28 Commission, Commissioner of Mental Health and Addiction Services,
29 Commissioner of Public Safety, Commissioner of Social Services,
30 Commissioner of Mental Retardation, Commissioner of Motor
31 Vehicles, Commissioner of Transportation, Commissioner of Public
32 Works, Commissioner of Veterans' Affairs, Commissioner of Health
33 Care Access, Chief Information Officer, the chairperson of the Public
34 Utilities Control Authority, the executive director of the Board of
35 Education and Services for the Blind, the executive director of the
36 Connecticut Commission on Culture and Tourism and the
37 Ombudsman for Property Rights. As used in sections 4-6 and 4-7 of the
38 general statutes, "department head" also means the Commissioner of
39 Education.

This act shall take effect as follows and shall amend the following sections:		
Section 1	<i>October 1, 2007</i>	10-3a(a)
Sec. 2	<i>October 1, 2007</i>	4-5

Statement of Legislative Commissioners:

In section 1 the cite to section 4-8 of the general statutes was changed to 4-7 of the general statutes and language was added in section 2 to specify that the Commissioner of Education is a department head for

purposes of sections 4-6 and 4-7 of the general statutes only since the duties of the department head in section 4-8 of the general statutes remain with the State Board of Education under section 10-3a of the general statutes. The language was changed for clarity and consistency and to comply with the intent of the committee.

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 chamber thereof for any purpose:

OFA Fiscal Note

State Impact:

Agency Affected	Fund-Effect	FY 08 \$	FY 09 \$
Legislative Mgmt.	GF - None	None	None

Note: GF=General Fund

Municipal Impact: None

Explanation

Requiring legislative approval of the appointment of the State Commissioner of Education has a minimal workload impact upon Legislative Management but does not result in any fiscal impact.

OLR Bill Analysis

sSB 1354

***AN ACT CONCERNING THE APPOINTMENT OF THE
COMMISSIONER OF EDUCATION.***

SUMMARY:

This bill changes the appointment process for the education commissioner. It eliminates the State Board of Education's authority to appoint the commissioner and instead requires the board to recommend a candidate to the governor. It requires the governor to nominate the commissioner, and requires the legislature to approve the nomination, using the executive and legislative nomination and approval process for department heads. Under current law, the General Assembly does not confirm the education commissioner's appointment.

The bill does not change the State Board of Education's statutory designation as the department head for the State Department of Education. Under current law and the bill, the commissioner is the department's administrative officer and coordinates, administers, and supervises the department according to the board's policies.

EFFECTIVE DATE: October 1, 2007

APPOINTMENT OF DEPARTMENT HEADS

The bill applies the statutory process for appointing executive agency department heads to the education commissioner.

It thus requires the governor to submit the commissioner's nomination to either house by February 1 of the first year of the governor's term. As with a department head nomination, the bill requires the chamber that receives the governor's nomination for

education commissioner to “immediately refer” it to the Executive and Legislative Nominations Committee. The committee must report it by resolution within 15 calendar days. The chamber must accept or reject the resolution within 10 calendar days after receiving the resolution from the committee.

If confirmed, a nominee takes office on March 1 of the year in which he or she is nominated, with two exceptions (CGS § 4-7(a)). One, if a nominee is not appointed or reappointed by March 1, the incumbent may continue to serve until March 10. Two, if a position is vacant before March 1 during the first year of a governor’s term, the nominee may exercise the powers and duties of the office as a designate before confirmation (CGS § 4-7(b)(2)).

VACANCY APPOINTMENTS DURING A REGULAR SESSION

Under the bill, if a vacancy in the education commissioner’s position occurs when the General Assembly is in regular session, the governor must submit a nomination to fill it within 30 days after the vacancy occurs. The chamber receiving the nomination must immediately refer it to the Executive and Legislative Nominations Committee. The committee has 10 legislative days to report its resolution. If the chamber confirms the nomination within 30 calendar days after it is submitted, the nominee takes office and serves until the end of the original term. If the chamber rejects the nomination within 30 calendar days after it is submitted, the governor must, within 30 days of the rejection, submit another nomination. If a nomination is submitted within 30 days of a session’s constitutional adjournment date and the legislature does not confirm or reject it, the procedure for filling vacancies that occur during the interim must be followed (CGS § 4-7(b)(1)).

VACANCY APPOINTMENTS DURING THE INTERIM

If an education commissioner vacancy occurs during a legislative interim, the governor must fill it until the sixth Wednesday of the next regular session. The governor must submit the name of the nominee to either chamber for confirmation at the beginning of the next regular

session. The chamber to which the nomination was submitted must follow the procedure for vacancies occurring when the General Assembly is in session (CGS § 4-7(c)).

REJECTED NOMINATIONS

If the General Assembly rejects a nomination for education commissioner, the nominee is barred from serving as education commissioner during the remainder of the General Assembly’s term (CGS § 4-7(d)).

BACKGROUND

State Board of Education

The State Board of Education is an 11-member board (nine voting and two nonvoting members) appointed by the governor and confirmed by both houses of the General Assembly. The nine voting members serve staggered four-year terms. The board is the state policy-making authority for public education, including preschool, elementary, and secondary education; special education; and vocational education.

COMMITTEE ACTION

Education Committee

Joint Favorable Substitute

Yea 24 Nay 4 (03/19/2007)