



House of Representatives

General Assembly

File No. 496

February Session, 2008

Substitute House Bill No. 5870

House of Representatives, April 7, 2008

The Committee on Education reported through REP. FLEISCHMANN of the 18th Dist., Chairperson of the Committee on the part of the House, that the substitute bill ought to pass.

AN ACT CONCERNING MINOR CHANGES TO THE EDUCATION STATUTES.

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

1 Section 1. Subsection (b) of section 10-4b of the general statutes is
2 repealed and the following is substituted in lieu thereof (*Effective from*
3 *passage*):

4 (b) If, after conducting an inquiry in accordance with subsection (a)
5 of this section, the state board finds that a local or regional board of
6 education has failed or is unable to [provide educational opportunities
7 to meet the requirements of this section, sections 10-4a, 10-14q, 10-15c,
8 10-16, 10-16b and 10-42, subsection (a) of section 10-43, sections 10-47b,
9 10-53, 10-54, 10-66i, 10-71 and 10-76d, subsection (h) of section 10-76f
10 and sections 10-76g, 10-76m, 10-76o, 10-97, 10-203, 10-220, 10-227, 10-
11 261, 10-262j, 10-263, 10-266j, 10-266m, 10-273a, 10-277 and 10-280a]
12 implement the educational interests of the state in accordance with
13 section 10-4a, the state board shall (1) require the local or regional

14 board of education to engage in a remedial process whereby such local
15 or regional board of education shall develop and implement a plan of
16 action through which compliance may be attained, or (2) order the
17 local or regional board of education to take reasonable steps where
18 such local or regional board has failed to comply with subdivision (3)
19 of section 10-4a. Where a local or regional board of education is
20 required to implement a remedial process pursuant to subdivision (1)
21 of this subsection, upon request of such local or regional board, the
22 state board shall make available to such local or regional board
23 materials and advice to assist in such remedial process. If the state
24 board finds that a local governmental body or its agent is responsible
25 for such failure or inability, the state board may order such
26 governmental body or agent to take reasonable steps to comply with
27 the requirements of section 10-4a. The state board may not order an
28 increase in the regular program expenditures, as defined in section 10-
29 262f of the 2008 supplement to the general statutes, of such local or
30 regional board of education if such expenditures are in an amount at
31 least equal to the minimum expenditure requirement in accordance
32 with section 10-262j of the 2008 supplement to the general statutes,
33 provided that an increase in expenditures may be ordered in
34 accordance with section 10-76d of the 2008 supplement to the general
35 statutes. If the state board finds that the state is responsible for such
36 failure, the state board shall so notify the Governor and the General
37 Assembly.

38 Sec. 2. Subdivision (3) of subsection (c) of section 10-264l of the 2008
39 supplement to the general statutes is repealed and the following is
40 substituted in lieu thereof (*Effective from passage*):

41 (3) (A) Each interdistrict magnet school operated by a regional
42 educational service center that enrolls less than fifty-five per cent of the
43 school's students from a single town shall receive a per pupil grant in
44 the amount of (i) six thousand two hundred fifty dollars for the fiscal
45 year ending June 30, 2006, (ii) six thousand five hundred dollars for the
46 fiscal year ending June 30, 2007, (iii) seven thousand sixty dollars for
47 the fiscal year ending June 30, 2008, (iv) seven thousand six hundred

48 twenty dollars for the fiscal year ending June 30, 2009, (v) eight
49 thousand one hundred eighty dollars for the fiscal year ending June 30,
50 2010, and (vi) eight thousand seven hundred forty-one dollars for the
51 fiscal year ending June 30, 2011.

52 (B) Each interdistrict magnet school operated by a regional
53 educational service center that enrolls at least fifty-five per cent of the
54 school's students from a single town shall receive a per pupil grant for
55 each enrolled student who is not a resident of the district that enrolls at
56 least fifty-five per cent of the school's students in the amount of (i) six
57 thousand sixteen dollars for the fiscal year ending June 30, 2008, (ii) six
58 thousand seven hundred thirty dollars for the fiscal year ending June
59 30, 2009, (iii) seven thousand four hundred forty dollars for the fiscal
60 year ending June 30, 2010, and (iv) eight thousand one hundred fifty-
61 eight dollars for the fiscal year ending June 30, 2011. The per pupil
62 grant for each enrolled student who is a resident of the district that
63 enrolls at least fifty-five per cent of the school's students shall be three
64 thousand dollars.

65 [(C) Each interdistrict magnet school operated by a regional
66 educational service center that enrolls at least fifty-five per cent of the
67 school's students from a single town shall receive a per pupil grant in
68 an amount that is at least three thousand dollars for the fiscal year
69 ending June 30, 2006, and for each fiscal year thereafter.]

70 Sec. 3. Subsection (a) of section 10-18 of the 2008 supplement to the
71 general statutes is repealed and the following is substituted in lieu
72 thereof (*Effective July 1, 2008*):

73 (a) (1) All high, preparatory, secondary and elementary schools,
74 public or private, whose property is exempt from taxation, shall
75 provide a program of United States history, including instruction in
76 United States government at the local, state and national levels, and in
77 the duties, responsibilities, and rights of United States citizenship. No
78 student shall be graduated from any such school who has not been
79 found to be familiar with said subjects.

80 (2) For purposes of subdivision (1) of this subsection, elementary
81 schools shall include in their third, fourth or fifth grade curriculum a
82 program on democracy in which students engage in a participatory
83 manner in learning about all branches of government.

84 Sec. 4. Subsection (c) of section 10-223e of the 2008 supplement to
85 the general statutes is repealed and the following is substituted in lieu
86 thereof (*Effective July 1, 2008*):

87 (c) (1) Any school or school district identified as in need of
88 improvement pursuant to subsection (a) of this section and requiring
89 corrective action pursuant to the requirements of the No Child Left
90 Behind Act, P.L. 107-110, shall be designated and listed as a low
91 achieving school or school district and shall be subject to intensified
92 supervision and direction by the State Board of Education.

93 (2) Notwithstanding any provision of this title or any regulation
94 adopted pursuant to said statutes, in carrying out the provisions of
95 subdivision (1) of this subsection, the State Board of Education shall
96 take any of the following actions to improve student performance and
97 remove the school or district from the list of schools or districts
98 designated and listed as a low achieving school or district pursuant to
99 said subdivision (1), and to address other needs of the school or
100 district: (A) Require an operations audit to identify possible
101 programmatic savings and an instructional audit to identify any
102 deficits in curriculum and instruction or in the learning environment of
103 the school or district; (B) require the local or regional board of
104 education for such school or district to use state and federal funds for
105 critical needs, as directed by the State Board of Education; (C) provide
106 incentives to attract highly qualified teachers and principals; (D) direct
107 the transfer and assignment of teachers and principals; (E) require
108 additional training and technical assistance for parents and guardians
109 of children attending the school or a school in the district and for
110 teachers, principals, and central office staff members hired by the
111 district; (F) require the local or regional board of education for the
112 school or district to implement model curriculum, including, but not

113 limited to, recommended textbooks, materials and supplies approved
114 by the Department of Education; (G) identify schools for
115 reconstitution, as may be phased-in by the commissioner, as state or
116 local charter schools, schools established pursuant to section 10-74g of
117 the 2008 supplement to the general statutes, or schools based on other
118 models for school improvement, or for management by an entity other
119 than the local or regional board of education for the district in which
120 the school is located; (H) direct the local or regional board of education
121 for the school or district to develop and implement a plan addressing
122 deficits in achievement and in the learning environment as
123 recommended in the instructional audit; (I) assign a technical
124 assistance team to the school or district to guide school or district
125 initiatives and report progress to the Commissioner of Education; (J)
126 establish instructional and learning environment benchmarks for the
127 school or district to meet as it progresses toward removal from the list
128 of low achieving schools or districts; (K) provide funding to any
129 proximate district to a district designated as a low achieving school
130 district so that students in a low achieving district may attend public
131 school in a neighboring district; (L) direct the establishment of learning
132 academies within schools that require continuous monitoring of
133 student performance by teacher groups; (M) develop and oversee
134 administration of a family-school partnership survey of families,
135 teachers and administrators; (N) require local and regional boards of
136 education to (i) undergo training to improve their operational
137 efficiency and effectiveness as leaders of their districts' improvement
138 plans, and (ii) submit an annual action plan to the Commissioner of
139 Education outlining how, when and in what manner their effectiveness
140 shall be monitored; or [(M)] (O) any combination of the [above] actions
141 described in this subdivision or similar, closely related actions. The
142 provisions of this section shall be carried out in accordance with the
143 provisions of sections 10-153a to 10-153n, inclusive.

144 (3) The Comptroller shall, pursuant to the provisions of section 10-
145 262i of the 2008 supplement to the general statutes, withhold any grant
146 funds that a town is otherwise required to appropriate to a local or
147 regional board of education due to low academic achievement in the

148 school district pursuant to section 10-262h of the 2008 supplement to
149 the general statutes. Said funds shall be transferred to the Department
150 of Education and shall be expended by the department on behalf of the
151 identified school district. Said funds shall be used to implement the
152 provisions of subdivision (2) of this subsection and to offset such other
153 local education costs that the Commissioner of Education deems
154 appropriate to achieve school improvements. These funds shall be
155 awarded by the commissioner to the local or regional board of
156 education for such identified school district upon condition that said
157 funds shall be spent in accordance with the directives of the
158 commissioner.

159 Sec. 5. Section 10-95h of the 2008 supplement to the general statutes
160 is repealed and the following is substituted in lieu thereof (*Effective July*
161 *1, 2008*):

162 There is established a state-wide advisory committee, which shall
163 meet at least semiannually, to (1) identify emerging state and national
164 workforce needs and trade technology programs for the regional
165 vocational-technical school system to meet such needs; (2) identify the
166 workforce skills that will be needed for the next thirty years and
167 ensure that the curriculum of the regional vocational-technical school
168 system is incorporating such skills into the regional vocational-
169 technical schools; (3) ensure that all students who graduate from the
170 regional vocational-technical school system have communication,
171 leadership, teamwork and problem-solving skills, in addition to
172 expertise in a trade technology; (4) assess the adequacy of the
173 resources available to the regional vocational-technical school system
174 as the system develops and refines programs to meet existing and
175 emerging workforce needs; and (5) advise and make recommendations
176 to the State Board of Education to carry out the provisions of
177 subdivisions (1) to (4), inclusive, of this section. The committee shall
178 consist of nineteen members as follows: (A) Two appointed by the
179 speaker of the House of Representatives, who shall be representatives
180 of business, holding the title of chief executive officer, president, chief
181 operating officer or the equivalents thereof, drawn from key industry,

182 service and manufacturing firms with [more than one thousand] five
183 hundred or more full-time employees; (B) two appointed by the
184 president pro tempore of the Senate, [who] one of whom shall be
185 [representatives] a representative of business, holding the title of chief
186 executive officer, president, chief operating officer or the equivalents
187 thereof, drawn from key industry, service and manufacturing firms
188 with [more than one thousand] five hundred or more full-time
189 employees and one of whom shall be a teacher in the regional
190 vocational-technical school system; (C) one appointed by the majority
191 leader of the House of Representatives who shall be a representative of
192 business, holding the title of chief executive officer, president, chief
193 operating officer or the equivalents thereof, drawn from key industry,
194 service and manufacturing firms with [five] more than fifty, but fewer
195 than five hundred [or more] full-time employees; [, but not more than
196 one thousand full-time employees;] (D) one appointed by the majority
197 leader of the Senate who shall be a representative of business, holding
198 the title of chief executive officer, president, chief operating officer or
199 the equivalents thereof, drawn from key industry, service and
200 manufacturing firms with [five] more than fifty, but fewer than five
201 hundred [or more] full-time employees; [, but not more than one
202 thousand full-time employees;] (E) one appointed by the minority
203 leader of the House of Representatives who shall be a representative of
204 business, holding the title of chief executive officer, president, chief
205 operating officer or the equivalents thereof, drawn from key industry,
206 service and manufacturing firms with [five] more than fifty, but fewer
207 than five hundred [or more] full-time employees; [, but not more than
208 one thousand full-time employees;] (F) one appointed by the minority
209 leader of the Senate who shall be a representative of business, holding
210 the title of chief executive officer, president, chief operating officer or
211 the equivalents thereof, drawn from key industry, service and
212 manufacturing firms with fifty or fewer [than five hundred] full-time
213 employees; (G) two persons appointed by the Governor who shall be
214 representatives of business, holding the title of chief executive officer,
215 president, chief operating officer or the equivalents thereof, drawn
216 from key industry, service and manufacturing firms with fifty or fewer

217 [than five hundred] full-time employees; (H) the Commissioner of
 218 Education, or the commissioner's designee; (I) the Labor
 219 Commissioner, or the commissioner's designee; (J) the Commissioner
 220 of Economic and Community Development, or the commissioner's
 221 designee; (K) a representative from the Office of Workforce
 222 Competitiveness; (L) the chairperson of the State Board of Education,
 223 or the chairperson's designee; and (M) the cochairpersons and ranking
 224 members of the joint standing committee of the General Assembly
 225 having cognizance of matters relating to education. The committee
 226 membership shall reflect the state's geographic, racial and ethnic
 227 diversity.

228 Sec. 6. Section 10-220 of the general statutes is amended by adding
 229 subsection (e) as follows (*Effective July 1, 2008*):

230 (NEW) (e) Each local and regional board of education shall establish
 231 a school district curriculum committee. The committee shall
 232 recommend, develop, review and approve all curriculum for the local
 233 or regional school district.

234 Sec. 7. (*Effective from passage*) Section 10-4n of the general statutes is
 235 repealed.

This act shall take effect as follows and shall amend the following sections:		
Section 1	<i>from passage</i>	10-4b(b)
Sec. 2	<i>from passage</i>	10-264l(c)(3)
Sec. 3	<i>July 1, 2008</i>	10-18(a)
Sec. 4	<i>July 1, 2008</i>	10-223e(c)
Sec. 5	<i>July 1, 2008</i>	10-95h
Sec. 6	<i>July 1, 2008</i>	10-220
Sec. 7	<i>from passage</i>	Repealer section

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 09 \$	FY 10 \$
Education, Dept.	GF - Cost	See Below	Minimal
Comptroller Misc. Accounts (Fringe Benefits) ¹	GF - Cost	See Below	None

Note: GF=General Fund

Municipal Impact:

Municipalities	Effect	FY 09 \$	FY 10 \$
Local and Regional School Districts	Cost	Potential	Potential

Explanation

The bill expands the actions and authority that the State Board of Education (SBE) may take to improve student performance, and to remove a school or district from the “low-achieving” list. In FY 08, there were 12 Accountability Districts that were considered “low-achieving” and in need of improvement. In FY 09, it is anticipated that there will be approximately 15 Accountability Districts, encompassing 280 schools and serving approximately 165,000 students, which will be considered in need of improvement.

One expanded action that the SBE may take is to develop and oversee the administration of a family-school partnership survey of families, teachers, and administrators. It is anticipated that the State Department of Education (SDE) would require two durational

¹ The fringe benefit costs for state employees are budgeted centrally in the Miscellaneous Accounts administered by the Comptroller. The first year fringe benefit costs for new positions do not include pension costs. The estimated first year fringe benefit rate as a percentage of payroll is 25.36%. The state's pension contribution is based upon the prior year's certification by the actuary for the State Employees Retirement System (SERS). The SERS fringe benefit rate is 33.27%, which when combined with the rate for non-pension fringe benefits totals 58.63%.

Associate Education Consultants, at an annual salary of approximately \$80,000 (plus fringe benefits), to develop, administer, and report findings on the survey. It is unclear if the survey is one-time in nature, or would be required to be completed annually. It is anticipated that the two Associate Education Consultants would only be required in FY 09 to develop the survey, and prepare an appropriate format to report its findings. It is anticipated that if the survey were to be conducted annually, SDE would be able to do so at a minimal cost. sHB 5021, the budget bill, as favorably reported by the Appropriations Committee, did not include funding for this purpose and therefore, SDE would have to shift resources from other areas to accomplish this task.

To the extent that local and regional boards of education are involved in the administration of the survey, and analysis of the findings contained in the survey, it could result in a cost to local and regional boards of education of approximately \$1,500 per school².

Another expanded action the SBE may take is to require local and regional boards of education to undergo training to improve their operational efficiency and effectiveness. The local and regional boards of education must submit an annual action plan to the Commissioner of Education outlining procedures for monitoring their effectiveness. The creation of an action plan, and additional requirement for training could result in a cost to local and regional school districts.

The bill makes various other changes that are not anticipated to result in a fiscal impact.

The Out Years

The annualized ongoing fiscal impact identified above would continue into the future subject to inflation, except for the addition of the two Associate Education Consultants, which would be one-time in nature.

² The cost would only be applied to schools that are part of an Accountability District, and participating in the survey.

OLR Bill Analysis

sHB 5870

AN ACT CONCERNING MINOR CHANGES TO THE EDUCATION STATUTES.

SUMMARY:

This bill:

1. resolves inconsistencies relative to bringing a complaint against a board of education for failure or inability to implement the state's educational interests;
2. eliminates a duplicative section on magnet school operating grants;
3. allows elementary schools to meet the requirement for including a program on participatory democracy in their curriculum in third grade, as well as fourth or fifth, as specified in current law (§ 3);
4. expands the actions the State Board of Education (SBE) can take to improve student performance and remove a school or district from the "low-achieving" list and address other school or district needs;
5. requires smaller businesses to be represented on the statewide advisory committee for regional vocational-technical (V-T) schools and requires the Senate president pro tempore to appoint to the committee a V-T school teacher and a business representative, rather than two of the latter (§ 5);
6. specifically requires boards of education to establish a school district curriculum committee that must recommend, develop,

review, and approve all curriculum for the district; and

7. eliminates the Commission on Educational Equity and Excellence.

EFFECTIVE DATE: July 1, 2008, except for the provisions on the educational interests of the state, the magnet school grant, and the Committee on Educational Equity, which are effective on passage.

§ 1 — COMPLAINTS FOR FAILURE OR INABILITY TO IMPLEMENT THE EDUCATIONAL INTERESTS OF THE STATE

By law, (1) a resident of, or parent or guardian of a student enrolled in, a school district can file a complaint with SBE, or (2) SBE can initiate a complaint alleging a local board's failure to implement the educational interests of the state in accordance with statute (see BACKGROUND). If SBE finds the complaint to be substantial, it must investigate.

Under current law, if SBE ultimately finds, after it investigates, that the board failed or is unable to provide educational opportunities to meet the requirements of a number of sections in the education statutes, SBE must take action. To conform this step with the initial complaint, the bill specifies that it is a finding of a failure or inability to implement the educational interests of the state that would trigger SBE's required action.

§ 2 — REGIONAL EDUCATION SERVICE CENTER (RESC)-OPERATED MAGNET SCHOOL GRANT

PA 07-3, June Special Session, set the general per-pupil grant for RESC-operated interdistrict magnet schools at \$3,000. For those that enroll at least 55% of their students from a single town, the act set higher per-pupil grants for each enrolled student who is not a resident of the district that enrolls at least 55%. This bill deletes a conflicting section that the 2007 act did not delete, which provides that schools meeting the 55% receive \$3,000 per pupil.

§ 4 — ACCOUNTABILITY

PA 07-3, June Special Session, required schools and districts that are designated as “in need of improvement” under Connecticut law and require corrective action under the federal No Child Left Behind Act to be placed on a list of low-achieving schools and districts and subjected to intensified supervision and direction by SBE. It authorized SBE to take a number of actions to improve student performance and remove a school or district from the “low-achieving” list and address other school or district needs (see BACKGROUND). The bill expands the board’s authority to require additional training and technical assistance for teachers, principals, and central office staff, to also include students’ parents or guardians. It is not clear if the bill is attempting to allow SBE to require training for parents or require districts to provide the training for parents.

It also allows SBE to (1) develop and oversee administration of a family-school partnership survey of families, teachers and administrators and (2) require local and regional boards of education to undergo training to improve their operational efficiency and effectiveness and submit an annual action plan to the education commissioner outlining procedures for monitoring their effectiveness. Finally, the bill provides that all of the actions that SBE is allowed to take must be carried out in accordance with the Teacher Negotiation Act, which defines the scope of, and procedures for, collective bargaining for teachers and administrators.

§ 5 — STATEWIDE ADVISORY COMMITTEE FOR V-T SCHOOLS

This bill changes the types of businesses that must be represented on, the statewide advisory committee for V-T schools. It requires that the representatives appointed by the House speaker and Senate president pro tempore must be from firms with more than 500 full-time employees, rather than 1,000 as under current law; those appointed by the House majority and minority leaders and the Senate majority leader must be from firms with between 50 and 500 full-time employees, rather than between 500 and 1,000; and those appointed by the Senate minority leader and the governor must be from firms with fewer than 50 rather than fewer than 500 full-time employees.

§ 7 — COMMITTEE ON EDUCATIONAL EQUITY AND EXCELLENCE

Finally, the bill eliminates the 30-member Committee on Educational Equity and Excellence, which was established on July 1, 1994. By law, the committee must (1) review and appraise the state's efforts to ensure equal educational opportunity and high standards of performance in the public schools, (2) review and recommend the repeal of state statutes and regulations which impede the efficient and effective delivery of public education in Connecticut and (3) make appropriate recommendations to the governor, SBE, and the legislature. The committee has no specific reporting or termination date and is supposed to meet at the call of the chair or at the request of a majority of the members. The committee has been inactive for many years.

BACKGROUND***Educational Interests of the State***

By law, the educational interests of the state include, but are not limited to, the concern that (1) each child must have equal opportunity to receive a suitable program of educational experiences; (2) each school district must finance at a reasonable level at least equal to the minimum expenditure requirement an educational program designed to achieve this end; (3) each school district must provide educational opportunities for its students to interact with students and teachers from other racial, ethnic, and economic backgrounds and may provide such opportunities with students from other communities; and (4) the education laws within the jurisdiction of SBE be implemented (CGS § 10-4a).

State Board Actions to Improve Student Performance

Pursuant to Public Act 07-3, June Special Session, SBE can take any of the following actions, any combination of them, or any closely related actions to improve student performance and remove a school or district from the "low-achieving" list, and address other school or district needs:

1. require operations and instructional audits, the implementation of a state education department- approved curriculum, the use of state and federal funds for critical needs as directed by SBE, and additional training and technical assistance for teachers, principals, and central office staff members hired by the district;
2. identify schools for (a) reconstitution, which the commissioner can phase in, as charter schools, schools based on certain models of improvement, or (b) management by an entity other than the board of education;
3. require the board for the school or district to implement a model curriculum;
4. direct the school board to develop and implement a plan addressing achievement and learning environment deficits as recommended in the instructional audit;
5. assign a technical assistance team to the school or district to guide initiatives and report progress to the education commissioner;
6. develop benchmarks for the school or district to meet as it progresses toward removal from the list of low-achieving schools or districts;
7. provide funding to districts near the low-achieving district so students within the low-achieving district can attend public school in a neighboring district; and
8. direct the establishment of learning academies within schools that require continuous monitoring of student performance by teacher groups.

COMMITTEE ACTION

Education Committee

Joint Favorable Substitute

Yea 24 Nay 4 (03/18/2008)