



Connecticut Association of Boards of Education, Inc.

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**Testimony
Submitted to the
Education Committee**

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**SB 830 AN ACT CONCERNING THE GOVERNOR'S RECOMMENDATIONS
REGARDING EDUCATION**

**SB 944 AN ACT CONCERNING A PLAN FOR ACADEMIC AND PERSONAL
SUCCESS FOR EVERY MIDDLE AND HIGH SCHOOL STUDENT**

SB 1011 AN ACT CONCERNING RECYCLING PROGRAMS IN SCHOOLS

**SB 1014 AN ACT CONCERNING THE ELECTRONIC CORRESPONDENCE OF
STUDENTS**

SB 1016 AN ACT CONCERNING SUBSTITUTE TEACHERS

HB 6568 AN ACT CONCERNING FOOD ALLERGIES IN SCHOOLS

The Connecticut Association of Boards of Education supports many of the provisions in SB 830, An Act Concerning the Governor's Recommendations Regarding Education. We appreciate the pledge to flat fund education aid to municipalities. However, we must mention that such flat funding by itself represents a finding challenge to local community budgets. The inflationary effect to collective bargaining agreements and other contracted obligations must be funded or economies effected.

It should go without saying that any "cut" in education funding below that in the Governor's budget is not a cut but rather a transfer of taxing obligation from sales and income tax sources to the local property tax. State government would simply transfer the work of tax collection to the local level in the apparent assumption that local taxpayers would agree to pay the increased taxes for the same level of service of the prior year.

The State of Connecticut is a party to the most recent Sheff Stipulation and Proposed Order. Explicit stipulations, including funding are delineated in the Order. The Governor's budget does not address these stipulations. Local communities from the City of Hartford to the surrounding

towns cannot even begin to address these stipulations if the Legislature fails to address this court order.

We urge you, at the very least, to provide for full funding for students attending magnet schools statewide and increased pupil subsidies for students participating in the Open Choice program.

CABE supports the provision in Section 17 to postpone the implementation of the in-school suspension legislation.

The Connecticut Association of Boards of Education appreciates the manner in which SB 944, An Act Concerning a Plan for Academic and Personal Success for Every Middle and High School Student, has been crafted to make participation by local and regional boards of education voluntary, and to make the requirements for high school students outlined in Section 3 (h) contingent upon the decision of a board of education to implement the plan. Given the voluntary nature, however, we are not certain that legislation is actually needed in this area. The Connecticut Association of Boards of Education strongly supports the work of the AdHoc Committee for Secondary School Redesign. This broad based group, which included a representative from CABE, worked for many months to design modifications to both the middle and high school experience. Unfortunately, the current economic situation makes it impossible to fully implement these recommendations on either the local or state levels. We do strongly encourage districts to participate in the pilot phase described in Section 2 of this bill.

CABE opposes SB 1011, An Act Concerning Recycling Programs in Schools, as an additional unfunded mandate at a time where the economic situation necessitates real restraint in imposing any new requirements on school districts.

CABE opposes SB 1014, An Act Concerning the Electronic Correspondence of Students. This bill would restrict the ability of school administrators to discipline students in one specific area, the use of electronic correspondence off school grounds. This is an area that has been addressed extensively in case law, beginning with the case of *Tinker v. DesMoines* (1969), in *Packes v. Thomaston Board of Education* (1998) and most recently in *Doninger v. Niehoff* (Second Circuit 2008).

The standard articulated in these cases is that discipline can be imposed when administrators reasonably forecast that such speech will result in:

- Substantial disruption of the education process
- Material interference with school activities or
- Invasion of the rights of others.

We urge you to reject this bill and allow boards of education and administrators to rely upon the long standing guidance of the courts in these areas.

CABE opposes SB 1016, An Act Concerning Substitute Teachers. This bill would prohibit a board of education from utilizing a temporary staffing services organization to employ substitute teachers. Many boards of education have successfully used such organizations to ensure

adequate numbers and quality of substitute teachers to cover classes. We are aware of no reason to restrict their ability to use this resource.

CABE opposes the provisions of HB 6568, An Act Concerning Food Allergies in Schools. While the statement of purpose for this bill is to provide easier access to emergency plans with regard to children with life threatening food allergies, the bill as drafted creates extensive new legal rights for parents who claim that the board of education has failed to implement a plan for the management of students with life threatening food allergies. The rights created include a hearing before the board of education, a hearing before the State Board of Education and ultimately an appeal to the Superior Court. CABE urges you to reject HB 6568.