



Senate

General Assembly

File No. 958

January Session, 2009

Substitute Senate Bill No. 1016

Senate, May 14, 2009

The Committee on Planning and Development reported through SEN. COLEMAN of the 2nd Dist., Chairperson of the Committee on the part of the Senate, that the substitute bill ought to pass.

AN ACT CONCERNING VOLUNTARY REGIONALIZATION OF CERTAIN SCHOOL DISTRICT SERVICES.

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

1 Section 1. Section 10-660 of the general statutes is repealed and the
2 following is substituted in lieu thereof (*Effective July 1, 2009*):

3 The Department of Education shall encourage the use of regional
4 educational service centers as providers of goods and services for local
5 and regional boards of education and may award special consideration
6 to grant applications that indicate the use of services of regional
7 educational service centers or joint purchasing agreements among
8 boards of education for the purpose of purchasing instructional or
9 other supplies, testing materials, special education services, health care
10 services, transportation services or food or food services.

11 Sec. 2. Section 10-158a of the general statutes is repealed and the
12 following is substituted in lieu thereof (*Effective July 1, 2009*):

13 (a) Any two or more boards of education may, in writing, agree to
14 establish cooperative arrangements to provide school accommodations
15 services, programs or activities, special education services, health care
16 services or transportation services to enable such boards to carry out
17 the duties specified in the general statutes. Such arrangements may
18 include the establishment of a committee to supervise such programs,
19 the membership of the committee to be determined by the agreement
20 of the cooperating boards. Such committee shall have the power, in
21 accordance with the terms of the agreement, to (1) apply for, receive
22 directly and expend on behalf of the school districts which have
23 designated the committee an agent for such purpose any state or
24 federal grants which may be allocated to school districts for specified
25 programs, the supervision of which has been delegated to such
26 committee, provided such grants are payable before implementation of
27 any such program or are to reimburse the committee pursuant to
28 subsection (d) of this section for transportation provided to a school
29 operated by a cooperative arrangement; (2) receive and disburse funds
30 appropriated to the use of such committee by the cooperating school
31 districts, the state or the United States, or given to the committee by
32 individuals or private corporations; (3) hold title to real or personal
33 property in trust, or as otherwise agreed to by the parties, for the
34 appointing boards; (4) employ personnel; (5) enter into contracts; []
35 and (6) otherwise provide the specified programs, services and
36 activities. Teachers employed by any such committee shall be subject
37 to the provisions of the general statutes applicable to teachers
38 employed by the board of education of any town or regional school
39 district. For purposes of this section, the term "teacher" shall include
40 each professional employee of a committee below the rank of
41 superintendent who holds a regular certificate issued by the State
42 Board of Education and who is in a position requiring such
43 certification.

44 (b) Subject to the provisions of subsection (c) of this section, any
45 board of education may withdraw from any agreement entered into
46 under subsection (a) if, at least one year prior to the date of the
47 proposed withdrawal, it gives written notice of its intent to do so to

48 each of the other boards. Upon withdrawal by one or more boards of
49 education, two or more boards of education may continue their
50 commitment to the agreement. If two or more boards of education
51 continue the arrangement, then such committee established within the
52 arrangement may continue to hold title to any real or personal
53 property given to or purchased by the committee in trust for all the
54 boards of education which entered the agreement, unless otherwise
55 provided in the agreement or by law or by the grantor or donor of
56 such property. Upon dissolution of the committee, any property held
57 in trust shall be distributed in accordance with the agreement, if such
58 distribution is not contrary to law.

59 (c) If a cooperative arrangement receives a grant for a school
60 building project pursuant to chapter 173, the cooperative arrangement
61 shall use the building for which the grant was provided for a period of
62 not less than twenty years after completion of such project. If the
63 cooperative arrangement ceases to use the building for the purpose for
64 which the grant was provided, the Commissioner of Education shall
65 determine whether (1) title to the building and any legal interest in
66 appurtenant land reverts to the state or (2) the cooperative
67 arrangement reimburses the state an amount equal to ten per cent of
68 the eligible school building project costs of the project.

69 (d) Any cooperative arrangement established pursuant to this
70 section, or any local or regional board of education which is a member
71 of such a cooperative arrangement which transports students to a
72 school operated by such cooperative arrangement shall be reimbursed
73 in accordance with the provisions of section 10-266m. At the end of
74 each school year, any such cooperative arrangement or local or
75 regional board of education which provides such transportation shall
76 file an application for reimbursement on a form provided by the
77 Department of Education.

78 Sec. 3. Section 10-66ee of the general statutes is repealed and the
79 following is substituted in lieu thereof (*Effective July 1, 2009*):

80 (a) For the purposes of education equalization aid under section 10-

81 262h a student enrolled (1) in a local charter school shall be considered
82 a student enrolled in the school district in which such student resides,
83 and (2) in a state charter school shall not be considered a student
84 enrolled in the school district in which such student resides.

85 (b) The local board of education of the school district in which a
86 student enrolled in a local charter school resides shall pay, annually, in
87 accordance with its charter, to the fiscal authority for the charter school
88 for each such student the amount specified in its charter, including the
89 reasonable special education costs of students requiring special
90 education. The board of education shall be eligible for reimbursement
91 for such special education costs pursuant to section 10-76g.

92 (c) (1) The state shall pay in accordance with this subsection, to the
93 fiscal authority for a state charter school for each student enrolled in
94 such school, for the fiscal year ending June 30, 2006, seven thousand
95 six hundred twenty-five dollars, for the fiscal year ending June 30,
96 2007, eight thousand dollars, for the fiscal year ending June 30, 2008,
97 eight thousand six hundred fifty dollars, for the fiscal year ending June
98 30, 2009, nine thousand three hundred dollars. Such payments shall be
99 made as follows: Twenty-five per cent of the amount not later than
100 July fifteenth and September fifteenth based on estimated student
101 enrollment on May first, and twenty-five per cent of the amount not
102 later than January fifteenth and the remaining amount not later than
103 April fifteenth, each based on student enrollment on October first. If
104 the total amount appropriated for grants pursuant to this subdivision
105 exceeds eight thousand six hundred fifty dollars per student for the
106 fiscal year ending June 30, 2008, and exceeds nine thousand three
107 hundred dollars for the fiscal year ending June 30, 2009, the amount of
108 such grants payable per student shall be increased proportionately,
109 except that such per student increase shall not exceed seventy dollars.
110 Any amount of such appropriation remaining after such per student
111 increase may be used by the Department of Education for
112 supplemental grants to interdistrict magnet schools pursuant to
113 subdivision (2) of subsection (c) of section 10-264l to pay for a portion
114 of the audit required pursuant to section 10-66ll, to pay for expenses

115 incurred by the Department of Education to ensure the continuity of a
116 charter school where required by a court of competent jurisdiction and,
117 in consultation with the Secretary of the Office of Policy and
118 Management, to pay expenses incurred in the creation of a school
119 pursuant to section 10-74g. For the fiscal year ending June 30, 2005,
120 such increase shall be limited to one hundred ten dollars per student.
121 (2) In the case of a student identified as requiring special education, the
122 school district in which the student resides shall: (A) Hold the
123 planning and placement team meeting for such student and shall
124 invite representatives from the charter school to participate in such
125 meeting; and (B) pay the state charter school, on a quarterly basis, an
126 amount equal to the difference between the reasonable cost of
127 educating such student and the sum of the amount received by the
128 state charter school for such student pursuant to subdivision (1) of this
129 subsection and amounts received from other state, federal, local or
130 private sources calculated on a per pupil basis. Such school district
131 shall be eligible for reimbursement pursuant to section 10-76g. The
132 charter school a student requiring special education attends shall be
133 responsible for ensuring that such student receives the services
134 mandated by the student's individualized education program whether
135 such services are provided by the charter school or by the school
136 district in which the student resides.

137 (d) On or before October fifteenth of the fiscal years beginning July
138 1, 2001, and July 1, 2002, the Commissioner of Education shall
139 determine if the enrollment in the program for the fiscal year is below
140 the number of students for which funds were appropriated. If the
141 commissioner determines that the enrollment is below such number,
142 the additional funds shall not lapse but shall be used by the
143 commissioner for (1) grants for interdistrict cooperative programs
144 pursuant to section 10-74d, (2) grants for open choice programs
145 pursuant to section 10-266aa, or (3) grants for interdistrict magnet
146 schools pursuant to section 10-264l.

147 (e) Notwithstanding any provision of the general statutes to the
148 contrary, if at the end of a fiscal year amounts received by a state

149 charter school, pursuant to subdivision (1) of subsection (c) of this
150 section, are unexpended, the charter school (1) may use, for the
151 expenses of the charter school for the following fiscal year, up to ten
152 per cent of such amounts, and (2) may (A) create a reserve fund to
153 finance a specific capital or equipment purchase or another specified
154 project as may be approved by the commissioner, and (B) deposit into
155 such fund up to five per cent of such amounts.

156 (f) The local or regional board of education of the school district in
157 which the charter school is located shall provide transportation
158 services for students of the charter school who reside in such school
159 district pursuant to section 10-273a unless the charter school makes
160 other arrangements for such transportation. Any local or regional
161 board of education may provide transportation services to a student
162 attending a charter school outside of the district in which the student
163 resides and, if it elects to provide such transportation, shall be
164 reimbursed pursuant to section 10-266m for the reasonable costs of
165 such transportation. Any local or regional board of education
166 providing transportation services under this subsection may suspend
167 such services in accordance with the provisions of section 10-233c. The
168 parent or guardian of any student denied the transportation services
169 required to be provided pursuant to this subsection may appeal such
170 denial in the manner provided in sections 10-186 and 10-187.

171 (g) Charter schools shall be eligible to the same extent as boards of
172 education for any grant for special education, competitive state grants
173 and grants pursuant to sections 10-17g and 10-266w.

174 (h) If the commissioner finds that any charter school uses a grant
175 under this section for a purpose that is inconsistent with the provisions
176 of this part, the commissioner may require repayment of such grant to
177 the state.

178 (i) Charter schools shall receive, in accordance with federal law and
179 regulations, any federal funds available for the education of any pupils
180 attending public schools.

181 (j) The governing council of a charter school may (1) contract or
182 enter into other agreements for purposes of administrative or other
183 support services, transportation, plant services or leasing facilities or
184 equipment, and (2) receive and expend private funds or public funds,
185 including funds from local or regional boards of education and funds
186 received by local charter schools for out-of-district students, for school
187 purposes.

188 (k) If in any fiscal year, more than one new state charter school is
189 approved pursuant to section 10-66bb and is awaiting funding
190 pursuant to the provisions of this section, the State Board of Education
191 shall determine which school is funded first based on a consideration
192 of the following factors in order of importance as follows: (1) Whether
193 the applicant has a demonstrated record of academic success by
194 students, (2) whether the school is located in a school district with a
195 demonstrated need for student improvement, and (3) whether the
196 applicant has plans concerning the preparedness of facilities, staffing
197 and outreach to students.

198 (l) Within available appropriations, the state may provide a grant in
199 an amount not to exceed seventy-five thousand dollars to any newly
200 approved state charter school that assists the state in meeting the goals
201 of the 2008 stipulation and order for Milo Sheff, et al. v. William A.
202 O'Neill, et al., as determined by the Commissioner of Education, for
203 start-up costs associated with the new charter school program.

204 (m) Charter schools may, to the same extent as local and regional
205 boards of education, enter into cooperative arrangements as described
206 in section 10-158a, provided such arrangements are approved by the
207 Commissioner of Education. Any state charter school participating in a
208 cooperative arrangement under this subsection shall maintain its
209 status as a state charter school and not be excused from any obligations
210 pursuant to sections 10-66aa to 10-66ll, inclusive.

This act shall take effect as follows and shall amend the following sections:

Section 1	<i>July 1, 2009</i>	10-66o
Sec. 2	<i>July 1, 2009</i>	10-158a
Sec. 3	<i>July 1, 2009</i>	10-66ee

PD *Joint Favorable Subst.*

The following Fiscal Impact Statement and Bill Analysis are prepared for the benefit of the members of the General Assembly, solely for purposes of information, summarization and explanation and do not represent the intent of the General Assembly or either chamber thereof for any purpose. In general, fiscal impacts are based upon a variety of informational sources, including the analyst's professional knowledge. Whenever applicable, agency data is consulted as part of the analysis, however final products do not necessarily reflect an assessment from any specific department.

OFA Fiscal Note

State Impact:

Agency Affected	Fund-Effect	FY 10 \$	FY 11 \$
Education, Dept.	GF - None	None	None

Note: GF=General Fund

Municipal Impact:

Municipalities	Effect	FY 10 \$	FY 11 \$
Local and Regional School Districts	Savings	Potential	Potential

Explanation

The bill, which allows boards of education to agree to establish cooperative arrangements to provide special education, transportation services, and health care services, could result in a potential savings to municipalities if the cooperative arrangements achieve greater economies of scale. It is anticipated that if the cooperative arrangements are more costly, local boards of education would not participate.

The bill also allows charter schools to enter into cooperative arrangements to the same extent as boards of education, if the education commissioner approves. This is not anticipated to result in a fiscal impact to the state or to municipalities since charter school funding is derived from the per pupil grant, which is not impacted by cooperative agreements.

The Out Years

The annualized ongoing fiscal impact identified above would continue into the future subject to inflation.

Sources: State Department of Education

OLR Bill Analysis**sSB 1016*****AN ACT CONCERNING VOLUNTARY REGIONALIZATION OF CERTAIN SCHOOL DISTRICT SERVICES.*****SUMMARY:**

This bill allows boards of education to agree to establish cooperative arrangements to provide special education, health care, and transportation services. They can already establish these arrangements to provide school accommodation services, programs, or activities. Additionally, the bill allows charter schools to enter into cooperative arrangements to the same extent as boards of education, if the education commissioner approves. The bill specifies that any charter school participating in cooperative arrangements maintains its status as a state charter school and must meet the obligations of the charter school laws.

The bill allows the State Department of Education (SDE) to give special consideration to grant applications indicating the use of regional education service center services or joint purchasing agreements among boards to purchase special education, health care, and transportation services. SDE can already do this with regard to purchasing supplies, testing materials, and food or food services.

EFFECTIVE DATE: July 1, 2009

BACKGROUND***Legislative History***

On April 29 the Senate referred the bill (File 715) to the Planning and Development Committee, which favorably reported a substitute that added health care to the types of services covered by the bill.

COMMITTEE ACTION

Education Committee

Joint Favorable Substitute

Yea 32 Nay 0 (04/01/2009)

Planning and Development Committee

Joint Favorable Substitute

Yea 16 Nay 0 (05/04/2009)