



General Assembly

January Session, 2009

Raised Bill No. 1142

LCO No. 5042

05042_____ED_

Referred to Committee on Education

Introduced by:
(ED)

AN ACT CONCERNING RELIEF OF STATE MANDATES ON SCHOOL DISTRICTS.

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

1 Section 1. Subsection (g) of section 10-233c of the general statutes is
2 repealed and the following is substituted in lieu thereof (*Effective from*
3 *passage*):

4 (g) On and after July 1, [2009] 2011, suspensions pursuant to this
5 section shall be in-school suspensions, unless during the hearing held
6 pursuant to subsection (a) of this section, the administration
7 determines that the pupil being suspended poses such a danger to
8 persons or property or such a disruption of the educational process
9 that the pupil shall be excluded from school during the period of
10 suspension. An in-school suspension may be served in the school that
11 the pupil attends, or in any school building under the jurisdiction of
12 the local or regional board of education, as determined by such board.

13 Sec. 2. Subsection (c) of section 10-151 of the general statutes is
14 repealed and the following is substituted in lieu thereof (*Effective July*
15 *1, 2009*):

16 (c) The contract of employment of a teacher who has not attained
17 tenure may be terminated at any time for any of the reasons
18 enumerated in subdivisions (1) to (6), inclusive, of subsection (d) of
19 this section; otherwise the contract of such teacher shall be continued
20 into the next school year unless such teacher receives written notice by
21 [April] May first in one school year that such contract will not be
22 renewed for the following year. Upon the teacher's written request, a
23 notice of nonrenewal or termination shall be supplemented within
24 seven days after receipt of the request by a statement of the reason or
25 reasons for such nonrenewal or termination. Such teacher, upon
26 written request filed with the board of education within twenty days
27 after the receipt of notice of termination, or nonrenewal shall be
28 entitled to a hearing, except as provided in this subsection, (A) before
29 the board, (B) if indicated in such request and if designated by the
30 board, before an impartial hearing panel established and conducted in
31 accordance with the provisions of subsection (d) of this section, or (C)
32 if the parties mutually agree before a single impartial hearing officer
33 chosen by the teacher and the superintendent in accordance with the
34 provisions of subsection (d) of this section. Such hearing shall
35 commence within fifteen days after receipt of such request unless the
36 parties mutually agree to an extension not to exceed fifteen days. The
37 impartial hearing panel or officer or a subcommittee of the board of
38 education, if the board of education designates a subcommittee of
39 three or more board members to conduct hearings, shall submit
40 written findings and recommendations to the board for final
41 disposition. The teacher shall have the right to appear with counsel of
42 the teacher's choice at the hearing. A teacher who has not attained
43 tenure shall not be entitled to a hearing concerning nonrenewal if the
44 reason for such nonrenewal is either elimination of position or loss of
45 position to another teacher. The board of education shall rescind a
46 nonrenewal decision only if the board finds such decision to be
47 arbitrary and capricious. Any such teacher whose contract is
48 terminated for the reasons enumerated in subdivisions (3) and (4) of
49 subsection (d) of this section shall have the right to appeal in

50 accordance with the provisions of subsection (e) of this section.

51 Sec. 3. Subsection (c) of section 10-16p of the general statutes is
52 repealed and the following is substituted in lieu thereof (*Effective July*
53 *1, 2009*):

54 (c) The Commissioner of Education, in consultation with the
55 Commissioner of Social Services, shall establish a grant program to
56 provide spaces in accredited school readiness programs for eligible
57 children who reside in priority school districts pursuant to section 10-
58 266p or in former priority school districts as provided in this
59 subsection. Under the program, the grant shall be provided, in
60 accordance with this section, to the town in which such priority school
61 district or former priority school district is located. Eligibility shall be
62 determined for a five-year period based on an applicant's designation
63 as a priority school district for the initial year of application, except
64 that if a school district that receives a grant pursuant to this subsection
65 is no longer designated as a priority school district at the end of such
66 five-year period, such former priority school district shall continue to
67 be eligible to receive a grant pursuant to this subsection. Grant awards
68 shall be made annually contingent upon available funding and a
69 satisfactory annual evaluation. Grant payments shall be adjusted in
70 accordance with reports of space availability in accredited school
71 readiness programs for eligible children submitted to the
72 commissioner every other month. The chief elected official of such
73 town and the superintendent of schools for such priority school district
74 or former priority school district shall submit a plan for the
75 expenditure of grant funds and responses to the local request for
76 proposal process to the Departments of Education and Social Services.
77 The departments shall jointly review such plans and shall each
78 approve the portion of such plan within its jurisdiction for funding.
79 The plan shall: (1) Be developed in consultation with the local or
80 regional school readiness council established pursuant to section 10-
81 16r; (2) be based on a needs and resource assessment; (3) provide for
82 the issuance of requests for proposals for providers of accredited

83 school readiness programs, provided, after the initial requests for
84 proposals, facilities that have been approved to operate a child care
85 program financed through the Connecticut Health and Education
86 Facilities Authority and have received a commitment for debt service
87 from the Department of Social Services pursuant to section 17b-749i,
88 are exempt from the requirement for issuance of annual requests for
89 proposals; and (4) identify the need for funding pursuant to section
90 17b-749a in order to extend the hours and days of operation of school
91 readiness programs in order to provide child day care services for
92 children attending such programs.

93 Sec. 4. Subdivision (1) of subsection (d) of section 10-76h of the
94 general statutes is repealed and the following is substituted in lieu
95 thereof (*Effective July 1, 2009*):

96 (d) (1) In making a determination as to the issues in dispute, the
97 hearing officer or board shall review the evidence presented in the
98 hearing with the burden of proof on the party requesting the hearing.
99 The hearing officer or board [shall have the authority (A) to] may (A)
100 confirm, modify, or reject the identification, evaluation or educational
101 placement of or the provision of a free appropriate public education to
102 the child or pupil, (B) [to] determine the appropriateness of an
103 educational placement where the parent or guardian of a child
104 requiring special education or the pupil if such pupil is an
105 emancipated minor or eighteen years of age or older, has placed the
106 child or pupil in a program other than that prescribed by the planning
107 and placement team, or (C) [to] prescribe alternate special educational
108 programs for the child or pupil. If the parent or guardian of such a
109 child who previously received special education and related services
110 from the district enrolls the child, or the pupil who previously received
111 special education and related services from the district enrolls in a
112 private elementary or secondary school without the consent of or
113 referral by the district, a hearing officer may, in accordance with the
114 Individuals with Disabilities Education Act, 20 USC 1400 et seq., as
115 amended from time to time, require the district to reimburse the

116 parents or the pupil for the cost of that enrollment if the hearing officer
117 finds that the district had not made a free appropriate public education
118 available to the child or pupil in a timely manner prior to that
119 enrollment. In the case where a parent or guardian, or pupil if such
120 pupil is an emancipated minor or is eighteen years of age or older, or a
121 surrogate parent appointed pursuant to section 10-94g, has refused
122 consent for initial evaluation or reevaluation, the hearing officer or
123 board may order an initial evaluation or reevaluation without the
124 consent of such parent, guardian, pupil or surrogate parent except that
125 if the parent, guardian, pupil or surrogate parent appeals such decision
126 pursuant to subdivision (4) of this subsection, the child or pupil may
127 not be evaluated or placed pending the disposition of the appeal. The
128 hearing officer or board shall inform the parent or guardian, or the
129 emancipated minor or pupil eighteen years of age or older, or the
130 surrogate parent appointed pursuant to section 10-94g, or the
131 Commissioner of Children and Families, as the case may be, and the
132 board of education of the school district or the unified school district of
133 the decision in writing and mail such decision not later than forty-five
134 days after the commencement of the hearing pursuant to the
135 Individuals with Disabilities Education Act, 20 USC 1400 et seq., as
136 amended from time to time, except that a hearing officer or board may
137 grant specific extensions of such forty-five-day period in order to
138 comply with the provisions of subsection (b) of this section. The
139 hearing officer may include in the decision a comment on the conduct
140 of the proceedings. The findings of fact, conclusions of law and
141 decision shall be written without personally identifiable information
142 concerning such child or pupil, so that such decisions may be available
143 for public inspections pursuant to sections 4-167 and 4-180a.

144 Sec. 5. Subsection (b) of section 10-76d of the general statutes is
145 repealed and the following is substituted in lieu thereof (*Effective July*
146 *1, 2009*):

147 (b) In accordance with the regulations of the State Board of
148 Education, each local and regional board of education shall: (1)

149 Provide special education for school-age children requiring special
150 education who are described in subparagraph (A) of subdivision (5) of
151 section 10-76a. The obligation of the school district under this
152 subsection shall terminate when such child is graduated from high
153 school or [reaches age twenty-one] upon the child's twenty-first
154 birthday, whichever occurs first; and (2) provide special education for
155 children requiring special education who are described in
156 subparagraph (A) or (C) of subdivision (5) of section 10-76a. The State
157 Board of Education shall define the criteria by which each local or
158 regional board of education shall determine whether a given child is
159 eligible for special education pursuant to this subdivision, and such
160 determination shall be made by the board of education when
161 requested by a parent or guardian, or upon referral by a physician,
162 clinic or social worker, provided the parent or guardian so permits. To
163 meet its obligations under this subdivision, each local or regional
164 board of education may, with the approval of the State Board of
165 Education, make agreements with any private school, agency or
166 institution to provide the necessary preschool special education
167 program, provided such private facility has an existing program which
168 adequately meets the special education needs, according to standards
169 established by the State Board of Education, of the preschool children
170 for whom such local or regional board of education is required to
171 provide such an education and provided such district does not have
172 such an existing program in its public schools. Such private school,
173 agency or institution may be a facility which has not been approved by
174 the Commissioner of Education for special education, provided such
175 private facility is approved by the commissioner as an independent
176 school or licensed by the Department of Public Health as a day care or
177 nursery facility or be both approved and licensed.

178 Sec. 6. Subsection (a) of section 10-220 of the general statutes is
179 repealed and the following is substituted in lieu thereof (*Effective July*
180 *1, 2009*):

181 (a) Each local or regional board of education shall maintain good

182 public elementary and secondary schools, implement the educational
183 interests of the state as defined in section 10-4a and provide such other
184 educational activities as in its judgment will best serve the interests of
185 the school district; provided any board of education may secure such
186 opportunities in another school district in accordance with provisions
187 of the general statutes and shall give all the children of the school
188 district as nearly equal advantages as may be practicable; shall provide
189 an appropriate learning environment for its students which includes
190 (1) adequate instructional books, supplies, materials, equipment,
191 staffing, facilities and technology, (2) equitable allocation of resources
192 among its schools, (3) proper maintenance of facilities, and (4) a safe
193 school setting; shall have charge of the schools of its respective school
194 district; shall make a continuing study of the need for school facilities
195 and of a long-term school building program and from time to time
196 make recommendations based on such study to the town; shall adopt
197 and implement an indoor air quality program that provides for
198 ongoing maintenance and facility reviews necessary for the
199 maintenance and improvement of the indoor air quality of its facilities;
200 shall report [biennially] every five years to the Commissioner of
201 Education on the condition of its facilities and the action taken to
202 implement its long-term school building program and indoor air
203 quality program, which report the Commissioner of Education shall
204 use to prepare a [biennial] report every five years that said
205 commissioner shall submit in accordance with section 11-4a to the joint
206 standing committee of the General Assembly having cognizance of
207 matters relating to education; shall advise the Commissioner of
208 Education of the relationship between any individual school building
209 project pursuant to chapter 173 and such long-term school building
210 program; shall have the care, maintenance and operation of buildings,
211 lands, apparatus and other property used for school purposes and at
212 all times shall insure all such buildings and all capital equipment
213 contained therein against loss in an amount not less than eighty per
214 cent of replacement cost; shall determine the number, age and
215 qualifications of the pupils to be admitted into each school; shall

216 develop and implement a written plan for minority staff recruitment
217 for purposes of subdivision (3) of section 10-4a; shall employ and
218 dismiss the teachers of the schools of such district subject to the
219 provisions of sections 10-151 and 10-158a; shall designate the schools
220 which shall be attended by the various children within the school
221 district; shall make such provisions as will enable each child of school
222 age, residing in the district to attend some public day school for the
223 period required by law and provide for the transportation of children
224 wherever transportation is reasonable and desirable, and for such
225 purpose may make contracts covering periods of not more than five
226 years; may place in an alternative school program or other suitable
227 educational program a pupil enrolling in school who is nineteen years
228 of age or older and cannot acquire a sufficient number of credits for
229 graduation by age twenty-one; may arrange with the board of
230 education of an adjacent town for the instruction therein of such
231 children as can attend school in such adjacent town more conveniently;
232 shall cause each child five years of age and over and under eighteen
233 years of age who is not a high school graduate and is living in the
234 school district to attend school in accordance with the provisions of
235 section 10-184, and shall perform all acts required of it by the town or
236 necessary to carry into effect the powers and duties imposed by law.

237 Sec. 7. Section 10-221 of the general statutes is repealed and the
238 following is substituted in lieu thereof (*Effective July 1, 2009*):

239 (a) Boards of education shall prescribe rules for the management,
240 studies, classification and discipline of the public schools and, subject
241 to the control of the State Board of Education, the textbooks to be used;
242 shall make rules for the control, within their respective jurisdictions, of
243 school library media centers and approve the selection of books and
244 other educational media therefor, and shall approve plans for public
245 school buildings and superintend any high or graded school in the
246 manner specified in this title.

247 (b) Not later than July 1, 1985, each local and regional board of

248 education shall develop, adopt and implement written policies
249 concerning homework, attendance, promotion and retention. The
250 Department of Education shall make available model policies and
251 guidelines to assist local and regional boards of education in meeting
252 the responsibilities enumerated in this subsection.

253 (c) Boards of education may prescribe rules to impose sanctions
254 against pupils who damage or fail to return textbooks, library
255 materials or other educational materials. Said boards may charge
256 pupils for such damaged or lost textbooks, library materials or other
257 educational materials and may withhold grades, transcripts or report
258 cards until the pupil pays for or returns the textbook, library book or
259 other educational material.

260 (d) Not later than July 1, 1991, each local and regional board of
261 education shall develop, adopt and implement policies and procedures
262 in conformity with section 10-154a for (1) dealing with the use, sale or
263 possession of alcohol or controlled drugs, as defined in subsection (8)
264 of section 21a-240, by public school students on school property,
265 including a process for coordination with, and referral of such students
266 to, appropriate agencies and (2) cooperating with law enforcement
267 officials.

268 (e) Not later than July 1, 1990, each local and regional board of
269 education shall adopt a written policy and procedures for dealing with
270 youth suicide prevention and youth suicide attempts. Each such board
271 of education may establish a student assistance program to identify
272 risk factors for youth suicide, procedures to intervene with such
273 youths, referral services and training for teachers and other school
274 professionals and students who provide assistance in the program.

275 [(f) Not later than September 1, 1998, each local and regional board
276 of education shall develop, adopt and implement written policies and
277 procedures to encourage parent-teacher communication. These policies
278 and procedures may include monthly newsletters, required regular
279 contact with all parents, flexible parent-teacher conferences, drop-in

280 hours for parents, home visits and the use of technology such as
 281 homework hot lines to allow parents to check on their children's
 282 assignments and students to get assistance if needed.]

283 Sec. 8. Section 10-226 of the general statutes is repealed and the
 284 following is substituted in lieu thereof (*Effective July 1, 2009*):

285 Each local and regional board of education shall [annually]
 286 biennially, before the first of October, return to the Commissioner of
 287 Education the name and the address of employment and contractual
 288 annual salary, or the equivalent thereof, of each teacher, principal and
 289 superintendent or other certified person which it employs. Each local
 290 and regional board of education shall submit to the Commissioner of
 291 Education, within seven days after receipt of notice of the decision to
 292 accept a contract offer for employment as a new superintendent, the
 293 name and address of the person accepting such offer.

294 Sec. 9. Sections 10-221g and 10-229 of the general statutes are
 295 repealed. (*Effective July 1, 2009*)

This act shall take effect as follows and shall amend the following sections:		
Section 1	<i>from passage</i>	10-233c(g)
Sec. 2	<i>July 1, 2009</i>	10-151(c)
Sec. 3	<i>July 1, 2009</i>	10-16p(c)
Sec. 4	<i>July 1, 2009</i>	10-76h(d)(1)
Sec. 5	<i>July 1, 2009</i>	10-76d(b)
Sec. 6	<i>July 1, 2009</i>	10-220(a)
Sec. 7	<i>July 1, 2009</i>	10-221
Sec. 8	<i>July 1, 2009</i>	10-226
Sec. 9	<i>July 1, 2009</i>	Repealer section

Statement of Purpose:

To delay the implementation of the in-school suspension mandate until July 1, 2011; to change the date in which a teacher is notified that his or her contract will not be renewed from April first to May first; to require that providers of school readiness programs submit space

allotment reports every other month; to establish that the burden of proof lies with the party requesting a special education hearing; to provide that a local or regional board of education's commitment to provide special education to a child terminates upon the child's twenty-first birthday; and to eliminate certain reporting requirements on local and regional boards of education.

[Proposed deletions are enclosed in brackets. Proposed additions are indicated by underline, except that when the entire text of a bill or resolution or a section of a bill or resolution is new, it is not underlined.]