

Education Committee
March 8, 2010

Testimony of Mark K. McQuillan, Commissioner of Education

ON

Raised Bills 379, 5421, 5425, 5426, 380, 376, 377, and 5422

Raised Bill 379: AN ACT CONCERNING VOCATIONAL-TECHNICAL SCHOOLS

The Department opposes in part and supports in part the provisions contained in Raised Bill 379, An Act Concerning Vocational-Technical Schools. While the Department understands and appreciates the General Assembly's concern for the technical high school system, the Department feels that many of the provisions in this bill will not address the issues at hand and, in fact, could potentially cause further harm. The Superintendent of the Technical High School System will expand on our position on this bill in her testimony however there are two provisions in the bill that directly impact the State Board of Education which I would like to address.

First, section 1 of this bill prohibits the State Board of Education from closing or suspending operations of any technical high school for more than six months unless a formal vote is taken. The Department firmly believes that I acted within my authority under section 10-95 of the General Statutes when I acted to suspend operations at J.M. Wright Technical High School last summer. However, we understand the General Assembly's desire for a procedural clarification on this issue moving forward and we support this provision of the bill.

Section 2 of the bill requires that two members of the State Board of Education have industrial trade or technical school experience. The Department supports this concept given the important role that the Board plays in overseeing the technical high school system. However, the Department has some concerns about the implementation of this provision given that the Board currently has twelve active members. We recommend that either the proposal be revised to expand the Board membership by two members or that the effective date be pushed back until July 2011, as five members of our Board are up for reappointment in March of 2011.

Raised Bill 5421: AN ACT CONCERNING EDUCATORS AND ADMINISTRATORS

The Department has concerns with Raised Bill 5421 which seeks to establish an alternate route to certification program for administrators and superintendents as well as to change current law to allow nonpublic school teaching experience to count towards teacher certification.

Section 2: Alternate Route to Certification for Principals and Superintendents

Section 2 of the bill requires the Department to work with the Department of Higher Education (DHE) to develop an alternate route to certification program (ARC) for school administrators and superintendents. The Department understands that this proposal is intended to assist the state with its application for Race to the Top. However, the statutory authority to develop an ARC for school administrators already exists as does the authority for such programs to be offered by a variety of entities other than the Department of Education or the Department of Higher Education, as proposed in the bill. In fact, the Capitol Region Education Council (CREC) has already begun the process of developing an ARC program that would offer participants an advanced certificate program in intermediate administration and supervision. The approval visit for this program will occur this spring, and this program will be presented to the State Board of Education for formal approval in June 2010. If approved, the program will admit candidates beginning in fall 2010.

The bill also proposes revising the current admissions standards for ARC programs. Current statute already defines the admissions requirements for alternative route candidate in both 10-145b(c) and 10-145m of the General Statutes. These requirements include: possessing an undergraduate degree with a GPA of a B or higher, presenting evidence of appropriate experience working with children, and successful completion of any testing requirements, such as the Praxis I or Praxis II. In addition, ARC candidates are also currently required to work under close supervision during their first year of teaching, as is proposed in the bill. While the Department views the current standards as fair and flexible, we are happy to discuss the proposed revisions included in this bill to see if additional changes are necessary.

Of note, while the bill proposes that an ARC program be offered for superintendents, as well as school administrators, the certification requirements for Superintendents and school administrators are quite different. Therefore, a completely separate ARC program for Superintendents would have to be established and the Department recommends that the admissions standards and guidelines for such a program be considered separately from the proposal laid out in this bill. In addition, the Department does not currently have the resources to develop such a program, as required under this bill.

Finally, it must be clarified that the matter of principal shortage in Connecticut is not due to a shortage of certified candidates. In the 2008-2009 school year, approximately 3000 school administrators obtained initial their certification. The shortage in the state reflects the challenge many districts face in attracting candidates to apply and take positions as principals due to concerns that many candidates have relating to salary and working conditions.

Sections 3 and 4: Teaching in Non-Public Schools

The Department opposes the changes proposed in Section 3 which seeks to repeal a change made just last session which disallows the use of non-public school experience for the purposes of issuing a professional certificate. The reason this change was proposed last session is that non-public school teachers have no obligation to complete the teacher mentoring program or the continuing education requirements public school teachers must complete yet they can transfer into the public schools at any time and reap the same benefits. We believe this provision should remain in statute and oppose the proposed change in Section 3.

The Department also opposes the changes proposed in Section 4 of this bill which seek to allow students enrolled in a teacher preparation program to complete their student teaching in a non-public school. Student teachers are required under statute to be paired with cooperating teachers that are trained by the Department of Education. The Department does not provide such training for non-public school teachers nor can we use state funds to do so. Further, non-public schools do not use standardized curriculum nor do they offer special education services in the same manner as traditional public schools. Therefore, student teachers that work in a non-public school will not have the same experience student teaching in a non-public school that they will have in a public school and the Department opposes this provision.

Raised Bill 5425: AN ACT CONCERNING SPECIAL EDUCATION

The Department opposes in part and supports in part Raised Bill 5425, An Act Concerning Special Education.

Section 1: Membership of the State Advisory Council for Special Education

The Department strongly supports section 1 of this bill which contains proposed revisions to the membership of the State Advisory Council for Special Education. The Part B Application submitted by the State Department of Education for federal funding under IDEA requires that the state provide an assurance that “the State has established and maintains an advisory panel for the purpose of providing policy guidance with respect to special education and related services for children with disabilities in the State as found in 20 U.S.C. 1412(a)(21)(A)-(D); 34 CFR §§300.167-300.169.” The federal law requires the advisory panel to be composed of at least 20 members, who are representative of the state population, and a majority of the members of the panel must be individuals with disabilities or parents of children with disabilities from birth through age 26.

Connecticut’s State Advisory Council for Special Education (SAC) is currently composed of at least 38 members, appointed by various appointing authorities. The SAC is currently nearly twice as large as the federal rules require. Reduction in membership consistent with the membership requirements of the federal law is recommended to improve the functionality of the SAC.

In the past, only a few legislators made their appointments as required by statute. Also, the legislators who were appointed as members of the SAC rarely attend meetings. As a result, the SAC has frequently been forced to carry out its functions with less than 50% of its intended and authorized membership. To address this issue, this proposal reduces the number of legislative appointments and makes the legislators serving on the committee non-voting members.

In addition, by allowing the appointments of individuals with disabilities and the parents of children with disabilities to be made by the Commissioner of Education and the Governor’s Office, as proposed, the Council is more likely to achieve a membership composed of the desired ethnic diversity and a balanced representation of disabilities, as required by the Federal law.

Section 2: Credential Requirements for Individuals Providing Behavior Analytic Services to Public School Children

Pursuant to Public Act 09-01 of the June 19th Special Session, the Department worked with the Office of the Attorney General to report on the provision of applied behavioral analytic services to children in the state. The Department issued recommendations on December 3, 2009, regarding certification or licensure for individuals who may provide applied behavioral analysis services for children who require such services. For the most part, the language in this bill reflects these recommendations however we offer two proposed changes.

First, we recommend strengthening the language concerning individuals who hold BCBA certification who work in public schools to ensure that they have appropriate school based experiences and training by requiring that the holder of BCBA certification must also hold a master's degree in a related education or human services field and have successfully completed 300 hours of school-based behavior analytic services within the preschool, elementary or secondary educational settings specific to the population to be served. In addition, we recommend that public schools not be required to contract external personnel to provide behavior analytic services to children with autism in lieu of other are certified educators or licensed support services providers who are currently providing behavior analytic services.

Section 4. Financial Responsibility of Students with Disabilities

Section 4 of this bill seeks to require that the school district in which a child resided prior to moving to another school district remain financially responsible for the child's special education program for the duration of the school year if the child moved to a new school district after October 1 of the school year. The Department has concerns with this proposal as drafted for the intent of the proposal is uncertain and there are some important issues that need to be addressed if this proposal were to move forward.

For example, once the child moves to another school district, that district becomes responsible for ensuring the child receives a free appropriate public education as required under the Federal Individuals with Disabilities Education Act, however, the financial responsibility of the school district would remain with the prior school district of residence. It is unclear from the bill as drafted however whether the former school district would be required to pay the current school district for the cost of the special education being provided to the student even if the new school district changes the child's program and placement. In addition, because responsibility for the child's program is with the new town of residence, the new school district would be a necessary party to any challenge to the child's program or placement; however, if financial responsibility is assigned to another school district, it is unclear whether both districts have to be named in any due process proceeding.

Raised Bill 5426: AN ACT CONCERNING INDIVIDUALIZED EDUCATION PROGRAMS

The Department opposes Raised Bill 5425, An Act Concerning Individualized Education Programs. This bill seeks to require that the State Board of Education develop a streamlined process for the administration of individualized education programs (IEP), including, creating an IEP form that clearly and adequately records all relevant information necessary for students in need of special education services.

The process in which an IEP is reviewed, revised and developed is governed by federal law under IDEA to which the Department of Education is bound. Therefore, the Department has little to no flexibility to amend the process for administering such IEP. In addition, the IEP form already includes an exhaustive list of required elements as identified in IDEA. The State Department provides a model IEP form for use in the public schools. The state IEP form has been reviewed and revised with each successive congressional reauthorization of the Individuals with Disabilities Education Act to ensure all of the elements required by the IDEA as well as by state statute and regulation are included in the form and that the form is user friendly. The Department convenes stakeholder groups periodically to address required changes to the IEP as per revisions to IDEA and already has a stakeholder group scheduled for this summer to convene to examine any further required changes as well as to examine revisions that would be helpful for its implementation.

As such, the Department must oppose this bill as unnecessary and overly burdensome.

Raised Bill 380: AN ACT CONCERNING EARLY CHILDHOOD EDUCATION CREDENTIALING

The Department opposes Raised Bill 380 which seeks to require the Department use unexpended school readiness funds to provide professional development to school readiness staff for the purpose of satisfying the new staff qualifications requirements, effective in 2015. Current law already requires the Department to develop a continuing education program for the staff of school readiness programs, under section 10-16p(b). In addition, the new staff qualifications currently in statute and effective in 2015 require school readiness classrooms to be staffed with teachers who hold (1) a bachelor's degree from an accredited higher education institution in early childhood education, child development, or a related commissioner-approved field; or (2) a teaching certificate with a special education or early childhood endorsement. A professional development program offered by the Department is not going to assist school readiness staff in achieving that goal.

As such, the Department opposes Raised Bill 380 and reiterates its support for Raised Bill 275, An Act Concerning Staff Qualifications for School Readiness Programs for 2015.

Raised Bill 376: AN ACT CONCERNING AUTHORIZATION OF STATE GRANT COMMITMENTS FOR SCHOOL BUILDING PROJECTS AND CONCERNING CHANGES TO THE STATUTES CONCERNING SCHOOL BUILDING PROJECTS

Raised Bill 376 contains the school construction priority list that the Department of Education submits annually to the General Assembly for approval. The Department of Education supports this bill.

Raised Bill 377: AN ACT CONCERNING SCHOOL CONSTRUCTION PROJECTS

Raised Bill 377 requires that a local or regional school board include a life-cycle cost analysis approved by the Department of Public Works in its initial application for a school construction grant. The Department opposes this bill as the life-cycle cost analysis as reviewed and approved by the Department of Public Works is already required as part of the architectural plan review process conducted by the Department of Education pursuant to section 10-292 of the General Statutes. Raised Bill 377 requires that this analysis be conducted at the very beginning of the school construction grant process, long before final architectural plans and specifications are currently created. The proposal is further complicated in that most school districts are hesitant to contract with an architectural firm for final design specifications prior to the authorization of the state school construction grant. It is unrealistic to expect design specifications to be sufficiently developed prior to the time of the school construction grant application (and prior to the authorization of the school construction grant commitment) for the Department of Public Works to complete such an analysis prior to the submission of the school construction grant application.

Raised Bill 5422: AN ACT CONCERNING MINOR REVISIONS TO THE EDUCATION STATUTES

The Department strongly supports section 3, 4, 5, 6, and 7 in Raised Bill 5422, An Act Concerning Minor Revisions to the Education Statute which seek to revise reporting requirements at the state and local level as well as to require an investigation into the effectiveness of mandatory postural screenings. In addition to the minor revisions included in this bill, the Department would ask that a handful of other minor changes be included in this bill, as delineated below.

Section 3 of this bill makes the Department of Education's annual report to the General Assembly concerning charter schools a biennial rather than annual report. Currently, the Department is required to annually report to the General Assembly on the operation of charter schools. The statute requires that this report address four issues: (1) an assessment of the adequacy of funding for charter schools; (2) adequacy and availability of suitable facilities; (3) statutory changes facilitating expansion of the number of charter schools; and (4) a compilation of school profiles. Items (1) through (3) may result in potential increases to the state appropriation. Since the legislature does not ordinarily address such funding issues during the second year of the biennium, the proposal is to provide that the report be submitted every other year so that its submission is concurrent with the preparation of the state biennial budget. This report was last submitted in June 2008.

Section 4 of this bill eliminates the requirement that each local and regional board of education participating in the school breakfast grant program submit a financial statement of expenditures to the department on or before September first of each fiscal year and instead provide that such submission be made at such time and in such manner as prescribed by the Commissioner of Education, and specify that if the Commissioner finds that any school breakfast grant recipient has used grant dollars for purposes which are not in conformity with the purposes of this statute, the Commissioner shall, rather than may, require repayment to the state. In

accordance with § 210.19(a)(2) in the United States Department of Agriculture's (USDA) Code of Federal Regulations for the National School Lunch Program, the State Department of Education requires all school districts participating in the National School Lunch and School Breakfast Programs to submit an Annual Revenue and Expenditure Report. These reports are reviewed and if a district demonstrates that they have exceeded three months' operating expenses, they are required to submit corrective action on how they will expend these excess funds. Since the report reflects *all* income and expenses for *all* school related to the Child Nutrition Programs, the School Breakfast Program funding is part of this report. Therefore, the submission of two reports, one for the entire program and one for the state School Breakfast Program, are unnecessary and duplicative.

Sections 5 and 6 of this bill seek to reduce the Youth Service Bureau (YSB) reporting requirement from an annual report to a biennial report. Current law requires the Commissioner to report to the General Assembly on an annual basis the referral or diversion of children under the age of eighteen years from the juvenile justice system and the court system. The purpose of this change is to reduce the burden on the YSB's that have limited resources and to give the Department more time to collect better data about the impact of the YSB on the community and its youth and to conduct a higher quality analysis on that data.

Section 7 of this bill establishes a committee to conduct investigational research as to the efficacy of mandatory annual screenings for each pupil in grades five to nine inclusive, as mandated in subsection (c) of section 10-214 of the General Statutes. There is currently a lack of evidence on the effectiveness of scoliosis screenings (postural screenings). The United States Preventive Services Task Force (USPSTF) recommends against the routine screening of asymptomatic adolescents for idiopathic scoliosis. The USPSTF did not find good evidence that screening asymptomatic adolescents detects idiopathic scoliosis at an earlier stage than detection without screening. The accuracy of the most common screening test (the forward bending test with or without a scoliometer) in identifying adolescents with idiopathic scoliosis is variable, and there is evidence of poor follow-up of adolescents with idiopathic scoliosis who are identified in community screening programs such as school programs. The USPSTF found fair evidence that treatment of idiopathic scoliosis during adolescence leads to health benefits (decreased pain and disability) in only a small proportion of people. Most cases detected through screening will not progress to a clinically significant form of scoliosis. Scoliosis needing aggressive treatment, such as surgery, is likely to be detected without screening. The USPSTF found fair evidence that treatment of adolescents with idiopathic scoliosis detected through screening leads to moderate harms, including unnecessary brace wear and unnecessary referral for specialty care. As a result, the USPSTF concluded that the harms of screening adolescents for idiopathic scoliosis exceed the potential benefits.

In addition to the above provisions, the Department seeks to include the following additional minor revisions to this bill:

- 1. Update the statutory terminology that refers to the state's technical high schools:**
Several years ago the State Board of Education renamed the regional vocational-technical schools to be "technical high schools" in order to more accurately reflect the programs that

are offered in that school system. The department requests that the statutes be updated to conform to that change.

2. **State Education Resource Center:** The Department requests that the subsection (a) of section 10-4q of the General Statutes be amended to clarify that the State Education Resource Center is separate non-profit entity and not a government agency or a quasi-government agency.
3. **Extend the Term for Arbitrators:** By statute, the Department is required to have a panel of arbitrators with a minimum of twenty-four members but the appointment is only for two years. Every time Department must fill these positions, which is regularly, the Department must advertise in the law journal which costs thousands of dollars and a great deal of staff time is spent managing the interview process. Therefore, the Department recommends extending the length of the appointment from two years to four years to minimize costs and the administrative burden on the department.
4. **Raise Apprenticeship Tuition:** The Department proposes to raise the apprenticeship tuition rate to \$200 to help cover the actual program costs. The statutory tuition cap of \$100 set in 1992 has restricted the Department of Education's ability to cover actual program costs. An audit done by the Auditors of Public Accounts in June 2000 cited the problem of insufficient revenue to support the Vocational Education Extension Fund activities. The problem has continued since then. During the most recently completed fiscal year (FY 2008), apprenticeship operating costs (including payroll, fringe benefits, and supply costs) exceeded tuition collected by more than \$237,000. The cumulative deficit since the June 2000 audit citation stands at \$626,387 as of June 30, 2008. The apprenticeship program is administered by the Department of Labor.
5. **Paraprofessional reporting:** The Department recommends removing the requirement for the quarterly legislative reporting for paraprofessionals in section 10-155k of the General Statutes since this requirement was originally tied to funding which has since been eliminated.