



General Assembly

Substitute Bill No. 5422

February Session, 2010

* _____HB05422ED_____032210_____*

AN ACT CONCERNING MINOR REVISIONS TO THE EDUCATION STATUTES.

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

1 Section 1. Section 10-264o of the 2010 supplement to the general
2 statutes is repealed and the following is substituted in lieu thereof
3 (*Effective from passage*):

4 Notwithstanding any provision of this chapter, interdistrict magnet
5 schools that begin operations on or after July 1, 2008, pursuant to the
6 2008 stipulation and order for Milo Sheff, et al. v. William A. O'Neill, et
7 al., as determined by the Commissioner of Education, may operate
8 without district participation agreements and enroll students from any
9 district through a lottery designated by the commissioner. For the
10 fiscal year ending June 30, 2009, any tuition charged to a local or
11 regional board of education by a regional educational service center
12 operating such an interdistrict magnet school shall be in an amount
13 equal to at least seventy-five per cent of the difference between the
14 estimated per pupil cost less the state magnet grant pursuant to
15 subsection (c) of section 10-264l and any revenue from other sources as
16 determined by the interdistrict magnet school operator. For the fiscal
17 year ending June 30, 2010, any tuition charged to a local or regional
18 board of education by a regional educational service center operating
19 an interdistrict magnet school for any student enrolled in such

20 interdistrict magnet school shall be in an amount equal to at least
21 ninety per cent of the difference between (1) the average per pupil
22 expenditure of the magnet school for the prior fiscal year, and (2) the
23 amount of any per pupil state subsidy calculated under subsection (c)
24 of [this] section 10-264i plus any revenue from other sources calculated
25 on a per pupil basis. For the fiscal year ending June 30, 2011, and each
26 fiscal year thereafter, any tuition charged to a local or regional board of
27 education by a regional educational service center operating an
28 interdistrict magnet school for any student enrolled in such
29 interdistrict magnet school shall be in an amount equal to the
30 difference between (A) the average per pupil expenditure of the
31 magnet school for the prior fiscal year, and (B) the amount of any per
32 pupil state subsidy calculated under subsection (c) of [this] section 10-
33 264i plus any revenue from other sources calculated on a per pupil
34 basis. If any such board of education fails to pay such tuition, the
35 commissioner may withhold from such board's town or towns a sum
36 payable under section 10-262i in an amount not to exceed the amount
37 of the unpaid tuition to the magnet school and pay such money to the
38 fiscal agent for the magnet school as a supplementary grant for the
39 operation of the interdistrict magnet school program. In no case shall
40 the sum of such tuitions exceed the difference between (i) the total
41 expenditures of the magnet school for the prior fiscal year, and (ii) the
42 total per pupil state subsidy calculated under subsection (c) of [this]
43 section 10-264i plus any revenue from other sources. The
44 commissioner may conduct a comprehensive review of the operating
45 budget of a magnet school to verify such tuition rate.

46 Sec. 2. Subsection (c) of section 10-151 of the general statutes is
47 repealed and the following is substituted in lieu thereof (*Effective July*
48 *1, 2010*):

49 (c) The contract of employment of a teacher who has not attained
50 tenure may be terminated at any time for any of the reasons
51 enumerated in subdivisions (1) to (6), inclusive, of subsection (d) of
52 this section; otherwise the contract of such teacher shall be continued

53 into the next school year unless such teacher receives written notice by
54 [April] May first in one school year that such contract will not be
55 renewed for the following year. Upon the teacher's written request, a
56 notice of nonrenewal or termination shall be supplemented within
57 seven days after receipt of the request by a statement of the reason or
58 reasons for such nonrenewal or termination. Such teacher, upon
59 written request filed with the board of education within twenty days
60 after the receipt of notice of termination, or nonrenewal shall be
61 entitled to a hearing, except as provided in this subsection, [(A)] (1)
62 before the board, [(B)] (2) if indicated in such request and if designated
63 by the board, before an impartial hearing panel established and
64 conducted in accordance with the provisions of subsection (d) of this
65 section, or [(C)] (3) if the parties mutually agree before a single
66 impartial hearing officer chosen by the teacher and the superintendent
67 in accordance with the provisions of subsection (d) of this section. Such
68 hearing shall commence within fifteen days after receipt of such
69 request unless the parties mutually agree to an extension not to exceed
70 fifteen days. The impartial hearing panel or officer or a subcommittee
71 of the board of education, if the board of education designates a
72 subcommittee of three or more board members to conduct hearings,
73 shall submit written findings and recommendations to the board for
74 final disposition. The teacher shall have the right to appear with
75 counsel of the teacher's choice at the hearing. A teacher who has not
76 attained tenure shall not be entitled to a hearing concerning
77 nonrenewal if the reason for such nonrenewal is either elimination of
78 position or loss of position to another teacher. The board of education
79 shall rescind a nonrenewal decision only if the board finds such
80 decision to be arbitrary and capricious. Any such teacher whose
81 contract is terminated for the reasons enumerated in subdivisions (3)
82 and (4) of subsection (d) of this section shall have the right to appeal in
83 accordance with the provisions of subsection (e) of this section.

84 Sec. 3. Section 10-66gg of the general statutes is repealed and the
85 following is substituted in lieu thereof (*Effective from passage*):

86 [Within] Not later than January 1, 2011, and biennially thereafter,
87 within available appropriations, the Commissioner of Education shall
88 [annually,] review and report, in accordance with the provisions of
89 section 11-4a, on the operation of such charter schools as may be
90 established pursuant to sections 10-66aa to 10-66ff, inclusive, as
91 amended by this act, to the joint standing committee of the General
92 Assembly having cognizance of matters relating to education. Such
93 report shall include: (1) Recommendations for any statutory changes
94 that would facilitate expansion in the number of charter schools; (2) a
95 compilation of school profiles pursuant to section 10-66cc; (3) an
96 assessment of the adequacy of funding pursuant to section 10-66ee; []
97 and (4) the adequacy and availability of suitable facilities for such
98 schools.

99 Sec. 4. Subsection (d) of section 10-266w of the general statutes is
100 repealed and the following is substituted in lieu thereof (*Effective from*
101 *passage*):

102 (d) Each local and regional board of education participating in the
103 grant program shall prepare a financial statement of expenditures
104 [which] that shall be submitted to the department [on or before
105 September first of the fiscal year immediately following each fiscal
106 year in which the school district participates in the grant program]
107 annually at such time and in such manner as the Commissioner of
108 Education prescribes. If the commissioner finds that any school
109 breakfast grant recipient uses such grant for purposes which are not in
110 conformity with the purposes of this section, the commissioner [may]
111 shall require repayment of the grant to the state.

112 Sec. 5. Subsection (c) of section 10-19m of the 2010 supplement to
113 the general statutes is repealed and the following is substituted in lieu
114 thereof (*Effective July 1, 2010*):

115 (c) The Commissioner of Education shall adopt regulations, in
116 accordance with the provisions of chapter 54, establishing minimum
117 standards for such youth service bureaus and the criteria for qualifying

118 for state cost-sharing grants, including, but not limited to, allowable
119 sources of funds covering the local share of the costs of operating such
120 bureaus, acceptable in-kind contributions and application procedures.
121 Said commissioner shall, on December 1, [1979] 2010, and [annually]
122 biennially thereafter, report to the General Assembly on the referral or
123 diversion of children under the age of seventeen years from the
124 juvenile justice system and on the referral or diversion of children aged
125 seventeen and eighteen years from the court system. Such report shall
126 include, but not be limited to, the number of times any child is so
127 diverted, the number of children diverted, the type of service provided
128 to any such child, by whom such child was diverted, the ages of the
129 children diverted and such other information and statistics as the
130 General Assembly may request from time to time. Any such report
131 shall contain no identifying information about any particular child.

132 Sec. 6. Subsection (c) of section 10-19m of the 2010 supplement to
133 the general statutes, as amended by section 89 of public act 09-7 of the
134 September special session, is repealed and the following is substituted
135 in lieu thereof (*Effective July 1, 2012*):

136 (c) The Commissioner of Education shall adopt regulations, in
137 accordance with the provisions of chapter 54, establishing minimum
138 standards for such youth service bureaus and the criteria for qualifying
139 for state cost-sharing grants, including, but not limited to, allowable
140 sources of funds covering the local share of the costs of operating such
141 bureaus, acceptable in-kind contributions and application procedures.
142 Said commissioner shall, on December 1, [1979] 2010, and [annually]
143 biennially thereafter, report to the General Assembly on the referral or
144 diversion of children under the age of eighteen years from the juvenile
145 justice system and the court system. Such report shall include, but not
146 be limited to, the number of times any child is so diverted, the number
147 of children diverted, the type of service provided to any such child, by
148 whom such child was diverted, the ages of the children diverted and
149 such other information and statistics as the General Assembly may
150 request from time to time. Any such report shall contain no identifying

151 information about any particular child.

152 Sec. 7. (*Effective from passage*) (a) There is established a task force to
153 conduct an investigational study of the efficacy of postural screenings
154 for each pupil in grades five to nine, inclusive, pursuant to subsection
155 (c) of section 10-214 of the general statutes. The task force shall
156 consider whether legislative changes to section 10-214 of the general
157 statutes are necessary and whether to eliminate the requirement that
158 such postural screenings be conducted on an annual basis.

159 (b) The task force shall consist of the following members:

160 (1) The chairpersons and ranking members of the joint standing
161 committee of the General Assembly having cognizance of matters
162 relating to education, or their designees;

163 (2) The chairpersons and ranking members of the joint standing
164 committee of the General Assembly having cognizance of matters
165 relating to public health, or their designees;

166 (3) A member of the Association of School Nurses of Connecticut
167 appointed by the speaker of the House of Representatives;

168 (4) A member of the American Academy of Pediatrics appointed by
169 the president pro tempore of the Senate;

170 (5) A representative of school medical advisors appointed by the
171 majority leader of the House of Representatives;

172 (6) An orthopedic physician appointed by the majority leader of the
173 Senate;

174 (7) A representative of school nurse supervisors appointed by the
175 minority leader of the House of Representatives;

176 (8) A parent of a child diagnosed with scoliosis appointed by the
177 minority leader of the Senate;

178 (9) The Commissioner of Education, or the commissioner's designee;
179 and

180 (10) The Commissioner of Public Health, or the commissioner's
181 designee.

182 (c) All appointments to the task force shall be made not later than
183 thirty days after the effective date of this section. Any vacancy shall be
184 filled by the appointing authority.

185 (d) The chairperson of the task force shall be appointed by its
186 members. Such chairpersons shall schedule the first meeting of the task
187 force, which shall be held not later than sixty days after the effective
188 date of this section.

189 (e) The administrative staff of the joint standing committee of the
190 General Assembly having cognizance of matters relating to education
191 shall serve as administrative staff of the task force.

192 (f) Not later than January 1, 2011, the task force shall submit a report
193 on its findings and recommendations to the joint standing committees
194 of the General Assembly having cognizance of matters relating to
195 education and public health, in accordance with the provisions of
196 section 11-4a of the general statutes. The task force shall terminate on
197 the date that it submits such report or January 1, 2011, whichever is
198 later.

199 Sec. 8. Subdivision (2) of subsection (j) of section 10-145b of the 2010
200 supplement to the general statutes is repealed and the following is
201 substituted in lieu thereof (*Effective from passage*):

202 (2) When the Commissioner of Education is notified, pursuant to
203 section 10-149a or 17a-101i, that a person holding a certificate,
204 authorization or permit issued by the State Board of Education under
205 the provisions of sections 10-144o to 10-149, inclusive, has been
206 convicted of (A) a capital felony, pursuant to section 53a-54b, (B) arson
207 murder, pursuant to section 53a-54d, (C) a class A felony, (D) a class B

208 felony, except a violation of section 53a-122, 53a-252 or 53a-291, (E) a
209 crime involving an act of child abuse or neglect as described in section
210 46b-120, or (F) a violation of section 53-21, 53-37a, [53a-49,] 53a-60b,
211 53a-60c, 53a-71, 53a-72a, 53a-72b, 53a-73a, 53a-88, 53a-90a, 53a-99, 53a-
212 103a, 53a-181c, 53a-191, 53a-196, 53a-196c, 53a-216, 53a-217b or 21a-278
213 or subsection (a) of section 21a-277, any certificate, permit or
214 authorization issued by the State Board of Education and held by such
215 person shall be deemed revoked and the commissioner shall notify
216 such person of such revocation, provided such person may request
217 reconsideration pursuant to regulations adopted by the State Board of
218 Education, in accordance with the provisions of chapter 54. As part of
219 such reconsideration process, the board shall make the initial
220 determination as to whether to uphold or overturn the revocation. The
221 commissioner shall make the final determination as to whether to
222 uphold or overturn the revocation.

223 Sec. 9. Section 10-145i of the 2010 supplement to the general statutes
224 is repealed and the following is substituted in lieu thereof (*Effective*
225 *from passage*):

226 Notwithstanding the provisions of sections 10-144o to 10-146b,
227 inclusive, and 10-149, the State Board of Education shall not issue or
228 reissue any certificate, authorization or permit pursuant to said
229 sections if (1) the applicant for such certificate, authorization or permit
230 has been convicted of any of the following: (A) A capital felony, as
231 defined in section 53a-54b; (B) arson murder, as defined in section 53a-
232 54d; (C) any class A felony; (D) any class B felony except a violation of
233 section 53a-122, 53a-252 or 53a-291; (E) a crime involving an act of
234 child abuse or neglect as described in section 46b-120; or (F) a violation
235 of section 53-21, 53-37a, [53a-49,] 53a-60b, 53a-60c, 53a-71, 53a-72a, 53a-
236 72b, 53a-73a, 53a-88, 53a-90a, 53a-99, 53a-103a, 53a-181c, 53a-191, 53a-
237 196, 53a-196c, 53a-216, 53a-217b or 21a-278 or a violation of subsection
238 (a) of section 21a-277, and (2) the applicant completed serving the
239 sentence for such conviction within the five years immediately
240 preceding the date of the application.

241 Sec. 10. Section 10-16z of the 2010 supplement to the general statutes
242 is repealed and the following is substituted in lieu thereof (*Effective July*
243 *1, 2010*):

244 (a) There is established the Early Childhood Education Cabinet. The
245 cabinet shall consist of: (1) The Commissioner of Education, or the
246 commissioner's designee, (2) one representative from the Department
247 of Education who is responsible for programs required under the
248 Individuals With Disabilities Education Act, 20 USC 1400 et seq., as
249 amended from time to time, appointed by the Commissioner of
250 Education, (3) the Commissioner of Social Services, or the
251 commissioner's designee, (4) a representative from an institution of
252 higher education in this state appointed by the Commissioner of
253 Higher Education, (5) the Commissioner of Public Health, or the
254 commissioner's designee, (6) the Commissioner of Developmental
255 Services, or the commissioner's designee, (7) the Commissioner of
256 Mental Health and Addiction Services, or the commissioner's designee,
257 (8) the executive director of the Commission on Children, or the
258 executive director's designee, (9) the project director of the Connecticut
259 Head Start State Collaboration Office, (10) a representative from [a
260 Head Start program] the Connecticut Head Start Association
261 appointed by the minority leader of the House of Representatives, (11)
262 a representative of a local provider of early childhood education
263 appointed by the minority leader of the Senate, (12) two appointed by
264 the speaker of the House of Representatives, one of whom is a member
265 of the House of Representatives and one of whom is a parent who has
266 a child attending a school in a priority school district, (13) two
267 appointed by the president pro tempore of the Senate, one of whom is
268 a member of the Senate and one of whom is a representative of a
269 public elementary school with a prekindergarten program, (14) a
270 representative of the business or philanthropic community in this state
271 appointed by the Governor, and (15) the Secretary of the Office of
272 Policy and Management, or the secretary's designee. The chairperson
273 of the council shall be appointed from among its members by the
274 Governor. The initial terms for the members appointed pursuant to

275 subdivisions (10) to (14), inclusive, of this subsection shall terminate on
276 March 1, 2011. Terms of members appointed pursuant to said
277 subdivisions (10) to (14), inclusive, following the initial terms shall be
278 for two years.

279 (b) Within available appropriations and such private funding as
280 may be available, the Early Childhood Education Cabinet shall (1)
281 coordinate among state agencies, as well as public and private
282 partnerships, the development of services that enhance the health,
283 safety and learning of children from birth to nine years of age,
284 inclusive, (2) not later than December 1, 2009, and annually thereafter,
285 develop an annual plan of action that assigns the appropriate state
286 agency to complete the tasks specified in the federal Head Start Act of
287 2007, P.L. 110-134, as amended from time to time, and (3) not later than
288 March 1, 2010, and annually thereafter, submit an annual state-wide
289 strategic report, pursuant to said federal Head Start Act, in accordance
290 with the provisions of section 11-4a, addressing the progress such
291 agencies have made toward the completion of such tasks outlined
292 under said federal Head Start Act and this subsection to the Governor
293 and the joint standing committees of the General Assembly having
294 cognizance of matters relating to education and human services.

295 (c) The Early Childhood Education Cabinet shall be within the
296 Department of Education for administrative purposes only.

297 Sec. 11. Section 10-10a of the 2010 supplement to the general statutes
298 is repealed and the following is substituted in lieu thereof (*Effective July*
299 *1, 2010*):

300 (a) The Department of Education shall develop and implement a
301 state-wide public school information system. The system shall be
302 designed for the purpose of establishing a standardized electronic data
303 collection and reporting protocol that will facilitate compliance with
304 state and federal reporting requirements, improve school-to-school
305 and district-to-district information exchanges, and maintain the
306 confidentiality of individual student and staff data. The initial design

307 shall focus on student information, provided the system shall be
308 created to allow for future compatibility with financial, facility and
309 staff data. The system shall provide for the tracking of the performance
310 of individual students on each of the state-wide mastery examinations
311 under section 10-14n in order to allow the department to compare the
312 progress of the same cohort of students who take each examination
313 and to better analyze school performance. The department shall assign
314 a unique student identifier to each student prior to tracking the
315 performance of a student in the public school information system.

316 (b) The system database of student information shall not be
317 considered a public record for the purposes of section 1-210. Nothing
318 in this section shall be construed to limit the ability of a full-time
319 permanent employee of a nonprofit organization that is exempt from
320 taxation under Section 501(c)(3) of the Internal Revenue Code of 1986,
321 or any subsequent corresponding internal revenue code of the United
322 States, as from time to time amended, and that is organized and
323 operated for educational purposes, to obtain information in accordance
324 with the provisions of subsection (e) of this section.

325 (c) All school districts shall participate in the system, provided the
326 department provides for technical assistance and training of school
327 staff in the use of the system.

328 (d) Local and regional boards of education and preschool programs
329 which receive state or federal funding shall participate, in a manner
330 prescribed by the Commissioner of Education, in the state-wide public
331 school information system described in subsection (a) of this section.
332 Participation for purposes of this subsection shall include, but not be
333 limited to, reporting on (1) student experiences in preschool by
334 program type and by numbers of months in each such program, and
335 (2) the readiness of students entering kindergarten and student
336 progress in kindergarten. Such reporting shall be done by October 1,
337 2007, and annually thereafter.

338 (e) On and after August 1, 2009, upon receipt of a written request to

339 access data maintained under this section by a full-time permanent
 340 employee of a nonprofit organization that is exempt from taxation
 341 under Section 501(c)(3) of the Internal Revenue Code of 1986, or any
 342 subsequent corresponding internal revenue code of the United States,
 343 as from time to time amended, and that is organized and operated for
 344 educational purposes, the Department of Education shall provide such
 345 data to such requesting party not later than sixty days after such
 346 request, provided such requesting party shall be responsible for the
 347 reasonable cost of such request. The Department of Information
 348 Technology shall monitor the calculation of such fees charged for
 349 access to or copies of such records to ensure that such fees are
 350 reasonable and consistent with those charged by other state agencies.
 351 The Department of Education shall respond to written requests under
 352 this section in the order in which they are received.

353 (f) The Commissioner of Education shall authorize the
 354 superintendent of schools of a school district, or his or her designee, to
 355 access information in the state-wide public school information system
 356 regarding the state-wide mastery examination under section 10-14n.
 357 Such access shall be for the limited purpose of determining
 358 examination dates, examination scores and levels of student
 359 achievement on such examinations.

This act shall take effect as follows and shall amend the following sections:		
Section 1	<i>from passage</i>	10-264o
Sec. 2	<i>July 1, 2010</i>	10-151(c)
Sec. 3	<i>from passage</i>	10-66gg
Sec. 4	<i>from passage</i>	10-266w(d)
Sec. 5	<i>July 1, 2010</i>	10-19m(c)
Sec. 6	<i>July 1, 2012</i>	10-19m(c)
Sec. 7	<i>from passage</i>	New section
Sec. 8	<i>from passage</i>	10-145b(j)(2)
Sec. 9	<i>from passage</i>	10-145i
Sec. 10	<i>July 1, 2010</i>	10-16z
Sec. 11	<i>July 1, 2010</i>	10-10a

ED *Joint Favorable Subst.*