



General Assembly

February Session, 2010

Raised Bill No. 442

LCO No. 2245

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Referred to Committee on Education

Introduced by:
(ED)

AN ACT CONCERNING BOARDS OF EDUCATION.

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

1 Section 1. Section 10-223e of the general statutes is repealed and the
2 following is substituted in lieu thereof (*Effective July 1, 2010*):

3 (a) In conformance with the No Child Left Behind Act, P.L. 107-110,
4 the Commissioner of Education shall prepare a state-wide education
5 accountability plan, consistent with federal law and regulation. Such
6 plan shall identify the schools and districts in need of improvement,
7 require the development and implementation of improvement plans
8 and utilize rewards and consequences.

9 (b) Public schools identified by the State Board of Education
10 pursuant to section 10-223b of the general statutes, revision of 1958,
11 revised to January 1, 2001, as schools in need of improvement shall: (1)
12 Continue to be identified as schools in need of improvement, and
13 continue to operate under school improvement plans developed
14 pursuant to said section 10-223b through June 30, 2004; (2) on or before
15 February 1, 2003, be evaluated by the local board of education and
16 determined to be making sufficient or insufficient progress; (3) if found

17 to be making insufficient progress by a local board of education, be
18 subject to a new remediation and organization plan developed by the
19 local board of education; (4) continue to be eligible for available federal
20 or state aid; (5) beginning in February, 2003, be monitored by the
21 Department of Education for adequate yearly progress, as defined in
22 the state accountability plan prepared in accordance with subsection
23 (a) of this section; and (6) be subject to rewards and consequences as
24 defined in said plan.

25 (c) (1) Any school or school district identified as in need of
26 improvement pursuant to subsection (a) of this section and requiring
27 corrective action pursuant to the requirements of the No Child Left
28 Behind Act, P.L. 107-110, shall be designated and listed as a low
29 achieving school or school district and shall be subject to intensified
30 supervision and direction by the State Board of Education.

31 (2) Notwithstanding any provision of this title or any regulation
32 adopted pursuant to said statutes, except as provided in subdivision
33 (3) of this subsection, in carrying out the provisions of subdivision (1)
34 of this subsection, the State Board of Education shall take any of the
35 following actions to improve student performance and remove the
36 school or district from the list of schools or districts designated and
37 listed as a low achieving school or district pursuant to said subdivision
38 (1), and to address other needs of the school or district: (A) Require an
39 operations audit to identify possible programmatic savings and an
40 instructional audit to identify any deficits in curriculum and
41 instruction or in the learning environment of the school or district; (B)
42 require the local or regional board of education for such school or
43 district to use state and federal funds for critical needs, as directed by
44 the State Board of Education; (C) provide incentives to attract highly
45 qualified teachers and principals; (D) direct the transfer and
46 assignment of teachers and principals; (E) require additional training
47 and technical assistance for parents and guardians of children
48 attending the school or a school in the district and for teachers,
49 principals, and central office staff members hired by the district; (F)

50 require the local or regional board of education for the school or
51 district to implement model curriculum, including, but not limited to,
52 recommended textbooks, materials and supplies approved by the
53 Department of Education; (G) identify schools for reconstitution, as
54 may be phased in by the commissioner, as state or local charter
55 schools, schools established pursuant to section 10-74g, or schools
56 based on other models for school improvement, or for management by
57 an entity other than the local or regional board of education for the
58 district in which the school is located; (H) direct the local or regional
59 board of education for the school or district to develop and implement
60 a plan addressing deficits in achievement and in the learning
61 environment as recommended in the instructional audit; (I) assign a
62 technical assistance team to the school or district to guide school or
63 district initiatives and report progress to the Commissioner of
64 Education; (J) establish instructional and learning environment
65 benchmarks for the school or district to meet as it progresses toward
66 removal from the list of low achieving schools or districts; (K) provide
67 funding to any proximate district to a district designated as a low
68 achieving school district so that students in a low achieving district
69 may attend public school in a neighboring district; (L) direct the
70 establishment of learning academies within schools that require
71 continuous monitoring of student performance by teacher groups; (M)
72 require local and regional boards of education to (i) undergo training
73 to improve their operational efficiency and effectiveness as leaders of
74 their districts' improvement plans, and (ii) submit an annual action
75 plan to the Commissioner of Education outlining how, when and in
76 what manner their effectiveness shall be monitored; [or] (N)
77 notwithstanding the provisions of chapter 146, any special act, charter
78 or ordinance, the commissioner may reconstitute the local or regional
79 board of education for the school district; or (O) any combination of
80 the actions described in this subdivision or similar, closely related
81 actions.

82 (3) If a directive of the State Board of Education pursuant to
83 subparagraph (C), (D), (E) or (L) of subdivision (2) of this subsection or

84 a directive to implement a plan pursuant to subparagraph (H) of said
85 subdivision affects working conditions, such directive shall be carried
86 out in accordance with the provisions of sections 10-153a to 10-153n,
87 inclusive.

88 (4) The Comptroller shall, pursuant to the provisions of section 10-
89 262i, withhold any grant funds that a town is otherwise required to
90 appropriate to a local or regional board of education due to low
91 academic achievement in the school district pursuant to section 10-
92 262h. Said funds shall be transferred to the Department of Education
93 and shall be expended by the department on behalf of the identified
94 school district. Said funds shall be used to implement the provisions of
95 subdivision (2) of this subsection and to offset such other local
96 education costs that the Commissioner of Education deems
97 appropriate to achieve school improvements. These funds shall be
98 awarded by the commissioner to the local or regional board of
99 education for such identified school district upon condition that said
100 funds shall be spent in accordance with the directives of the
101 commissioner.

102 (d) The State Board of Education shall monitor the progress of each
103 school or district designated as a low achieving school or district
104 pursuant to subdivision (1) of subsection (c) of this section and provide
105 notice to the local or regional board of education for each such school
106 or district of the school or district's progress toward meeting the
107 benchmarks established by the State Board of Education pursuant to
108 subsection (c) of this section. If a district fails to make acceptable
109 progress toward meeting such benchmarks established by the State
110 Board of Education and fails to make adequate yearly progress
111 pursuant to the requirements of the No Child Left Behind Act, P.L.
112 107-110, for two consecutive years while designated as a low achieving
113 school district, the State Board of Education, after consultation with the
114 Governor and chief elected official or officials of the district, may
115 request that the General Assembly enact legislation authorizing that
116 control of the district be reassigned to the State Board of Education or

117 other authorized entity.

118 (e) Any school district or elementary school after two successive
119 years of failing to make adequate yearly progress shall be designated
120 as a low achieving school district or school and shall be evaluated by
121 the Commissioner of Education. After such evaluation, the
122 commissioner may require that such school district or school provide
123 full-day kindergarten classes, summer school, extended school day,
124 weekend classes, tutorial assistance to its students or professional
125 development to its administrators, principals, teachers and
126 paraprofessional teacher aides if (1) on any subpart of the third grade
127 state-wide mastery examination, thirty per cent or more of the students
128 in any subgroup, as defined by the No Child Left Behind Act, P.L. 107-
129 110, do not achieve the level of proficiency or higher, or (2) the
130 commissioner determines that it would be in the best educational
131 interests of the school or the school district to have any of these
132 programs. In ordering any educational program authorized by this
133 subsection, the commissioner may limit the offering of the program to
134 the subgroup of students that have failed to achieve proficiency as
135 determined by this subsection, those in particular grades or those who
136 are otherwise at substantial risk of educational failure. The costs of
137 instituting the ordered educational programs shall be borne by the
138 identified low achieving school district or the school district in which
139 an identified low achieving school is located. The commissioner shall
140 not order an educational program that costs more to implement than
141 the total increase in the amount of the grant that a town receives
142 pursuant to section 10-262i in any fiscal year above the prior fiscal
143 year.

144 (f) The Commissioner of Education shall conduct a study, within the
145 limits of the capacity of the Department of Education to perform such
146 study, of academic achievement of individual students over time as
147 measured by performance on the state-wide mastery examination in
148 grades three to eight, inclusive. If this study evidences a pattern of
149 continuous and substantial growth in educational performance on said

150 examinations for individual students, then the commissioner may
151 determine that the school district or elementary school shall not be
152 subject to the requirements of subsection (e) of this section, but shall
153 still comply with the requirements of the No Child Left Behind Act,
154 P.L. 107-110, if applicable.

155 Sec. 2. Section 9-185 of the general statutes is repealed and the
156 following is substituted in lieu thereof (*Effective July 1, 2010*):

157 Unless otherwise provided by special act or charter, (1) assessors, (2)
158 members of boards of assessment appeals, (3) selectmen, (4) town
159 clerks, (5) town treasurers, (6) collectors of taxes, (7) constables, (8)
160 registrars of voters, (9) subject to the provisions of subsection (c) of
161 section 10-223e, as amended by this act, members of boards of
162 education, and (10) library directors shall be elected, provided any
163 town may, by ordinance, provide for the appointment, by its chief
164 executive authority, of [(1)] (A) a constable or constables in lieu of
165 constables to be elected under section 9-200 or [(2)] (B) a town clerk,
166 town treasurer or collector of taxes in lieu of the election of such
167 officers as provided in section 9-189. Unless otherwise provided by
168 special act or charter, all other town officers shall be appointed as
169 provided by law and, if no other provision for their appointment is
170 made by law, then by [(A)] (i) the chief executive officer of such
171 municipality, or [(B)] (ii) where the legislative body is a town meeting,
172 by the board of selectmen, or [(C)] (iii) by such other appointing
173 authority as a town may by ordinance provide, and except that, if a
174 board of finance is established under the provisions of section 7-340,
175 the members thereof shall be elected as provided in section 9-202 and
176 except that assessors may be elected or appointed under the provisions
177 of section 9-198. Any town may, by a vote of its legislative body,
178 determine the number of its officers and prescribe the mode by which
179 they shall be voted for at subsequent elections.

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

Section 1	<i>July 1, 2010</i>	10-223e
Sec. 2	<i>July 1, 2010</i>	9-185

Statement of Purpose:

To amend the accountability statute to allow the Commissioner of Education to reconstitute local or regional boards of education for school districts designated and listed as a low achieving school district.

[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.]