



Substitute Senate Bill No. 1160

Public Act No. 11-234

AN ACT CONCERNING REVISIONS TO THE STATUTES REGARDING THE MINIMUM BUDGET REQUIREMENT AND CHARTER SCHOOL EDUCATOR PERMIT.

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

Section 1. Subsection (f) of section 10-262i of the general statutes, as amended by section 190 of public act 11-48, is repealed and the following is substituted in lieu thereof (*Effective July 1, 2011*):

(f) (1) [For] Except as otherwise provided under the provisions of subdivisions (3) and (4) of this subsection, for the fiscal year ending June 30, 2012, the budgeted appropriation for education shall be not less than the budgeted appropriation for education for the fiscal year ending June 30, 2011, plus any reductions made pursuant to section 19 of public act 09-1 of the June 19 special session, except that (A) for the fiscal year ending June 30, 2012, any district with a number of resident students for the school year commencing July 1, 2011, that is lower than such district's number of resident students for the school year commencing July 1, 2010, may reduce such district's budgeted appropriation for education by the difference in number of resident students for such school years multiplied by three thousand, provided such reduction shall not exceed one-half of one per cent of the district's budgeted appropriation for education for the fiscal year ending June

Substitute Senate Bill No. 1160

30, 2011, [A town shall not be eligible to reduce its budgeted appropriation for education pursuant to this subdivision if the school district for the town is in its third year or more of being identified as in need of improvement pursuant to section 10-223e, and (A) has failed to make adequate yearly progress in mathematics or reading at the whole district level, or (B) has satisfied the requirements for adequate yearly progress in mathematics or reading pursuant to Section 1111(b)(2)(I) of Subpart 1 of Part A of Title I of the No Child Left Behind Act, P.L. 107-110, as amended from time to time] and (B) for the fiscal year ending June 30, 2012, any district that (i) does not maintain a high school and pays tuition to another school district pursuant to section 10-33 for resident students to attend high school in another district, and (ii) the number of resident students attending high school for such district for the school year commencing July 1, 2011, is lower than such district's number of resident students attending high school for the school year commencing July 1, 2010, may reduce such district's budgeted appropriation for education by the difference in number of resident students attending high school for such school years multiplied by the tuition paid per student pursuant to section 10-33, provided such reduction shall not exceed one-half of one per cent of the district's budgeted appropriation for education for the fiscal year ending June 30, 2011.

(2) [For] Except as otherwise provided under the provisions of subdivisions (3) and (4) of this subsection, for the fiscal year ending June 30, 2013, the budgeted appropriation for education shall be not less than the budgeted appropriation for education for the fiscal year ending June 30, 2012, except that (A) for the fiscal year ending June 30, 2013, any district with a number of resident students for the school year commencing July 1, 2012, that is lower than such district's number of resident students for the school year commencing July 1, 2011, may reduce such district's budgeted appropriation for education by the difference in number of resident students for such school years

Substitute Senate Bill No. 1160

multiplied by three thousand, provided such reduction shall not exceed one-half of one per cent of the district's budgeted appropriation for education for the fiscal year ending June 30, 2012, [A town shall not be eligible to reduce its budgeted appropriation for education pursuant to this subdivision if the school district for the town is in its third year or more of being identified as in need of improvement pursuant to section 10-223e, and (A) has failed to make adequate yearly progress in mathematics or reading at the whole district level, or (B) has satisfied the requirements for adequate yearly progress in mathematics or reading pursuant to Section 1111(b)(2)(I) of Subpart 1 of Part A of Title I of the No Child Left Behind Act, P.L. 107-110, as amended from time to time] and (B) for the fiscal year ending June 30, 2013, any district that (i) does not maintain a high school and pays tuition to another school district pursuant to section 10-33 for resident students to attend high school in another district, and (ii) the number of resident students attending high school for such district for the school year commencing July 1, 2012, is lower than such district's number of resident students attending high school for the school year commencing July 1, 2011, may reduce such district's budgeted appropriation for education by the difference in number of resident students attending high school for such school years multiplied by the tuition paid per student pursuant to section 10-33, provided such reduction shall not exceed one-half of one per cent of the district's budgeted appropriation for education for the fiscal year ending June 30, 2012.

(3) [Notwithstanding the provisions of subdivisions (1) and (2) of this subsection, the] The Commissioner of Education may permit a district to reduce its budgeted appropriation for education for the fiscal year ending June 30, 2012, or June 30, 2013, in an amount determined by the commissioner if such district has permanently ceased operations and closed one or more schools in the district due to declining enrollment at such closed school or schools in the fiscal year

Substitute Senate Bill No. 1160

ending June 30, 2011, June 30, 2012, or June 30, 2013.

(4) No town shall be eligible to reduce its budgeted appropriation for education for the fiscal years ending June 30, 2012, and June 30, 2013, pursuant to this subsection if (A) the school district for the town is in its third year or more of being identified as in need of improvement pursuant to section 10-223e, and (i) has failed to make adequate yearly progress in mathematics or reading at the whole district level, or (ii) has satisfied the requirements for adequate yearly progress in mathematics or reading pursuant to Section 1111(b)(2)(I) of Subpart 1 of Part A of Title I of the No Child Left Behind Act, P.L. 107-110, as amended from time to time, or (B) the school district for the town (i) has been identified as in need of improvement pursuant to section 10-223e, and (ii) has a poverty rate greater than ten per cent. For purposes of this subparagraph, "poverty rate" means the quotient of the number of related children ages five to seventeen, inclusive, in families in poverty in a school district, divided by the total school age population of such school district based on the 2009 population estimate produced by the Bureau of Census of the United States Department of Commerce.

Sec. 2. Section 10-66dd of the general statutes is repealed and the following is substituted in lieu thereof (*Effective July 1, 2011*):

(a) For purposes of this section, "school professional" means any school teacher, administrator or other personnel certified by the State Board of Education pursuant to section 10-145b.

(b) (1) Subject to the provisions of this subsection and except as may be waived pursuant to subsection (d) of section 10-66bb, charter schools shall be subject to all federal and state laws governing public schools.

(2) [At] Subject to the provisions of subdivision (5) of this

Substitute Senate Bill No. 1160

subsection, at least one-half of the persons providing instruction or pupil services in a charter school shall possess the proper certificate other than (A) a certificate issued pursuant to subdivision (1) of subsection (c) of section 10-145b, or (B) a temporary certificate issued pursuant to subsection (c) of section 10-145f on the day the school begins operation and the remaining persons shall possess a certificate issued pursuant to said subdivision (1) or such temporary certificate on such day.

(3) The commissioner may not waive the provisions of chapters 163c and 169 and sections 10-15c, 10-153a to 10-153g, inclusive, 10-153i, 10-153j, 10-153m and 10-292.

(4) The state charter school governing council shall act as a board of education for purposes of collective bargaining. The school professionals and persons holding a charter school educator permit, issued by the State Board of Education pursuant to section 3 of this act, employed by a local charter school shall be members of the appropriate bargaining unit for the local or regional school district in which the local charter school is located and shall be subject to the same collective bargaining agreement as the school professionals employed by said district. A majority of those employed or to be employed in the local charter school and a majority of the members of the governing council of the local charter school may modify, in writing, such collective bargaining agreement, consistent with the terms and conditions of the approved charter, for purposes of employment in the charter school.

(5) For the school year commencing July 1, 2011, and each school year thereafter, the Commissioner of Education may waive the requirements of subdivision (2) of this subsection for any administrator or person providing instruction or pupil services employed by a charter school who holds a charter school educator permit, issued pursuant to section 3 of this act, provided not more than

Substitute Senate Bill No. 1160

thirty per cent of the total number of administrators and persons providing instruction or pupil services employed by a charter school hold the charter school educator permit for the school year.

(6) For the school year commencing July 1, 2011, and each school year thereafter, any administrator holding a charter school educator permit, issued pursuant to section 3 of this act, shall be authorized to supervise and conduct performance evaluations of any person providing instruction or pupil services in the charter school that such administrator is employed.

(c) School professionals employed by a local or regional board of education shall be entitled to a two-year leave of absence, without compensation, in order to be employed in a charter school provided such leave shall be extended upon request for an additional two years. At any time during or upon the completion of such a leave of absence, a school professional may return to work in the school district in the position in which he was previously employed or a comparable position. Such leave of absence shall not be deemed to be an interruption of service for purposes of seniority and teachers' retirement, except that time may not be accrued for purposes of attaining tenure. A school professional who is not on such a leave of absence and is employed for forty school months of full-time continuous employment by the charter school and is subsequently employed by a local or regional board of education shall attain tenure after the completion of twenty school months of full-time continuous employment by such board of education in accordance with section 10-151.

(d) (1) An otherwise qualified school professional hired by a charter school prior to July 1, 2010, and employed in a charter school may participate in the state teacher retirement system under chapter 167a on the same basis as if such professional were employed by a local or regional board of education. The governing council of a charter school

Substitute Senate Bill No. 1160

shall make the contributions, as defined in subdivision (7) of section 10-183b for such professional.

(2) An otherwise qualified school professional hired by a charter school on or after July 1, 2010, and who has not previously been employed by a charter school in this state prior to July 1, 2010, shall participate in the state teacher retirement system under chapter 167a on the same basis as if such professional were employed by a local or regional board of education. The governing council of a charter school shall make the contributions, as defined in subdivision (7) of section 10-183b for such professional.

(3) Any administrator or person providing instruction or pupil services in a charter school who holds a charter school educator permit issued by the State Board of Education pursuant to section 3 of this act shall participate in the state teacher retirement system under chapter 167a pursuant to subdivision (2) of this section when such administrator or person providing instruction or pupil services obtains professional certification pursuant to section 10-145b.

Sec. 3. (NEW) (*Effective July 1, 2011*) Subject to the provisions of subdivision (5) of subsection (b) of section 10-66dd of the general statutes, as amended by this act, the State Board of Education, upon the request of the state charter school governing council, may issue a charter school educator permit to a person who is employed by a charter school as a teacher or administrator and does not hold the initial educator, provisional educator or professional educator certificate if such person (1) achieves satisfactory scores on the state reading, writing and mathematics competency examination prescribed by and administered under the direction of the State Board of Education, or qualifies for a waiver of such test based on criteria approved by the State Board of Education, (2) achieves a satisfactory evaluation on the appropriate State Board of Education approved subject area assessment, and (3) demonstrates evidence of

Substitute Senate Bill No. 1160

effectiveness. Such permit shall authorize a person to serve as an administrator or teacher in the charter school employing such person. Each such charter school educator permit may be renewed by the Commissioner of Education for good cause upon the request of the state charter school governing council employing such person at the time the charter for the school is renewed.

Sec. 4. Subsection (a) of section 10-153b of the general statutes is repealed and the following is substituted in lieu thereof (*Effective July 1, 2011*):

(a) Whenever used in this section or in sections 10-153c to 10-153n, inclusive: (1) The "administrators' unit" means the [certified] professional employee or employees in a school district or charter school not excluded from the purview of sections 10-153a to 10-153n, inclusive, employed in positions requiring an intermediate administrator or supervisor certificate, or the equivalent thereof, or charter school educator permit, issued by the State Board of Education under the provisions of section 3 of this act, and whose administrative or supervisory duties, for purposes of determining membership in the administrators' unit, shall equal at least fifty per cent of the assigned time of such employee. Certified professional employees covered by the terms and conditions of a contract in effect prior to October 1, 1983, shall continue to be covered by such contract or any successor contract until such time as the employee is covered by the terms and conditions of a contract negotiated by the exclusive bargaining unit of which the employee is a member for purposes of collective bargaining pursuant to the provisions of this section. (2) The "teachers' unit" means (A) the group of professional employees who hold a certificate or durational shortage area permit issued by the State Board of Education under the provisions of sections 10-144o to 10-149, inclusive, and are employed by a local or regional board of education in positions requiring such a certificate or durational shortage area permit and are not included in

Substitute Senate Bill No. 1160

the administrators' unit or excluded from the purview of sections 10-153a to 10-153n, inclusive, and (B) the group of professional employees who hold a certificate, durational shortage area permit issued by the State Board of Education under the provisions of sections 10-144o to 10-149, inclusive, or a charter school educator permit issued by the State Board of Education under the provisions of section 3 of this act, and are employed by a charter school in positions requiring such a certificate, durational shortage area permit or charter school educator permit and are not included in the administrators' unit or excluded from the purview of sections 10-153a to 10-153n, inclusive. (3) "Commissioner" means the Commissioner of Education. (4) "To post a notice" means to post a copy of the indicated material on each bulletin board for teachers in every school in the school district or, if there are no such bulletin boards, to give a copy of such information to each employee in the unit affected by such notice. (5) "Budget submission date" means the date on which a school district is to submit its itemized estimate of the cost of maintenance of public schools for the next following year to the board of finance in each town having a board of finance, to the board of selectmen in each town having no board of finance and, in any city having a board of finance, to said board, and otherwise to the authority making appropriations therein. (6) "Days" means calendar days.

Approved July 13, 2011